

BEFORE THE NATIONAL GREEN TRIBUNAL,  
SOUTHERN ZONE, CHENNAI

O.A. No. 141 of 2023

IN THE MATTER OF:

1. Ganniseti Satyanarayana  
S/o Late Naidu, Aged 41 years  
R/o Venkatapuram Village, Mungapapaka Mandal  
Amakapalli District, Andhra Pradesh - 531021  
Mobile No. 9247335058  
Mail : [advsravan@gmail.com](mailto:advsravan@gmail.com)
2. Kottapalli Lokanatham  
S/o Late Appalswamy, Aged 53 years,  
R/o D.No. 12-4-15, Doddi Ramunaidu Bhavan,  
Ankapalli District, Andhra Pradesh - 531 011  
Mobile No. 9490098791  
Mail: [advsravan@gmail.com](mailto:advsravan@gmail.com)

...Applicants

Versus

1. Union of India  
Rep. by its Secretary  
Union Ministry of Environment, Forest & CC  
Paryavaran Bhavan  
New Delhi- 110003  
Mail: [secy-moef@nic.in](mailto:secy-moef@nic.in)  
Phone: 011-24695262, 24695265



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2. State of Andhra Pradesh  
Rep. By its Chief Secretary,  
Secretariat, Velapudi  
Guntur District, AP- 522503  
Mail: [cs@ap.gov.in](mailto:cs@ap.gov.in) , Ph: 08632444461
  
3. Andhra Pradesh Pollution Control Board  
Rep. by it's Member Secretary  
D.No 33-26-14/D2, Pushpa Hotel Center  
Chalamvari Street, Kasturibaipet  
Vijayawada, Andhra Pradesh - 520010,  
Mail: [membersecy@appcb.gov.in](mailto:membersecy@appcb.gov.in). Ph . 08662463202
  
4. Central Pollution Control Board  
Rep. by its Member Secretary  
Parivesh Bhawan, CBD- Cum Office Complex  
East Arjun Nagar, Delhi - 110032  
Mail: [mccb@cpcb.nic.in](mailto:mccb@cpcb.nic.in) , Phone: 01122307078
  
5. District Collector  
Collector Office, Ankkapalli  
Andhra Pradesh - 531001  
Mail: [collector-ankp@ap.gov.in](mailto:collector-ankp@ap.gov.in)  
Mobile No. 9490149191
  
6. Ramky Pharma City  
(Now Visakha Pharmacy Limited)  
Rep. by its Manager  
Admin Block, Commercial Hub JNPC,  
Road No 13, Parawada Mandal,  
Visakhapatnam, Andhra Pradesh - 531019



**REPLY ON BEHALF OF THE RESPONDENT NO. 6, M/S VISAKHA  
PHARMACY LIMITED**

The Respondent No. 6 most humbly submits as follows:

1. The address for service of all notices and process on the Respondent No. 6 is that of their counsel M/s. Arun Karthik Mohan, Suhrith Parthasarathy, Ashwini Vaidialingam, Amritha Sathyajith and Harshvardan R. at No. 7, "Shree Ram Dham", Jagadambal Colony 2<sup>nd</sup> Street, Royapettah, Chennai - 600 014.
2. At the outset, it is submitted that the captioned Application is riddled with wholly false, concocted and misleading statements and contentions that are, in fact, patently contrary to the records. Accordingly, at the very outset, nothing stated in the captioned Application may be deemed admitted by the Answering Respondent herein, unless such admission is expressly borne out from the contents of the present Reply.

**BRIEF BACKGROUND:**

3. M/s. Visakha Pharmacy Ltd. (previously known as Ramky Pharmacy (India) Pvt. Ltd.), the 6<sup>th</sup> Respondent, is a joint venture company set up by the Andhra Pradesh Industrial Infrastructure Corporation, an undertaking of the Government of Andhra Pradesh, Ramky Infrastructure Ltd. and Ramky Estates and Farms Ltd. The 6<sup>th</sup> Respondent was incorporated for the purposes of establishing - on a public-private partnership basis - a "Pharma City" at

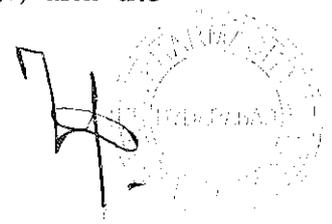


Parawada Village, Anakapalli District, Andhra Pradesh. This pharma city, which is called the Jawaharlal Nehru Pharma City ("JNPC"), was established by the 6<sup>th</sup> Respondent in an area of 2143.0 acres of land with facilities encompassing common infrastructure (Roads, Power, Water, Drainage etc.), environment infrastructure (effluent conveyance system, CETP, marine outfall, common hazardous waste management facility etc.) and other facilities (solvent recovery facilities, bulk container depots, etc.). JNPC caters to more than 104 industries which include some of the world's leading international pharmaceutical giants including Pfizer (USA), Mylan Laboratories (USA), Eisai Pharma Technology (I) Pvt Ltd (Japan), PharmaZell Pvt Ltd (Germany), SNF (I) Ltd (France partnership) among others.

4. JNPC is widely considered to be India's most successful PPP project in the pharmaceutical sector. In fact, in view of JNPC's success, the Government of India has planned three Bulk Drug Parks in Andhra Pradesh, Himachal Pradesh and Gujarat with aid of Rs. 1000 crores each, with a view to reduce India's dependence on import of raw materials/bulk drugs/intermediates.
5. One of the key features of JNPC is the integrated environmental management system that it offers. Some of the features of this system are as follows:

#### Waste Management

6. JNPC has established a Common Effluent Treatment Plant (CETP) and a Treatment, Storage, and Disposal Facility (TSDF) for treatment and disposal of waste. These facilities have been set up in accordance with law, and the

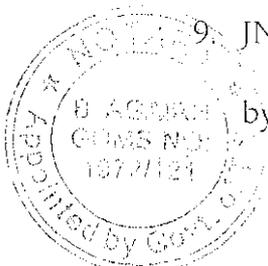


directions of the APPCB, and are operating in accordance with the requisite Environmental Clearance issued by MOEF and Consent to Operate issued by APPCB.

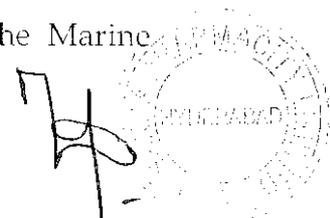
7. JNPC has also set up an incinerator with 1.5 TPH capacity for disposal of hazardous waste generated from the industries within and outside the Pharamcity (including from Srikakulam, Vizianagaram, Visakhaptnam, East Godavari, West Godavari, Krishna and Guntur). The abovementioned waste (which must have calorific value greater than 2500 kcal/kg, biodegradable organics greater than 5% and non-biodegradable organics greater than 20% to qualify for incineration) is first stabilized/solidified and thereafter fed to the incinerator for disposal. Other hazardous waste (which does not have the requisite calorific value) and the waste from the incinerator are sent to a secured landfill facility, after duly following waste stabilisation methods as required. It is submitted that all steps taken by JNPC in respect of the hazardous waste are in accordance with the Hazardous & Other Wasters (Management & Transboundary Movement) Rules, 2016.

8. It may be noted that on 22.01.2018, pursuant to an inspection by APPCB of the CETP and the Incinerator facilities, directions were issued to JNPC, all of which were also duly complied with. It may be noted that APPCB regularly inspects and prepares reports on the CETP and the Incinerator.

9. JNPC has also established processes for treatment of liquid effluents generated by member industries:



- a. Out of the 104 members-units in the Pharmacity, 90 are functional. These 90 member units send their effluents (High TDS and Low TDS effluents) to a CETP with 9.5 MLD capacity, through closed conveyance pipelines, with digital flow metres. The wastewater is duly treated in the CETP, which conducts *inter alia* bio-assay tests on it. JNPC has the capacity to hold effluents for treatment and disposal for 5 days.
- b. After treatment, the wastewater is stored in guard ponds. JNPC has built 10 guard ponds of 5 MLD each (equalling total capacity of 50MLD) for storing the treated wastewater. A digital flow meter has been installed at the common inlet of all the guard ponds.
- c. If the treated wastewater in the guard ponds is found to conform to the marine discharge standards, the said treated wastewater is discharged into the sea through marine outfall in accordance with the Standard Operating Procedure laid down by the Andhra Pradesh Pollution Control Board. If the treated wastewater does not conform to the marine discharge standards, it is sent back to the CETP for re-treatment till such time it meets the marine discharge standards.
- d. The marine outfall line was established as per the design approvals provided by the National Institute of Oceanography (NIO), Visakhapatnam and as approved by the Ministry of Environment, Forests & Climate Change. The NIO approval was granted only after studies were carried out on the suitability of the location of disposal of the wastewater in the sea and the potential impact on the Marine



Environment, and after duly considering the available dilution and physical, chemical & biological characteristics of the Coastal Environment. The marine outfalls have been provided as per the NIO's design directions, i.e., the depth at which the discharge is to be carried out and the length of the pipeline into sea are as specified by the NIO. The marine outfalls are also equipped with Online Continuous Effluent Monitoring Systems, which are connected the APPCB and CPCB websites.

- e. It is also relevant to state that APPCB had conducted studies through NIO to assess the marine outfalls of different industries established in the areas between Pydibheemavaram and Nakkapalli of North Andhra Coast, within which area the JNPC is also located, in the year 2011. The NIO submitted its report in 2014 concluding that *"the coastal waters studied are not affected by the discharge of industrial effluents through marine outfalls and the small changes noticed may be due to the seasonal variations of chemical constituents caused through run off and other local activities"*. In 2018, the APPCB once again conducted a study through NIO for assessing the marine environment at and around the marine outfall points (MOP) of industries between Pydibhimavaram (Srikakulam district) and Kesavaram (Visakhapatnam district) of north Andhra coast to ascertain cumulative effects, if any, on the ecology, water and sediment quality due to the discharge of treated effluents into the coastal waters. Accordingly, CSIR-NIO carried out field campaigns during pre-



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monsoon (February-March, 2018) and post monsoon (December, 2018) seasons in the coastal waters of north Andhra coast between Pydibhimavaram and Kesavaram for in-situ observations. The NIO submitted its report to APPCB in 2020. Based on the recommendations in the 2020 NIO Report, APPCB issued instructions to all marine MOF industries including JNPC on 27.05.2022 to get monthly eco- toxicology tests on treated effluent, trace metals and major organic compounds present in the treated effluent conducted through CSIR-NIO. JNPC has approached NIO to conduct tests, which has been done.

10. As a result of the various waste management and effluent treatment measures, ground water quality in all villages surrounding JNPC are within permissible limits and are being duly monitored by the APPCB.

11. The Andhra University also conducted a study on the impact of the CETP operations on ground water quality for the period between November 2020 and April 2021 within a 10 km radius of the CETP. The study concluded that *"water quality of groundwater is within the permissible limits of drinking water standards. At few places along the coast groundwater quality influenced by salt water intrusion"*.

#### Redressal of Air Pollution/ Odour Concerns

12. JNPC has taken the following steps to address the air pollution/ odour concerns:

- a. JNPC has set up 3 online Continuous Ambient Air Quality Monitoring (CAAQM) stations at Tadi, Thanam and SEZ Parawada for continuous



monitoring of odour causing compounds (namely, VOC, NH<sub>3</sub> and SO<sub>2</sub>). The CAAQM stations are connected to the APPCB's web site and in the event of JNPC exceeding the prescribed limits, auto alerts will be generated and communicated to JNPC for immediate rectification. APPCB also installed a manual ambient air quality station about 500m from Tanam Village. The Ambient Air Quality (AAQ) parameters have been found to be within permissible levels.

- b. The boiler stacks have all been provided with mechanical dust collectors followed by bag filters to control dust/flue gas emissions from the boilers.
- c. All effluent receiving storage tanks are covered with HDPE hoods and provided with a double stage scrubber.
- d. As per the directions of the APPCB, air stripper of MEE has been replaced with a steam stripper.
- e. For the stacks attached to the spray drier of MEE system and the incinerator, a wet scrubber has been provided.
- f. In addition, all member industries have provided double stage scrubbers for process vents and have also installed VOC analysers for continuous monitoring of VOCs (Volatile Organic Compounds). These analysers are connected to the APPCB website.

Green Belt:



13. JNPC has developed a green belt as per the layout approved by Vishakhapatnam Urban Development Authority (VUDA) which meets the green belt area requirement within the JNPC. The Andhra University has carried out a study, assessing this green belt set up by JNPC and has found maintenance of good greenery in the area.

**Construction of Storm Water Monitoring Ponds:**

14. Outside the existing area of 2143 acres allotted for JNPC, the 6<sup>th</sup> Respondent herein has purchased 55 acres in the land to the south-west of the project i.e., 55 acres comprised in Survey Nos. 165, 166, 167, 168, 169 and 157 (part) adjacent to JNPC. In this privately owned land, the 6<sup>th</sup> Respondent is constructing storm water monitoring pond in an area of 2 acres. The purpose of these pond is to collect any contaminated storm water runoffs and prevent them from entering any water body outside JNPC. The storm water collected in these pond will be monitored and if they are contaminated, the water will be sent to the CETP for treatment. Further, in order to strengthen the storm water drains in JNPC, a re-enforcement structure to ensure free flow of storm water during rainy season was also being constructed. It is submitted that this is in compliance with the design requirements submitted for obtaining the Environment Clearance and the consent to operate obtained from APPCB. The land on which the storm water drains, and the storm water pond is being constructed does not form part of a green belt area or the buffer zone of the of the Pharma city.

15. It may be noted that APPCB had issued directions on 26.08.2020, directing all industries in JNPC to take steps to avoid discharge of contaminated storm



water into the drains leading to contamination of nearby water bodies. Further, APPCB constituted a monitoring committee on 08.09.2020 with members from industries, APIIC and APPCB to monitor the industries in JNPC to curb the illegal discharges of effluents into storm water drains in JNPC. All of this led to *inter alia* the construction of the storm water pond, as a way of preventing draining of storm water from the storm water drains into local water bodies. It may be noted that the APPCB has also inspected the storm water pond being constructed and issued directions on 20.07.2022, which directions have been duly acted upon.

16. It may be noted that as on date, JNPC has stopped construction of the pond, due to objections raised by the villagers of Thanam Village.

**Industrial Safety Precautions:**

17. The Government of Andhra Pradesh has issued GO RT No. 156 dated 04.08.2020 and GO RT No. 79 dated 03.08.2022, in terms of which, a District Level Safety Audit Committee has been constituted to supervise the hazard potential of the industries in the district. Pursuant to the same, 182 industries have been identified and inspected by the committee, and recommendations have been issued to the industries to avoid/control accidents.

18. Apart from the above, it may be noted that the APPCB is regularly monitoring the common facilities and the member industries in JNPC, and carrying out an inspection every 6 months to verify whether activities are being carried out in compliance with the consent conditions/directions issued by the APPCB from




time to time. The APPCB has also reviewed facilities at JNPC and issued directions on 21.12.2021 which include various recommendations to avoid accidents. The 6<sup>th</sup> Respondent has duly complied with the same and filed a compliance report in that regard. /

19. In view of the above, it is submitted that as such, all operations of the JNPC are in accordance with law and there are no violations, as alleged in the Original Application under reply, or otherwise. It is submitted, for reasons more elaborately set out hereinbelow that the Original Application ought to be dismissed by this Hon'ble Tribunal.

#### PRELIMINARY SUBMISSIONS

20. At the outset, it is submitted that the Applicants, while seeking to invoke the jurisdiction of this Hon'ble Tribunal under Section 14 of the National Green Tribunal Act, 2010 (NGT Act), have failed to even plead, leave alone prove, that the question(s) sought to be raised in the present case arise out of implementation of any of the enactments specified in Schedule I of the NGT Act. The present Application is therefore *ex-facie* not maintainable and liable to be dismissed *in limine* on this ground alone.

21. Without prejudice to the above, it is submitted that the main allegations against the 6<sup>th</sup> Respondent in the captioned Original Application are that (a) the CETP established by the Applicant is polluting the sea, nearby water bodies and the ground water by illegally releasing effluents; (b) there is air pollution (i.e.,

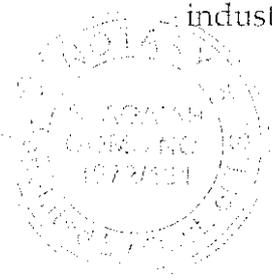


  
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chemical odours); (c) there are safety issues/ accidents in the industries in the pharmancity; and (d) the 6<sup>th</sup> Respondent is illegally constructing ponds. The Applicant has also alleged that the 6<sup>th</sup> Respondent has not complied with directions, notices etc. issued by the APPCB.

22. It is submitted that these above allegations are wholly false, frivolous and meritless and contrary to public records. With respect to (a) and (b) above, it is submitted that as stated hereinabove, JNPC has taken various steps, in accordance with directions issued by the APPCB and with the approval of the NIO and the MoEF, to dispose of liquid waste and control air pollution/odour issues. These steps taken by the JNPC are in accordance with applicable law and with the approval of the APPCB. As stated hereinabove, studies have demonstrated that the water and air quality is well within permissible limits. Therefore, the allegations in the Original Application as to water and air pollution are wholly false and frivolous.

23. With respect to (c) above, as to the safety issues/accidents raised by the Applicants, the 6<sup>th</sup> Respondent respectfully submits at the outset that these are evidently issues beyond the jurisdiction of this Hon'ble Tribunal. In any event, and without prejudice to the same, it is submitted that the said issues pertain to specific factories/units run by third parties within JNPC. As such JNPC cannot be held liable for actions of the same. Further, as stated above, a District Level Safety Audit Committee has been appointed to inspect/monitor industrial safety precautions taken by the various industries located in JNPC.



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In any event, as stated hereinbelow, appropriate actions have been taken in respect of each of the accidents.

24. With respect to (d), it is submitted that as stated above, the purpose of constructing storm water drains and storm water pond is to ensure that run off/excess water from JNPC does not flow into any external water bodies but is collected in the storm water pond and monitored and treated, as required. It is submitted that the Applicants herein are seeking to undo this process, which is in place to ensure the safe discharge of effluents from JNPC and provides for a fail-safe method and ensures that the water bodies around JNPC are not contaminated. Even Annexure 11 filed by the Applicant shows that the APPCB has done a survey and has come to a finding that the storm water pond, and the storm water drains are located on private land and are neither in the buffer lands or green zone. Even after the APPCB conducting a thorough enquiry into the complaint of the 1<sup>st</sup> Applicant and finding out that there was no violation on the part of the answering Respondents, the Applicants continue to make baseless allegations bereft of any material facts.

25. In light of the above, it is clear that the captioned Original Application is wholly bereft of merit. Accordingly, it is humbly submitted that the Original Application is a gross abuse of legal process and has been filed with *mala fide* and ulterior motives best known to the Applicants and is accordingly liable to be dismissed with exemplary costs.



**PARAGRAPH-WISE SUBMISSIONS:**



26. In furtherance of the Preliminary Submissions, the para-wise response of the Answering Respondents to the captioned Application is as follows:

27. The contents of Paragraphs I and II do not merit any response.

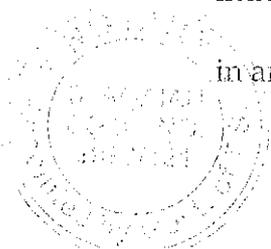
28. With respect to Paragraph III, it is vehemently denied that any substantial questions relating to the environment have been raised by the Applicant herein. It is denied that there have been any activities in violation of rule of law or conditions imposed by the MOEF in the Environment Clearance dated 10.03.2005 or that any environmental pollution, leave alone environmental damage, has been caused by the 6<sup>th</sup> Respondent, as alleged or otherwise.

29. The contents of Paragraphs 1 and 2, other than matters of record, are vehemently denied and the Applicants are put to strict proof of the averments therein. It is specifically denied that the Common Effluent Treatment Plant (CETP) illegally releases effluents to nearby village irrigation tanks and canals and sea or contaminates water or causes groundwater pollution, as alleged or at all. As stated above, JNPC has established a CETP in the approved industrial estate and treats effluents as per the consent to operate issued by Andhra Pradesh Pollution Control Board (APPCB). It is further denied that any conditions of the Environmental Clearance or directions of the APPCB have been violated as alleged. There have been no violations on the part of JNPC and that the conditions stated in the Environment Clearance and the Consent to Operate along with directions of the APPCB have been duly followed by JNPC.



30. The contents of Paragraph 3 are denied, and the Applicants are put to strict proof of the averments therein. It is denied that after the establishment of JNPC, the living conditions of the villagers have deteriorated or that there has been any air or water pollution caused by the 6<sup>th</sup> Respondent. It is submitted that the 6<sup>th</sup> Respondent purchased 55.24 acres of land in Thanam Village, but the same is a private acquisition and is not the land designated for development of green belt. It is submitted that the green belt is separate and within the 2143 acres allotted for JNPC. It is in any event denied that the 55.24 acres purchased is polluted in any manner, leave alone as alleged.

31. With respect to Paragraph 4, it is denied that the pollution has been continuing after JNPC was set up or that the chemical/pharmaceutical units in JNPC do not follow any mandatory precautions, and the Applicant is put to strict proof of this allegation. It is denied that the odour, ground water pollution is a regular feature in the area or that the chemical waste discharged in the sea has caused damage to the aquatic life. As stated hereinabove, JNPC, in consultation with and on the directions of the appropriate authorities, have taken all necessary steps to prevent air and water pollution, and there is no evidence to suggest that any of JNPC's activities has caused any damage, leave alone irreparable damage as alleged. With respect to the news report dated 28.12.2022 cited by the Applicants it is submitted that, quite apart from the fact that the issues raised in this regard are with respect to alleged violation of safety norms by industries, which is beyond the jurisdiction of this Hon'ble Tribunal, the same, in any event, pertains to an accident in Laurus Labs Ltd., which is a third party

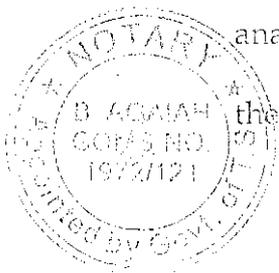


  
OFFICE SECRETARY

operating within JNPC. As such, any act/omission by Laurus Labs Ltd. cannot be attributed to JNPC. Further, as the article itself states, the Inspector of Factories has stated that there was negligence on the part of Laurus Labs Ltd. and that they are going to initiate action against them after conducting a comprehensive enquiry. Therefore, as such, the allegations in Paragraph 4 are wholly frivolous and meritless and ought to be disregarded by this Hon'ble Tribunal.

32. With respect to the contents of Paragraph 5, it is submitted that the same is unrelated to the 6<sup>th</sup> Respondent or its activities. In respect of the FIR filed on 29.09.2016, it was alleged that certain third-party industries who had their units in the pharmacy had illegally dumped the hazardous waste on the bund of Vooracheravu of Tanam village in September 2016. As such the matter has nothing to do with the 6<sup>th</sup> Respondent, who was neither aware of nor complicit in the said alleged offence. The 6<sup>th</sup> Respondent is given to understand that appropriate action is being taken against persons responsible by the police and the APPCB, and that 'stop production' orders have been issued to the said persons. It is submitted that this is therefore a misleading allegation being made deliberately to unduly prejudice the Hon'ble Tribunal against the 6<sup>th</sup> Respondent.

33. With respect to Paragraph 6, it is denied that there are any health issues in Tadi village due to actions of the 6<sup>th</sup> Respondent. It is submitted that as per the analysis reports from the CAAQM station at Tadi, the ambient air quality meets the NAAQ standards. Further, with respect to ground water, APPCB is



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monitoring the same, and all parameters have been found to be within permissible limits. It is denied that there has been any child stunting or pregnancy related issues, as claimed or otherwise. However, as highlighted by the news article itself, the villagers in the Tadi village are demanding relocation, which relocation is being considered by the district administration.

34. With respect to the contents of Paragraph 7 and 8, it is vehemently denied that there is any pollution despite direction, notices etc. as alleged. It is submitted that the 6<sup>th</sup> Respondent has complied with directions, orders, notices etc. issued by the APPCB from time to time and is at present entirely in compliance. It is submitted that the Applicants have selectively referred to Direction dated 13.04.2017 and order dated 22.01.2018, without revealing that pursuant to the receipt of the same, the 6<sup>th</sup> Respondent had taken necessary action for compliance.

35. With respect to the contents of Paragraph 9, it is submitted that the allegations made against Ramky Enviro Engineers Ltd. is unconnected to JNPC and the operations of the 6<sup>th</sup> Respondent herein. Further, neither JNPC nor the 6<sup>th</sup> Respondent can be held liable for any violations committed by individual units operating within JNPC. It is submitted that these are irrelevant allegations being made deliberately to unduly prejudice the Hon'ble Tribunal against the 6<sup>th</sup> Respondent.

36. The contents of paragraphs 10 and 11 are denied as wholly false and misleading. It is submitted that there has been no illegal construction or actions taken that have endangered lives or the environment. It is reiterated that JNPC

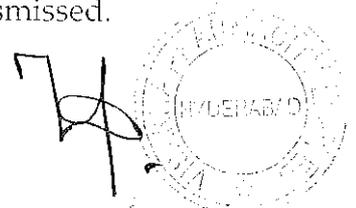
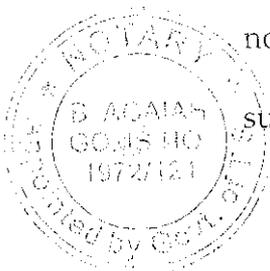



has followed all directions of the APPCB and the district administration from time to time. It is reiterated that JNPC has not constructed any unauthorized structure including the digging of ponds in Thanam revenue village. JNPC has stringently followed all directions of APPCB including the order 20.07.2022. The storm water monitoring pond is being constructed in land belonging to the 6<sup>th</sup> Respondent, which is in no way connected to the village or the buffer zone. Further, the construction of these pond is carried out pursuant to and in compliance of the directions of the APPCB.

37. The contents of Paragraph 12 are denied as irrelevant and misleading. The allegations made therein pertain to the activities of some third party, which is unconnected to the 6<sup>th</sup> Respondent and JNPC.

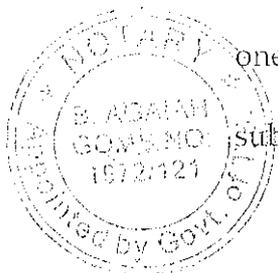
38. With respect to the contents of Paragraphs 13 and 14, it is submitted that the complaint dated 14.06.2023 has been filed by the 1<sup>st</sup> Applicant in the present Original Application under reply. It is submitted that the said complaint is wholly false and frivolous. Further, as noted in Paragraph 14, the External Advisory Committee (Task Force) of the APPCB made recommendations in respect of the storm water drains and pond, and it is submitted that the 6<sup>th</sup> Respondent has accordingly taken the necessary steps. Even as per the Applicant, online water quality monitoring systems are to be provided, and the contaminated storm water collected is to be pumped to the CETP for treatment and disposal as with other liquid waste generated in JNPC. Therefore, as such, nothing survives in the Applicant's complaint. It is therefore respectfully submitted that the present Original Application ought to be dismissed.



39. With respect to Paragraphs 15 it is a matter of record that this Hon'ble Tribunal has appointed fact finding committees; however, the same are with respect to violations allegedly committed by member units of JNPC, and not by JNPC itself. It is submitted that actions of independent private entities that operate in JNPC cannot be attributed to JNPC. It is vehemently denied that JNPC has committed or continues to commit any violations. It is reiterated that JNPC operates in strict compliance of the Consent to Operate issued by APPCB and of directions, notices etc. issued by the APPCB and other authorities from time to time. It is denied that there is any discharge of polluted or untreated water into the sea. As stated above, all effluents are discharged after rigorous treatment in the CETP. It is submitted that the plea for a joint committee to be established is merely an attempt to harass the 6<sup>th</sup> Respondent herein.

40. With respect to Paragraph 16, for the reasons stated above it is denied that there are health hazards, severe smell nuisance or groundwater pollution due to the Pharmacy.

41. Paragraph 17-20 are with respect to accidents that have occurred in various individual member units that operate within JNPC. It is respectfully submitted that these issues regarding accidents/safety concerns in JNPC are beyond the jurisdiction of this Hon'ble Tribunal. In any event these allegations as such do not pertain to the 6<sup>th</sup> Respondent. It is submitted that the Applicant itself admits that it was thanks to the 6<sup>th</sup> Respondent that when a fire that had broken out in one of the member units, the same was quickly brought under control. It is submitted that *ex facie* these are frivolous and irrelevant allegations, being made



for the sole purpose of unduly prejudicing this Hon'ble Tribunal against the 6<sup>th</sup> Respondent. Without prejudice to the above, it may be noted that:

- a. With regard to the incident in Visakha Solvents Ltd., APPCB has issued a "stop production order" and compensation/environmental damages were also ordered to be paid. Visakha Solvents Ltd. thereafter dismantled the unit and closed down their activities.
- b. With regard to the incident where poisonous gases were inhaled in a pump house, the APPCB constituted a 4-member committee to investigate the incident and to suggest appropriate measures to avoid similar incidents in the future. The 6<sup>th</sup> Respondent is given to understand that this committee visited the accident site and the associated pharmaceutical industry on 02.12.2021 and 03.12.2021 and has made various recommendations.
- c. With regard to the accident when fire broke out, the 6<sup>th</sup> Respondent is given to understand that the APPCB has issued a closure order to the unit on 18.08.2022, and the said unit has been shut down.

It is therefore denied that there has been massive pollution or damage due to negligence of the Respondent No. 6, as alleged or at all.

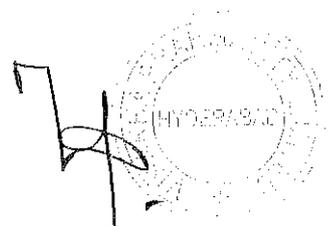
42. The contents of Paragraph 21 are vehemently denied as false and the Applicant is put to strict proof of the same. It is denied that the 6<sup>th</sup> Respondent has released pollutants into the Pedda Cheruvu, Voora Cheruvu or the Gedda Vaagu. It is denied that there has been release of polluted water by the 6<sup>th</sup>



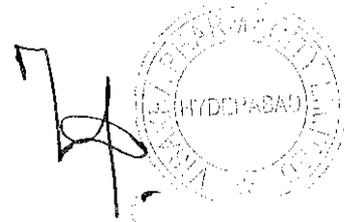
Respondent during the rainy season into the water bodies, or that the 6<sup>th</sup> Respondent has caused death of fishes or affected agriculture in any manner. Further, pursuant to instructions of the Collector and the District Magistrate, Visakhapatnam, the Executive Engineer, APPCB along with the Joint Director, Fisheries Department, Joint Chief Inspector of Factories, Factories Department and the Environmental Engineer (FAC), APPCB conducted a joint enquiry into the complaint and submitted a report dated 18.11.2020. It is submitted that *inter alia* steps are being taken to divert wastewater from the channel that is emptying into the Voora Cheruvu into the CETP for treatment, and to thereafter discharge it into the sea. Further, the APPCB has directed CSIR-National Environmental Engineering Research Institute, Hyderabad to carry out a study on "Assessment of Contamination and preparation of remediation plan for Tanam Cheruvu" located in Tanam Village, which study is presently underway. Therefore, as such, the authorities are well aware of the issue and have already been taking various appropriate measures to protect the water bodies near JNPC.

43. With respect to Paragraph 21, it is submitted that the grounds as set out by the Applicant are baseless, misleading, and false:

- a. With respect to Ground A, it is denied that pollutants have been released by the 6<sup>th</sup> Respondent or that Thanam and other villages are badly affected. It is denied that there has been any water or air pollution.



- b. With respect to Ground B, it is denied that the CPCB/APPCB have found violations by the 6<sup>th</sup> Respondent or that the 6<sup>th</sup> Respondent is continuing to pollute despite the same.
- c. With respect to Ground C, it is denied that the mandatory conditions in the Environment Clearance or the Consent to Operate are being violated. It is denied that there has been resulting damage to the environment, health of the people residing near JNPC or water bodies.
- d. With respect to Ground D, it is denied that there has been any illegal digging of a large-scale pond, or that such a pond would have adverse impact on agriculture and ground water. It is denied that the District Collector/APPCB are not taking any action; on the contrary, various notices, directions etc. have been issued, all of which are being have been complied with.
- e. With respect to Ground E, it is denied that the 6<sup>th</sup> Respondent has failed to follow guidelines of APPCB/CPCB or that it has not taken necessary precautions in the CETP for treatment of water.
- f. With respect to Ground F, it is submitted that the accidents/disasters referred to by the Applicants do not pertain to the 6<sup>th</sup> Respondent, but to independent member units who operate privately within JNPC. As such, such accidents cannot be attributed to the 6<sup>th</sup> Respondent.
- g. Ground G does not merit any response.



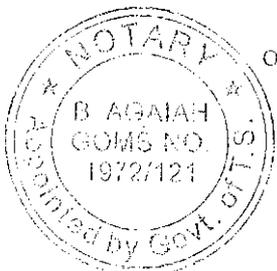
h. With respect to Ground H, it is submitted that while the unit where hazardous activity is undertaken may be liable, the same cannot be extended to JNPC, which is merely the project proponent and is not responsible for the actions of individual member units. It is submitted that should the Applicant have any grievance with respect to accidents, the same will be maintainable only as against the specific member units in which the said accidents occurred.

i. With respect to Ground I, it is denied that the APPCB has failed to act as a regulator in so far as the 6<sup>th</sup> Respondent is concerned.

44. With respect to the paragraph on limitation, it is submitted that the construction of the pond has been temporarily halted, in view of the protests made by the villagers. Further it is denied that the acts of the Respondents are in derogation of rule of law and Environment Protection Act, 1986, Air and Water Acts. No cause of action, let alone a continuing one is made out by the petition, more so against the Respondent No. 6.

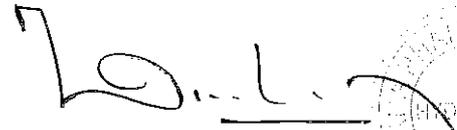
45. In light of the reasons and submissions contained in the paragraphs hereinabove, it is submitted that the Main Prayer(s) as well as Interim Relief(s) sought for in the captioned Original Application are wholly unsustainable and liable to be rejected.

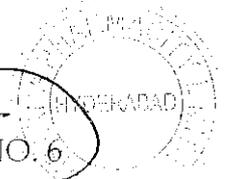
46. For reasons stated above, the 6<sup>th</sup> Respondent most humbly prays that this Hon'ble Tribunal may be pleased to dismiss the Original Application No. 141 of 2023 (SZ) with costs, and thus render justice.



A handwritten signature in black ink, followed by a faint circular stamp that appears to be a notary seal, partially overlapping the signature.

Dated at Hyderabad on this the \_\_\_\_ day of March 2024.

  
FOR RESPONDENT NO. 6



**VERIFICATION**

I, Dr. Divakar Marri, Director of the 6<sup>th</sup> Respondent herein, do hereby verify and state that the contents of the above reply statement are true and correct to the best of my knowledge, belief and information.



ATTESTED  
  
B. AGAIAH, B.A., LL.M.  
ADVOCATE / NOTARY  
Indra Reddy Ailwyn Colony,  
Miyapur, R.R. Dist., G.O.M.S., No.1972/121  
My Commission Expires on 15-11-2026

  
FOR RESPONDENT NO. 6



BEFORE THE NATIONAL GREEN TRIBUNAL,  
SOUTHERN ZONE, CHENNAI

O.A. No. 141 of 2023

IN THE MATTER OF:

Ganniseti Satyanarayana

... Applicants

Versus

Union of India & Ors.

... Respondents

AFFIDAVIT ON BEHALF OF THE 6<sup>th</sup> RESPONDENT

I, Dr. Divakar Marri, son of Venkat Rao, aged about 48 years, having my address at 15th Floor, Ramky Grandiose, Sy.No.136/2&4, Gachibowli, Hyderabad-500032, do hereby solemnly affirm and state as follows:

1. I am the Authorised Signatory of the 6<sup>th</sup> Respondent in the above-mentioned application, and as such, am conversant with the facts and circumstances of the case and am competent to swear to this affidavit.
2. I have read the contents of the accompanying application and the contents of the same are true as per the verification.
3. The Annexures filed along with the application are the true copies of their respective originals.

Solemnly affirmed his name at Hyderabad )

On this the \_\_\_ day March, 2024 )

And signed his name in my presence )



ATTESTED  
B. AGAIAH, B.A., LL.M.  
ADVOCATE / NOTARY  
Indra Reddy Aliwyn Colony,  
Miyapur, R.R. Dist., G.O.M.S. No.1972/23  
My Commission Expires on 15-11-2028

BEFORE ME