

Tandur Citizens Welfare Society Rep. By ... vs Government Of Telangana Rep. By Its ... on 26 February, 2021

Author: K. Ramakrishnan

Bench: K. Ramakrishnan

Item No.14:

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Original Application No. 195 of 2016 (SZ)

(Through Video Conference)

IN THE MATTER OF:

Tandur Citizens Welfare Society,
Reg. No.714/2016,
Rep. by its President,
Rajgopal Sarda,
Rangareddy District. Telangana

...Applicant(s)

Versus

Government of Telangana,
Represented by its Secretary,
Environment and Forest Department,
Hyderabad and Ors.

...Respondent(s)

Date of hearing: 26.02.2021

CORAM:

HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER

For Applicant(s): Mr. V.P. Sengottuvel.

For Respondent(s): Mrs. H. Yasmeen Ali for R1, R6, R8.
Mr. G.M. Syed Nurullah Sheriff for R2.
Mr. D.S. Ekambaram through
Mrs. Jayalakshmi for R3.
Mr. T. Sai Krishnan through
Mr. B. Lakshmi Narasimhan for R4.
Mr. K. Muthamil Raja for R7.
Mr. Rahul Balaji for R10 to R12.

Page 1 of 19
ORDER

1. As per order dated 03.12.2020, this Tribunal had considered the report submitted by the Telangana Pollution Control Board extracted in Para 3 of the order and thereafter, passed the following order:-

"4. It is mentioned in the report that M/s. Penna Cement Industries Limited (Plant) and M/s. Cement Corporation of India Limited who are the respondents 9 and 11 respectively are committing the violations and as per the directions issued by the Task Force (TF) Committee, the Pollution Control Board had already issued a show cause notice to them.

5. Since a show cause notice has already been issued, we will have to await the further proceedings to be taken by the Pollution Control Board in this regard. The respondents 9 and 11 are directed to submit their compliance report regarding the deficiencies noted in the committee report and the Telangana State Pollution Control Board is directed to submit their further action taken report in this regard.

6. We have received a document said to be a rejoinder filed by the applicant along with the copy of the E. Nadu news paper report dated 23.11.2020, published in E-Nadu daily. It is in Telugu and the rejoinder submitted is not in the form in which it is required to be filed.

7. When this was pointed out, the learned counsel appearing for the applicant submitted that he will file a proper rejoinder along with the translated version of the news paper report which they are relying on.

8. The applicant is permitted to file their rejoinder in the proper form along with the translated version of the news paper report and to serve a copy of the same to the District Collector, Vikarabad District, Telangana State and also to the Telangana State Pollution Control Board through their counsel, so that they can look into the same and incorporate their views in the report to be submitted before this Tribunal as directed by this Tribunal.

9. The Pollution Control Board as well as the District Magistrate are directed to submit the report on or before 19.01.2021 by e-filing along with hardcopies to be produced as per Rules.

10. The Registry is directed to communicate this order to the members of the committee, District Magistrate as well as to the Telangana State Pollution Control Board (TSPCB) by e-mail immediately so as to enable them to comply with the direction."

2. The case was posted to 19.01.2021 for that purpose. On 19.01.2021, it was adjourned to 17.02.2021 by notification and on 17.02.2021, it was adjourned to today for consideration of the report submitted and also for filing objection to the report by the applicant.

3. When the matter came up for hearing today through Video Conference, Mr. V.P. Sengottuvel represented the applicant. Mrs. H. Yasmee Ali represented respondents 1, 6 & 8, Mr. G.M. Syed Nurullah Sheriff represented 2nd respondent, Mr. D.S. Ekambaram through Mrs. Jayalakshmi represented 3rd respondent, Mr. T. Saikrishnan through Mr. B. Lakshmi Narasimhan represented 4th respondent, Mr. K. Muthamil Raja represented 7th respondent, Mr. Rahul Balaji represented respondents 10 to 12.

4. The Collector and District Magistrate, Vikarabad District filed an action taken report dated Nil received on 18.01.2021 which reads as follows:-

"Action taken report submitted before the National Green Tribunal (SZ) Chennai on the directions issued by Hon'ble NGT, New Delhi vide orders dated 14.11.2019 in O.A. No.925/2018 and orders of the Hon'ble NGT, Chennai dated 06.03.2020, 16.09.2020, 29.10.2020 and 03.12.2020 in O.A. No.195/2016 I submit that the said application came up for hearing on 03.12.2020 and the Hon'ble NGT, Chennai directed the sixth respondent to submit an action taken report on the directions issued by Hon'ble NGT vide order dt.14.11.2019 in O.A. No.925/2018. Accordingly, an action taken report on the (6) recommendations of the Joint Committee constituted by the Hon'ble NGT, New Delhi in O.A. No.925/2018 is herewith submitted as desired.

1. Construction of Bye-pass road in Tandur Town to avoid movement of heavy vehicles, which is the main source of air pollution in Tandur Town.

It is submitted that the land acquisition process has been initiated for the purpose of constructing Bye-pass road in Tandur Town with a view to avoid movement of heavy vehicles traffic and thereby reduce air pollution.

In this regard, it is submitted that the land to an extent of Acs.96.06 ½ Gts was acquired in various villages for the purpose of Bye- pass road situated at Chengole, Antharam, Kokat and Rasoolpur Villages. The land acquisition awards have been passed and compensation has also been paid to the land losers of all villagers except the farmers of Kokat village, where it is under process. Further, the acquired land has been handed over to the requisition department i.e., R&B Department under cover of panchanama. The tenders have been finalized and the work is in progress.

It is submitted that vide reference 11th cited the Deputy Engineer (R&B) Sub Division Tandur has addressed to R&B, E.E, Vikarabad District requesting for sanction of pending compensation for an amount i.e., Rs.3,16,98,398 for an extent Ac.46.9 Gts out of Ac.96.06 gts, which is pending at Finance Department vide Token No.2168/ Dt.14.03.2018.

2. Allocation of common lands of minimum 2 acres in each of four areas viz., Chincholi road, Kokat road, Hyderabad road and Kodangal road for disposal of stone

chips and sludge generated from stone cutting and polishing units as a short term measures.

It is submitted that, the Tahsildars of Tandur and Yalal Mandals have been instructed to identify suitable Govt. land for allocation of 2 Acres in each of four areas i.e. Tandur-Hyderabad, Tandur-Chincholi, Tandur-Kotak, Tandur-Karankote for disposal of stone chips and sludge generated from stone cutting and polishing units as a short term measure. But there is no suitable Government land is available for the above said purpose. (As such based on the direction issued by the Hon'ble NGT, the Assistant Director (Mines & Geology), Tandur has been directed to assist in identifying suitable land and submit requisition for the same for acquiring land if need be.)

3. The Government should explore the possibility of allocation of about 300 acres land for relocation of all stone cutting and polishing units outside the Tandur Town as a long term measure to prevent the air pollution in the Town.

It is submitted that the requisition has been received from Telangana State Industrial Infrastructure Corporation Limited, vide Lr. No.3030/TSIIC/Re-location/ORR/Lands/2017, dated 06.06.2020 for allotment of 300 acres of Government land to re-allocate all stone cutting and polishing units outside of the Tandur Town.

It is submitted that, an extent of Ac.96-02 Gts of Government land in Sy. No.76 situated at Navalga Village of Basheerabad Mandal is available for relocation of all stone cutting and polishing units outside the Tandur Town. (The feasibility study is underway and the allocation/ alienation process is underway as per Rules).

4. An efficient market place should be created for the sale and purchase of stone chips and sludge for the small scale units to sell their wastes to the cement industries. This will provide an incentive for the various stake holders to systematically handle the dust generating waste in the area. For this, the cement industry should be directed to accept the stone chips and sludge to utilize them in their process as a raw material. The Government may waive off the royalty on the waste accepted by the cement industry.

It is submitted that the Environmental Engineer, PCB has informed that much of the sludge and part of the stone chips are being consumed by the local sub industries for manufacturing of gypsum and for other allied utility. The areas so identified for dumping will act as central place for both storing and lifting operations of waste for the stake holders. The representatives of the cement industries initially though raised doubts on its viability but later came forward for its utilization after necessary quality check and subject to extension of certain incentives such as waiver of royalty etc. In this regard, the plant in charge, M/s. Indian Cements Limited informed that the

company already made a representation before the Government on utilization of quarry rejects generated after stone cutting in Sy. Nos.16, 68 and 69 of Malkapur Village, Tandur Mandal for its utilization in cement manufacturing process for blending with cement grade and high grade limestone. However, further instructed the officials to utilize even the stone cutting waste of the units and ensure that the location of such dumping yard be made closer to the main cement processing plants for an effective use and also directed the Assistant Director (Mines & Geology), Tandur to prepare proposals to the Government on waiver of royalty soon after the receipt of project proposal from the cement units. Accordingly, the proposals were submitted to the Director of Mines and Geology, Hyderabad through Lr. No.3041/NGT/ND/SWM/2019, Dt. 21.05.2020 for consideration by the Government orders are yet awaited.

5. The Government should direct the concerned departments to complete the ongoing road construction works within Tandur Town shall be completed in a time bound manner as it is one of the main sources of air pollution.

The Executive Engineer, R & B, Vikarabad has informed that about 90% of the road works within the Tandur town has been completed and the rest of the work is under progress and the same will be completed in a time bound manner.

6. The Municipal authority should take up regular sweeping of roads by using sweeping machines, sprinkling of water on the roads and development of green belt along the road side as a mitigation measures to control the air pollution.

It is submitted that as per the NGT orders, the instructions have been issued to the RDO, Tandur to co-ordinate and interact with Municipal Commissioner, Tandur for permanent arrangement to clean roads regularly and periodic sprinkling of water with development of green cover along the median and either sides of the road as one of the mitigation measure to control the air pollution.

In turn, the Commissioner, Tandur Municipality has furnished the action taken report in compliance to NGT orders dated 29.04.2019.

In Tandur Municipality there are (257) sanitation Staff (Regular & Out Sourcing) and the sanitation staff is engaged in following works i.e., Sweeping, Drain Cleaning, Silt lifting cleaning of public urinals, door to door garbage collection etc. The sanitation staffs are provided with 11 Nos. of Tractors, 13 Nos. of Auto, 1 No. of JCB and 1 No. Dozer for collection of door to door garbage and cleaning of drains and Nalas etc. The municipality has also given training to all sanitation workers as well as the resource persons to give proper awareness in public while separating Dry & Wet waste.

After door to door waste collection and segregation is also taking place.

The sanitation staffs also engaged for sprinkling water on main roads and also on internal roads wherever required with the help of water tankers with capacity of 5000 liters in a day with

maximum of 4 to 5 trips for controlling dust pollution.

Further task forces have been formed with sanitation staff for controlling plastic usage and fine is being imposed on these who violate the rules.

Further Garbage vulnerable points (GVPs) have been identified and many of them have been removed.

The Director of Municipal Administration has also issued further instructions under programme under which the Municipality has taken up sanitation drives, increasing greenery (Haritha Haram) and infrastructural improvements.

The Municipality is also taking stringent measures to curb the illegal dumping of stone wastes in the town.

Under the 6th phase of Haritha Haram programme of Telangana Govt. as per the instructions of the Commissioner & Director of Municipal Administration, the target for Tandur Town is 4.61 lakhs plants, out of which 1.25 lakhs is completed and the balance plantation is underway.

Further, it is submitted that the Task Force Committee has reviewed the status of the Cement factories limits, as per the online continuous emission monitoring system, the value of particulate matter was exceeding on some occasions of M/s. Penna cement industries Ltd. and M/s. Cement Corporation of India Ltd. and for which the committee has recommended for environmental compensation and the same was initiated.

As per the direction by the Hon'ble National Green Tribunal submitting the action taken report for consideration and pass such order or orders which deemed fit and proper in the circumstances of the case."

5. The Telangana Pollution Control Board filed the report dated 16.01.2021, wherein, they have mentioned that M/s. Cement Corporation of India Ltd., Tandur Cement Factory and M/s. Penna Cement Industry Ltd. have paid the environmental compensation imposed.

6. The respondents 10 and 11 have filed their additional affidavit and compliance report respectively stating that they have complied with all the conditions and there is no pollution caused on account of their activity.

7. The 12th respondent has not filed any compliance report but the learned counsel submitted that this unit is not functioning in the area in question and there is no possibility of any pollution being caused on account of the operation of the unit in the area in question.

8. The applicant has filed their objection in the form of rejoinder dated 13.02.2021 received on 25.02.2021 which reads as follows:-

"REJOINDER FILED BY THE APPLICANT TO THE REPLY FILED BY THE RESPONDENTS I, Rajgopal Sarda, Son of late. Asaramji Sarda, aged about 58 years, residing at No.7/7/52/4A, Gomthi Kunj, TANDUR-501141, Rangareddy District, Telangana, temporarily come down to Chennai do hereby solemnly affirm and sincerely state as follows:

1. I am the Applicant herein and as such I am well acquainted with the facts of the case. I deny all the allegations and the averments made in Reply Affidavit of the Respondents and they may be put to strict proof of the averments made therein except those that are specifically admitted herein.

2. It is submitted that when the representations made to the 3 and 4th respondents were not considered the Applicant herein on 02.04.2016 made a representation to the 19 & 210 respondents to take immediate steps to bring down the pollution level to normalcy in Tandur

3. It is submitted that the said representation dt.02.04.2016 came to be received by the 1st & 2nd respondents herein on 08/04/16 & 12/04/2016 However, till date the 15 & 2nd respondents herein have not acted on the representation to prevent the respondents 7, 9 to 13 from causing air and noise pollution in Tandur. It is submitted that the respondents 1, 2, 3, 4, 6, 8 are expected to act on the representations of the Applicant and to prevent the respondents 7, 9 to 13 from causing air and noise pollution which are now drastically affect over 75,000 people living in Tandur area and also rural masses living nearby these cement factories.

REJOINDER FILED BY THE APPLICANT TO THE REPLY FILED BY THE 1ST RESPONDENT

4. The averments made in paragraph 3 of the Reply of the 1st Respondent are denied. It is submitted that the 4th Respondent will not be in a position to monitor & control each and every category industry when the 4th Respondent is stationed more than 100 kms away from these Industries. It is submitted that the heavy vehicular traffic passing through the town is creating immense Air & Noise pollution. It is submitted that the Newspaper clippings clearly show that the cement industries are creating heavy air pollution and how farmers have been severely affected.

5. The averments made in paragraph 4 of the Reply of the 15th Respondent is denied. It submitted that the 4th Respondent came to Tandur town upon the repeated requests of the applicant on 17/12/2015 to measure the Air quality. It is submitted that the analysis report of February 2016 indicates PM10 value is 622 ug/m3 as against the National Ambient Air Quality Standard of 100 ug/m3. It is submitted that this report created serious anxiety and worries amongst the residents of Tandur and invited the attention of media. It is submitted that pursuant to the Air Pollution Report, there was one more analysis conducted by the 4th Respondent within a very short notice i.e., in the month of March, 2016. Hence, the 2nd inspection was made without informing anybody, that too immediately after the 18 inspection is submitted that the 1st respondent claims to have given directions to the Municipality to take curative steps against the Stone polishing Units & Cement

manufacturing Industries which cause the maximum pollution. However, neither the municipality has taken any productive step nor the TNPCB has taken any effort to curb the menace caused by such units.

6. The averments made in paragraph 5 & 6 of the Reply of the 1st Respondent are denied. It is submitted that the contentions made in paragraph 5 of our application, pertains to the year 2015 on a different issue but the 1st respondent has replied with respect to the 7th Respondent which is an issue pertaining to 2014. It is submitted that the respondents have not taken any action against the representations made neither in 2014 nor 2015. It is submitted that further, the cement industries to save its input costs are emitting collected dust in open air during the night. It is submitted that the 1st Respondent claims that, directions have been issued by the 4th respondent to defaulting industries on several dates which is not reliable as the same is not substantiated by any means and is not credible as there is no improvement in the quality of the air in and around the city of Tandur.

8. The averments made in paragraph 7 & 8 of the Reply of the 1st Respondent are denied. It is submitted that the 1st Respondent's statement denying that they have not received our Notice is utter false and unsustainable. It is submitted that the respondents by stating that, they never received any notice are only trying to shove their responsibilities and trying to mislead this Hon'ble Tribunal. It is also to be noted that, the 4th respondent had conducted Air quality monitoring Tests but they miserably failed to take any preventive steps to bring down the Air-pollution. It is submitted that unless heavy un-required vehicular traffic is diverted from entering Tandur town and forest cover is developed, this problem will not be solved. It is submitted that the 1st Respondent has also failed to state the preventive steps executed or planned to be executed by the 4th Respondent to bring down the Air- pollution which is of prime importance. It is submitted that the 1st respondent has failed to state if 4th respondent disconnected the water & power supply to the 7th respondent as he threatened to do so in his show-cause notice, if reply was not given within a period of 14 days. It is submitted that the reply of this respondent lacks any prospective action to be taken by the 4th respondent against the 7th respondent who continues to load cement dust in open and constantly and continuously violating the Air & Environment Protection Acts. It is submitted that, if the 7th Respondent denies permission of installing Air monitoring equipments in Railway Station, then the 4th Respondent has got every authority to take appropriate action against the 7th Respondent.

REJOINDER FILED BY THE APPLICANT TO THE REPLY FILED BY THE 2 RESPONDENT

9. With regard to averments made by the 2nd respondent in their reply affidavit are denied. It is submitted that the applicant has exhausted all remedies available to him by making representations before the concerned authorities, but they have turned a deaf ear to the same. It is submitted that, in fact the 2nd respondent has stated in his reply that the application quote PM₁₀ of 622 mg/m³ as against the National Air Quality Index (NAQI) of 100 mg/m³, but the 2nd Respondent has not taken any coercive methods to combat pollution in TANDUR area. It is submitted that the 2nd Respondent holding the crucial responsibility of maintaining a healthy environment have stated that there is a need for multi disciplinary approach. It is submitted that as stated by the 2nd Respondent, a multi disciplinary approach is very much necessary but the initiative should be taken by the 2nd Respondent which is robust ministry established by the Government to enact and administer all

matters regarding the environment issues.

REJOINDER FILED BY THE APPLICANT TO THE REPLY FILED BY THE 3 RESPONDENT

10. With regard to the averments made by the 3rd respondent in their reply affidavit are denied. It is submitted that the 3rd Respondent is agreeing to the fact that Cement factories should have online emission monitoring devices to track the pollution and emission in the locality but on the contrary the 4th Respondent has clearly mentioned that the Respondents 9 to 11 do not have such facilities. It is submitted that moreover, even though the 3rd Respondent has stated that Respondents 12 & 13 have online monitoring system but they have failed to disclose how many times the Short Message Service (sms) alerts have been sent to these units at least in last one year.

11. With regard to para 11 to 14 of the 3rd Respondent's reply, it is submitted that they have formulated certain schemes and extended their support with an assurance to provide technical and financial support to the 4th Respondent for installation of AAQM at Tandur. It is submitted that this respondent has specifically directed the 7th Respondent herein to follow the guideline as per the document on "Inventorization of Railway Sidings and Guidelines for their Environment Management". It is submitted that the prevailing conditions of pollution in the district of Tandur shows the non execution of the said guidelines by the concerned authorities.

REJOINDER TO THE REPLY FILED BY THE 4th RESPONDENT

13. It is submitted that the 4th Respondent came to Tandur town upon the repeated requests of the applicant on 17/12/2015 to measure the Air quality. It is submitted that the analysis report of February 2016 indicates PM10 value is 622 ug/m³ as against the National Ambient Air Quality Standard of 100 ug/m³. It is submitted that this report created serious anxiety and worries amongst the residents of Tandur and invited the attention of media. It is submitted that pursuant to the Air Pollution Report, there was one more analysis conducted by the 4th Respondent within a very short notice i.e., in the month of March, 2016. It is further submitted that therefore, the 2nd inspection was made without informing anybody, that too immediately after the 1st inspection and the same reveals that the pollution level found in Tandur area is far from the normal permissible level. It is submitted that the 1st respondent claims to have given directions to the Municipality to take curative steps against the Stone polishing Units & Cement manufacturing Industries which cause the maximum pollution, however, neither the municipality has taken any productive step nor the TNPCB has taken any effort to curb the menace caused by such units.

14. With regard to averments made in paragraph 6 of the reply filed by the 4th Respondent, the applicant is perplexed as to how the level of air pollution has drastically come down during the 20 AAQM conducted on 20.03.2016 & 21.03.2016. It is germane to note that, the 4th Respondent herein has not taken any effective steps to improve the air quality since the 1st AAMQ conducted on 17.12.2015. Moreover, the 4th Respondent himself has conceded to the fact that during the 2nd AAQM Analysis Report it was found that in the afternoon i.e., from 2:00 PM to 10:00 PM the PM10 value are at its peak-216ug/m³ and during the night time i.e., from 10:00 PM to 6:00 AM they are least-146ug/m³, both of which are well above the National Ambient Standards of 100ug/m³.

15. The averments made in paragraph 7 to 11 of the Reply affidavit of 4th respondent, are denied. It is submitted that although, the 4th Respondent has issued show cause notice dated 25/11/2014 to 7th Respondent & monitored the Stack and AAQM of three cement industries on several dates, he has failed to take necessary action against the 7th Respondent and other concerned respondents who have been constantly polluting the environment. It is submitted the 4th respondent merely states that he had issued directions to the cement industries and does not state anything about the compliance or follow up action in that regard which only reflects the his callous attitude, inefficiency and insensitivity towards the whole issue. It is submitted that the 4th Respondent who is the proper authority to take action against the erring officer herein being the 7th Respondent, by being a mute spectator has been directly/indirectly contributing to the raising pollution levels in Tandur.

REJOINDER FILED BY THE APPLICANT TO THE REPLY FILED BY THE 5th RESPONDENT

16. The averments made by the 5th respondent in their reply affidavit are denied. It is submitted that the 12th and 13th respondents did not take any steps to connect their plants to Railway lines as such till April, 2015. It is submitted that therefore both the respondents would rely upon the roadways and railway lines for transmission of raw materials and cement. It is submitted that respondents 12 & 13 transport their raw material and cement in overloaded trucks without tarpaulin covering which pass through the narrow streets of Tandur thereby polluting the entire atmosphere and making the air obnoxious and toxic. It is submitted that apart from the pollution caused by such industries, transmission of cement in such heavy trucks through the narrow streets of Tandur has contributed to a large extent to the spike in road accidents.

REJOINDER FILED BY THE APPLICANT TO THE REPLY FILED BY THE 6th RESPONDENT

17. The averments made by the 6th respondent in their reply affidavit are denied. It is submitted that the 6th respondent has merely stated the various schemes and policies in place which may seem very convincing at the first blush, however in reality none of it has been effectively implemented and pollution continues to be a serious threat. It is submitted that for instance the Haritha Haram scheme under which it was claimed by respondent that more than 10 Lakh saplings were planted was a big failure as most of the saplings did not survive owing to lack of proper irrigation and initial care.

REJOINDER FILED BY THE APPLICANT TO THE REPLY FILED BY THE 7th RESPONDENT

18. The averments made by the 7th respondent in their reply affidavit are denied. It is submitted that, the 7th Respondent is violating various Environmental laws, not from recent past but from 2004 onwards. It is submitted that the applicant has been constantly giving representations to the 7th Respondent reminding him to take action against the rising pollution levels. It is submitted that however, all such representations have fallen to deaf ears and the 7th respondent is continuously loading cement dust from platforms in open air on increasing decreasing methods. It is submitted that in fact the 3rd Respondent in their reply has clearly stated that this respondent has not been following the guideline as per the document on inventorization of Railway Sidings and Guidelines for their Environment Management". It is submitted that the precautions measures alleged to have

been taken by the 7th respondent is only on paper and has not been implemented.

REJOINDER FILED BY THE APPLICANT TO THE REPLY FILED BY THE 8th RESPONDENT

19. The averments made by the 8th respondent in their reply affidavit are denied. It is submitted that the 8th Respondent is holding one of the esteemed offices in the town of Tandur. It is submitted that the 8th Respondent is the authority responsible for all issues pertaining to the Town of Tandur. It is submitted that, when the level of pollution in the town has been increasing at such alarming levels, this Respondent ought to have taken necessary action to curb the same. It is submitted that, on 17/12/2015 the 4th Respondent herein came to Tandur to measure the Air quality wherein it was found that the PM10 value is 622 ug/m³ as against the National Ambient Air Quality Standard of 100 ug/m³. It is submitted that this clearly shows the dangerous extent to which the quality of air has been polluted. It is submitted that however, the 8th Respondent in his counter affidavit states that he does not have the authority to take action against the erring industries and also due to paucity of funds, which is untenable and unacceptable. It is submitted that even according to the 8th respondent there was a resolution for laying by-pass roads around Tandur Town, however it is unfortunate that the said project is yet to begin. It is submitted that when such beneficial projects being stalled endlessly, the ultimate sufferer is the common man.

REJOINDER FILED BY THE APPLICANT TO THE REPLY FILED BY THE 9th RESPONDENT

20. The averments made by the 9th respondent are denied. It is submitted that the aerial distance is the factor to be considered to determine pollution and not road distance. It is submitted that although the 9th respondent's plant is 15 Kms away from Tandur town, the 9th Respondent's Plant is located not more than 8 kms in aerial distance from extreme corner of Tandur town.

REJOINDER FILED BY THE APPLICANT TO THE REPLY FILED BY THE 10th, 11th, 12th & 13th RESPONDENTS

21. It is submitted that, it is an admitted fact that Tandur is reeling under immense pressure of 622ug/m³ of Air-pollution which the highest in any town/city. It is submitted that this is primarily because Industries like the Respondents herein (11, 12 & 13) were given permission without any forward thinking plan by Government planners. It is submitted that the forewarned dangers stipulated in the Environmental Protection Act has been clearly ignored to suit their convenience.

22. It is submitted that the 3rd Respondent has clearly stated in his Reply that, the 9th, 10 and 11th respondents has not installed online emission monitoring system. It is further submitted that although respondents 12 and 13 have installed online emission monitoring systems, it has not been stated the number of times SMS Alerts have been received in case of breach of standards. It is submitted that thus the directions issued by the Central Pollution Control Board under section 18(1)(b) of the Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981 has been violated by the 11th respondent.

23. It is reiterated that it is only the aerial distance that should be considered for determining the level of pollution caused and the actual distance is immaterial. It is submitted that apart from that, unprecedented noise pollution from heavy and unrequired traffic through Town limits for which Respondents 10, 11, 12 & 13 are one of the major reasons. It is submitted that there were many road accidents taken place resulting in loss of life and disabilities and to obtain the relevant details by way of an application under RTI Act was forwarded to ASP, Tandur but the same has not been answered so far in spite of more than repeated reminders. It is submitted that the Town of Tandur & Karankote has recorded the highest number of accidents.

24. It is submitted that with respect green belt the norms fixed is 33% coverage of land with Trees under normal conditions but again it is reiterated that not even 15% of our Tandur Constituency land is covered by Trees. It is submitted that the tall claims made by the respondents 10 to 13 with respect afforestation and increasing the green belt coverage is utter hogwash.

25. It is submitted that thousands of trucks carrying cement are being loaded in open air at Railway Station platforms of Tandur which is in the middle of the Town and thereby created nuisance for public and passengers ever since from the institution of these Industries. Moreover it is submitted that, the innumerable numbers of wagons are being loaded at platforms without following the guidelines formulated by CPCB. It is submitted that the above four respondents claim to have invested huge sum of money in the purchase and up-keep of pollution control equipment and devices however, in reality pollution continues to pose a serious menace to the residents of Tandur as per the recent Air Pollution Ambient Report.

26. It is to be noted that, even as per the comprehensive Report submitted by the 4th Respondent herein, it clearly reveals that the level of PM₁₀ values pertaining to the 11th respondent are in excess of the standard limits. It is submitted that the SPM value is exceeding the standard limit. Similarly, the SPM values of the 9th Respondent is well in excess of the standard limit.

Prayer:

For the foregoing reasons it is humbly prayed that this Hon'ble Tribunal may be pleased to direct the respondents 1, 2, 3, 4, 6, 8 herein to prevent respondents 7 and 9 to 13 from causing air and noise pollution in and around Tandur Taluk, Ranga Reddy District and further prevent respondents 9 to 13 herein from plying Heavy vehicles / Trucks in the narrow roads of Tandur Town and further direct the respondents to monitor Air and noise pollution emanates from the cement industries of respondents 9 to 13 and 7 herein and to pass such further or other orders deems fit and proper in the circumstances of the case and thus render justice.

Dated at Chennai 13th day of February, 2021"

9. As regards the District Collector report is concerned, it is a long term measure to be taken by the Government for the purpose of meeting the issue permanently. Even in the report, it was mentioned that though they want to identify the land for the

purpose of removing the chips by way of disposing it in a safer manner, they could not identify the land and they are in the process of identifying the land for that purpose. As regards the construction of bye-pass road etc. are concerned, the report shows that it is in progress.

10. However, those long term measures will take much time to comply with and till then we will have to consider whether the temporary measures that have been adopted/suggested are being complied with by the units and whether there is any improvement in the air quality in that area, in order to redress the grievance of the applicant so that this Tribunal can direct the cement companies which are said to be causing pollution to strictly adhere to the measures suggested till the permanent measures are implemented by the authorities by providing certain time limit for them to comply with those permanent measures as well. That could be the only possible way in which the application can be disposed of as it is not possible for this Tribunal to perpetually monitor the proceeding for a longer period as even as per the provisions of the National Green Act, 2010, the entire proceedings will have to be completed within a period of 6 (Six) Month from the date of filing of the application.

11. The Telangana State Pollution Control Board is directed to conduct further inspection of that area and conduct Ambient Air Quality Test and also submit a report as to whether there is any improvement in the Ambient Air Quality in that area and whether the temporary measures that have been adopted by the cement companies are sufficient to protect the interest of the local people against the pollution that is being complained of and suggest if any further improvement is required or any steps will have to be taken for redressing the grievance of the people in that locality so as to arrest the air pollution till permanent measure that is being adopted by the Government are implemented.

12. The Telangana State Pollution Control Board is directed to submit a further report as directed by this Tribunal on or before 31.03.2021 by e- filing in the form Searchable PDF/OCR Supportable PDF and not in the form of Image PDF along with necessary hardcopies to be produced as per Rules.

13. The Registry is directed to communicate this order to the Telangana State Pollution Control Board by e-mail immediately so as to enable them to comply with the direction.

14. For consideration of further report, post on 31.03.2021.

Sd/-

.....J.M. (Justice K. Ramakrishnan) Sd/-

Tandur Citizens Welfare Society Rep. By ... vs Government Of Telangana Rep. By Its ... on 26 February, 2021

.....E.M. (Shri. Saibal Dasgupta) O.A. No.195/2016, 26th
February, 2021. Mn.