

Item No.2:-

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

Tuesday, the 13th day of August 2024.

(Through Video Conference)

Original Application No. 112 of 2023 (SZ)

[Earlier O.A. No.197 of 2023 (PB)]

IN THE MATTER OF:

M. Narasimha Rao

Gudimalkapuram
Chintalapalem Mandal,
Suryapet District,
Telangana State.



Versus

...Applicant(s)

1) Member Secretary

Telangana State Pollution Control Board
A-3, Paryavaran Bhavan, Sanath Nagar Road,
Hyderabad, Telangana – 500 018.

2) Regional Officer, District (Suryapet)

Telangana Pollution Control Board
H.No.8-15, 1st Floor, Sri Laxmi Complex,
Near RTO Office, Sri Vinayaka Nagar,
Hyderabad Road, Nalgonda – 508 001.

3) District Magistrate (Suryapet)

Beebiguda - 508 213,
Kudakuda, Suryapet,
Telangana – 508 213.

4) Regional Director – CPCB

Regional Directorate Chennai,
77-A, Padi, Ambattur Industrial Estate,
Chennai – 600 058.

5) M/s. Anjani Portland Cement Limited

Rep. through its Managing Director
(A subsidiary of Chettinad Cement Corporation Limited)
Sy. No.226, Gudimalkapur Post,
Chinthalapalem Village & Mandal,
Suryapet District, Telangana – 508 246.

...Respondent(s)

For Applicant(s): None.

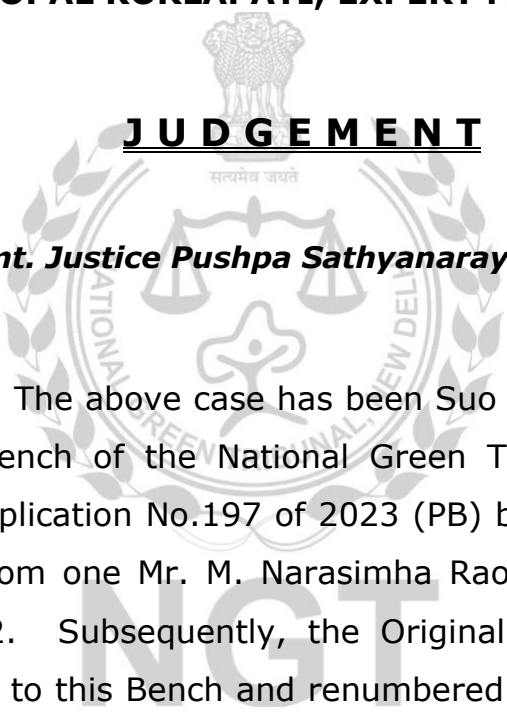
For Respondent(s): Ms. C.P. Kavitha Renjini represented
Mr. T. Sai Krishnan for R1 & R2.
Ms. Mohammed Aathic represented
Mrs. H. Yasmeen Ali for R3.
Mr. R. Thirunavukarasu for R4.
Mr. T. Balaji & Mr. Praveenkumar for R5.

Judgment Reserved on: 05th July, 2024.

CORAM:

HON'BLE SMT. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER



J U D G E M E N T

Delivered by Smt. Justice Pushpa Sathyanarayana, Judicial Member.

1. The above case has been Suo Motu registered by the Principal Bench of the National Green Tribunal, New Delhi as Original Application No.197 of 2023 (PB) based on the complaint received from one Mr. M. Narasimha Rao through e-mail dated 13.12.2022. Subsequently, the Original Application has been transferred to this Bench and renumbered as Original Application No.112 of 2023 (SZ).

2. It is alleged in the letter petition that pollution is caused by M/s. Anjani Portland Cement Private Limited (Respondent No.5) in Chinthalapalem Village, Suryapet District, State of Telangana. It is further alleged that the said unit is using hazardous chemicals in their factory causing air and groundwater pollution thereby damaging the environment and causing health hazard to the local residents, besides polluting forest and green cover and damaging around 1,000 Acres of cultivated land.

3. The Telangana State Pollution Control Board (Respondent No.1) and the Central Pollution Control Board (Respondent No.4) have filed their reports on 02.11.2023 and 03.11.2023 respectively, to which, the learned counsel appearing for the Project Proponent/Respondent No.5 wanted to file a detailed reply.

4. Vide Order dated 03.11.2023, directions were also given to the Telangana SPCB to file an additional report regarding the connectivity to the Online Continuous Emission Monitoring System (OCEMS), its functioning as well as the details of the violations noticed, if any.

5. The CPCB has filed an additional reply affidavit dated 02.12.2023, wherein it is stated that on verification of the data connected to the CPCB portal for the period from October 2023 to November 2023, it was found that data for Sulphur dioxide (SO₂) & Nitrogen dioxide (NO_x) from Stack-2 Kiln-2 is not available since 18.05.2022. It was also noted that the Particulate Matter (PM) connected to Stack-1 70 TPH Coal Fired Boiler was found exceeding the prescribed limits on certain occasions and the PM value exceeded on two occasions in the Stack-5 Cooler-1 on 05.11.2023, where the exceedance noticed is of quite significance.

6. However, in the report filed on 15.04.2024, it is reported that the issue of failure in connectivity to CPCB occurred due to the migration of OCEMS data transmission service provider third party from M/s. Yokogawa to M/s. Glens Technologies and presently, the data connectivity issue is resolved and the unit is transmitting the data since 16.12.2023. Further, the industry informed that the prescribed emission standard for Boiler in the Consent is 50 mg/Nm³, whereas the standard entered in the OCEMS portal was 30 mg/Nm³, so the exceedance was reported. The unit reported the issue to CPCB and the same was accepted and rectified in the CPCB OCEMS portal.

7. The Telangana SPCB, in its report dated 05.12.2023 (filed on 22.11.2023), reported that the industry has installed both the OCEMS to different stacks and that the industry also installed the Continuous Ambient Air Quality Monitoring Stations (CAAQMS) at different locations. It is also reported that as per the data obtained from the Telangana SPCB server (Real Time Data Acquisition and Monitoring), the values are meeting the Board's prescribed standards.

8. The Telangana SPCB has further stated that with respect to Particulate Matter emitted from Stack-1 attached to the boiler, as per the CTO conditions fixed a standard of 50 mg/Nm³ as per the standards stipulated in the Environment (Protection) Rules, and that the emissions were below the prescribed standards.

9. However, in respect of exceedance of PM values in Stack-5, as per the CPCB report on 05.11.2023, the value ranges between 31.9 mg/Nm³ – 54.8 mg/Nm³ against the prescribed standard of 30 mg/Nm³, whereas the Telangana SPCB's server (Real Time Data Acquisition and Monitoring) indicates that the PM value for the stack attached to the Cooler-1 is found to be 13.11 mg/Nm³ (maximum value during the period 01.10.2023 to 17.11.2023).

10. For the exceedance of the PM from Stack-5 Cooler-1, the Project Proponent reported that on the specified date, the unit was shut down, which should be verified once again by the CPCB. If the CPCB finds an exceedance, they shall take necessary action to impose environmental compensation.

11. During the course of the hearing, the learned counsel appearing for the Project Proponent has submitted that the Project Proponent has established a greenbelt covering an area of about 21.5 Hectares. However, the entire greenbelt comprises of only casuarina species. Normally, a greenbelt comprises of a combination of fruit-bearing trees, flowering trees as well as timber trees along with shrubs. Therefore, there is a need for the Telangana State Pollution Control Board in consultation with the State Forest Department to check whether

the greenbelt raised is as per the standard practice or not. Even if casuarina alone was permitted earlier, a plan may have to be prepared to change the composition of trees in the greenbelt in a phased manner by incorporating native tree species that are suitable for reducing dust levels. The guidelines evolved by the CPCB have listed certain native species to be grown in greenbelt, the same may also be referred to.

12. For the reasons stated supra, the following directions are issued:-

- (I)** The claim of the Project Proponent that on 05.11.2023, the unit to which the Stack-5 Cooler-1 is attached was shutdown shall be verified by the CPCB and if as per the CPCB records (OCEMS records) the unit was functional and there was exceedance, necessary action shall be taken to impose environmental compensation.
- (II)** The composition of the greenbelt, which currently comprises of only casuarina species, shall be modified in a phased manner, for which, the plan of action shall be prepared by the Telangana State Pollution Control Board in consultation with the State Forest Department. The species (native species) to be identified shall have a combination of fruit-bearing trees, flowering trees and timber trees along with shrubs.
- (III)** While changing the composition, care should be taken to ensure that the functionality of the existing greenbelt shall be protected. In addition, in view of the proposed cutting of existing trees in a phased manner, a wind-breaking wall (which could be a GI / MS sheet or any other prescribed material of adequate height) shall be established by the Project Proponent till such time the trees grow to the desired height.

(IV) The above change of composition of the greenbelt must be completed over a period of 3 to 5 years.

13. In view of the above directions, the Original Application [O.A. No.112 of 2023 (SZ)] is disposed of.

Sd/-
Smt. Justice Pushpa Sathyanarayana, JM

Sd/-
Dr. Satyagopal Korlapati, EM

O.A. No.112/2023 (SZ)
13th August, 2024. Mn.

