

**BEFORE THE NATIONAL GREEN TRIBUNAL
(SOUTHERN ZONE) CHENNAI**

ORIGINAL APPLICATION No. 130 of 2024 (SZ)

In the matter of:

Boddapalli Appa Rao & Ors.

... Applicant(s)

Versus

Union of India & Ors.

...Respondent(s)

INDEX

S. No.	Particulars	Page No.
1	Reply Affidavit filed on behalf of Central Pollution Control Board (CPCB), impleaded as Respondent No. 4	1 -10
2	Annexure- R4/I: Directions dated 02/04/2024 issued to the APPCB under section 18 (1)(b) of the Water (Prevention & Control of Pollution) Act, 1974, regarding non-compliance observed in M/s Visakha Pharmacity (India) Ltd	11-14
3	Annexure- R4/II: Follow-up letter dated 31/05/2024 to APPCB	15
4	Annexure- R4/III: Reply affidavit submitted by CPCB in OA 141/2023(SZ)	16-23

Place: Chennai

Date: 09.07.2024

H.D. Varalaxmi

DEPONENT
H.D.VARALAXMI
Regional Director
CENTRAL POLLUTION CONTROL BOARD
Regional Directorate (Chennai)
MoEF & CC, Govt.of India
2nd Floor, 40-E, BSNL Building, TVK Industrial Estate,
CIPET Road, Guindy, Chennai - 600032



**BEFORE THE NATIONAL GREEN TRIBUNAL
(SOUTHERN ZONE) CHENNAI**

ORIGINAL APPLICATION No. 130 of 2024 (SZ)

In the matter of:

Boddapalli Appa Rao & Ors.

... Applicant (s)

Versus

Union of India & Ors.

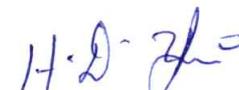
...Respondent(s)

REPLY AFFIDAVIT FILED ON BEHALF OF RESPONDENT NO. 4
CENTRAL POLLUTION CONTROL BOARD

I, H. D. Varalaxmi, D/o Shri H.S. Devaiah, Hindu, aged about 55 years currently working as Scientist 'E' in Central Pollution Control Board, Regional Directorate-Chennai, 2nd Floor, 40-E, BSNL Building, TVK Industrial Estate, CIPET Road, Guindy, Chennai – 600 032, do hereby solemnly affirm, declare on oath and sincerely state as under: -

01. I submit that, I am presently working as Scientist 'E' & holding charge of Regional Director (Chennai), Central Pollution Control Board (hereafter referred to as "CPCB") have made myself acquainted with the facts and circumstances of the instant case due to the official capacity as mentioned above and on the basis of available records, I am well versed with the facts and circumstances of the matter and as such competent & authorized to submit this reply on behalf of Respondent No. 4.




H.D. VARALAXMI
Regional Director
CENTRAL POLLUTION CONTROL BOARD
Regional Directorate (Chennai)
MoEF & CC, Govt. of India
2nd Floor, 40-E, BSNL Building, TVK Industrial Estate,
CIPET Road, Guindy, Chennai - 600032

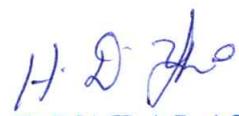
02. I submit that, the Original Application No. 130/2024 is related to the health issues faced by the residents of Thadi and its hamlet villages of Parawada Mandal of Anakapalli District in Andhra Pradesh due to the air and water pollution caused by M/s. JN Pharamcity, Parawada Mandal, Visakhapatnam.

03. I submit that, the CPCB is a statutory board which has been constituted under Section 3 of The Water (Prevention and Control of Pollution) Act, 1974. It performs the functions assigned to it under The Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as Water Act, 1974), The Air (Prevention and Control of Pollution) Act, 1981 (hereinafter referred to as Air Act, 1981) and The Environment (Protection) Act, 1986.

PARA-WISE REPLY

04. I submit that the averments made under the heading "Facts in Brief" in Paras 1 to 8 state about the details of the affected Thadi village due to disregarding of environmental regulations by the Pharma Special Economic Zone deteriorating the environmental quality in terms of air, water and soil pollution which lead to various health issues on the residents and that the relocation and rehabilitation proposal is pending since 2019. These averments being general statements of the applicant made in the O.A, needs no specific reply from this Answering Respondent.




H.D.VARALAXMI
Regional Director
CENTRAL POLLUTION CONTROL BOARD
Regional Directorate (Chennai)
MoEF & CC, Govt. of India
2nd Floor, 40-E, BSNL Building, TVK Industrial Estate,
CIPET Road, Guindy, Chennai - 600032

05. I submit that the averments made under the heading "Facts in Brief" in Para 9 states about the deteriorating condition of the ground water due to chemical discharge in the Pharmacy and the provision of water to the villages. In this regard, it is humbly submitted that the allegations made are contentious in nature and needs to be replied by the concerned authorities of the State Government.

06. I submit that the averments made under the heading "Facts in Brief" in Para 10 states about rehabilitation of affected persons and provision of employment to the fishermen. The averments made in Para 11 states about employment for village people. It is humbly submitted that these averments are contentious in nature and needs to be replied by the concerned authorities. Hence, needs no specific reply from this Answering Respondent.

07. I submit that the averments made under the heading "Facts in Brief" in Paras 12 to 15 state about relocation and rehabilitation of Thadi and its hamlet villages to safer place. It is humbly submitted that the facts alleged are contentious in nature and needs to be replied by the concerned authorities of the State Government.

08. I submit that the averments made under the heading "Facts in Brief" in Para 16 of the O.A being matter of record, needs no comments by this Answering Respondent.



H. D. Varalaxmi

H.D.VARALAXMI
Regional Director
CENTRAL POLLUTION CONTROL BOARD
Regional Directorate (Chennai)
MoEF & CC, Govt.of India
2nd Floor, 40-E, BSNL Building, TVK Industrial Estate,
CIPET Road, Guindy, Chennai - 600032

09. I submit that the averments made under the heading "Facts in Brief" in Para 17 states about the expansion of existing landfill by Respondent No. 6 posing as a threat to the environment and public health in violation of environmental laws. That the averments made in Paras 18 states about the news article published in a local newspaper regarding expansion of existing landfill and the groundwater contamination. It is humbly submitted that this averment can be suitably answered by APPCB and State Environmental Impact Assessment Authority (SEIAA), Andhra Pradesh hence no comments by this answering respondent.

10. I submit that the averments made under the heading "Facts in Brief" in Paras 19 to 21 states about the villager's outrage on waste storage and Government's neglect in their relocation in mitigating the environmental damage that needs to be replied by the concerned authorities of the State Government and hence no comments by this answering respondent.

11. I submit the averments made under the heading "Facts in Brief" in Paras 22 and 23 state about the absence of Corporate Social Responsibility (CSR) activities by the Respondent No. 6. Hence, needs no comments by this answering respondent.

12. I submit the averments made under the heading "Facts in Brief" in Para 24 states about the Respondent No. 4 (CPCB) have visited the Pharmacy multiple times to conduct enquiry on the violations of some of units but they are not concentrating the wellbeing of the residents residing in the adjoin villages of Pharmacy.



H. D. Varalaxmi
H.D.VARALAXMI
Regional Director
CENTRAL POLLUTION CONTROL BOARD
Regional Directorate (Chennai)
MoEF & CC, Govt. of India
2nd Floor, 40-E, BSNL Building, TVK Industrial Estate,
CIPET Road, Guindy, Chennai - 600032

It is humbly submitted that the Central Pollution Control Board inspected M/s Coastal Waste Management Project (TSDF) and M/s Visakha Pharmacy (India) Ltd, Jawaharlal Nehru Pharma City, Parawada, Visakhapatnam at various instances and status of compliance are as follow:

- i. M/s Coastal Waste Management Project, Parawada, Vishakapatnam is a Common Hazardous Waste Treatment, Storage and Disposal Facility (TSDF) involved in treatment and disposal of industrial hazardous wastes. In order to upgrade infrastructures for stabilization of hazardous waste and management of leachate generated from the secure landfills of the TSDF, CPCB issued directions dated 13/06/18 under Section 5 of E(P)A, 1986 to all Common TSDFs operating in the country including M/s Coastal Waste Management Project, Parawada for commissioning of the upgraded systems for stabilization and leachate management within the stipulated time period that is by 15/10/2018. Thereafter, CPCB issued Show Cause Notice dated 29/07/2019 under Section 5 of E(P)A, 1986 for imposing environmental compensation for not complying with directions within the stipulated time period that is 15/10/2018 and also to ensure compliance to CPCB directions.

As per the compliance verification carried out by CPCB during July, 2022, M/s Coastal Waste Management Project upgraded the facilities for stabilization of hazardous waste and management of leachate generated from the secure landfills and complied to the CPCB directions on 03/01/2019..

- ii. M/s Visakha Pharmacy (India) Ltd, Jawaharlal Nehru Pharma City, Parawada, Visakhapatnam was inspected by a team of officials from CPCB on September 26, 2023 for verification of Online Continuous Emission/Effluent Monitoring System under OCEMS program. M/s Visakha Pharmacy (India) Ltd is a Common Effluent Treatment Plant and it is treating the effluent generated from



H. D. Varalaxmi

H.D.VARALAXMI
Regional Director
CENTRAL POLLUTION CONTROL BOARD
Regional Directorate (Chennai)
MoEF & CC, Govt. of India
2nd Floor, 40-E, BSNL Building, TVK Industrial Estate,
CIPET Road, Guindy, Chennai - 600032

90 industries inclusive of pharmaceutical industries and chemical industries located Jawaharlal Nehru Pharma City. The CETP has 2.5 MLD installed capacity for treatment of High Total Dissolved Solids (HTDS) effluent and 7 MLD installed capacity for treatment of Low Total Dissolved Solids (LTDS) effluent respectively.

HTDS and LTDS effluents are conveyed to CETP through network of pipelines. LTDS effluent is treated through biological treatment consists of LTDS effluent collection sump, API separator, Equalization tank (02 nos.), Clarifier, Mixed High Rate Solid Contact Clarifier (MHRSCC), pH correction tank, Sequential Batch Reactor (04 Nos.), Decant tank, Pressure Sand Filter (PSF), Activated Carbon Filter (ACF). The treated effluent is stored in Guard Ponds (10 Nos.) each of capacity 5 MLD and disposed to marine through pipeline.

HTDS effluent is treated through HTDS treatment system consists of HTDS effluent collection sump, API separator, Equalization tank (03 Nos.), Clarifier (02 Nos.), MEE feed tank (03 Nos.), Steam Stripper (03 Nos.), Multi Effect Evaporator (MEE) (05 Nos.). MEE condensate is treated in LTDS stream and MEE concentrate is treated in spray drier. The analysis results of treated effluent sample collected from ACF outlet during inspection show that effluent is complying with the discharge standards.

The treated effluent is stored in ten guard ponds. Outlet of the guard pond is locked and the key is under the control of APPCB. The APPCB officials collect the sample of the guard pond and if it is complying the effluent discharge standards, permission is provided for discharge. Under the supervision of the



H. D. Varalaxmi
H.D.VARALAXMI
 Regional Director
 CENTRAL POLLUTION CONTROL BOARD
 Regional Directorate (Chennai)
 MoEF & CC, Govt. of India
 2nd Floor, 40-E, BSNL Building, TVK Industrial Estate.
 CIPET Road, Guindy, Chennai - 600032

APPCB officials, lock of the marine discharge is opened and treated effluent is discharged to marine. If the effluent is not complying, the CETP is directed to retreat the effluent. The sensors for measuring pH, BOD, COD and TSS and flow meter are installed at outlet of the guard pond i.e discharge to the marine and connected to CPCB and APPCB Real Time Data Monitoring System (RTDMS) for Online Continuous Effluent Monitoring.

The CETP has three coal-fired boilers each of capacity 10 TPD for supply of steam to the MEE system. The boilers are equipped with a mechanical dust collector, followed by bag filters as an APCD and 02 nos. of stacks (stack 1 for boiler-1 & 2 and stack 2 for boiler-3) each of 42-meter height to control emissions. The stack monitoring was carried out in Stack 1 attached to boiler-1 & 2 and stack 2 for boiler-3. The stack monitoring results shows that PM concentration in Stack -1 was 52 mg/Nm³ and Stack -2 was 44 mg/Nm³ and were complying with the emission standard for PM i.e 100 mg/Nm³.

During the inspection non-compliance was observed due to non-installation of OCEMS at stack-2 attached to new boiler of 10 TPH capacity and the lack of calibration of OCEMS system installed at stack-1, attached to two boilers of 10 TPH capacity each.

Based on the inspection, CPCB issued direction to the Andhra Pradesh Pollution Control Board (APPCB), under section 18 (1)(b) of the Water (Prevention & Control of Pollution) Act, 1974, regarding non-compliance observed during the visit. The copy of said direction is attached as **Annexure- R4/I** and subsequent follow-up letter to APPCB are placed as **Annexure- R4/II**.



H.D. Varalaxmi
H.D.VARALAXMI
 Regional Director
 CENTRAL POLLUTION CONTROL BOARD
 Regional Directorate (Chennai)
 MoEF & CC, Govt. of India
 2nd Floor, 40-E, BSNL Building, TVK Industrial Estate,
 CIPET Road, Guindy, Chennai - 600032

iii. I further submit that, a similar case numbered O.A 141/2023 (SZ) on the pollution effects is sub-judice before this Hon'ble Tribunal and the answering respondent submitted a detailed reply on the matter which may kindly be taken as part and parcel of this reply. Copy of the reply is placed as **Annexure – R4/III**.

13. I submit the averments made under the heading "Facts in Brief" in Para 25 on project proponent are contentious in nature and needs no reply by this answering respondent.

14. I submit the averments made under the heading "Grounds" are repetitive of the above facts in brief with citations which needs adjudication of the Hon'ble Tribunal, hence, needs no comments by this Answering Respondent.

In light of the above submissions, it is respectfully submitted that this Answering Respondent No.4 i.e., CPCB, shall abide by any order(s) or direction(s) passed by this Hon'ble Tribunal in the instant OA.



Counsel for the Respondent No.4



DEPONENT

H.D.VARALAXMI
Regional Director
CENTRAL POLLUTION CONTROL BOARD
Regional Directorate (Chennai)
MoEF & CC, Govt. of India
2nd Floor, 40-E, BSNL Building, TVK Industrial Estate
CIPET Road, Guindy, Chennai - 600032

VERIFICATION

I, H.D. Varalaxmi, the deponent do verify that the contents of this reply Affidavit are true and correct to the best of my knowledge and belief, based on the official records of the case and nothing has been concealed therein.

Signed and verified here at Chennai on this the 29th day of July, 2024.

Penalty

Counsel for the Respondent No.4



H.D. Varalaxmi

DEPONENT

H.D. VARALAXMI

Regional Director

CENTRAL POLLUTION CONTROL BOARD

Regional Directorate (Chennai)

MoEF & CC, Govt. of India

2nd Floor, 40-E, BSNL Building, TVK Industrial Estate.

CIPET Road, Guindy, Chennai - 600032



केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE, GOVT. OF INDIA

Speed Post

CPCB/IPC-VII/CETP-Visakhapharma/ 30

Date: 02.04.2024

To

The Member Secretary

Andhra Pradesh Pollution Control Board
Dr. Y.S.R. Parvavaran Bhavan, APIIC Colony Road,
Guru Nanak Colony, Auto Nagar,
Vijayawada – 520007 (Andhra Pradesh)

Subject: Directions under section 18(1)(b) of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 regarding non-installation of OCEMS by CETP- M/s Visakha Pharmacity (Formerly M/s Ramky Pharmacity) (India) Ltd., JN Pharmacity, Parawada, CETP, Visakhapatnam, Andhra Pradesh

WHEREAS, amongst others, under Section 17 of the Water (Prevention & Control of Pollution) Act, 1974, one of the functions of the State Pollution Control Board (SPCB), (or Pollution Control Committee for Union Territories) constituted under the Water (Prevention & Control of Pollution) Act, 1974 is to plan a comprehensive programme for prevention, control or abatement of pollution of streams and wells located in the State and to secure the execution therefore; and

WHEREAS, amongst others, under Section 16 of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981, one of the functions of the Central Pollution Control Board (CPCB), constituted under the Water (Prevention & Control of Pollution) Act, 1974 is to coordinate activities of the State Pollution Control Boards and Pollution Control Committees and to provide technical assistance and guidance to SPCBs/PCCs; and

WHEREAS, amongst others, under Section 16 of the Water (Prevention & Control of Pollution) Act, 1974, one of the functions of the Central Pollution Control Board (CPCB), is to promote cleanliness of streams and wells in different areas of the State; and

WHEREAS, the Central Government has notified the standards for discharge of environmental pollutants from various categories of industries, Common Effluent Treatment Plants (CETPs) and Sewage Treatment Plants (STPs) under the Environment (Protection) Act, 1986 and the rules framed there under; and

o/c

‘परिवेश भवन’ पूर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, New Delhi - 110032

दूरभाष/Tel: 43102030, 22305792, वेबसाइट/Website : www.cpcb.nic.in

WHEREAS, there is a need to inculcate the habit of self-monitoring within the CETPs for complying with the prescribed standards and this can be achieved by installing Online Continuous Effluent Monitoring System (OCEMS); and

WHEREAS, CETP-M/s Visakha Pharmacity (Formerly M/s Ramky Pharmacity) (India) Ltd., JN Pharmacity, Parawada, CETP, Visakhapatnam – 531019 (Andhra Pradesh) (herein after referred as CETP) was inspected by CPCB officials on 26.09.2023 and following major observations were made:

- I. The CETP has a combined Consent to Operate & Hazardous Waste Authorization (HWA) valid up to 31.05.2026.
- II. The CETP receives effluent from 90-member units (90% Pharmaceutical industries & 10% Chemical industries). Two separate pipelines are installed, one for collecting high TDS stream (TDS>12,000 mg/L & COD>8,000 mg/L) and the other for low TDS stream (TDS<12,000 mg/L & COD<8,000 mg/L) from all the industries. An automated software based system has been installed for receipt of effluent.
- III. The effluent received at the CETP was around 2 MLD high TDS & 2.8 MLD low TDS effluent, against the designed capacity of 2.5 MLD high TDS & 7 MLD low TDS effluent, respectively.
- IV. Online Continuous Effluent Monitoring System (OCEMS), for measurement of pH, BOD, COD & TSS in the effluent and Flowmeter for measuring the flow of the effluent is installed at the outlet of CETP guard pond, i.e. discharge to marine outflow. OCEMS and Flowmeter are connected to CPCB server.
- V. The treated effluent is stored in ten guard ponds. Outlet of the guard pond is locked and the key is under the control of APPCB. The APPCB officials collect the sample of the guard pond and if it is complying the effluent discharge standards, permission is provided for discharge. Under the supervision of the APPCB officials, lock of the marine discharge is opened and treated effluent is discharged to marine outflow. There are 02 pipelines for marine discharge with separate flowmeters. If the effluent is not complying, the CETP is directed to retreat the effluent.
- VI. The analysis results of the monitored parameters at the outlet of CETP show that the treated effluent is complying with the prescribed treated effluent discharge standards for the monitored parameters.
- VII. The CETP has three coal-fired boilers, with a capacity of 10 TPH each, provided with mechanical dust collectors and bag filters as Air Pollution Control Devices (APCD). Stack-1 is attached to two boilers of 10 TPH (coal fired boilers) & is provided with OCEMS system for monitoring PM and SO₂. Stack-2 is attached to one new boiler of

10 TPH and installation of OCEMS was reported to be in process on the day of inspection. Online Continuous Emission Monitoring System (OCEMS) is connected to CPCB server.

- VIII. Source emission monitoring was carried out during the visit and monitored parameters were found meeting the emission norms.
- IX. The OCEMS (Emission Monitoring) data was compared with the source monitoring results and the variation in readings indicated that the OCEMS system needs calibration and validation.
- X. The hazardous waste generated including salt from MEE, sludge from MHRSCC are sent to TSDF and stripper solvent is sent to cement industry for co-processing. Salt was stored in designated storage yard.

AND, NOW, THEREFORE, in exercise of powers conferred under section 18(1)(b) of the Water (Prevention & Control of Pollution) Act, 1974, Andhra Pradesh Pollution Control Board (APPCB) is hereby directed to take appropriate action including levying of environmental compensation against the reported observations, including non-installation of OCEMS, non-calibration/non-validation of OCEMS, etc. and to ensure compliance of the following by the CETP:

- I. To install OCEMS at Stack-2 attached to new boiler of capacity 10 TPH and establish connectivity with CPCB & APPCB servers.
- II. To rectify the OCEMS installed at Stack-1 and undertake regular calibration, maintenance and validation of the OCEMS analysers, as per the standard operating procedures/recommendations of the suppliers, so as to ensure generation of continuous & reliable data.
- III. To explore utilization of treated water instead of fresh water for various purposes and prepare & implement time bound action plan for the same as far as feasible.

The action taken by APPCB be intimated to CPCB within 15 days of receipt of these directions.

o/c


(Bharat Kumar Sharma)
Member Secretary



Copy to:

1. **The Chairman** : for information, please.
Andhra Pradesh Pollution Control Board
Dr. Y.S.R. Paryavaran Bhavan,
APIIC Colony Road,
Guru Nanak Colony, Auto Nagar,
Vijayawada – 520007 (Andhra Pradesh)
2. **The Additional Secretary (CP Division)** : for information, please.
Ministry of Environment, Forests & Climate
Change,
Prithvi Wing, 2nd Floor, Indira Paryavaran
Bhawan, Jor Bagh Road,
New Delhi-110 003
3. **The Regional Director,** : for follow-up, please.
Central Pollution Control Board,
2nd Floor, 77-A South Avenue Road,
Ambattur Industrial Estate,
Ambattur Taluk, Thiruvallur
Chennai-600058 (Tamil Nadu)
4. **Divisional Head, WQM-I,** : for information, please.
CPCB, Delhi
5. **Divisional Head, IT** : for uploading on CPCB
CPCB, Delhi website, please.

(Bharat Kumar Sharma)

o/c

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
निर्गत... 18/04/24
दिनांक... 02/04/24



Speed Post

CPCB/IPC-VII/CETP/ 1974

Date: 31.05.2024

To

✓ The Member Secretary

Andhra Pradesh Pollution Control Board
Dr. Y.S.R. Paryavaran Bhavan, APIIC
Colony Road, Gurunanak Colony, Autonagar,
Vijayawada – 520007 (Andhra Pradesh)

Sub: Action Taken Report on Directions issued under section 18(1)(b) of the Water (Prevention & Control of Pollution) Act, 1974, regarding non-compliance status of the following CETPs located in Andhra Pradesh.

Sir,

This has reference to the Directions, issued under section 18(1)(b) of the Water (Prevention & Control of Pollution) Act, 1974, regarding non-compliance status of the following CETPs located in Andhra Pradesh.

S.No	Name of CETP	Letter No.	Date
1	M/s Visakha Pharmacy (Formerly M/s Ramky Pharmacy) (India) Ltd., JN Pharmacy, Parawada, CETP, Visakhapatnam, Andhra Pradesh	CPCB/IPC-VII/CETP-Visakhapharma/30	02.04.2024

In this regard, Action Taken Report with respect to compliance of above mentioned directions are still awaited. It is requested to submit the Action Taken Report, at the earliest. An advance copy may also be sent through email to ipc7.cpcb@gov.in.

ok

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
निर्गत
दिनांक 31/05/2024

Yours faithfully

(PK)

(P.K. Gupta)

Dir. & Div. Head, IPC-VII

Copy to:

- The Regional Director,
Central Pollution Control Board,
Second Floor, No.77-A, South Avenue Road,
Ambattur Industrial Estate, Ambattur Taluk,
Thiruvallur District, Chennai-600058
(Tamil Nadu)

: For follow-up, please

‘परिवेश भवन’ पूर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, New Delhi - 110032

दूरभाष/Tel: 43102030, 22305792, वेबसाइट/Website : www.cpcb.nic.in

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

Original Application No 141 of 2023 (SZ)

IN THE MATTER OF:

Ganiseti Satyanarayana & Anr

..... Applicant(s)

Versus

Union of India & Ors

.....Respondent(s)

INDEX

SI No	Particulars	Page No
1	Reply affidavit filed on behalf of the 4 th Respondent, Central Pollution Control Board	1-7

Signed and verified on this 24th day of January, 2024 at Chennai.

Counsel for CPCB



H.D. Varalaxmi

Deponent

H.D. VARALAXMI, M.Tech
Regional Director
CENTRAL POLLUTION CONTROL BOARD
(MoEF & CC, Govt of India)
Regional Directorate (Chennai)
2nd Floor, 77-A, South Avenue Road,
Ambattur Industrial Estate, Chennai - 600 054

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

O.A.NO. 141 OF 2023 (SZ)

IN THE MATTER OF

Ganiseti Satyanarayana & Anr

... Applicants

Vs.

Union of India & Ors

... Respondents

**REPLY AFFIDAVIT FILED ON BEHALF OF THE 4TH RESPONDENT, CENTRAL
POLLUTION CONTROL BOARD (CPCB)**

I, H. D. Varalaxmi, D/o Shri H.S. Devaiah, Hindu, aged about 54 years, having office at the Regional Directorate – Chennai, Central Pollution Control Board, 2nd Floor, 77-A, Ambattur Industrial Estate, Chennai – 600 058, do hereby solemnly affirm and sincerely state as follows: -

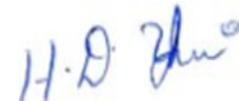
1. I Submit that, I am presently working as the Regional Director, Regional Directorate (South), Central Pollution Control Board (hereinafter referred to as CPCB). I am fully conversant with the facts of the case and have been authorized to file the present affidavit on behalf of the Respondent No. 4, i.e. CPCB.
2. I submit that, the averments made under the heading “Facts of the case” in Para no. 1 are about the details of Jawaharlal Nehru Pharma City developed by Visakha Pharma City Ltd in Thanam Village, Parwada Mandal, Anakapalli District of Andhra Pradesh and Environment Clearance issued by MoEF&CC to Ramky Pharma city (herein after referred as Respondent No.6), which are matter of record and hence, requires no comments from this answering Respondent.



H.D. Varalaxmi
H.D. VARALAXMI, M.Tech
Regional Director
CENTRAL POLLUTION CONTROL BOARD
(MoEF & CC, Govt of India)
Regional Directorate (Chennai)
2nd Floor, 77-A, South Avenue Road,
Ambattur Industrial Estate, Chennai - 600 058

3. I submit that, the averments made in Para no. 2 are about the violation of the conditions mentioned in Environmental Clearance and the subsequent Directions issued by Andhra Pradesh Pollution Control Board (hereinafter referred as APPCB) and therefore the same requires no comments from this answering Respondent.
4. I submit that, the averments made in Para no. 3 are about Thanam village located near the Ramky Pharma city and land purchased by Respondent No.6 in Thanam village and therefore the same is requires no comments from this answering Respondent.
5. I submit that, the averments made under the heading “Pollution Caused by the Ramky Pharmacity” in Para Nos. 4 and 6 refer to News reports dated 28.12.2022 and 28.08.2021 related to industrial accidents in Ramky Pharmacity and demanding relocation of villagers of Tadi Village. Further in Para 5 refers to First Information Report dated 29/09/2016 which are matter of record and hence, requires no comments from this answering Respondent.
6. I submit that the averments made in Para Nos. 7 and 8 refer to the inspections carried out and directions issued by Respondent No.3 i.e., APPCB and therefore, the same requires no comments from this answering Respondent.
7. I submit that the averments made in Para No. 9 refers to the directions issued by CPCB under section 5 of Environment (Protection) Act,1986; show cause to M/s Coastal Waste Management Project, Parawada, Visakhapatnam, Andhra Pradesh; M/s Hyderabad Waste Management Project, Dundigal, Hyderabad, Telangana and M/s Stilbene Bio Pharma Ltd (Pharmaceutical Industry), Parawada, Visakhapatnam, Andhra Pradesh. With regard to directions issued by CPCB to M/s Coastal Waste Management Project and M/s Hyderabad Waste Management Project, it is submitted that both the above facilities are Common Hazardous Waste Treatment, Storage and Disposal Facilities (TSDFs). These facilities are involved in treatment and disposal of industrial hazardous wastes.




H.D. VARALAXMI, M.Tech
 Regional Director
 CENTRAL POLLUTION CONTROL BOARD
 (MoEF & CC, Govt. of India)
 Regional Directorate (Chennai)
 2nd Floor, 77-A, South Avenue Road,
 Arumbatur Industrial Estate, Chennai - 600 058

In order to upgrade infrastructures for stabilization of hazardous waste and management of leachate generated from the secure landfills of the TSDF, CPCB vide dated 13.06.2018 issued directions under Section 5 of Environment (Protection) Act,1986 to all Common TSDFs operating in the country including the above said two facilities for commissioning of the upgraded systems for stabilization and leachate management within the stipulated time period that is by 15.10.2018. Thereafter, CPCB issued Show Cause Notice dated 29.07.2019 under Section 5 of Environment (Protection) Act,1986 for imposing environmental compensation for not complying with directions within the stipulated time period that is 15.10.2018 and also to ensure compliance to CPCB directions. As per the compliance verification carried out by CPCB during June-July, 2022, both the TSDFs i.e. M/s Coastal Waste Management Project and M/s. Hyderabad Waste Management Project have complied to CPCB directions with respect to upgrading the facilities for stabilization of hazardous waste and management of leachate generated from the secure landfills on 24.11.2018 and 03.01.2019 respectively against the target time of 15.10.2018. The CPCB issued directions dated 13.04.2018 under Section 5 of E(P)A, 1986 (show cause) to M/s Stilbene Bio Pharma Ltd (Pharmaceutical Industry), Parawada, Visakhapatnam, Andhra Pradesh for not providing Online Continuous Effluent Monitoring System (OCEMS) connectivity to CPCB server. As no response was received from the industry, CPCB issued directions dated 12.06.2018 to the industry to close down the operation. The industry installed OCEMS for flow meters and web camera and provided connectivity to the CPCB server and informed CPCB through letter dated 22.06.2018. In view of compliance with the directions and installation of OCEMS, CPCB through direction dated 23.08.2018 revoked the closure Direction issued to the industry.

8. I submit that the averments made in Para No. 10 refer to the complaint made by Sarpanch of Thanam Village to Parawada Mandal Police Station, Tashildar of Parawada and District Collector regarding digging of ponds and construction by Respondent No.6 in Thanam Village which are matter of record and hence, requires no comments from this answering Respondent.



H.D. Varalaxmi
H.D. VARALAXMI, M.Tech
 Regional Director
 CENTRAL POLLUTION CONTROL BOARD
 (MoEF & CC, Govt. of India)
 Regional Directorate (Chennai)
 2nd Floor, 77-A, South Avenue Road,
 Ambattur Industrial Estate, Chennai - 600 058

9. I submit that, the averments made in Para no. 11 refers to notice dated 20.07.2022 issued by Respondent No.3 i.e., APPCB to CETP in Ramky Pharamcity regarding construction of ponds and the reply given by the Respondent No.6 to APPCB which are matter of record and hence, requires no comments from this answering Respondent.
10. I submit that the averments made in Para No. 12 refers to First Information Report filed in District Vishakapatnam Rural Police Station, Anakapalli on 28.09.2020 which are matter of record and hence, requires no comments from this answering Respondent.
11. I submit that the averments made in Para No. 13 refers to complaint filed by the Applicant No.1, Sh. Ganisetti Satyanarayan in APPCB, Regional Office Vishakhapatnam against the illegal construction of ponds by M/s Visaka Pharma City Ltd, Jawaharlal Nehru Pharma City, Parawada, Anakapalli, which are matter of record and hence, requires no comments from this answering Respondent.
12. I submit that the averments made in Para No. 14 refer the reply provided by Respondent No.3 i.e. APPCB to the Applicant No.1 in response to the complaint and the response of Respondent No.6 regarding construction of storm water drains and ponds in pharma city and recommendations of External Advisory Committee (Task Force) of APPCB on proposal to construct rain water detention and monitoring pond. It is humbly submitted that the averments pertain to Respondent No.3 and therefore the same requires no comments from this answering Respondent.
13. I submit that the averments made in Para No. 15 refers the orders passed by the Hon'ble National Green Tribunal in cases on accidents took place in different pharmaceutical companies inside the Ramky Pharamcity, which are matter of record and therefore the same requires no comments from this answering Respondent.
- It is humbly submitted that, it is pertinent to state that, similar issue is pending before this Hon'ble Tribunal in O.A. No. 23 of 2022 (SZ) Kambala Ammoriya Vs Union of India regarding marine discharge of treated effluent from M/s. Hetero Infrastructure SEZ Ltd and Hetero Laboratories Ltd, Narasapuram village, Nakkapalli Mandal, Visakhapatnam.



H.D. Varalaxmi
H.D. VARALAXMI, M.Tech
 Regional Director
 CENTRAL POLLUTION CONTROL BOARD
 (MoEF & CC, Govt. of India)
 Regional Directorate (Chennai)
 2nd Floor, 77-A, South Avenue Road,
 Ambattur Industrial Estate, Chennai - 600 058

The CPCB is a member of the joint committee constituted by the Hon'ble NGT (SZ). The Joint Committee inspected the industry and submitted the report to the Hon'ble NGT (SZ). Shri. Kambala Ammoriya & Others filed an application against M/s. Hetero Infrastructure SEZ Ltd., & M/s. Hetero Laboratories Ltd., N-Narasapur village, Nakkapalli Mandal, Vizag Dt., for non-compliance of EC and Consent conditions, discharging the effluent without treatment, discharging the chemicals into the sea through pipelines and lay down the pipeline in CRZ without obtaining the permission before the Hon'ble NGT, Southern Bench, Chennai. The Joint Committee constituted in this regard, inspected the site and the industry on 29.03.23 & 30.03.2023 and submitted the report before the Hon'ble NGT. The same was accepted by Hon'ble NGT, but the industry as well as the Applicant has raised objections and sought time to file the same in writing. The next date of hearing is on 30.01.2024.

The main observations of the Joint Committee are as follows:

- i. The unit has installed and operated a desalination plant in the CRZ area without obtaining the prior approval and Consent from MoEF&CC and APPCB.
- ii. The Unit had attempted to lay down the new pipeline with higher capacity in place of the existing two pipelines without obtaining the prior approval and Consent from MoEF&CC and APPCB.
- iii. The Joint Committee has recommended the upgradation of single stage scrubber to double stage scrubbers at production blocks to control Process emission and odour nuisance
- iv. The Joint Committee has recommended EC for an amount of Rs.6,94,95,000/- for the non-compliance of EC conditions and Consent Conditions
- v. The Joint Committee has recommended to white top all the approach roads in order to arrest the re-suspension of dust.
- vi. The Joint Committee has recommended to establish Water ATM for drinking water supply and conduct medical camps twice in a month in the surrounding villages.



H.D. Varalaxmi
H.D. VARALAXMI, M.Tech
 Regional Director
 CENTRAL POLLUTION CONTROL BOARD
 (MoEF & CC, Govt. of India)
 Regional Directorate (Chennai)
 2nd Floor, 77-A, South Avenue Road,
 Arumbatur Industrial Estate, Chennai - 600 058

14. I submit that the averments made in Para No. 16 refers the details of proximity of residential area to the Ramky Pharmacy and therefore the same requires no comments from this answering Respondent.
15. I submit that the averments made under the heading “Accidents in Ramky Pharmacy” in Para Nos.17 to 20 refers to three industrial accidents that took place on 14.07.2020, 29.11.2021 and 08.08.2022 in the Ramky Pharmacy, Parawada, which are matter of record and hence, requires no comments from this answering Respondent.
16. I submit that the averments made under the heading “Pollution of water bodies” in Para no. 21 refers the News articles related to pollution of water bodies and death of fish during rainy season in Parawada Panchayat. It is humbly submitted that the State Pollution Control Boards have been created in all States under Section 4 of the Water (Prevention & Control of Pollution), Act 1974 and under Section 5 of the Air (Prevention & Control of Pollution), Act 1981, to implement the provisions of these Acts in respect of their territorial Jurisdiction. The State Pollution Control Board has been empowered and conferred to implement the provisions of these Acts as stipulated therein. Therefore, APPCB is empowered to implement the provisions of these Acts.

That in light of the above submissions, it is respectfully prayed that this Answering Respondent No.4 i.e., CPCB shall abide by any order or directions passes by this Hon’ble Tribunal.



H.D. Varalaxmi

DEPONENT

H.D. VARALAXMI, M.Tech
Regional Director
CENTRAL POLLUTION CONTROL BOARD
(MoEF & CC, Govt of India)
Regional Directorate (Chennai)
2nd Floor, 77-A, South Avenue Road,
Ambattur Industrial Estate, Chennai - 600 058

VERIFICATION

It is verified that the content of this reply statement which is based on official record and information available in the office are true and correct. Nothing has been concealed therein.

Signed and verified on this 24th day of January, 2024 at Chennai.



H.D. Varalaxmi

DEPONENT

H.D. VARALAXMI, M.Tech
Regional Director
CENTRAL POLLUTION CONTROL BOARD
(MoEF & CC, Govt. of India)
Regional Directorate (Chennai)
2nd Floor, 77-A, South Avenue Road,
Ambattur Industrial Estate, Chennai - 600 054