

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE
BENCH, AT CHENNAI**

ORIGINAL APPLICATION NO. 24 OF 2023

IN THE MATTER OF:

KOSGI VENKATAIAH & ANR.

...Applicant

v.

UNION OF INDIA & ORS.

...Respondents

INDEX TO THE ADDITIONAL TYPESET OF DOCUMENTS FILED BY R14

S. No.	DOCUMENT	Pg. No.
1.	TSPCB Zonal Office - Hyderabad Order No. 679-MBNR/TSPCB/ZOH/CFO/2023-287 dated 28.06.2023	1

It is certified that all documents contained in the above annexures are true copies.

Date: 12.07.2023



COUNSEL FOR 14TH RESPONDENT



TELANGANA STATE POLLUTION CONTROL BOARD
ZONAL OFFICE: HYDERABAD

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Order No: 679-MBNR/TSPCB/ZOH/CFO/2023- 287

Date: 28.06.2023

Sub: TSPCB – ZO-HYD - Consent for Operation (CFO) & Hazardous Waste Authorization (HWA) Order – **M/s. Shri Kartikeya Pharma (SEZ Unit), Sy.No.408-412, 418-435, 437-445, Polepally (V), Jadcherla (M), Mahaboobnagar District – Amendment – Issued – Reg.**

- Ref:**
1. CFO Order No. 679-MBNR/TSPCB/ZOH/TS-iPASS/CFO/2023-653, dated: 23.01.2023 valid upto 31.03.2032.
 2. Industry's representation dt: 09.05.2023 requesting for change of category.
 3. O.A No 24 of 2023 filed before Hon'ble NGT (SZ), Chennai.
 4. TSPCB, Regional Office, Hyderabad Lr. No. 1070/ TSPCB/ ROH/ RRD/ CFO/2023-342 vide report dated: 21.06.2023 and received by Zonal office, Hyderabad on 22.06.2023.
 5. The CFO Committee meeting held on 22.06.2023 at TSPCB, Zonal Office, Hyderabad.
 6. Industry letter dt: 22.06.2023 furnishing information.

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In the reference 1st cited, the Board had issued Consent order under Water & Air Acts to **M/s. Shri Kartikeya Pharma (SEZ Unit), Sy.No.408-412, 418-435, 437-445, Polepally (V), Jadcherla (M), Mahaboobnagar District** with a validity period upto 30.11.2031 to manufacture the following products along with quantities:

S.No.	Product & By product	Capacity (After Expansion)
1	Ashwagandha Extract	3000 Kg/day (900 TPA)

In the reference 2nd cited, the industry has submitted representation dt: 09.05.2023 requesting the Board for amendment to CFO stating that their line of activity falls under Green category instead of orange category as they are manufacturing Ashwagandha root extract using solely aqueous (water) extraction without using any chemicals or solvents.

Vide reference 4th cited, the EE, RO, Hyderabad submitted a report on the representation of the industry and on the latest status with regard to OA No.24 of 2023 filed before the Hon'ble NGT, Chennai.

Vide reference 5th cited, the Consent for Operation committee in its meeting held on 22.06.2023 examined the representation of the industry, RO report and the Case filed before the Hon'ble NGT, Chennai. . During meeting, the representative of the industry attended the meeting and gave a presentation on the process adopted for manufacturing Ashwagandha root extract. The committee noted that as per CPCB categorization of the industries, the line of activity “ Herbal products without using solvents ” falls under Green Category (Sl. No. 80), whereas the line of activity i.e., Herbal products using solvents falls under Orange category (Sl. No. 120). The committee noted that the process as described by the industry representative does not involve solvents or any chemicals. The herbal product i.e, Ashwagandha is produced/extracted using water. Hence, the line of activity falls under Green category (Sl. No. 80).

The committee further noted that an OA No.24 of 2023 was filed by Sri Kosgi Venkataiah & others Vs Union of India & others before the Hon'ble NGT, Chennai seeking for implementation of the directions given by Principal Bench of Hon'ble National Green Tribunal in O.A. No. 189/2018, particularly with reference to the levy and collection of environmental compensation. The above matter came up for hearing before the Hon'ble NGT on 17.05.2023. The counsel for the 14th respondent i.e., M/s. Shri Kartikeya Pharma (SEZ Unit), Sy.No.408-412, 418-435, 437-445, Polepally (V), Jadcherla (M), Mahaboobnagar District appeared and made submissions that

their industry is manufacturing a herbal product i.e., Ashwagantha and hence it is not covered under the EIA Notification and further submitted that the present application itself is unjust since the Reassessment process is still pending and not attained the final review yet.

The standing Counsel of the Board vide mail dt.23.05.2023 informed that the Tribunal directed the PCB to refer to the fact whether the 14th respondent attracts EIA notification and also directed to mention the category under which the industries fall.

The committee recommended that the category of the industry shall be considered as Green category and also opined that the line of activity does not attract the provisions of EIA Notification, 2006 and recommended to consider the request of the industry for change of category from Orange category to Green category.

Hence, as per the decision of the CFO Committee, an amendment is hereby issued to the existing Consent Order & Hazardous Waste authorisation as specified below issued, vide reference 1st cited:

CONSENT & HW AUTHORIZATION ORDER – ORANGE CATEGORY

This consent is valid for manufacture the following products along with quantities only

S.No.	Product & By product	Capacity (After Expansion)
1	Ashwagandha Extract	3000 Kg/day (900 TPA)

Shall be read as

CONSENT & HW AUTHORIZATION ORDER – GREEN CATEGORY

This consent is valid for manufacture the following products along with quantities only

S.No.	Product & By product	Capacity (After Expansion)
1	Ashwagandha Extract	3000 Kg/day (900 TPA)

All other conditions stipulated in the original Consent & HW Authorisation Order issued vide reference 1st cited shall remains same.

JOINT CHIEF ENVIRONMENTAL ENGINEER



To
M/s. Shri Kartikeya Pharma (SEZ Unit),
Sy.No.408-412, 418-435, 437-445, Polepally (V),
Jadcherla (M), Mahaboobnagar District
Email: kartikeya999@yahoo.com

Copy to the Environmental Engineer, Regional Office, Hyderabad for information and necessary action.