

Item No.06:

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

Wednesday, the 8th day of November 2023.

(Through Video Conference)

Original Application No.106 of 2023(SZ)

IN THE MATTER OF:

Mr. K. Srinivasulu

Village Kondasamudram & Surrounding Villages
Gudupallu Mandal, Chittor, Andhra Pradesh – 517425.

...Applicant(s)

Versus

1) State of Andhra Pradesh

Through Chief Secretary, Government of Andhra Pradesh,
1st Block, No.1, 1st Floor,
A.P. Secretariat Office, Velagapudi – 522023.

**2) Principal Secretary, Department of Mines and Geology,
Government of Andhra Pradesh**

Sri Anjaneya Towers, D.No. 7-104, C-Block, 5th & 6th Floors,
Vijayawada, Ibrahimpatnam, Andhra Pradesh – 521456.

**3) Secretary, Ministry of Environment, Forest and Climate Change,
Government of India**

Paryavaran Bhawan, Jorbagh,
New Delhi – 110003.

**4) Director of Mines Safety, Office of Directorate General of Mines Safety
(Chennai Region)**

Lapis lagoon, AA Block, Shanthi Colony,
Anna Nagar, Chennai, Tamil Nadu – 600040
(Zonal Office South Central Zone) Hyderabad, Devi Nagar Colony,
Bansilalpet, Bhoiguda, Hyderabad, Telangana – 500003.

5) Andhra Pradesh Pollution Control Board

Payavaram Bhawan, A-III, Industrial Estate,
Sanath Nagar Hyderabad, A.P. – 500018.

6) Collector, Chittor

New Collector Office Chittor,
Collectorate Complex, Andhra Pradesh – 517002.

7) M/s. Rathna Mineral Enterprises

- 8) **M/s. Sri Sai Krupa Granites,**
(Black Granite Mine-0.611 HA)
- 9) **M/s. Sri Sai Raghavendra Granites,**
(Black Granite Mine-0.607 HA)
- 10) **M/s. Sri K. Siva Prakash Mine - 0.772 HA**
- 11) **M/s. Sri K. Siva Prakash Mine - 0.405 HA**
- 12) **M/s. J.R. Granites Pvt. Ltd.,**
(Black Granite Mine - 4.846 HA)
- 13) **M/s. J.R. Granites Pvt. Ltd.,**
(Black Granite Mine - 1.620 HA)
- 14) **M/s. J.R. Granites Pvt. Ltd.,**
(Black Granite Mine - 0.850 HA)

...Respondent(s)

For Applicant(s): None.

For Respondent(s): Mrs. Madhuri Donti Reddy for R, R2, R5 & R6.
Mrs. AL. Gandhimathi, Sr. Adv. a/w.
Ms. Kanmani Sathiyamoorthy for R7 to R14.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

ORDER

1. This is a letter petition which was transferred from the Principal Bench complaining about the damage caused by running the Granite Mining Quarries in and around the villages in Chittoor District viz., O.N. Kothur Kotamakanapalli, Chinnakotamanapalli, Kondasamudram, Chinna Agraharam, Talli Agraharam, Srinivasapuram and Krishnarajapuram.

2. The quarrying activities are carried on by Respondents No.7 to 14 viz., M/s. Rathna Mineral Enterprises, M/s. Sri Sai Krupa Granites, M/s. Raghavendra Granites, M/s. Sri K. Siva Prakash mine (formally M/s. Venkata Sai Granites), M/s. J.R. Granites. Few of them are having two or three separate leases in the same name.
3. The action taken report of the Andhra Pradesh Pollution Control Board dated 28.10.2023 was filed. Based on the Central Pollution Control Board formula for levying environmental compensation, originally the compensation was arrived at by the Andhra Pradesh Pollution Control Board, fixing it a uniform amount of Rs.4,25,000/- and Rs. 4,30,000/- for all the project proponents.
4. Surprisingly, it was calculated from the date of inspection of the site and not from the date of the application. So, it is a well settled principle that this kind of computation has to be referred to with a date of filing of the application.
5. When this was pointed out, the Andhra Pradesh Pollution Control Board had filed a revised environmental compensation which had enhanced the levy made earlier.
6. The learned counsel appearing for the project proponent would state that the first levy which was made was already paid by them and they undertake to pay the additional environmental compensation levied by revising the earlier one.
7. Admittedly, there is a buffer zone violation made by all these project proponents. The Department of Mines and Geology has already levied penalties for the violation on the buffer zone. The recovery of

the same is not yet complete for various reasons. When there is a violation on the buffer zone limit, there should be an assessment for the remediation of the same.

8. According to the learned counsel appearing for the Andhra Pradesh Pollution Control Board, it would normally be done by the technical institutions or organisations and it will take not less than six months of time to complete the remediation.

9. Admittedly, in this case, neither the assessment nor the remediation is done even in any one case.

10. At this juncture, the learned counsel appearing for the project proponent would submit that if they have to wait for the remediation measures to be complete, they will be at a loss because they may be losing out more than 6 months in the process, as already their operations are stayed by the Principal Bench of the National Green Tribunal.

11. It is seen from the report of the Andhra Pradesh Pollution Control Board dated 27.10.2023 that the leaseholders along with the Andhra Pradesh Pollution Control Board officers were directed to approach technical institutions/organizations for preparing a sustainable remediation plan for remediation measures at the buffer zone with their own cost. The undertaking given by the leaseholders as well as the Andhra Pradesh Pollution Control Board is recorded.

12. In this regard, considering the above submissions, we issue the following directions:

1. The balance of the revised environmental compensation payable by each of the project proponents should be paid immediately.
2. Regarding the buffer zone remediation, the project proponents are directed to furnish a bank guarantee to the tune of Rs. 5,00,000/- (Rupees Five Lakhs only) per Hectare within a period of 4 (Four) weeks.

12. As and when the above referred amounts in Clauses 1 and 2 are complied with, it is open to the Andhra Pradesh Pollution Control Board/Department of Mines and Geology to permit the project proponents to continue with their operations.

13. It is made clear that if the amounts referred to above are not paid and the project proponents are operating in violation of the same, the project proponent as well as the officer in charge will be held liable for the same.

14. With the above directions, the Original Application [O.A. No. 106 of 2023(SZ)] is disposed of.

15. Let the matter be listed on **11.03.2024** for reporting compliance.

Sd/-
Smt. Justice Pushpa Sathyanarayana, JM

Sd/-
Dr. Satyagopal Korlapati, EM

O.A. No.106/2023(SZ)
08th November, 2023. AD.