

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
CHENNAI**

**APPLICATION NO: 221 OF 2015**  
(Public Interest Litigation)

**Between:**

IsanakaVedavathi  
H.No.16-4-966, Pinakini Avenue,  
Near Appolo Hospital,  
Nellore-524 003.

.....Petitioner

Vs-

1. Union of India,  
Rep by its Secretary,  
Ministry of Environment, Forest and Climate Change,  
III Floor, Prithivi Wing, Indira ParyavaranBhavan,  
Jor Bagh, New Delhi-110003  
& 10 others

.....Respondents

**OBJECTIONS TO THE COMMITTEE REPORT DATED 01.12.2020, FILED  
BY THE 10<sup>TH</sup> RESPONDENT**

I, P. Srinivasa Rao, S/o Mr. P. Koteswara Rao, Hindu, aged about 55 years, having office at M/s. 3F Industries Limited (Formerly Foods fats & Fertilizers Ltd.,) Sy.No. 1604, APIIC- IALA, EPURU 1-B Pantapalem (V) Muthukuru (M) SPSR Nellore Dist, have temporarily come down to Chennai and do hereby solemnly affirm and sincerely state as follows: -

1. I am the Plant Manager of the 10<sup>th</sup> Respondent herein and as such I am well acquainted with the facts deposed hereunder. I am competent to file this Affidavit and authorized to do so.
2. I state that in pursuant to direction given by this Hon'ble Tribunal dated 16.03.2020, the Joint committee had inspected the factory on 13.10.2020. The Joint committee had filed the Joint Committee report on 01.12.2020 before this Hon'ble Tribunal.
3. The Hon'ble National Tribunal order dated 16.03.2020 in OA No 221/2015"

Hon'ble NGT vide order dated 16.03.2020 has directed the following " So in order to ascertain the present status of the functioning of the edible oil refinery units and also to find out as to whether they are complying with the conditions of "consent" issued and whether the pollution control mechanism provided by them are proper and sufficient and whether they are complying with the norms and whether the "Zero Liquid Discharge" system said to have been established by them are properly functioning and whether there is any violation by any of the edible oil refinery units and if so, what is the action taken by Pollution Control Board in this regard, we appoint a joint committee, comprising of (1) a Senior Officer from the Central Pollution Control Board, Regional Office, Bangalore (2) Senior Officer from the Regional Office of MoEF & CC,



Chennai and (3) Senior Scientist from Andhra Pradesh Pollution Control Board to inspect the units in question and submit a factual as well as action taken, if there is any violation found. The committee shall also go into the question as to whether the units are strictly complying with the conditions imposed either in the "consent to operate" or any other permission granted, whether there is any violation in the use of surface water and whether necessary permission has been obtained by the units for drawl of surface water for their purpose, whether pollution control mechanism provided to suppress the air pollution or water pollution are sufficient to meet the requirements as has been provided under the Environment (Protection) Act, 1984, whether these units are properly disposing the fly ash generated during their manufacturing process and if there is any violation found, what is the action taken, including the imposition of environment compensation against the erring units on the basis of the guidelines given by Central Pollution Control Board in this regard and also what is the status of the implementation of the action plan if any, evolved during the review meeting conducted by Pollution Control Board and whether those actions have been brought into action by the units, as undertaken by them and if not, what is the action taken by Pollution Control Board against those erring units and submit a comprehensive report to this Tribunal within a period of two months through e-mail at ngtszfilng@gmail.com."

4. I state that it is therefore clear from the above order that the committee must have a Senior Scientist from APPCB. But on reality the Environmental Engineer Mr. M. Pramod Kumar Reddy from the Regional office of APPCB of Nellore was part of the Committee and there was no scientist.
5. I further submit that this Hon'ble tribunal has mentioned the scope for the Joint Committee during their inspection, but it must be noted that this Committee had inspected 7 Industries in just two days. This shows that the Committees views was the views expressed by the Third Member, Mr.M Pramod Kumar Reddy.
6. I state that there are objections and incorrect particulars found in the report filed by the Joint Committee.
7. Page 34, Paragraph g:

As per the report of the Joint Committee under the head "Production capacity", it is reported as:

Refined Edible Oils (Physical Refining)	670.166 TPD
Refined Edible Oils (Chemical Refining)	100 TPD
Vanaspati & Bakery Shortenings	90 TPD
Margarine	30 TPD
Fatty Acids	200 TPD
Toilet Soap Noodles	50 TPD
<b>BY PRODUCT</b>	
Fatty Acids	27.74 TPD
Glycerin	18 TPD
Pitch Oils	7 TPD
Filter Cake/ Spent Earth	1.22 TPD
Fatty acids/ Acid Oils	3.35 TPD



**Objections/Response:** As per the report of the Joint Committee complied and therefore there is no objections/response in this issue.

8. Page 34, Paragraph h:

As per the report of the Joint Committee under the head "Coal and fly ash storage measures" Unit is generating 27 TPD of fly ash. Unit has provided ash silo of 60 Tonnes capacity which is sufficient for ash storage for 2 days against APPCB direction of 30 days storage.

**Objections/Response:** The fact remains that the Industry has provided the Ash Silos with a storage capacity (200 CuM- 2X 70 & 1X 60 CuM) with which we can store fly ash for 7 days. Ash will be loading directly into the trucks from the silos which will be sent to the brick industries from time to time regularly at free of cost without further stocking. Therefore, the necessity to arrange for 30 days storage does not arise for this respondent.

9. Page 34, Paragraph i:

As per the report of the Joint Committee under the head "Source of water and quantity of water used per day",

Source	Water consumption
Process & Washings	50.0 KLD
Boilers make up & Cooling tower make up	360 KLD
RO reject water (used for cooling tower makeup)	253 KLD
<b>Total</b>	<b>663 KLD</b>
Entire water requirement of 663 KLD is met from Tankers.	

**Objections/Response:** The fact remains that The Industry got approval for drawing ground water through borewells from the AP Ground Water. But the plant is in the coastal area close to the sea. The ground water is completely saline, and the industry can only draw the shallow water from the upper level of ground. Though the basic infra structure required for any industry could not be provided by the Government as assured, the Government has allocated permission to draw water from Survepally reservoir. Efforts are on to draw water jointly by all the Edible Oil Industries through a common pipeline. The Industry for the time being is purchasing water through tanker lorries. Simultaneously we are also pursuing with Nellore Municipal Corporation through District Industries Centre Government of Andhra Pradesh jointly

to get recycled water. We are in the process of procuring desalinated water from the nearby power plants. The file has been enclosed in (Annexure 1 – 3)

10. Page 34, Paragraph j:

As per the report of the Joint Committee under the head "Effluent generation",

Source	Quantity of effluent
Process & Washings Boiler blow down, Cooling tower bleed off, Acid Oil plant wastewater	152 KLD
Fresh Water RO rejects	110 KLD
Domestic	15 KLD

ETP of 200 KLD & RO plant, MEE-100 KLD provided with ATFD to meet ZLD system. Septic tanks followed by soak pits are provided for treatment of domestic effluents. On the day of inspection, it was observed that the ETP was not in operation. Thick Sludge was deposited in ETP section. The oil was spilled all over the plant. MEE and ATFD were not properly operated. The pumps were not working, and effluent was leaking. There was no proper effluent transfer system from production block to ETP. There were lot of temporary arrangements.

Table VI.g 1: Analysis results of samples collected by APPCB during 23.06.2020

S. No	Parameter in mg/L except pH	APPCB standard	Inlet of ETP	Outlet of ETP	MEE feed	Ro feed	RO permeate	RO reject
1	pH	5.5-9.0	5.34	6.85	7.92	7.53	7.09	5.74
2	TSS	200	160	90	204	76	54	4
3	TDS	2100	3772	1248	5826	1248	3134	430
4	COD	250	1580	232	3580	128	368	12
5	BOD	100	410	68	1124	40	106	1.8
6	Oil & grease	10	22.4	9.0	20.8	1.8	1.2	BDL

The Outlet of ETP is meeting the Board stipulated standards. The MEE is not in operation during the Board official's inspection and sample collection. ON the day of committee inspection MEE was not in operation.

**Objections/Response:** The fact remains that Effluent generation is well within the standards and within the limits as specified in our CFO. The Industry does Biological treatment followed by RO and MEE. The Biological treatment is a continuous process, and the operation cannot be stopped. On the inspection day also, it was in operation. During the inspection day there was no Sunflower processing/Chemical refining. But MEE was not in operation from 17th June to 28th June since there was no chemical processing when the samples were collected by APPCB. Our overall June-2020-month chemical processing is 570 MTs. Our average monthly processing of Chemical Refining is 962 MTs only which is 10 days operation in a month in two spells. We have installed 6 individual fat traps in each production block and from there the effluent is being transferred through individual pumps and pipelines to common fat trap just before the ETP to segregate effluents transfers from the rainwater drains. Since the effluents transferred

through different pipelines for the operational feasibility it appeared like temporary arrangements. From the table VI.g 1 Analysis results of samples collected by APPCB during 23/06/2020 indicates that the ETP Effluents are meeting the standards and in operation.

11. Page 35, Paragraph K:

As per the report of the Joint Committee under the head "Installation of magnetic flow meters with totalizer", Flow meters with totalizers at ETP inlet, MEE inlet and outlet.

**Objections/Response:** The fact remains that the Industry has installed the required magnetic flow meters to measure the inward and outward flow of the effluents and the Industry is maintaining the records simultaneously and submitting the copies of the records to the PCB authorities in regular intervals.

**Flow Meters**



12. Page 35, Paragraph L:

As per the report of the Joint Committee under the head "Air pollution sources and type of APCDs, status of stack, porthole, OCEMS installation, location",



Boiler of capacity 1x35 TPH	ESP
Boiler of capacity 1x2.0 TPH	Bag filters
Boiler of capacity 1x8 TPH. Fuel: Coal/Husk	Bag filters
Thermo Fluid heater of capacity 1x20.0Lakh.k.cal/hr. Fuel: Coal/Husk	Bag filters
Thermo Fluid heater of capacity 1x40 Lakh. K.cal/hr; Fuel: Coal/Husk	Bag filters
Thermic Fluid heater of capacity 1x6 Lakh. K.cal/hour; Fuel : Coal/Husk	Dust collectors
Coal Mill of capacity 10 TPH	Bag filters
DG sets of 3x750 KVA	Acoustic enclosure

The unit has installed online emission monitors to measure SPM and is connected to APPCB server.

Table VIg 2: Stack monitoring at by APPCB on 23.06.2020

Source	SPM measured value	APPCB emission standards
Stack attached to 35TPH boiler	133.5 mg/Nm <sup>3</sup>	115 mg/Nm <sup>3</sup>

Table VI g 3: Ambient air quality monitoring by APPCB on 23.06.2020

Source	PM10 measured value	APPCB emission standards
Near the main gate within unit premises	138.6 µg/m <sup>3</sup>	100 µg/m <sup>3</sup>

The unit is not complying with stack emissions and ambient air standards. Odour problem was also observed in the industry.

**Objections/Response:** The fact remains that Table VIg 2: Stack Monitoring by APPCB on 23-06-2020: The Industry has installed the online stack monitoring system on 21-04-2016 for the Boiler chimney for online monitoring of the flue gases and the report dt 23-06-2020 is within the prescribed limit as per the standard and the same can be observed online at any point of time. Apart from the stock monitoring system, the Industry is getting it done through PCB authorized third party for comparison and found always at par with the on-line stack monitoring. TableVg 3: Ambient air quality monitoring by APPCB on 23-06-2020: Since the values of the SPM differing in the above context this value is also erroneous.



Online Stack Monitoring



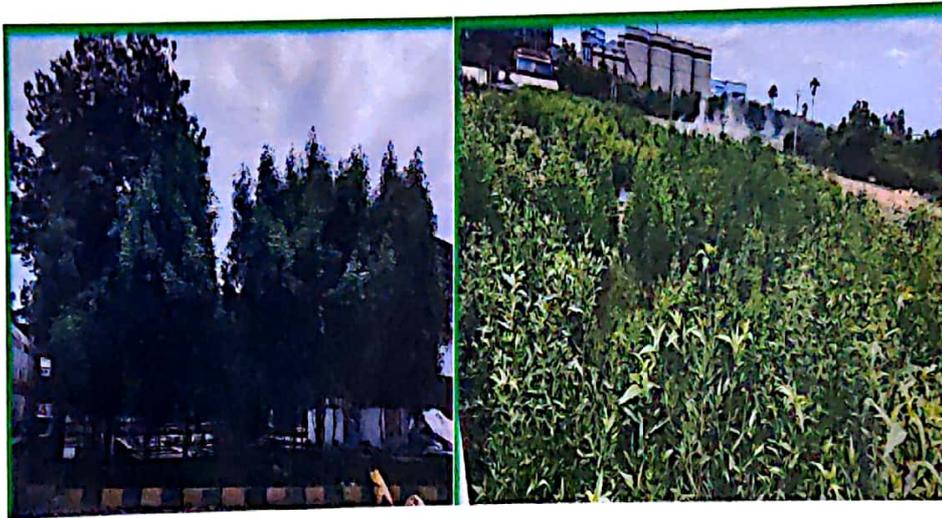
## 13. Page 36, Paragraph M:

As per the report of the Joint Committee under the head "Status of installation of online stack monitoring equipment", OCEMS installed in the stack connected to 35 TPH boiler and connected to APPCB Server. The same is compiled as per the Report and therefore, there are no comments.

## 14. Page 36, Paragraph N:

As per the report of the Joint Committee under the head "Status of green belt", The plantation is very sparse and is not complying with 33% of green belt.

**Objections/Response:** The fact remains that Development of Green Belt is a continuous process and so far, The Industry has developed around 33% of green belt in and around in the factory. The Industry has participated in Workshop on High Density Green belt at Vijayawada on 27.09.2019 Miyawaki method, conducted by APPCB, following this method of Miyawaki we further developed green belt in a 1-acre land. Total land acquired is around 12.89 acres, out of which the green belt developed is around 4.3 acres = 17,400 sqm, which is more than 33% As per APPCB standards.



## 15. Page 36, Paragraph O:

As per the report of the Joint Committee under the head "Hazardous waste generation", The unit is generating 1TPD of MEE salts and 0.034 TPD of ETP sludge. The quantity of sludge generated is very less and sludge is not properly disposed.

**Objections/Response:** The fact remains that The Industry is regularly disposing the sludge to TSDF (PCB approved agency) as and when one truck load is accumulated. So far, we have disposed 118.469 tons in the last two years. The generation of Hazardous Waste depends on the Chemical Refining. The average monthly processing of Chemical Refining is 962 MTs only which is far below the approved production capacity of 3000 MTs as per the CFO.

## 16. Page 36, Paragraph P:

As per the report of the Joint Committee under the head "Actions taken by APPCB during last one year", APPCB has vide order dated 16.02.2018 issued certain directions to the industry and forfeited Bank Guarantee of Rs.5.0 Lakhs for non-compliance of the directions. The APPCB has again issued modified directions on 17.01.2020 for not complying with APPCB discharge and emission standards. The unit was again inspected by APPCB officials on 28.07.2020 and found non-complying. Directions were issued on 28.09.2020. The APPCB has forfeited Bank guarantee of Rs 10.0 lakhs on 28.09.2020 for non-compliance of the Board directions.

**Objections/Response:** The fact remains that The APPCB forfeited Rs.15 Lakhs of Bank Guarantee but has shown Rs.10 lakhs only in the report on Environmental Compensation statement (04-02-2020- Rs. 5 Lakhs and 28-09-2020 -Rs.10 Lakhs). Rs. 10 Lakhs debited on 28-09-2020 is without any notice by APPCB in a hurried manner prior to the inspection of NGT Committee that too without taking note of the compliances.

17. As per the report of the Joint Committee under the head "Overall Compliance Status" The committee observed major violations in the unit w.r.t effluent handling and treatment and sludge disposal. ETP was accumulated with sludge. The unit is not complying with emission monitoring, ambient air quality. The industry has constructed and commissioned hydrogenated stearine and stearine beads manufacturing plant inside the existing industry without obtaining consent for establishment and consent for operation of the APPCB.

**Objections/Response:**

- The fact remains that Effluent handling is through individual pipelines, form individual fat traps from each respective section. We have installed the flow meters also. Sludge is drained from the clarifier for further disposal after draining, which is further processed through filters. The secondary clarifier shown in the photograph is a fat trap.





- The Industry has installed the online stack monitoring system aligned with APPCB Server and this can be real time monitored.
- The fact remains that the overall production capacity remained same. Since additional investment for converting and value addition to the biproducts we have installed certain packaging machinery in an ambience environment to meet the GMP Practices. Since additional investment is involved, we have applied for CFE to include in our product range, but the overall production capacity will remain same without altering the initially mentioned capacities in our CFO. The addition of these equipment will require very marginal increase in water consumption for the clean cooling towers makeup

Further the Joint Committee has imposed the following compensation under various heads:

"Since the unit is partially complying the committee has assessed environmental compensation using CPCB formula  $EC=PI \times N \times R \times S \times LF$

S. N	Period of noncompliance	PI	S	LF	R(Rs)	N (days)	Environmental compensation (Rs)
1	17.01.2020 to 28.09.2020	80	1.5	1	250/-	255	76,50,000/-
2	29.09.2020 to 14.10.2020	80	1.5	1	250/-	15	4,50,000/- * 2 for repeated violation
Total EC for violation						271	85,50,000/-
EC levied by APPCB on or after 17.01.2020							10,00,000/-
EC to be paid by unit to APPCB							75,50,000/-
<b>Rupees Seventy- Five lacs and Fifty thousand Only"</b>							

**Objections/Response:** The fact remains that The APPCB forfeited Rs.15 Lakhs of Bank Guarantee but has shown Rs.10 lakhs only in the report on Environmental Compensation statement (04-02-2020- Rs. 5 Lakhs and 28-09-2020 -Rs.10 Lakhs). Rs. 10 Lakhs debited on 28-09-2020 is without any notice by APPCB in a hurried manner prior to the inspection of NGT Committee that too without taking note of the compliances. Since the industry has complied with the joint committee report, the fine amount imposed on the industry is without any basis and the same can be set aside by this Hon'ble Tribunal.


18. As per the report of the Joint Committee under the head "VII. Actions Taken by APPCB"

1. The APPCB is continuously reviewing the status of air pollution/ water pollution control equipment's provided and compliance of the APPCB standards etc for control of pollution problems from the edible oil industries operating at Krishnapatnam port area from last Five years in connection with the O.A. NO.221 of 2015 filed before the Hon'ble NGT.
2. The status of industries with regards to compliance of the directions are reviewing before External Advisory Committee meetings held at Board office, APPCB and issuing directions time to time. It is to submit that the status of implementation of action plan by the edible oil units was reviewed before Task Force Committee at Board Office during its meetings held on 25.06.2016, 15.07.2016, 05.08.2016, 27.08.2016, 16.09.2016, 30.09.2016, 11.11.2016, 03.12.2016, 30.12.2016, 20.01.2017, 04.02.2017 & 09.11.2017.
3. The board has issued directions to the Edible oil industries on 15.02.2018, 17.01.2020 & 28.09.2020.
4. The APPCB has also forfeited Bank Guarantee amount of Rs.65 Lakhs in the year 2020 from the above 7 nos of Edible oil industries for non-compliance of the APPCB directions.

**Objections/Response:** The fact remains that The Industry has attended all the meetings of Task Force Committee and every time we have submitted the compliance report, actions taken report and further action plans. The Industry has never deviated from following the directions issued by the board.

19. As per the report of the Joint Committee under the head "VIII Overall Observations",

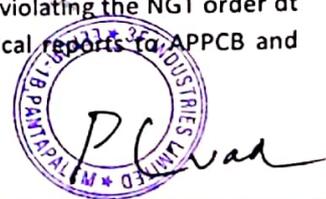
- 1) Presently all edible oil units were operational but on the day of committee's inspection ponly physical refining of palm oil was in operation.
- 2) The units have made improvements, augmentation of ETP and air pollution control devices. The units have installed facilities like ETP followed by RO, MEE & ATFD to achieve "Zero Liquid Discharge" but there is no proper effluent transport system. But units are yet to achieve 100% compliance to consent conditions of APPCB. All units shall make improvements in drains/ pipelines used for transporting effluent from production block to ETP. The units shall ensure that storm water is not mixed with effluent.
- 3) The fly ash generated from the units is sold to brick manufacturers. The units have provided ash silo and covered shed for storage of fly ash. But the units are not complying with APPCB condition of 30 days silo capacity. The units represented to the unit that installation of such large silo is difficult. The fly ash is sold to brick manufacturers at frequency of two to three days in a week. Since the condition was imposed by APPCB, the committee suggests APPCB to review the condition.
- 4) APPCB is continuous vigil on the edible oil units and issued directions, forfeited bank guarantees due to which no discharge of effluent outside the unit premises was observed during committee inspection.



- 5) Based on CPCB formula the committee has assessed environmental compensation on the the erring units for violating the directions issued by APPCB vide order dated 17.01.2020.
- 6) Fly ash is being dumped in the North-Eastern Direction of M/s Emami Agrotech Ltd in public lands adjacent to M/s Gemini Edible and M/s Emami Agrotech. The land does not belong to any edible oil unit, and none of the industry are ready to take responsibility for removing the fly ash. Since the fly ash is dumped in land adjacent to M/s Emami and M/s Gemini, both industries as part of CSR activity will take complete responsibility to remove the dumped fly ash and send it to brick manufacturers.
- 7) The committee submits to Hon'ble NGT that the units shall carry out performance evaluation of ETP and ZLD system. Based on the TDS concentration in RO reject, the unit shall either treat RO reject in ETP or MEE. (If TDS > 5000mg/l in RO reject, it may be treated in MEE or else in ETP). The units in any case shall not discharge the RO reject without further treatment.

**Objections/Response:** The Fact remains that The Plant operates chemical refining of Sunflower Oil on an average 10 days per month and during inspection day all other plants were in operation. The unit is fully equipped with all required ETP with filter presses followed by RO, MEE and ATFD. The Industry has also laid separate pipelines for transmitting effluent water. The storm water drains are also connected to ETP being a ZLD plant. However, the rainwater is collected and sent to water treatment plant for our industrial use. Our industry is land locked area surrounded with all neighbouring lands belonging to local people. The subjected land referred for dumping of Fly Ash in point no.6 is not a public land and it belongs to the local people and they are collecting the fly ash generated by nearby industries and filling their lands for their own use since their lands are at low level.

20. With respect to the Conclusion of the Joint Committee report at page 39, onwards, it is submitted that the Industry is ready and willing to comply with the suggestions.
21. I state that both Industry and environment must be balanced, and it is noticeably clear that this Respondent is complying all the norms prescribed by the APPCB. The Government must keep its promises towards the industries too in providing the necessary services.
22. I further state that it is made clear that the Agricultural lands have not been affected at all, the Joint Committee should have taken time to visit the surrounding area and should have conducted a soil test to ascertain to have any environmental hazards due to the industrial activity. Hence it has become a new trend to extort from the industries a huge amount.
23. I further submitted that this Respondent has not left any stone unturned from complying with the pollution control norms. This industry is always open for any surprise inspection on any given day. It is further submitted that the said Mr. M. Pramod Kumar Reddy has been transferred after this Respondent objected to the forfeiture of the Bank Guarantee despite compliance of pollution norms. Even though he is not an environment scientist, he has made himself a third member of the committee thereby violating the NGT order dt 16/3/2020. Further every time we have submitted our periodical reports to APPCB and participated in all the meetings convened by APPCB.



24. This being so, the fine amount imposed on this respondent is without notice and without following the Principles of Natural Justice. It is relevant to point out here that the third member of the Committee cannot be a complainant as well as Presiding officer. He was all along harassing the Industries by issuing notices for issues which were compiled also. It is therefore prayed that this Hon'ble Tribunal may be pleased to replace the third member and conduct a fresh inspection. Let a reconstituted team visit one industry/day and note down overall compliances/violations on any given day.

25. It is therefore prayed that this Hon'ble Tribunal may be pleased to set aside the environmental compensation of Rs. 75,50,000/- (Rupees seventy lakhs fifty thousand only) levied by the APPCB and pass such further or other order or orders in the circumstances of the case and thus render justice.



BEFORE ME

ADVOCATE, CHENNAI

Solemnly affirmed at Chennai  
on this 17th day of Feb 2021  
and signed his name in my presences

**BEFORE THE HON'BLE NATIONAL GREEN  
TRIBUNAL,  
CHENNAI**

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.....Petitioner

-Vs-

1. Union of India,  
Rep by its Secretary,  
Ministry of Environment, Forest  
and Climate Change,  
III Floor, Prithivi Wing,  
Indira ParyavaranBhavan,  
Jor Bagh, New Delhi-110003  
& 10 others

.....Respondents

OBJECTIONS FOR RESPONDENT – 10

D. SREENIVASAN

COUNSEL FOR RESPONDENT – 10