

Item No.1:-

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

Dated this the 24th day of January, 2024.

(Through Video Conference)

Original Application No.98 of 2023 (SZ)

[Earlier O.A. No.281/2023 (PB)]

IN THE MATTER OF

Marothi Veeravenkata Ganeswararao

6-67/1, Balabhadrapuram,
Jaggampeta Mandalam,
Koturu, East Godavari,
Andhra Pradesh – 533 435.

...Applicant(s)

Versus

1) The Chairman

Andhra Pradesh Pollution Control Board
D.No.33-26-14 D/2, Near Sunrise Hospital,
Pushpa Hotel Centre, Chalamalavari Street,
Kasturibaipet, Vijayawada – 520 010.

2) The District Collector

East Godavari District
District Collector Office,
Collectorate, Kakinada,
East Godavari District,
Andhra Pradesh – 533 001.

3) M/s. Assago Industries Private Limited

Rep. by its Proprietor,
Sy. No.171, 172 & 279/1 (P)
Gummaladoddi Village,
Gokavaram Mandal,
East Godavari District – 533 286.

...Respondent(s)

For Applicant(s):

Mr. S. Sai Sathya Jith
M/s. P.V. Suresh, A. Augustin, Sasidharan,
A. Prashanth & S. Gayathri Devi.

For Respondent(s):

Mrs. Madhuri Donti Reddy for R1 & R2.
M/s. A.R. Takkar, M. Swaminathan,
Shriya Takkar & Tejasvi Chaudhry for R3.

Judgment Reserved on: 11th January, 2024.

CORAM:

HON'BLE SMT. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER

JUDGEMENT

Delivered by Smt. Justice Pushpa Sathyanarayana, Judicial Member.

1. This letter petition was originally received by the Principal Bench of the National Green Tribunal, New Delhi and was registered as Original Application No.281 of 2023 (PB) and later transferred to this Bench and renumbered as Original Application No.98 of 2023 (SZ).

2. The grievance of the applicant is regarding the illegal establishment of the 3rd Respondent unit (M/s. Assago Industries Private Limited) which is manufacturing Ethanol and generating power and the polluted water is re-bored into the groundwater damaging the groundwater quality causing serious air and water pollution resulting in severe environmental damage.

3. According to the applicant, the Andhra Pradesh Pollution Control Board (APPCB) in their Consent for Establishment (CFE) has stated that the industry produces 154 Tonnes of Carbon dioxide (CO₂) per day and discharges 9,25,000 Litre per day of polluted water outside the industry. The APPCB has not given any specific direction as to how the wastewater should be used. Besides the Ethanol, the plant is also having a 6.2 MW Co-generation Power Plant (Biomass-based), for which, there is no separate Environmental Clearance obtained by the 3rd Respondent.

4. The S.O. 2339 (E) of the MoEF&CC dated 16.06.2021 was referred to in this regard. As per the above S.O., to give a further boost to the Ethanol Blending Program, Grain based distilleries, having Zero Liquid Discharge (ZLD) and set up to produce only ethanol for the purposes of the Ethanol Blending Program of the Government, and keeping in view overall

environmental, social and economic benefits in production of ethanol from such distilleries including reduction in Green House Gas emissions in comparison to conventional fossil-fuel, less water and air pollution, potential boost to agricultural economy, etc., the Central Government deems it necessary to give a special dispensation as regards granting of Environmental Clearances (EC) to such category of projects [Manufacturing of ethanol by Grain Based distilleries with Zero Liquid Discharge, to be used for Ethanol Blended Petrol Programme of the Government], subject to certain conditions. Accordingly, the Clause 5 (ga) was introduced.

5. In the instant case, the Project Proponent had already obtained an Environmental Clearance dated 27.09.2022 under 'B2' Category for the project including Grain-based Distilleries for Ethanol Blended Petrol along with 6.2 MW Co-generation Power Plant at Gummalladoddi Village, East Godavari District. The details of the products and capacity of the proposed unit were furnished in the Environmental Clearance itself which included the distillery unit, cogeneration power plant, DWGS dryer and fermentation unit. As the Environmental Clearance is issued under the 'B2' Category, the standard TOR and a public hearing were not applicable to the project.

6. The project proponent (3rd Respondent) has stated that the Environmental Clearance was granted to them on 27.09.2022, for establishing a Grain-based Distillery for Ethanol Blend having a capacity of 200 KLPD along with a 6.2 MW Co-generation Power Plant at Gummalladoddi Village, Gokavaram Mandal, East Godavari District. The ethanol produced will be solely used for the ethanol blended petrol program of the Government of India. The plant will be a Zero Liquid Discharge (ZLD) unit and no effluent or treated water will be discharged outside the factory premises. It is also assured to install the Online Continuous Emission Monitoring System (OCEMS) and data will be transmitted to CPCB/SPCB servers continuously. The CO₂ generated will be collected in the CO₂ plant and after liquefaction, the CO₂ will be sold to industries such as pharmaceuticals, beverages, etc. The ash generated will be sold to the nearby brick manufacturers in covered vehicles. The oil

and grease generated from the plant machinery/gearboxes as hazardous waste will be sold to the CPCB's authorized recyclers. Special machineries were also provided for the separation of Suspended Solids which will be treated as a Multi-effect Evaporator followed by a DWGS dryer. The Consent to Establish was granted by the APPCB on 01.11.2022 and is valid for a period of 7 years. It is stated further that the industry is being set up after obtaining a valid CTE and in accordance with the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981. The unit also obtained pre-establishment permissions and clearances from various departments. The construction of the industry commenced in the year 2023 and as on date, the unit is not yet operational and is under construction.

7. At this stage, the learned counsel appearing for the applicant mentioned that a separate Environmental Clearance is required when there is a Co-generation Power Plant of 6.2 MW capacity. However, a perusal of the Environmental Clearance granted specifically mentioned about the Co-generation Power Plant of 6.2 MW.

8. As per the EIA Notification, 2006, **Item 1 (d)** of the list of the projects/ activities requiring prior Environmental Clearance specifically exempts the Power Plant up to 15 MW based on biomass or non-hazardous Municipal Solid Waste and using auxiliary fuel such as Coal/ Lignite/ Petroleum products up to 15%.

9. In the instance case, it is only 6.2 MW which is less than 15 MW as indicated and the same has been taken note of by the MoEF&CC while issuing the Environmental Clearance.

10. It is too early to consider the other apprehensions expressed by the applicant, as the regulatory bodies viz., APPCB and MoEF&CC and others have already imposed conditions and the unit is yet to commence its operation. The APPCB also has stated the same in their response.

11. At this stage, we can only direct the project proponent (3rd Respondent) to be aware of the legal implications if they violate any of the norms or conditions that are required or imposed by the regulatory bodies.

12. Hence, we reject the application as premature at this stage.

Sd/-
Smt. Justice Pushpa Sathyanarayana, JM

Sd/-
Dr. Satyagopal Korlapati, EM

Internet – Yes/No

All India NGT Reporter – Yes/No

O.A. No.98/2023 (SZ)
24th January, 2024. Mn.

