

Item No.2:-

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

Tuesday, the 25th day of March 2025.

[Through Physical Hearing (Hybrid Option)]

Original Application No. 105 of 2023 (SZ)

IN THE MATTER OF

Lakshmana Guntreddi,
Office Colony,
Srinagar, Gajuwaka,
Visakhapatnam – 26.

...Applicant(s)

Versus

1. State of Andhra Pradesh

Through Chief Secretary,
Government of Andhra Pradesh,
1st Block, 1st Floor,
A.P. Secretariat Office,
Velagapudi – 522 023.

2. The Secretary

Ministry of Environment, Forest and Climate Change,
Paryavaran Bhawan, Jorbagh,
New Delhi – 110 003.

3. The Secretary

Ministry of Ports, Shipping and Waterways,
Parivahan Bhavan,
1, Parliament Street,
New Delhi – 110 001.

4. Andhra Pradesh Pollution Control Board,

Payavaran Bhawan, A-III, Industrial Estate,
Sanath Nagar, Hyderabad,
Andhra Pradesh – 500 018.

5. District Magistrate – Visakhapatnam

Main Road, Krishnagar, Krishna Nagar,
Maharani Peta, Visakhapatnam,
Andhra Pradesh – 530 002.

6. M/s. Visakhapatnam Port Trust,

Port Area, Visakhapatnam,
Andhra Pradesh – 530 035.

7. M/s. Gangavaram Port Limited

Visakhapatnam,
Andhra Pradesh – 530 044.

...Respondent(s)

For Applicant(s): None appeared.

For Respondent(s): Mrs. Madhuri Donti Reddy for R1, R4 & R5.
Mr. S. Diwakar for R2.
Mr. M.R. Dharani Chander for R6.
Mr. AL. Somayaji, Sr. Adv. a/w.
Mr. S. Sai Sathya Jith R7.

Judgment Reserved on: 28th January, 2025.

CORAM:

HON'BLE SMT. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER

JUDGMENT

Delivered by Smt. Justice Pushpa Sathyanarayana, Judicial Member

1. This Original Application has been filed to address allegations of environmental pollution and non-compliance with regulatory norms at Visakhapatnam Port and Gangavaram Port in Visakhapatnam, Andhra Pradesh.

2. The application was initially registered before the Principal Bench of the National Green Tribunal, New Delhi, as *Original Application No.571 of 2022 (PB)*, based on a complaint by Mr. Lakshmana Guntreddi, a resident of Visakhapatnam. The case was subsequently transferred to the Southern Zone, Chennai, and renumbered as *Original Application No.105 of 2023 (SZ)*.

3. The applicant contends that the residents of Visakhapatnam have been subjected to severe air and water pollution due to improper handling and transportation of materials at Visakhapatnam Port and Gangavaram Port. It is

alleged that both railway wagons and road transport vehicles are not complying with prescribed safety measures, including the mandatory covering of transported materials. Further, the vehicles involved are frequently overloaded, resulting in the release of fugitive emissions.

4. The applicant also claims that naturally occurring radioactive material (NORM) from coal and iron ore handling is being released into the environment, leading to significant health issues among local residents, including high fevers. It is alleged that healthcare facilities are misdiagnosing these symptoms as dengue and exploiting the situation for financial gain. The applicant sought the intervention of the Tribunal to direct the responsible authorities to implement corrective measures and to appoint a special team to investigate the handling and transportation practices at the ports.

5. Upon considering the allegations, the Tribunal, by order dated 13.12.2022, constituted a Joint Committee comprising representatives from the Andhra Pradesh Pollution Control Board (**APPCB**), the Nuclear Fuel Complex, Hyderabad, the Andhra Pradesh Coastal Zone Management Authority (**APCZMA**), and the District Collector - Visakhapatnam. The Committee was tasked with inspecting the ports, verifying the factual position, and engaging with the applicant and the project proponents to assess compliance with environmental norms. The Committee was further directed to submit a comprehensive report detailing the findings and recommendations.

6. The Joint Committee conducted an inspection of Gangavaram Port Limited (**GPL**) and Visakhapatnam Port Trust (**VPT**) on 27.10.2022 and submitted its report on 13.12.2022. The Committee observed several deficiencies and violations with respect to environmental norms and the terms of the consents granted by the Andhra Pradesh Pollution Control Board.

7. With regard to **M/s. Gangavaram Port Limited**, the Committee found that the height of certain coal stacking yards exceeded the permitted limit of 10 meters. The automatic truck tyre washing system at Gangavaram Port Limited was found to be inadequate to effectively control dust emissions from vehicle movement. The Committee also inspected the road between the road over bridge (ROB) near Gangavaram Port Limited and the National Highway, passing through the Y-Junction and Jug Junction, and observed substantial fugitive emissions arising from the movement of heavy vehicles and trucks, thereby contributing to ambient air pollution. The Committee recommended that Gangavaram Port Limited improve the tyre washing system and control the coal stacking height within the permitted limits.

8. With respect to **M/s. Visakhapatnam Port Trust**, the Committee noted that sludge had accumulated in stormwater drains located near the truck tyre washing facility. However, the washing system itself was found to be functioning adequately. The Committee further observed that Visakhapatnam Port Trust was stacking dusty cargo above the permissible height of 06 meters, in violation of the consent order issued by the Andhra Pradesh Pollution Control Board. The Committee recommended

that Visakhapatnam Port Trust improve sludge management in stormwater drains and comply with the prescribed cargo stacking height.

9. The Joint Committee directed the Andhra Pradesh Pollution Control Board to collect detailed information from both ports regarding their operational practices and to obtain photographic evidence to substantiate the findings. The Committee also presented the results of ambient air quality monitoring for the period 2019 to 2022, which indicated that PM₁₀ and PM_{2.5} levels frequently exceeded the National Ambient Air Quality Standards (NAAQS). The Committee offered several recommendations to reduce air pollution, including improved dust suppression systems, stricter monitoring of material transportation, and compliance with environmental norms.

10. The Andhra Pradesh Pollution Control Board issued show cause notices to both Visakhapatnam Port Trust and Gangavaram Port Limited on 10.02.2023 for the observed non-compliances. The District Collector was also directed to ensure the implementation of the Committee's recommendations by the relevant stakeholders. The APPCB filed its updated report on 02.08.2024, summarizing the status of compliance following site inspections at Visakhapatnam Port Trust on 06.05.2024 and Adani Gangavaram Port Limited on 03.04.2024.

11. With respect to Visakhapatnam Port Authority, it was reported that the facility maintains Continuous Ambient Air Quality Monitoring Stations (CAAQMS) at three locations—near the General Cargo Berth area, near the GVMC Municipal Stadium, and near the R&D yard. Monitoring conducted between

06.04.2024 and 10.04.2024 revealed that PM₁₀ concentrations at all locations, except the R&D yard, exceeded the NAAQS limit of 100 µg/m³ (24-hour average). PM_{2.5} levels also consistently exceeded the NAAQS limit of 60 µg/m³. Consequently, the Andhra Pradesh Pollution Control Board issued a notice to Visakhapatnam Port Trust for failing to meet the NAAQS and for the inadequate functioning of the CAAQMS.

12. In response to the Andhra Pradesh Pollution Control Board's objections regarding the exceedance of ambient air quality standards at three locations, the 6th Respondent/ Visakhapatnam Port Trust, stated that the elevated values were not solely attributable to port operations but also to other external factors. It was submitted that regular heavy goods traffic on National Highways Authority of India (NHAI) and Greater Visakhapatnam Municipal Corporation (GVMC) roads, various civil construction works carried out by public and private agencies, and the burning of tyres from automotive shops leased by GVMC around the CAAQM stations contributed to the elevated levels.

13. It was further stated that the R&D yard, which is surrounded exclusively by port operations, showed ambient air quality values within permissible limits. The 6th Respondent also stated that a work order had been issued to M/s. Environment SA, Chennai, the Original Equipment Manufacturer (OEM), for the replacement of spares along with two years of operation and maintenance of the existing monitoring stations at a cost of Rs.69,66,125 and Rs.1,31,95,908 respectively.

14. The 7th Respondent/Gangavaram Port Limited (GPL), in its reply dated 22.03.2023, stated that it operates nine berths with an approved cargo handling capacity of 60.95 million tonnes per annum (MTPA) for a variety of cargo, including coal, iron ore, liquid bulk, fertilizer, and industrial raw materials such as gypsum and aluminum ingots. Gangavaram Port Limited occupies an extent of 2852 Acres of land, of which the port is developed in 1800 acres.

15. It was stated that the Andhra Pradesh Pollution Control Board had issued a notice on 21.10.2021, directing Gangavaram Port Limited to ensure proper covering of materials during transportation to prevent dust pollution. Gangavaram Port Limited responded by implementing a strict monitoring mechanism to ensure that all trucks and coal railway rakes leaving the port are covered with tarpaulin. A random compliance inspection was carried out by the Andhra Pradesh Pollution Control Board on 23.02.2023, and the report confirmed that Gangavaram Port Limited was complying with all applicable standards.

16. Gangavaram Port Limited also submitted that it maintains coal stacking height below 10 meters in manual stockyards using cannon-mounted dust suppression systems, which have a height of 12 meters. In modern mechanized stockyards, the cargo is stacked up to 12 meters, supported by a scientifically designed dust suppression system. The stockyards are equipped with 176 modern dust suppression water cannons that operate continuously and are controlled by sophisticated programmable logic controllers. An NABL-accredited consultant

also conducted an audit and submitted a half-yearly compliance report for the period October 2021 to March 2022, confirming compliance with the Environmental Clearance, CRZ clearance, and Consent for Operation.

17. From the reports submitted by the APPCB, it is evident that while Gangavaram Port Limited has substantially complied with the recommendations of the Joint Committee, Visakhapatnam Port Trust remains partially non-compliant, particularly concerning coal stocking heights and ambient air quality standards. Visakhapatnam Port Trust's assertion that the exceedance of PM₁₀ and PM_{2.5} levels was due to external factors does not absolve it of the responsibility to maintain environmental standards within the port premises.

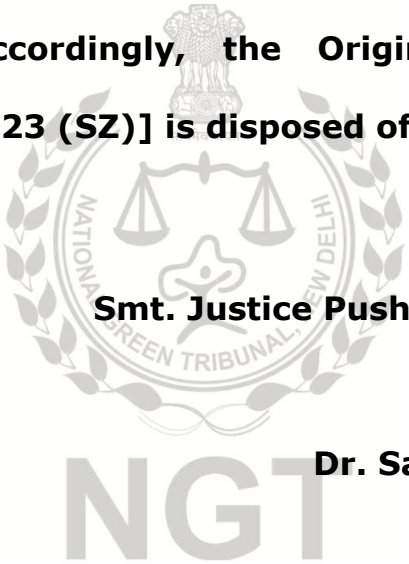
18. In view of the above findings,

- (a)** The 6th Respondent/Visakhapatnam Port Trust, is directed to fully comply with all the recommendations made by the Joint Committee, particularly concerning coal stacking height and ambient air quality monitoring.
- (b)** The 7th Respondent/Gangavaram Port Limited is directed to continue its compliance efforts and to sustain the measures implemented for dust suppression and environmental monitoring.

(c) The Andhra Pradesh Pollution Control Board is directed to oversee the implementation of these recommendations and to take appropriate action in case of any past and further violations.

(d) The Andhra Pradesh Pollution Control Board is directed to levy environmental compensation for the past violations noted in respect of both Visakhapatnam Port Trust and Gangavaram Port Limited.

19. Accordingly, the Original Application [O.A. No.105 of 2023 (SZ)] is disposed of.



**Sd/-
Smt. Justice Pushpa Sathyanarayana, JM**

**Sd/-
Dr. Satyagopal Korlapati, EM**

Internet – Yes/No

All India NGT Reporter – Yes/No

**O.A. No.105/2023 (SZ)
25th March, 2025. AM & Mn.**