

HIGH COURT OF ANDHRA PRADESH

MAIN CASE No:W.P.No.19154 OF 2023

PROCEEDING SHEET

SL. NO.	DATE	ORDER	OFFICE NOTE
1.	01.08.2023	<u>RNT,J & BVLNC,J</u> Heard Sri Mortha Srinu Babu, learned counsel for the petitioner and Sri V. Surendra Reddy, learned counsel for the respondent Nos.2, 3 and 4 and learned Government Pleader for Forests for the respondent No.1. 2. The petitioner was granted the Consent Fee for Operation (CFO) under Sections 25 and 26 of Water (Prevention & Control of Pollution) Act 1974 and Section 21 of Air (Prevention & Control of Pollution) Act 1981 r/w rules vide Consent Order No. ATP – 822/APPCB/ZO-KNL/CFO/2018, dated 30.08.2018 by the respondent No.3. The validity period of the consent order was upto 30.06.2023. The petitioner applied for the renewal on 12.06.2023. The grievance raised is with respect to the demand notice whereby demanding and asking the petitioner to make the payment of the difference of the Consent for Operation fee, pursuant to G.O.Ms.No.13, dated 26.02.2021. 3. Learned counsel for the petitioner submits that the G.O.Ms.No.13, came into force on 26.02.2021 and it was superseded by	

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		G.O.Ms.No.10, dated 14.02.2023. He further submits that as per G.O.Ms.No.13, "the existing Oil & Gas Sector, mining projects/facilities/activities etc., who have already obtained CFO of the Board, have to pay the fee as per the revised rates after expiry of the remaining validity period of CFO from the date of issue of this notification". Consequently, the submission is that since the validity period has not expired the G.O.Ms.No.13, 26.02.2021, could not be applied to the petitioner's case. He further submits that on the date of expiry of the validity period, the G.O.Ms.No.13 had already been superseded by G.O.Ms.No.10, dated 14.02.2023. Consequently, there is no liability for the payment under the demand notice. He further submits that the petitioner is ready to make the payment, as per G.O.Ms.No.10, dated 14.02.2023, of renewal fee of Consent for Operation. 4. Sri V. Surendra Reddy, learned counsel for the respondent Nos.2, 3 and 4 does not dispute the said position, but submits that there is one circular pursuant to which the demand notice has been issued. He prays for time for filing counter affidavit. 5. Let the counter affidavit be filed within a period of four (04) weeks. 6. If counter affidavit is filed, the reply/rejoinder affidavit, if any, may be filed within a further period of two (02) weeks.	

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		7. List on 12.09.2023. 8. In the meantime, the operation of the impugned demand notice shall remain stayed. The petitioner's application for renewal/grant of the Consent for Operation, shall be considered by the authorities as per the present G.O.Ms.No.10, dated 14.02.2023, as per law. _____ RNT,J _____ BVLNC,J Scs	