

Tandur Citizens Welfare Society Rep. By ... vs Government Of Telangana Rep. By Its ... on 30 June, 2021

Bench: K. Ramakrishnan, K. Satyagopal

Item No.9:

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: 30.06.2021

CORAM:

HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE MR. Dr. K. SATYAGOPAL, EXPERT MEMBER

For Applicant(s):

Ms. K. Indhu Priya represented
Mr. V.P. Sengottuvel.

For Respondent(s):

Mrs. H. Yasmee Ali for R1, R6, R8.
Mr. L. Suryaprabhu represented
Mr. G.M. Syed Nurullah Sheriff for R2.
Mr. D.S. Ekambaram through
Mrs. P. Jayalakshmi for R3.
Mr. T. Sai Krishnan for R4.
Mr. Sidhaarth LN represented

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Mr. Rahul Balaji for R10 to R12.

ORDER

1. As per order dated 01.06.2021, this Tribunal had considered the report of the Telangana State Pollution Control Board dated 27.03.2021 e-filed on 30.03.2021 and received on 31.03.2021 which was extracted in Para 3 of the order and also considered the additional action taken report submitted by the District Collector, Vikarabad dated 26.03.2021 e-filed on 01.04.2021 and received on 08.04.2021 which was extracted in Para 7 of the order and then, passed the following order:-

"8. It is seen from the report submitted by the District Collector that acquisition proceedings are in progress for the purpose of shifting the stone cutting and polishing units and out of 300 Acres of land, 212 Acres have been taken as advance possession and regarding the balance area, steps will be completed within six months.

9. But they have not mentioned as to the time limit within which the shifting of the units by developing the industrial park will be completed by Telangana State Industrial Infrastructure Corporation. Unless certain action plan for shifting the units is also forthcoming, it cannot be said that it will be effectively implemented within a shorter time line.

10. It is also mentioned in the report that as regards the road work is concerned, 93% of the work has been completed and only 400 Meters remains to be completed and the same will be completed by 31st May, 2021, but we do not know the present status.

11. The applicant had produced certain photographs along with their memo dated 16.05.2021 showing the dust pollution that is being caused on account of the plying of the vehicles through these roads and also dumping of garbage on the side of the road.

12. The State Government is directed to submit a detailed further report regarding these aspects and the Pollution Control Board is also directed to file a further report on the basis of the photographs produced and also on the basis of the direction given by this Tribunal in the earlier paragraphs before the next hearing date.

13. The State of Telangana is also directed to come with a action plan with time frame within which the entire polluting industries namely, stone cutting and polishing units will be shifted to the proposed area namely, Basheerabad Mandal so that this Tribunal can dispose of the matter by giving certain directions to be complied with, instead of keeping the matter for a long time, as the matter is pending before the Tribunal for the last five years without reaching any logical conclusion and the pollution still continues according to the applicant.

14. The applicant also filed rejoinder showing the nature of pollution that is being continued even now.

15. The Pollution Control Board is also directed to ascertain as to whether the directions issued by the Principal Bench of National Green Tribunal in O.A. No.533 of 2019 (Anubhavkumar Vs. Union of India & Ors.) dated 28.01.2021 regarding the

control of air pollution caused in railway loading and unloading yard that is being maintained by the 7th respondent railway station are being complied while undertaking loading and unloading cement or any raw material transported for the cement factories in that area. If there is any violation, then what is the nature of action taken by the Pollution Control Board to abate such nuisance as well, it is to be reported when they are filing the action taken report before the next hearing date, as this is one of the grounds raised by the applicant in the rejoinder as source of pollution in Tandur Town.

16. The respective respondents and the District Collector and the State of Telangana are directed to come with a further detailed action plan for shifting the polluting industries as proposed and further action taken by the Pollution Control Board to abate the pollution that is being caused in that area and the status report of the acquisition proceeding and completion of road work when they are filing the report as directed to be filed before this Tribunal.

17. They are directed to submit the respective reports to this Tribunal on or before 30.06.2021 by e-filing in the form of Searchable PDF/ Supportable PDF and not in the form of Image PDF along with necessary hardcopies to be produced as per Rules.

18. The Registry is directed to communicate this order by e- mail immediately to the Telangana State Pollution Control Board, District Collector, Vikarabad District, Chief Secretary, State of Telangana, Principal Secretaries of Industries and Revenues and also to the General Manager, South Central Railway, Secunderabad for their information and for compliance of the direction of this Tribunal in an effective manner, as the 7th respondent is only a lower rank officer namely, Station Master whose powers will be very minimal and in order to meet the environmental norms, the railways are having their own section in respective regions who will be dealing with these issues to make the railway station and their activities in an eco-friendly manner for the purpose of getting eco- friendly certificate that is being issued by the Ministry."

2. The case was posted to today for consideration of further reports.

3. When the matter came up for hearing today through Video Conference, Ms. K. Indhupriya represented Mr. V.P. Sengottuvel for the applicant. Mrs. H. Yasmee Ali represented respondents 1, 6 & 8. Mr. L. Suryaprabhu represented Mr. G.M. Syed Nurullah Sheriff for 2nd respondent, Mrs. P. Jayalakshmi represented Mr. D.S. Ekambaram for 3rd respondent, Mr. T. Sai Krishnan represented 4th respondent and Mr. Sidaarth LN represented Mr. Rahul Balaji for respondents 10 to 12.

4. We have received the report submitted by the District Collector, Vikarabad District e-filed on 28.06.2021 and received on 30.06.2021 which reads as follows:-

"DETAILED ACTION PLAN SUBMITTED BY THE COLLECTOR & DISTRICT MAGISTRATE, VIKARABAD (6TH RESPONDENT) BEFORE THE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI ON THE DIRECTIONS ISSUED VIDE ORDERS DATED: 01.06.2021 IN O.A No. 195 of 2016 IN THE MATTER OF TANDUR CITIZENS WELFARE SOCIETY IN CONNECTION WITH PREVENTION OF POLLUTION IN TANDUR TOWN

1. Construction of Bye-Pass road in Tandur Town 12.92 km bye-pass road which connects Tandur town to major markets including Vikarabad & Hyderabad is under Construction. Ac 73-09 gts., is acquired and a balance Ac 23-37 is under process for acquisition. A length of 6kms is in progress which will be completed by December 2021. This stretch will bypass majority traffic bound from Tandur town. The Balance 6.9 km road is also under progress and will be completed by June 2022.
2. Relocation of all stone cutting and polishing units to outside Tandur Town Ac 300 has been identified in Basheerabad Mandal for development of an industrial park to accommodate approximately (700) such units. Advance possession of Ac 212 has been handed over to TSIIC. The balance patta land is under acquisition and shall be completed by July 2022 as per the LA Act, 2013. A comprehensive plan for the envisaged Industrial Park in Navalga village of Basheerabad mandal with common infrastructural facilities to suit the requirements of Stone Cutting and Polishing Units which are to be relocated and considering its future requirements is being developed by the TSIIC duly defining the ratios of allotment and will be completed by August 2021. After the final approval of the layout by the government (Budget, technical & EC), allocation of the plots by the industries department will be taken up and shift the units to the proposed park by February 2022.
3. Complete ongoing road construction works within Tandur Town in a time bound manner.
- (5) road works with a length of about 6.05 kms has been completed. Remaining (1) work is under progress and will be completed by October 2021.
4. Shift lorry parking from Tandur town to the proposed Truck park in Antharam village: To ease vehicular movement and avoid entry of heavy vehicles into Tandur Municipality area, an alternative site in Antharam has been identified. The Survey & demarcation has been completed and process to handover land to TSIIC to develop it, is underway and shall be completed by July 2021."
5. The Telangana State Pollution Control Board also filed a further report dated 26.06.2021, e-filed on 28.06.2021 and received today which reads as follows:-

"REPORT DATED 26-06-2021 OF THE TELANGANA STATE POLLUTION CONTROL BOARD (R4) IN ORIGINAL APPLICATION No. 195 OF 2016 FILED BY TANDUR CITIZENS WELFARE SOCIETY, TANDUR, VIKARABAD DISTRICT.

The Hon'ble NGT, Chennai vide Order dated 01.06.2021 directed the Telangana State Pollution Control Board to submit a further report in the matter. In this regard, the

following is submitted: -

I. Online Monitoring Systems by the Industries: The 3 cement industries namely (i). M/s. Cement Corporation of India Ltd., (ii) M/s. The India Cements Ltd., and

(iii). M/s. Penna Cement Industries Ltd., have installed online stack monitoring & ambient air quality monitoring systems and connected to the Central Pollution Control Board & Telangana State Pollution Control Board websites.

The Telangana State Pollution Control Board is regularly monitoring the three cement industries for compliance of the Board directions and the observations are as follows:

i. M/s. Cement Corporation of India Ltd., The industry has installed online continuous stack and ambient air quality monitoring systems. The industry has exceeded Particulate Matter (PM₁₀) eight (8) times since November, 2019. The Board has reviewed the status of the industry in the Task Force meeting held on 23.10.2020. After detailed discussions, the committee recommended to levy environmental compensation to the industry.

Accordingly, the Board has levied the environmental compensation of Rs.2,40,000/-.

The industry has paid the environmental compensation. Based on the directions of the Board, the industry has recently replaced the Electro Static Precipitator (ESP) by Reverse Air Bag House (RABH) for the Raw Mill & Kiln.

The online monitoring systems are calibrated every six months to ensure the efficiency of the monitoring systems and to obtain representative values.

ii. M/s. Penna Cement Industries Ltd., The industry has installed online continuous stack and ambient air quality monitoring systems. The industry has exceeded Particulate Matter (PM₁₀) eight (8) times since November, 2019. The Board has reviewed the status of the industry in the Task Force meeting held on 23.10.2020. After detailed discussions, the committee recommended to levy environmental compensation to the industry.

Accordingly, the Board has levied the environmental compensation of Rs.3,30,000/-.

The industry has paid the environmental compensation. The online monitoring systems are calibrated every six months to ensure the efficiency of the monitoring systems and to obtain representative values.

iii. M/s. The India Cements Ltd., The industry has installed online continuous stack and ambient air quality monitoring systems. The industry has not exceeded any parameters since November 2019.

The online monitoring systems are calibrated every six months to ensure the efficiency of the monitoring systems and to obtain representative values.

II. Photographs submitted by the Complainant:

The Complainant vide memo dated 16.04.2021 has submitted photographs. The Board Officials have conducted Ambient Air Quality Monitoring (AAQM) in Tandur Town at 3 locations i.e.,

(i).Terrace of Police Station, Tandur; (ii).Terrace of Satya Sai Temple (located near Tandur Railway Station) and (iii).near Office room of HP Petrol Bunk, to ascertain the Ambient Air Quality in Tandur.

The analysis reports (Annexure-I) are tabulated below:

Table 1: AAQM Results of Tandur Town monitored on the terrace of Tandur Police Station, Shanthi Nagar Colony, Tandur (M), Vikarabad District.

| Date of Sampling | Time and duration of sampling | PM10 µg/m3 | TSPM µg/m3 | SO2 µg/m3 | NOx µg/m3 |
|--|-------------------------------|---------------|---------------|--------------|--------------|
| National Ambient Air Quality Standards (NAAQS) | 02:32 pm | 100 | --- | 80 | 80 |

Table 2: AAQM Results of Tandur Town monitored on the Terrace of Sri Satya Sai Seva Sadan, (Control Station) (located about 300 m from Railway Station, Tandur).

| Date of Sampling | Time and duration of sampling | PM10 µg/m3 | TSPM µg/m3 | SO2 µg/m3 | NOx µg/m3 |
|--|-------------------------------|---------------|---------------|--------------|--------------|
| 23.06.2021 | 10:00 am to 06:00 pm | 83 | 130 | 16 | 42 |
| National Ambient Air Quality Standards (NAAQS) | | 100 | --- | 80 | 80 |

Table 3: AAQM Results of Tandur Town monitored near office room of HP Petrol Bunk of M/s. Faiyaz & Co. (Adjacent to Leo-9 Fuel Station Gouthapur (V), Chincholi Road, Tandur (M), Vikarabad Dist.

| Date of Sampling | Time and duration of sampling | PM10 µg/m ³ | TSPM µg/m ³ | SO ₂ µg/m ³ | NO _x µg/m ³ |
|--|-------------------------------|---------------------------|---------------------------|--------------------------------------|--------------------------------------|
| 16.06.2021 | 06:00 am to 02:00 pm | 70 | 651 | 68 | 6 |
| National Ambient Air Quality Standards (NAAQS) | | 100 | --- | 80 | 80 |

As per the analysis reports of three locations, at two locations namely, on the Terrace of Sri Satya Sai Seva Sadan, (Control Station) (located about 300 m from Railway Station, Tandur) and near office room of HP Petrol Bunk of M/s. Faiyaz & Co. (Adjacent to Leo-9 Fuel Station), the parameters (PM10, SO₂ & NO_x) are well within the limits as against National AAQ Standards (NAAQS).

However, the Particulate Matter (PM₁₀) value is observed 132 µg/m³ as against the NAAQS standard of 100 µg/m³ at the Police Station, Tandur, which is a four road junction, where the vehicular movement is more with high dust generation and also dust accumulation is observed along the road side. The Board has issued Show Cause Notice on 24.06.2021 to the local body (Municipal Commissioner, Tandur) for effective implementation of Solid Waste Management Rules, 2016 i.e., implementation of door to door garbage collection, increase the frequency of road sweeping, water sprinkling on the roads to suppress the dust, develop the green belt along the road side and not to burn garbage openly.

III. Status of Road work in Tandur Town:

The Board officials inspected Tandur Town and observed that the pending 400 mtrs road work is completed. IV. Pollution at Railway Station:

The Board officials inspected Tandur Railway Station on 16.06.2021 and discussed the issue of loading & unloading of materials from Cement Industries. The Station Master, Tandur Railway Station informed that they have stopped loading and unloading since 2017. He further informed that prior to 2017, the cement plants were using the Tandur Railway Station for loading & unloading of Raw materials & Products. However, subsequently all the cement industries have established their own railway siding for transporting of the raw materials and cement directly. The AAQM carried out near Railway Station (at Sri Satya Sai Seva Sadan, located about 300 m from Railway Station, Tandur) shows that the PM₁₀, SO₂ and NO_x are within the AAQ Standards.

V. Shifting of Stone Cutting and Polishing Units:

The Telangana State Industrial Infrastructure Corporation (TSIIC) Ltd., has informed that they have acquired 212 acres of land at Novalga Village, Tandur Mandal, Vikarabad District and in the process of developing industrial park for stone cutting and polishing units. The Revenue Department has informed that as soon as the industrial park will be commenced the shifting of stone cutting and polishing units shall be taken up. The TSIIC informed that the schedule time for completion of Industrial Park is February 2022.

VI. By-pass Road for Tandur Town:

The land required for the by-pass road is 97 Acres 6 guntas. Out of total land, the acquisition was completed for 73 acres 9 guntas, remaining 23 acres 37 guntas are under process for acquisition.

The total length of the by-pass road is 12.9 kms. Out of 12.9 kms, 6 kms road work is in progress which will be completed by December 2021. Once the 6 kms stretch is completed, majority traffic will be by-passed from entering the town. The remaining 6.9 kms by-pass road is proposed to be taken up after completion of 6 kms stretch.

The following measures are suggested to be taken up by the concerned Authorities to further improve the Ambient Air Quality in Tandur Town: -

- i. The vehicles carrying raw materials and products shall be covered completely.
- ii. The frequency of intervals of cleaning / sweeping of roads and water sprinkling through dedicated water tanker shall be increased.
- iii. The stone cutting and polishing units shall not dispose stone chips and slurry along the roadside.
- iv. The R&B Department shall complete the by-pass road to reduce the traffic load in the town.

The Board will regularly monitor the Ambient Air Quality in Tandur Town to sensitize the Stakeholder Departments to take necessary measures. The Board will also regularly monitor the Cement industries for compliance of Air Quality Standards."

6. It is seen from the report submitted by the Telangana State Pollution Control Board that they have found some violations recently and levied penalty against two industries namely, M/s. Cement Corporation of India Ltd. and M/s. Penna Cement Industries Ltd., which they have paid. They have also given certain recommendations

for curbing dust pollution that is arising as well. As regards the pollution at railway station is concerned, it was mentioned that prior to 2017, some cement plants were using the Tandur Railway Station for loading and unloading of raw materials and products. However, subsequently all the cement industries have established their own railway siding for transporting the raw materials and cement directly and the ambient air quality near the railway stations are within the standards prescribed.

7. They have not mentioned anything about the ambient air quality at the railway sidings where loading and unloading is being done at the premises of cement factories.

8. Further, this Tribunal had directed the Pollution Control Board to consider the performance and functioning of the Online Continuous Emission Monitoring System (OCEMS) as to (a) whether at any point of time they found any exceedance of the standard and how many times it has been found, (b) whether at any point of time, the OCEMS was non-

functional and if yes, what is the duration and periodicity and whether correspondingly production was impacted and (c) what is the nature of action taken by them on that basis.

9. As regards 1st direction is concerned, the Pollution Control Board has taken action and imposed environmental compensation against two cement factories namely, M/s. Cement Corporation of India Ltd. and M/s. Penna Cement Industries Ltd. and they have recovered the environmental compensation as well and certain directions were given and those were complied by them.

10. As regards 2nd direction is concerned, they have not mentioned anything about the same in the report submitted.

11. When this was pointed out, the learned counsel appearing for the Pollution Control Board submitted that they will look into the issue and file a detailed report regarding the same.

12. As regards the acquisition proceedings and formation of road in Tandur Town is concerned, the Pollution Control Board had mentioned in their report that the pending 400 mts. work is completed, but the report of the District Collector shows that road work with a length of 6.05 Kms has been completed and the remaining work is under progress and will be completed by October - 2021.

13. There is some contradiction regarding the completion of road work within Tandur Town in both the reports. So, the Telangana State Pollution Control Board as well as the District Collector, Vikarabad are directed to clarify the same.

14. The counsel appearing for the applicant submitted that they have not received the copy of the report of the District Collector.

15.It may be mentioned here that all the reports will be uploaded in the National Green Tribunal portal as and when received and the parties are at liberty to get it by downloading the same from the website.

16.The parties are directed to file their objections (if any) to the report to this Tribunal before the next hearing date.

17.The Telangana State Pollution Control Board as well as the District Collector, Vikarabad are directed to submit the report regarding the further progress of the work done by them in this regard including steps taken for shifting the industries before the next hearing date.

18.The parties are directed to file their respective reports as well as objections (if any) to this Tribunal on or before 28.07.2021 by e-filing in the form of Searchable PDF/ Supportable PDF and not in the form of Image PDF along with necessary hardcopies to be produced as per Rules.

19.The Registry is directed to communicate this order to the Telangana State Pollution Control Board, District Collector, Vikarabad District and also to the official respondents including the Chief Secretary, Principal Secretary of Environment, Revenue, Finance and Industries by e-mail immediately so as to enable them to comply with the direction and take steps to expedite the matter at the earliest.

20.For consideration of further reports and objections (if any) to the report filed, post on 28.07.2021.

Sd/-

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

.....E.M. (Dr. K. Satyagopal) O.A. No.195/2016, 30th June, 2021. Mn.