

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION No. 189 OF 2019**

**IN THE MATTER OF:**

Pravan Kumar, Advocate ..... Applicant(s)

Versus

State of Telangana ..... Respondent(s)

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**Place: Hyderabad**

**Date: 09-11-2020.**



**STATUS REPORT OF TELANGANA STATE POLLUTION CONTROL BOARD**  
**(TSPCB) (RESPONDENT NO. R3 & R19) DATED 09.11.2020**  
**IN ORIGINAL APPLICATION NO. 189 OF 2019.**

The Hon'ble NGT vide Order dated 24.01.2020 taken on record the recommendations of the Joint Committee dated 20.01.2020 and directed the Telangana State Pollution Control Board (TSPCB) for assessment & recovery of compensation on 'Polluter pays Principle' after following due procedure of hearing the concerned Polluters.

Accordingly, the Task Force Committee of TSPCB, Zonal Office, Hyderabad called the concerned industries for meeting on 30.10.2020. The representatives of the industries attended the meeting and requested the Board to grant time to submit their representation along with explanation pertaining to the non-compliance of the industries.

The Task Force Committee of TSPCB, Zonal Office, Hyderabad considered the request of the industry and recommended to grant 15 days time for submission of industries representations. The letter of TSPCB, Zonal Office, Hyderabad dated 04.11.2020 is enclosed as **Annexure-I.**

It is therefore requested to grant one month time for submission of the Action Taken report of TSPCB.



**JOINT CHIEF ENVIRONMENTAL ENGINEER**  
Joint Chief Environmental Engineer  
Telangana State Pollution Control Board  
Zonal Office  
Begumpet, Hyderabad-500 016.





**TELANGANA STATE POLLUTION CONTROL BOARD  
ZONAL OFFICE: HYDERABAD**

**D. Krupanand**  
Joint Chief Environmental Engineer

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**Lr. No. Gen-15/RO-HYD/TSPCB/ZOH/2020- 1359**

**Date: 04.11.2020**

**To**  
**The Member Secretary ,**  
**TSPCB, Board Office,**  
**Hyderabad.**

**Madam,**

**Sub: -** TSPCB – ZO – HYD – The Hon’ble National Green Tribunal, Principal Bench, New Delhi, issued order dated 24.01.2020 in O.A No. 189/2019 of wherein, the Hon’ble NGT issued orders to assess and recover the environmental compensation from formulations industries located in Pollepally SEZ - Levy of Environmental compensation - Recommendations of the Committee- Reg.

- Ref:-**
1. Hon’ble NGT order dated 24.01.2020 in O.A No. 189/2019.
  2. The EE, RO, Hyderabad report dated: 18.07.2020.
  3. The EE, RO, Hyderabad vide mail dated: 29.10.2020.
  4. Task Force Committee Meeting held on 31.10.2020 at TSPCB, Zonal Office, Hyderabad.

\* \* \*

With reference to 1<sup>st</sup> cited, the Hon’ble National Green Tribunal, Principal Bench, New Delhi, issued order dated 24.01.2020 in O.A No. 189/2019 of wherein, the Hon’ble NGT issued orders to assess and recover the Environmental Compensation from the following formulations industries located in Pollepally SEZ, Mahboobnagar District after following the due procedure of hearing of the concerned polluters i.e., pharmaceuticals formulation units.

Vide reference 2<sup>nd</sup> cited, the Environmental Engineer, Regional Office, Hyderabad has submitted the report dated: 18.07.2020 to Zonal Office, Hyderabad regarding the Environmental Compensation which may be assessed and imposed on the industry for the period during which the industry was non-complied, as per the guidelines issued by CPCB.

Sl. No.	Name of the industry
1.	M/s. Amneal Oncology Pvt. Ltd. (Formerly M/s. Epsilon Pharmaceuticals Private Limited), Plot No.A-3, S-4 & A-5A, Sy.No.411, 425 etc. TSIIC-SEZ, Polepally (V), Jadcherla (M), Mahabubnagar District
2.	M/s. APL Health Care Ltd., Sy.No.410/P,411/P & 458/P, Plot No.S-1/B, TSIIC, SEZ, Polepally (V), Jadcherla (M), Mahabubnagar District
3.	M/s. AurobindoPharma Ltd. Unit – VII, Sy.No.408 to 412, 418 to 435 etc. TSIIC SEZ, Polepally (V), Jadcherla (M), Mahabubnagar District
4.	M/s. AurobindoPharma Ltd. Unit – XVI, Sy.No.408 to 412, 418 to 435 etc. SEZ-IP, Polepally (V), Jadcherla (M), Mahabubnagar District
5.	M/s. Evertrogen Life Sciences (Formerly M/s. Optimus Generics Ltd.), Plot No.S-8, S-13/P & S-14/P, TSIIC, SEZ, Green Industrial Park, Polepally (V), Jadcherla (M), Mahabubnagar District



6.	M/s. Hetero Biopharma Limited (Formerly Hetero Drugs Ltd., Unit – III), TSIIC SEZ Polepally (V), Jedcherla (M), Mahabubnagar District
7.	M/s. Hetero Labs Ltd., Unit – I, Sy. Nos. 440-441, TSIIC, SEZ, Polepally (V), Jadcherla (M), Mahabubnagar District
8.	M/s. Hetero Labs Ltd. Unit – II, TSIIC, SEZ, Sy.No.410 & 411, Polepally (V), Jodcherla (M), Mahabubnagar District
9.	M/s. Mylan Laboratory, (Formerly M/s. Glochem Industries Ltd.), Sy.No.408, 410, Plot No.S-16 & S-17/A, TSIIC-SEZ, Polepally (V), Jadcharla (M), Mahabubnagar District
10.	M/s. Shilpa Medicare Limited (Formerly Raichem Life Science Pvt. Ltd.), Plot No.S-20, S-21, S-22, S-23 & S-24-A at TSIIC-SEZ, Peddpally (V), Jadcherla (M), Mahabubnagar District
11.	M/s. Shri Kartikeya Pharma (SEZ Unit), Sy.No.408-412, 418-435, 437-445, Polepally (V), Jadcherla (M), Mahaboobnagar District
12.	M/s. Suvarna Apparel & Fashion Exports Limited., Sy.Nos.103 to 109 & 148 to 152, Rangareddyguda (V), Balanagar (M), Mahabubnagar District

The EE, RO-Hyderabad, vide reference 3<sup>rd</sup> cited has communicated the agendas to the respective industries.

The above issue was placed before the Task Force Committee meeting at Zonal Office on 31.10.2020. The representative of the industries attended the meeting and requested to grant time to submit their representation along with explanation pertaining to the non compliance of the industries as per the RO report dated: 18.07.2020. After detailed discussions, the committee considered the request of the industry and recommended to grant 15 days time for submission of industries representation on the non compliances. The committee further recommended to calculate the number of days of violation from the date of directions issued to the industry and intimate the industries regarding the non compliance of the directions issued to the industries and the number of days of violation.

Accordingly, the Zonal Office, Hyderabad is issuing the letters to the individual industries in the following format to submit their reply within 15 days to this office:

S. No.	Date of inspection	Action Taken on inspection for violation	Day of inspection on directions and violations observed	Number of days violation	Remarks
<b>Total No of days</b>					

#### Environmental Compensation (EC Calculation)

The following equation is used for estimating environmental compensation:

$$EC = PI \times N \times R \times S \times LF$$

Where,

EC = Environmental Compensation in INR

PI = Pollution Index of industrial sector

N = Number of days of violation took place

R = A factor in Rupees for EC

S = Factor for scale of operation

LF = Location factor



**i. Pollution Index of industrial sector (PI):** The Board has categorized industry under Orange category. For Orange category of industries, average pollution index is 50.

**ii. Number of days of violation (N):**

The number of days for which violation took place is considered as the period between the day of violation observed/due date of direction's compliance and the day of compliance verified by the Board as mentioned below:

**iii. Scale of operation (S):**

The industry is considered as Large scale as per consent issued by Board. The scale of operation (L) for EC estimation is considered as 1.

**iv. Location factor (LF):**

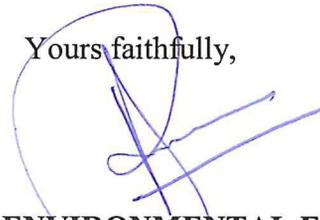
The industry is located at TSIC-SEZ, Polepally (V), Jadcharla (M), Mahabubnagar District and the total population which is located about 5 km distance from the Jacherla municipal boundary of the city is 37,529 population and above. Thus location factor (LF) is considered as 1 for EC estimation.

**v. Factor in Rupees (R) (Rs):**

As per the environmental compensation estimation guidelines, factor of rupees may be considered as Rs 250/- for estimating environmental compensation.

This is submitted for kind information and necessary action.

Yours faithfully,



**JOINT CHIEF ENVIRONMENTAL ENGINEER**

Joint Chief Environmental Engineer  
Telangana State Pollution Control Board  
Zonal Office  
Begumpet, Hyderabad-500 016.



Item No. 08

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

Original Application No.189/2019

(With report dated 20.01.2020)

Sarvan Kumar, Advocate

Applicant(s)

Versus

State of Telanganas

Respondent(s)

Date of hearing: 24.01.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE S.P WANGDI, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER  
HON'BLE MR. SIDDHANTA DAS, EXPERT MEMBER**

For Respondent(s): Mr. Dhananjay Bajag, Advocate for TSPCB

**ORDER**

1. Question for consideration is the remedial action against pollution caused by Pharma companies at TSIIC SEZ in Jadcharla, Mahaboob Nagar, Telangana.
2. The matter was considered on 20.09.2019 in light of report dated 30.07.2019 furnished by the Telangana State PCB. The Tribunal observed:

*"4. In view of the fact that the industrial area in question is a polluted area and the industries in question are 'red category' industries, strict vigilance is required to be maintained for upholding the environmental norms. We also consider it appropriate to require a joint report from the Central Pollution Control Board (CPCB) and the TSPCB after three months. TSPCB will be the nodal agency for compliance. The TSPCB may enforce the principle of 'Polluter Pays' in respect of the units which have been found to be violating the environmental norms or which may*

be hereafter be found to be doing so. Compliance in this regard may also be included in the next report.”

3. Accordingly, report dated 20.01.2020 has been filed by the State PCB on behalf of the joint Committee based on inspection of the concerned industries. The recommendations of the joint Committee are:

**“RECOMMENDATION OF THE JOINT COMMITTEE (INDUSTRY WISE):**

**I. M/s Hetero Labs Ltd., Unit - I, Unit - II & Unit - III, TSIIC, SEZ, Polepally (V), Jadcherla**

**(M), Mahabubnagar District:**

- The industry should stop the operation of oil fired boiler of capacity 1 X 5 TPH immediately as it is operated without permission of the SPCB.
- The industry should install separate energy meters to the APCE connected with Briquette fired boiler of capacity 1 x 5 TPH.
- The industry treats all its effluents, except RO rejects, in its treatment facility and reuse it against SPCB order dated 08.01.2018 which says that the industry shall lift the entire effluents from Unit - I, Unit - II & Unit - III to M/s PETL CETP. The industry should strictly comply the Board's order dated 08.01.2018.
- The industry shall take adequate control measures to prevent seepages to the adjacent industry namely M/s Shilpa Medicare Ltd., during rainy season.
- The industry should take control measures to meet the particulate matter emission from the stack attached to the Briquette fired boiler of capacity - 5 TPD.

**2. M/s. Shilpa Medicare Limited (Formerly Raichem Life Science Pvt. Ltd.), Plot No.S-20, 521, S-22, S-23 & S-24,-A at TSIIC-SEZ, Peddpally (V), Jadcherla (M) Mahabubnagar District:**

- The industry should provide first run off rain water collection tank of appropriate capacity based on the area of the industry and first run off collected shall be lifted to CETP along with other effluents and maintain records.
- The industry should provide adequate storage capacity to store the effluents for minimum of seven days capacity as prescribed in CFO.
- The industry should take control measures to meet the particulate matter emission from the stack attached to the Briquette fired boiler of capacity-3TPH.

**3. M/s.AurobindoPharma Ltd. Unit — VII, Sy.No.408 to 412, 418 to 435 etc.TSIIC-SEZ, Polepally (V), Jadcherla (M), Mahabubnagar District:**

- The industry should dismantle the below ground level effluent storage tanks being used to store industrial effluents as well as domestic waste water as per the Board's directions dt. 27.07.2019.
- The industry should go for first run off rain water collection tank of appropriate capacity considering the total area of the industry (50 Acres) as the existing tank capacity of 160 KL is highly insufficient and first run off collected shall be lifted to CETP along with other effluents and maintain records.
- The industry should provide the leachate collection system in the Hazardous waste storage shed.
- The empty raw material storage drums should be detoxified properly and stored in the closed shed before disposal.
- The dedicated storage area should be provided to store the waste oil drums before its disposal.
- The dust collector along with chimney should be provided in the mill room where crushing of rejected / expired medicines are carried out.
- The industry should obtain necessary permission from the Board for the operation of coal fired boiler of capacity 6 TPH with Bag filter followed by mechanical dust collector as APCE as it is operated without CFO of the Board.
- The industry should provide vent condensers in the storage tanks (2 Nos.) of capacity of 20 KL each where mixed spent solvents are stored.
- The industry treats all its effluents, except RO rejects, in its treatment facility and reusing it. The industry shall lift the entire effluents to M/s PETL CETP, as per the Board's directions dated 27.07.2019 for further treatment and disposal.
- The industry should take control measures to meet the particulate matter emission from the stack attached to the Furnace oil boiler of capacity - 4 TPH.

**4. M/s. Aurobindo Pharma Ltd. Unit — XVI, Sy.No.408 to 412, 418 to 435 etc. SEZ-IP, Polepally (V), Jadcherla (M), Mahabubnagar District:**

- The industry should dismantle all the below ground tanks being used for storage of waste water.
- The industry should stop the operations of 2 No. of 5 TPH Oil fired boilers and operate after obtaining the CFO of the Board.
- The industry should provide leachate collection pit in the hazardous waste storage facility. The industry should provide first run off rain water collection tank of appropriate capacity based on the area of the industry and first run off collected shall be lifted to CETP along with other effluents and maintain records.

**5. M/s. APL Health Care Ltd., Sy.No.410/P,411/P & 458/P, Plot No.S-1/B, TSIIC, SEZ. Polepally (V), Jadcherla (M), Mahabubnagar District:**

- The industry should dismantle all the below ground level tanks being used for storage of waste water.
- The industry should stop the operations of 2 No. of 5 TPH Oil fired boilers immediately as it is operated without CFO of the Board. The industry should not operate D.G. Sets 3 x 1500 KVA, 1 x 1000 KVA and 1 x 2000 KVA without obtaining CFO from the Board.
- The industry should provide leachate collection pit in the hazardous waste storage facility.
- The industry should provide first run off rain water collection tank of appropriate capacity based on the area of the industry and first run off collected shall be lifted to CETP along with other effluents and maintain records.
- The empty raw material storage drums should be detoxified properly and stored in the closed shed before disposal.
- The dedicated storage area should be provided to store the waste oil drums before its disposal.
- The dust collector along with chimney should be provided in the mill room where crushing of rejected / expired medicines are carried out.
- The industry should improve the house keeping in the hazardous waste storage area.

**6. M/s. Mylan Laboratory, (Formerly M/s. Glochem Industries Ltd.,) Sy.no.408, 410, Plot No.S-16 & S-17/A, TSIIC-SEZ, Polepally (V), Jadcharla (M), Mahabubnagar District:**

- The industry should dismantle all the below ground level tanks being used for storage of waste water.
- The industry should provide adequate storage capacity to store the effluents for minimum of seven days capacity as prescribed in CFO.
- The industry should provide first run off rain water collection tank of appropriate capacity based on the area of the industry and first run off collected shall be lifted to CETP along with other effluents and maintain records.
- The industry should provide Digital Flow meters at inlet & outlet of ETP and STP to quantify the wastewater generated and disposed to PETL CE

**7. M/s. Evertrogen Life Sciences (Formerly M/s. Optimus Generics Ltd.), Plot No.S-8, S-13/P & 5-14/P,, TSIIC, SEZ, Green Industrial Park, Polepally (V), Jadcherla (M), Mahabubnagar District:**

- The industry should provide adequate storage capacity to store the effluents for minimum of seven days capacity as prescribed in CFO.
- The industry should provide first run off rain water collection tank of appropriate capacity based on the area of the industry and first run off collected shall be lifted to CETP along with other effluents and maintain records.

**8. M/s. Shri Kartikeva Pharma (SEZ Unit), Sy.No.408-412, 418-435, 437-445, Polepally (V), Jadcherla (M), Mahaboobnagar District:**

- The industry should provide adequate storage capacity to store the effluents for minimum of seven days capacity as prescribed in CFO.
- The industry should not operate FE system without obtaining permission from Board.
- The industry should install digital flow meter to the final storage tank to quantify the waste water disposed to CETP.

**9.M/s. Amneal Oncology Pvt. Ltd. (Formerly M/s. Epsilon Pharmaceuticals Private Limited), Plot No.A-3, S-4 & A-5A, Sy.No.411, 425 etc. Polepally (V), Jadcherla (M), Mahabubnagar District:**

- The industry should provide. adequate storage capacity to store the effluents for minimum of seven days capacity as prescribed in CFO.
- The industry should provide first run off rain water collection tank of appropriate capacity based on the area of the industry and first run off collected shall be lifted to CETP along with other effluents and maintain records.
- The industry shall install Digital flow meter with totalizer facility instead of Mechanical flow meters.

**10. M/s. Suvarna Apparel & Fashion Exports Limited., Sy.Nos.103 to 109 & 148 to 152, Rangareddyguda (V), Balanagar (M), Mahabubnagar District:**

- The industry should provide proper shed for storage of hazardous waste and the storage area has to be provided with elevated concreted platform with dyke wall and leachate collection pit.
- The industry should extent the D.G. Sets stack above the roof of the building where it is installed with sufficient height as per the CPCB guidelines of Emission Regulations Part-TV.
- The industry should provide closed sheds for storage husk and husk ash to avoid the fugitive emissions.
- The soil analysis results show that the pH of the soil inside the premises is in the range of 5.6 to 9.76 which indicates the soil is either acidic or alkaline in nature. This may be due to discharge of untreated effluents inside the premises earlier.

- *The industry is right now under closure order. The industry should not be allowed to resume its operations until unless it upgrades ETP, MEE system with crystallizer and APCE attached with 6 TPH Boiler in all respects.*
- *It was learnt that the industry is going to close its operations permanently and in this regard the industry has reportedly submitted a letter to Member secretary, Telangana SPCB, Hyderabad.*

**CONCLUSIONS:**

1. *All the industries located in TSIIC SEZ Polepally, Jadcherla Mandal, Mahabubnagar District, Telangana are Pharmaceutical Formulations Units only except M/s Shri Kartikeya Pharma which is engaged in Ashwagandha extraction. All these industries are falling under Orange Category only and not Red Category as informed by the Petitioner to the Hon'ble NGT. It may also be informed here that Pharmaceutical Formulation industries are not coming under the purview of Environmental Clearance.*
2. *The industries located in TSIIC SEZ Polepally may be directed to comply with the recommendations of the Joint Committee for non-compliances as given above and submit the Action Taken Report (ATR) with time bound action plan to Telangana SPCB. Also as directed by the Hon'ble NGT in its Order dated September 20, 2019, Telangana SPCB may be directed to initiate action against violating industries by imposing environmental compensation for the violation period observed based on 'polluter pays' principle as per the guidelines prepared by CPCB.*
3. *The analysis results of ground water samples collected from bore wells of agricultural fields from surroundings of SEZ used for irrigation meet the IS:11624-1986 (Reaffirmed 2009), Guidelines for the Quality of Irrigation Water w.r.t. Sodium Adsorption Ratio (SAR), Residual Sodium Carbonate (RSC) and Boron Content. As regards to Total Salt Concentration, nearly 50 % of the bore well samples used for agricultural purposes fall under High Class as Electrical Conductivity is reported in the range of 3540 to 5040  $\mu$ mhos/cm. As the historical data of ground water quality of this area is not available, the reason for high salt content in these samples could not be explained clearly. The extensive use of ground water for agricultural purpose may be one of the reasons as there are no other water sources in this area other than ground water.*
4. *The analysis results of soil samples collected from the agricultural fields from northern side of SEZ, where complainants fields are located, reveals that the pH of the soil is slightly alkaline as pH is reported as 7.91 & 8.02 against the standard of 6.5-7.5, salinity effect is negligible as EC is reported less than 1 dSni<sup>l</sup>, Micro nutrients like Zinc & Copper are less than critical levels of 0.7 ppm and 0.3 ppm respectively and*

Heavy Metals like Cadmium, Nickel, Lead and Chromium are less than permissible limits of 0.5 ppm, 2 ppm, 5 ppm and 2 ppm respectively. This above results show that soil is not polluted. However, it is suggested that the farmers may take the advice of district agricultural officer and take corrective measures accordingly as the Joint Committee do not have expertise in this field.

5. The discharge of either treated or untreated effluents from any of the industries located in TSIIC SEZ Polepally from its premises was not noticed by the Joint Committee during inspection and monitoring of these industries.
  6. The Joint Committee noticed that TSIIC SEZ Polepally is lacking the drainage facility for collection and diversion of storm water. TSIIC may be directed to provide this facility immediately.
  7. It is suggested that TSIIC may install piezometric wells in all the four directions of SEZ to monitor the quality of ground water from time to time and develop green belt in the SEZ area.
  8. M/s. Suvarna Apparel & Fashion Exports Limited is located at Sy.Nos.103 to 109 & 148 to 152, Rangareddyguda (V), Balanagar (M), Mahabubnagar District and not in TSIIC SEZ Polepally. The distance between the former and later is more than 7 KM. M/s. Suvarna Apparel & Fashion Exports Limited was not in operation during inspection of the Joint Committee due to closure order issued by Telangana SPCB.”
4. In view of the above, further action may be taken by the Telangana State PCB in terms of above recommendations and also compensation may be assessed and recovered on ‘Polluter Pays’ principle after following due procedure of hearing the concerned polluters. A further action taken report may be filed before the next date by email at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in).

List for further consideration on 24.04.2020.

Adarsh Kumar Goel, CP

S.P Wangdi, JM

Dr. Nagin Nanda, EM

Siddhanta Das, EM

January 24, 2020  
Original Application No.189/2019  
AK

