

Item No.1:

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

(Through Video Conference)

Original Application No. 98 of 2022 (SZ)

IN THE MATTER OF

Velupula Narsaiah,
Telangana and Ors.

...Applicant(s)

With

The Chairman,
SEIAA, Telangana State and Ors.

...Respondent(s)

Date of hearing: 02.11.2022.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant (s): Mr. Ramesh Ganapathy.

For Respondent(s): Ms. J. Dayana represented
Mr. T. Sai Krishnan for R1 to R3.
Mrs. H. Yasmeen Ali along with
Mrs. Renugadevi for R4 to R11.

ORDER

1. It is stated that an interlocutory application has been filed by the applicant to implead the proposed 13th respondent which is yet to be numbered.

2. In the meanwhile, upon notice, the Telangana State Pollution Control Board as well as the Department of Mines and Geology have filed their reports.
3. From the reports, it is seen that the State Pollution Control Board had issued a show cause notice. The further action taken to the above show cause notice is not known and the report is also silent about it. However, it is stated that the units of the 12th respondent and the proposed 13th respondent are not in operation for the last two months, as the State Pollution Control Board had issued a closure order dated 06.01.2022.
4. The first glance of the closure order dated 06.01.2022 shows that the environmental compensation that ought to have been levied has not been computed and recovered from the 12th respondent and the proposed 13th respondent and no reasons have also been furnished for the same.
5. So, the State Pollution Control Board is directed to file a report stating the actions taken by them in chronological order and also give a reason as to why they have not imposed the environmental compensation.
6. The Department of Mines and Geology also has filed their report, wherein it is found that the private respondents have excavated even outside the lease area and the measurements were also taken through the Telangana State Remote Sensing Applications Centre, Hyderabad. The Regional Vigilance and Enforcement Officer, Nalgonda had requested the Mining Department to take necessary action for

collection of Normal Seigniorage Fees and five times penalty from the proposed 13th respondent.

7. The Mining Department had placed its reliance on G.O. (Ms.) No.23 dated 05.03.1989 for considering the quantities excavated. We are at a loss to understand as to whether after 1989, in the wake of several judgments by the Hon'ble Supreme Court as well as by this Tribunal, any revision/modification been done to the above Government Order and fresh Government Orders are issued in that regard.
8. While computing the quantity extracted, it is stated that as per the Panchanama and Tahsildar Report, the Pit No.4 discontinued lease area is said to be excavated by the local Waddera people excluding OB. If the Waddera people had excavated which is without any license or permit, the Department of Mines and Geology has to enquire about their authority to excavate.
9. The Department also has to find out whether the Waddera people had excavated at the instance of the 12th respondent and the proposed 13th respondent.
10. Let the Department of Mines and Geology get those details also and furnish the copies of the latest Government Orders in this regard for better appreciation.
11. In the meanwhile, the learned counsel for the 12th respondent seeks time to respond to the allegations made in the Original Application as well as to the reports of the authorities filed today.

12. Post the matter on 07.12.2022.

Sd/-
Smt. Justice Pushpa Sathyanarayana, JM

Sd/-
Dr. Satyagopal Korlapati, EM

O.A. No.98/2022 (SZ)
02nd November, 2022. Mn.

