

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

EXECUTION APPLICATION No. 20 OF 2020

IN

ORIGINAL APPLICATION No. 688 OF 2018

IN THE MATTER OF:

K. Lakshma Reddy

....

Applicant(s)

Versus

M/s. Siddi Vinayaka Oil Mill & Ors

....

Respondent(s)

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Place: Hyderabad

Date: 01-02-2021.

STATUS REPORT DATED 29-01-2021 OF THE TELANGANA STATE POLLUTION CONTROL BOARD IN COMPLIANCE TO THE ORDER OF THE HON'BLE NGT, NEW DELHI DATED 30.09.2020 IN EXECUTION APPLICATION NO. 20 OF 2020 IN OA NO. 688 OF 2018 FILED BY SRI.K.LAKSHMA REDDY Vs M/S SIDDIVINAYAKA OIL MILL & OTHERS.

The Hon'ble NGT in Execution Application No. 20 of 2020 in OA. No. 688 of 2018 filed by K.Lakshma Reddy Vs M/s Siddivinayaka oil mill & others vide order dated 30.09.2020 has directed as follows:-

"1. Grievance in this Execution Application appears to be that this Tribunal vide order dated 13.11.2019 in O.A No. 688/2018, after approving the report of the Joint Committee, directed the State PCB to take follow up action including recovery of compensation, in accordance with law and also ensuring compliance of observations of the Joint Committee with regard to deficiencies which required compliance of environmental norms. Thereafter, though the State PCB assessed the compensation, the NGT, Southern Bench, vide order dated 21.07.2020 in Appeal No. 09/2020(SZ), Piramal Enterprises Limited v. Telangana Pollution Control Board & Anr., set aside the same on the ground that the assessment was made without opportunity to the unit in question and directed that opportunity be given within 45 days.

2. Though the applicant has raised grievance that there was no requirement for further hearing as directed by the Southern Bench, only issue which needs to be considered is whether the State PCB has taken further steps of assessing and recovering compensation and ensuring compliance of environmental norms.

3. In view of above, let the Telangana State PCB look into the matter and take appropriate action in accordance with law and furnish a status report before the next date by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF".

In this regard, the Status Report of the Board is as follows: -

The Hon'ble NGT has initiated proceedings on the receipt of the letter from Sri.K.Lakshma Reddy and Suo Motu registered the Application as Original Application No. 688 of 2018 titled as "K.Lakshma Reddy vs M/s.Siddi Vinayaka Oil Mill & others" alleging that untreated effluents being discharged by Frigerio Conserva Allana Ltd., Algole Road, Zahirabad; M/s. Piramal Enterprises, Digwal, Kohir Mandal and Sri Siddi Vinayaka Oil Mill,

Zahirbad, Sangareddy District, adversely effecting the water quality and availability of ground water and drinking water to the inhabitants of the surrounding area.

The Hon'ble NGT, Principal Bench vide order dt.23.10.2018 directed the TSPCB and the District Magistrate of Sangareddy District to look into the allegation and take appropriate action and submit the report.

The Board submitted the Action Taken Report along with the report of the Multi Disciplinary Team to the Hon'ble NGT, PB.

The Hon'ble NGT, Principal Bench vide orders dated 08.08.2019 in OA No.688 of 2018 considered the question of fresh inspection to be conducted involving the presence of representative from the Central Pollution Control Board, Indian Institute of Technology, Chennai, National Environmental Engineering Research Institute (NEERI), Nagpur and the State Pollution Control Board and directed the Committee to submit further report in this regard.

The Joint Committee inspected the industries and surrounding areas. In obedience of the orders of Hon'ble NGT, PB, the Joint Committee submitted its report dated 31.10.2019 before the Hon'ble Tribunal making certain observations and recommendations.

The Joint Committee assessed Environmental Compensation and recommended the following on the three industries to be levied:

Sl.No	Name of the Industry	Amount of EC assessed and recommended
1	M/s. Frigerio Conserva Allana Ltd., Algole Road, Zahirabad, Snagreddy District	Rs.1,74,90,000/-
2	M/s. Piramal Enterprises, Digwal, Kohir Mandal, Sangareddy District	Rs.8,31,60,000/-
3	M/s. Sri Siddi Vinayaka Oil Mill, Zahirbad, Sangareddy District	Rs.14,20,000/-

The Hon'ble NGT vide order dt.13.11.2019 has taken into consideration the report filed by the Joint Committee and disposed off the application with the following direction: -

"The State PCB to take further follow up action, including recovery of the assessed compensation in accordance with law. The compliance of the observations in the recommendations may be ensured. Since, all the Three Red category units, the compliance of Environmental norms may be regularly monitored".

Subsequently, the Board has given an opportunity of hearing to the industries during the meeting held on 30.12.2019. During the meeting, the industry representatives were informed of the observations & recommendations of the Joint Committee report filed before the Hon'ble NGT (PB) and the orders of the Hon'ble NGT vide order dt.13.11.2019. Accordingly, the Board directed the industries to deposit Environmental Compensation as assessed and recommended by the Joint Committee Constituted by the Hon'ble NGT in OA No.688 of 2018.

M/s. Frigerio Conserva Allana Ltd., Alcole Road, Zahirabad, Sangareddy District paid the total compensation amount of Rs.1,74,90,000/- and M/s. Sri Siddi Vinayaka Oil Mill, Zahirbad, Sangareddy District paid an amount of Rs.6,20,000/- and requested to adjust forfeited amount of Bank Guarantee of Rs.8 Lakhs towards balance EC amount.

With regard to M/s. Piramal Enterprises, Digwal, Kohir Mandal, Sangareddy District, the industry has filed an appeal vide O.A.No:09 of 2020 before Hon'ble NGT (SZ), Chennai against the order passed by the Board to the extent of imposing Environmental Compensation Rs.8,31,60,000/- as directed by the National Green Tribunal, PB by the order dated 13.11.2019 on the basis of the recommendation of the Joint Committee appointed by the Tribunal. The Hon'ble NGT (SZ), Chennai, vide its order dt.05.03.2020, has stayed the direction of the Board to deposit the Environmental Compensation, for three weeks.

The Hon'ble NGT vide order dt.21.07.2020 in OA. No.9 of 2020, disposed of the appeal with a direction to TSPCB to consider the impugned order dated 29.01.2020 to the extent of imposing Environmental Compensation alone.

The Board issued Show Cause Notice to the industry on 26.08.2020 directing the industry to explain as to why they should not be directed to pay the Environmental Compensation amount i.e., Rs. 8,31,60,000/- as assessed and recommended by the Joint Committee duly enclosing the calculation of the Environmental Compensation arrived by the Joint Committee and recommendations.

The industry was reviewed in the Task Force Committee meeting held on 20.08.2020 on the compliances verified by the Board and the orders of the Hon'ble NGT. During the meeting, the reply of the industry on the directions of the Hon'ble NGT was reviewed and the committee after detailed discussions and duly taking into the consideration of the reply submitted by the industry, recommended that the request of the industry for exemption of the EC may not be considered.

The Board vide order dated 19.09.2020 directed industry to pay the Environmental Compensation of Rs. 8,31,60,000/- as assessed and recommended by the Joint Committee and in compliance of the Hon'ble NGT order dt.13.11.2019 within one week from the date of the order.

The industry has again filed an Appeal No. 27 of 2020 (SZ) & I.A. No. 104 of 2020 (SZ) in the Hon'ble NGT, South Zone, Chennai on the orders issued by the Board for payment of Environmental Compensation.

The Hon'ble NGT, Southern Zone, Chennai vide order dated 13.10.2020 set-aside the orders issued by the Board dt.19.09.2020 and the matter was remitted to the Board for passing fresh orders as observed by the Tribunal in the order. The Hon'ble NGT further directed the following:

"

- 1. Telangana State Pollution Control Board is also directed to give one more opportunity to the appellant for personal hearing to explain their objections filed to the show cause notice issued and thereafter consider the objections raised by them in the order to be passed in detail giving their reason as to why they are accepting or not accepting the same and arriving at the amount of compensation which is assessed against the appellant unit and pass appropriate fresh speaking/reasoned order.***
- 2. The appellant is directed to appear before the Telangana Pollution Control Board on 17.11.2020 at 03.00 P.M. either personally or online as the case may be and, if it is online. It must be intimated the portal in which the hearing will be conducted and link must be provided to the appellant by the Telangana State Pollution Control Board, so as to enable them to log - in and attend the hearing. "***

Accordingly, in obedience of the orders of the Hon'ble NGT, SZ the Board vide letter dated 10.11.2020 directed the industry to appear for hearing before the Board on 18.11.2020 to give one more opportunity to the appellant for personal hearing to explain their objections filed to the show cause notice issued.

The industry representatives attended the meeting on 18.11.2020. The industry was explained regarding the back ground of the hearing and a detailed presentation was given on the calculation of the Environmental Compensation carried out by the Joint Committee.

After detailed examination of the reply furnished by the industry, the Board issued reasoned and speaking orders vide Order dated 09.12.2020 directing to pay the Environmental Compensation.

The industry has again filed Appeal No. 1 of 2021 before the Hon'ble NGT, Chennai praying to set aside the direction to pay an Environmental Compensation of Rs.8,31,60,000/- as passed by the Board vide Order dated 09.12.2020.

The Hon'ble NGT, Chennai vide Order dated 11.01.2021 issued directions as follows: -

"

2. The appellant also prayed for an interim order for stay of recovery of the amount. The violations alleged to have been noted by the authorities are continuing since long time and even on the earlier occasions certain directions have been issued which according to the Pollution Control Board had not been complied with.

3. So under such circumstances we feel that instead of granting the blanket stay of recovering the amount, we feel it appropriate to grant a conditional stay of enforcing the order on condition that the appellant shall deposit 50% of environmental compensation impugned within a period of two months with the Pollution Control Board and on such deposit, the Pollution Control Board is directed to deposit the amount in a Nationalized Bank for six months so that in case the amount has to be returned, then the appellant should be entitled to get interest accrued on the deposit.

4. The Pollution Control Board is also directed to produce the proof of deposit of the amount in a Nationalized Bank as directed by this Tribunal for a period of six months before the next hearing date....".

The above Appeal is listed for hearing on 02.03.2021 at Hon'ble NGT, SZ, Chennai.

It is submitted that the Board will implement the directions of the Hon'ble NGT, Southern Zone, Chennai in Appeal No. 1 of 2021 regarding collection and deposition of 50% of Environmental Compensation amount by M/s. Piramal Enterprises.

**Sd/-
MEMBER SECRETARY**

// T.C.F.B.O //



**SENIOR ENVIRONMENTAL ENGINEER
LEGAL, TSPCB, HEAD OFFICE, HYD.**

Item No. 01

Court No. 1

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

(By Video Conferencing)

Execution Application No. 20/2020
IN
Original Application No. 688/2018

K. Lakshma Reddy

Applicant

Versus

M/s Siddi Vinayaka Oil Mill & Ors.

Respondent(s)

Date of hearing: 30.09.2020

**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**

ORDER

1. Grievance in this Execution Application appears to be that this Tribunal vide order dated 13.11.2019 in O.A No. 688/2018, after approving the report of the joint Committee, directed the State PCB to take follow up action including recovery of compensation, in accordance with law and also ensuring compliance of observations of the joint Committee with regard to deficiencies which required compliance of environmental norms. Thereafter, though the State PCB assessed the compensation, the NGT, Southern Bench, vide order dated 21.07.2020 in *Appeal No. 09/2020(SZ), Piramal Enterprises Limited v. Telangana Pollution Control Board & Anr.*, set aside the same on the ground that the assessment was made without opportunity to the unit in question and directed that opportunity be given within 45 days.

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List again on 21.01.2021.

A copy of this order be forwarded to the Telangana State PCB by e-mail for compliance.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Nagin Nanda, EM

September 30, 2020
Execution Application No. 20/2020
In Original Application No. 688/2018
SN