

Item No.6:

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

Original Application No. 195 of 2016 (SZ)

(Through Video Conference)

IN THE MATTER OF:

Tandur Citizens Welfare Society,
Reg. No.714/2016,
Rep. by its President,
Rajgopal Sarda,
Having its Registered Office at
No.7/7/52/4A, Gomthi Kunj,
Tandur – 501 141.
Rangareddy District. Telangana.

...Applicant(s)

Versus

- 1) Government of Telangana,
Represented by its Secretary,
Environment and Forest Department,
Secretariat,
Hyderabad – 500 022.
- 2) Ministry of Environment, Forests & Climate Change,
Indira Paryavaran Bhavan, Jorbagh,
New Delhi – 11 003.
- 3) The Central Pollution Control Board,
Parivesh Bhavan,
East Arjun Nagar,
Delhi – 110 032.
- 4) Telangana State Pollution Control Board,
Rep. by its Member Secretary & Environmental Engineer,
No. 6-3-1219, 3rd Floor, Block 'C'
Ward No.91, Near Country Club,
Uma Nagar, Kundanbagh,
Hyderabad – 500 016.
- 5) Karnataka State Pollution Control Board,
Rep. by its Member Secretary,
49, Church Street,
Bangalore – 560 001.
- 6) The District Collector,
Rangareddy District, Lakdi Ka pul,
Hyderabad – 500 004.

- 7) The Station Manager,
Tandur Railway Station,
Tandur – 501 141.
- 8) The Commissioner,
Tandur Municipality,
Tandur – 501 141.
- 9) M/s. Cement Corporation of India,
Karankote,
P.O. CCI Tandur,
Ranga Reddy District,
Telangana – 501 158.
- 10) M/s. Coromandel King India Cements,
Malkapur,
Tandur Mandal,
Ranga Reddy District,
Telangana – 500 157.
- 11) M/s. Penna Cements,
Belakatur (V),
Tandur,
Chandravanha,
Telangana – 501 158.
- 12) M/s. Vicat Sagar Cements,
Chatrasal,
Gulbarga District,
Karnataka - 585 320.
- 13) M/s. Chettinad Cement,
Kallur Village,
Chincholi Taluk,
Karnataka – 585 305.

...Respondent(s)

For Applicant(s):

Ms. K. Indhu Priya represented
Mr. V.P. Sengottuvel.

For Respondent(s):

Mrs. H. Yasmeen Ali for R1, R6, R8.
Mr. G.M. Syed Nurullah Sheriff for R2.
Mr. D.S. Ekambaram through
Mrs. P. Jayalakshmi for R3.
Ms. J. Dayana represented
Mr. T. Sai Krishnan for R4.
Mr. Rahul Balaji for R10 to R12.

CORAM:

HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER

HON'BLE Dr. K. SATYAGOPAL, EXPERT MEMBER

Date of Judgment: 24th August, 2021

JUDGMENT

1. This case pertains to air pollution caused in and around Tandur Village, Ranga Reddy District of Telangana State on account of operation of five cement factories in that area. The total population in that area is 75,000 in Town and 1,50,000 in rural and apart from this, there is 50,000 floating population.
2. The applicant is an Association, interested in protecting environment. Ninth respondent cement factory was established in 1977; 10th respondent cement factory was established in 2000; 11th respondent cement factory was established in 2008 and 12th and 13th respondent cement factories were established in 2010. The State of Telangana has granted lease of thousands of hectares of land to these companies for quarrying lime stone and laterite etc. These cement companies have uprooted and removed over five lakh trees to convert the lands to suit their industrial purpose which includes laying of approach roads and railway lines. They have established the units after getting necessary approval from the competent authority but they are not following the conditions imposed. There is no proper scientific mechanism provided to suppress air pollution. Huge number of vehicles are being used and they are plying through narrow roads of villages and towns, causing huge air pollution. Though representations have been made to the authorities, they have failed to take any action. Air quality in that area has become worse, affecting health of the people.

Though representation has been made to the Government with some recommendations to improve the situation, no action has been taken. Whenever complaints are made, some inspection is being done by Pollution Control authorities and in spite of being convinced that pollution is caused, they have not taken any stringent action against the units to arrest the air pollution caused due to the emission of dust on account of operation of the units.

3. So, the applicant filed this application, seeking the following relief:

"To direct the respondents 1, to 4, 6 and 8 herein to prevent respondents 7 and 9 to 13 from causing air and noise pollution in and around Tandur Taluk, Ranga Reddy District and further prevent respondents 9 to 13 herein from plying heavy vehicles/trucks in the narrow roads of Tandur town and further direct the respondents to monitor air and noise pollution emanate from the cement industries of respondents 7 and 9 to 13 herein."

4. The 1st respondent/ Government of Telangana filed counter contending that it is for the State Pollution Control Board to monitor any complaint regarding pollution and they will have to take action for the same when the complaints were received by them. Regarding the show cause notice issued to Station Master, Tandur Railway Station for not taking steps to control air pollution during loading and unloading of cement bags from wagons, they requested the regional office to address the Member Secretary, Karnataka State Pollution Control Board to initiate action against the cement factories located in Karnataka viz., M/s. Chettinad Cements, M/s. Vicat Sagar Cements.
5. The 2nd respondent/ MoEF & CC had filed counter affidavit stating that they have notified Noise Pollution (Regulation and Control) Rules, 2000 and also issued necessary direction to State authorities to implement the

National Ambient Air Quality Monitoring Programme to keep the standard of air in tune with the Ambient Air Quality Standard provided by the World Health Organization. Further, if there is any violation, it is for Pollution Control Board to take necessary action. They have also taken all steps to establish ambient air quality Laboratory to contain the ambient air quality level in the city.

6. The 3rd respondent/ Central Pollution Control Board had filed counter statement contending that they have nothing to do with the allegations made in the application, as action will have to be taken by the State Authorities for violation of any of the pollution norms. They are only policy makers, to issue direction to States under Section 18(1)(b) of the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 and it is for the State Authorities to implement the same. They have already issued directions to install on line emission monitoring system in cement factories on 05.02.2014. They have submitted the status of installation of online monitoring system by all the five cement industries is tabulated below:

Sl. No	Industry name & address	Status of installation of online monitoring system
1	M/s. Cement Corporation of India, Karankote, P.O. CCI Tandur, Ranga Reddy District, Telangana - 501158	No
2	M/s. Coromandel King India Cements, Malkapur, Tandur Mandal, Ranga Reddy District, Telangana 500157	No
3	M/s Penna Cements, Belakatur, Tandur,	No

	handravancha,Telangan a-501158	
4	M/s. Vicat Sagar Cements, Chatrasal, Gulbarga Dist., Karnataka -585320	Yes. The unit has installed online source emission monitoring system for parameters PM, SO ₂ & NO _x and also installed ambient air quality monitoring stations for parameters PM ₁₀ , NO _x , SO ₂ & PM _{2.5} . Both source emissions and ambient air quality data are submitted/ connected to CPCB server. In case of exceedance of the standards, SMS alert will be sent to the unit for necessary measures.
5	M/s. Chettinad Cement, Kallur Village, Chincholi Taluk, Karnataka - 585305	Yes. The unit has installed online source emission monitoring system for parameters PM, SO ₂ & NO _x and also installed ambient air quality monitoring stations for parameters PM ₁₀ , NO _x , SO ₂ & PM _{2.5} . Both source emissions and ambient air quality data are submitted/ connected to CPCB server. In case of exceedance of the standards, SMS alert will be sent to the unit for necessary measures.

7. The 3rd respondent further contended that they are also executing the nationwide programme of ambient air quality monitoring known as National Air Quality Monitoring Programme (NAMP) with 626 operation stations, covering 264 cities, towns and industrial areas in 29 States and 5 Union Territories. The implementation of the plan in Telangana State is being monitored by the Telangana State Pollution Control Board, covering 11 cities viz., Hyderabad, Ramagundam Patancheru, Nalgonda, Khammam, Warangal, Karimnagar, Sangareddy, Nizamabad Adilabad

and Kothur. Central Pollution Control Board has published a document on “Assessment of Fugitive Emissions and Development of Environmental Guidelines for Control of Fugitive Emissions in Cement Manufacturing” to enable the cement units to adopt various methods to control the fugitive emissions on a sustainable basis. They are bound to follow the same. Railway Department was also directed to follow the norms. Manager, Tandur Railway Station was also directed to follow the guidelines, as per the document on “Inventorization of Railway Sidings” for their environment management, published by Central Pollution Control Board to ensure compliance of fugitive emission control during handling operation of railway siding.

8. The 4th respondent/ Telangana State Pollution Control Board filed reply statement stating that on the basis of the inspection report, when they found the ambient air quality exceeds the standard provided, they issued show cause notice to the Station Master, Tandur Railway Station and also to the industries. The Station Master has not installed the monitoring mechanism and though a request was made by Pollution Control Board Authorities to monitor ambient air quality by installing their equipment which was not permitted, as he wanted to get permission from the higher authorities.
9. The 6th respondent/ District Collector, Vikarabad filed counter stating that whenever complaints have been received, they directed the cement factories to comply with the pollution norms and they are also taking large scale measures by providing green belt under Haritha Haram and also taking mitigation steps to control pollution as per the guidelines of Prime Minister’s Kaniya Kalyana Kshetirya Yojana (PMKKKY) and also taking all steps to control pollution due to plying of vehicles by providing necessary

protection. Necessary funds were provided by Pollution Control Board to implement the pollution control measures under RURBAN scheme. All necessary steps have been taken from their side.

10. The 7th respondent/ Railway filed counter contending that they are directing the authorities to take necessary steps to avoid pollution while loading and unloading cement from their siding connectivity.

11. The 8th respondent/ Commissioner, Tandur Municipality filed counter contending that complaints have been received. They instructed the cement industries not to indulge in causing pollution and cover the trucks with tarpaulin and maintain slow movement through road in Tandur Municipality to avoid air pollution.

12. The respondents 9 to 13 cement factories have filed their statement contending that they are operating their units in compliance with the conditions imposed and all necessary pollution control mechanism have been provided. They have provided necessary green belt and denied the allegations of any pollution being caused on account of their activity. They also produced certain photographs to substantiate their case of providing all necessary pollution control mechanism.

13. The 4th respondent/ Telangana State Pollution Control Board had filed a status report dated 19.09.2016 which reads as follows:

"In Tandur Mandal of Rangareddy District, apart from the CCI public sector cement factory, another two cement factories in private sector are existing. The list of cement factories are as follows:

M/s. Cement Corporation of India Ltd., Tandur Cement Factory, Karankote, Tandur, Ranga Reddy District.

M/s. The India Cements Ltd., Malkapur, Tandur, Rangareddy District.

M/s. Penna Cement Industries Ltd., Sy. No.53, 54, 56, 57 & 62, Belkatur, Tandur, Rangareddy District.

1. M/s. Cement Corporation of India Lt., Tandur Cement Factory, Karankote, Tandur, Rangareddy District.

The industry is engaged in the manufacture of cement 3,150 Tons/day
The industry has various sources of pollution like LS crusher, raw mill & rotary kiln, clinker cooler, cement mill – I, cement mill – II, coal mill – I & II an packing plant. The details of pollution control equipment provided are:

Sl.No.	Source of pollution	Control equipment provided
1	LS Crusher	Multi cyclone dust collectors
2	Raw mill & rotary kiln – 3000 TPD	Electro static precipitator
3	Clinker cooler	Multi cyclone dust collectors
4	Cement mill – I	ESP
5	Cement mill – II	ESP
6	Coal mill – I & II	ESP
8	Packing plant	Bag filters

The industry was established in the year 1987 for the manufacture of ordinary Portland cement. The industry has obtained Environment Clearance from the Ministry of Energy, Forest, Environment, Science & Technology Dept., Govt. of A.P on 31.5.1991 to manufacture Portland cement to a tune of 10 lakhs tones per year. The industry has obtained CFO & HWA from the Board vide order dt.3.11.2015 which expired on 31.12.2015. Subsequently, the industry has applied for renewal of the CFO & HWA of the Board which was returned due to technical shortfall. Again, resubmitted the application on 14.9.2016 through online.

The main pollution from the industry is air pollution and the main sources are LS crusher. Raw mill & Rotary kiln, Clinker, Cooler, cement mill – I cement mill – II, coal mil – I, coal mil – II, packing plant. The industry has raw mill & rotary kiln of capacity 83,333 T/month provided with Electrostatic Precipitator for control of air pollution. The packing plant is provided with bag filters as air pollution control system. Clinker cooler and LS crusher are provided with multi cyclone dust collectors.

Earlier, the Board issued directions vide order dt.5.8.2011 to the industry for non compliance of Board directions/CFO conditions ad for exceeding the air emission standards and causing air pollution in the air.

It is to submit that earlier Sri. Hemanth Kumar S/o. Veerappa and 24 farmers of Karankote, Tandur, Ranga Reddy submitted a representation to the District Collector requesting to pay compensation to their crops occurred due to pollution by M/s. Cement Corporation of India, (CCI). The District Collector requested the Board to examine the matter and take appropriate action. The Board conducted Legal Hearing and issued stop production orders to the industry vide order dt. 16.5.20-12 for not complying with the Board directions and operating without having necessary air pollution control systems and thereby causing air pollution. In this regard, the Board also submitted report to the District Collector, Raga Reddy District on the representation. Regarding crop damage compensation, the Board requested the Collector to constitute a committee to assess crop losses to farmers with the following members:- 1. RDO, 2. JD, Agriculture, 3. AD, Horticulture, 4. AD, Mines & Geology Dept., 5. EE, APPCB, RO, RR – II.

Subsequently, the Board issued revocation of stop production orders vide orders 12.8.2012 stipulating certain conditions.

A show cause notice was issued to the industry on 17.8.2013 and in June, 2015 for non compliance of the standards and causing air pollution in the surrounding area.

This office has circulated the file to the District Collector, Ranga Reddy District for constituting a committee to assess the crop damage to the farmers.

Accordingly, the District Collector, Rangareddy District has constituted a committee to assess the crop damage. The District Collector further has directed the Joint Inspection Committee members to inspect and assess the crop damage and submit a report.

As per the instructions of the District Collector, the Joint Inspection Committee comprising of Sub Collector, Vikrarabad, JD Agriculture, AD Horticulture, AD Mines & Geology Dept., Environmental Engineer, Regional Office – II, Rangareddy Dist have conducted the joint inspection on 30.1.2015 and 2.11.2015 on account of the petitioners claim regarding crop damage compensation due to pollution by M/s. CCI, Tandur.

The inspection reports furnished by Joint Director, agriculture Dept., Assistant Director, Horticulture Dept., Assistant Director, Mines & Geology Dept, regarding crop damage were submitted.

The District Collector, Ranga Reddy District has convened a meeting with the Environmental Engineer on 16.4.2016 and directed to obtain the reports on ownership of the agricultural land mentioned in the petition and to verify the Survey nos. And the extent of agricultural land owned by the petitioners and also the yield of the crop since 2011 as per their records from the Mandal Revenue Officer, Tandur Mandal, Ranga Reddy District by verifying the revenue records and from the Joint Director of Agriculture to verify the amount claimed by the 24 petitioners on the crop damage since 2011 as per the records.

Accordingly, this office has addressed letters to the Mandal Revenue Officer, Tandur Mandal, Ranga Reddy District and Joint Director Agriculture. The reports are awaited.

The Board is regularly monitoring the industry from pollution point of view and taking suitable necessary action in the matter.

The Board has conducted Ambient Air Quality monitoring in the industry's premises on 8.9.2016, and the analysis results are as follows:-

Sl No	Sampling location	RSPM (PM ₁₀)		TSPM(24 hours average)
		Value	Standard	
1	At the near main security gate	138 ug/m ³	100 ug/m ³	263
2	Near coal mill area at periphery of the industry	137 ug/m ³	100 ug/m ³	361

The stack monitoring was also conducted on 8.9.2016 and the analysis results are as follows:

Sl.No	Sampling point	Suspended Particulate Matter (mg/Nm ³)	Standard in (mg/Nm ³)
1	Stack attached to raw mill land rotary kiln	321	115
2	Stack attached to coal mill	219	115

The stack attached to the clinker cooler (C.1 stack) temperature was above 250 o C (not approachable) Hence it could not be monitored. Also cement mill – I and II were under break down/silos were full. Hence cement mill stack was not in operation

Note: The PM 10 levels in the ambient air monitored and Suspended Particulate Matter (mg/Nm³ in stacks are high and are far exceeding the National Ambient Air Quality Standards.

2. M/s. The India Cements Ltd, Malkapur, Tandur, Rangareddy District

The industry is manufacturing clinker – 2.75 MTPA ad cement (OPC/PPC/PSC) -.2.9 MTPA. The industry is having two manufacturing lines with line – I of 210 TPH capacity kiln and Line – II capacity 220 TPH. The details of air pollution control systems provided are:

Line – I

S.No.	Source of pollution	Control equipment provided
1	Raw mill/kiln – 21- TPH	ESP
2	Clinker Cooler	ESP
3	Cement mill	ESP
4	Cement silos, hoppers	4 nos. of bag filters
5	Ra material hopper	Bag filter
6	Raw mill blending silo & its sections	Bag filter
7	Kiln feed system and its sections	2 nos. of bag filters
8	Coal mill	6 nos. of bag filters
9	Coal crushers & coal mill circuit	2 nos. of bag filters
10	Clinker stock file and its sections	2 nos of bag filters
11	Lime stone crusher	Bag filter
12	Apron feeder	--
13	Crusher discharge point	--
14	Packing plant I & II (120 TPH each)	2 nos. of bag filters

Line – II

S.No.	Source of pollution	Control equipment provided
1	Raw mill/kiln – 220 TPH	ESP
2	Clinker cooler	ESP
3	Coal mill 0 30 TPH	Bag filters
4	Lime stone crusher	Bag filters
5	Cement mill I- I	Bag filters
6	Cement Mill – II	Bag filter
7	Lime stone weight feeder	Bag filter
8	Raw material storage silo	Bag filter
9	Raw meal binding silo	Bag filter
10	Raw Coal Hoper	Bag filter
11	Clinker silo	Bag filter
12	Clinker transport to cement mill	Bag filter
13	Cement silo – I	Bag filter
14	Cement silo – II	Bag filter
15	Packing Machine k- I	Bag filter
16	Packing machine – II	Bag filter

The industry has obtained CFO HWA from the Board vide order dt.27.5.2014 which expired on 30.9.2016. Subsequently, the industry has applied for renewal of the CFO & HWA which is under process at the head office.

The Board has conducted ambient air quality monitoring to the industry premises at the periphery of the industry near mines office o 27.8.2016 and 28.8.2016 and the analysis results are as follows:

S.No	Sampling location	RSPM (PM10)(Particulate matter (ug/m ³))	
		Value	Standard (ug/m ³)
1	Industry premises at the periphery of the industry near mines office (3.40 PM to 11.40 PM)	73	100
2	Industry premises at the periphery of the industry near mine office (11.40 PM to 7.40 PM)	67	100
3	Industry premises at the periphery of the industry near mines office (7.40 AM to 3.40 PM)	75	100

The Board has conducted ambient air quality monitoring at the periphery of the industry near main gate on 27.8.2016 and 28.8.2016 and the analysis results are as follows:

S.No	Sampling location	RSPM (PM10)(Particulae matter)	
		Value	Standard (ug/m ³)
1	At the periphery of the industry near main gate (3.20 PM to 11.20 PM)	112	100
2	At the periphery of the industry near main gate (11.20 PM to 7.20 AM)	96	100
3	At the periphery of the industry near main gate (7.20 AM to 3.20 PM)	108	100

The Board has conducted ambient air quality monitoring in the agriculture land of complainant on 27.8.2016 and 28.8.2016 and the analysis results are as follows:

S.No	Sampling location	RSPM (PM10) (Particulate matter)	
		Value	Standard (ug/m ³)
1	Agriculture land of complainant (5.40 PM to 7.00 AM	56	100
2	Agriculture land of complainant (7.00 AM to 5.40 PM)	53	100

The stack monitoring was also conducted on 27.8.2016 and 28.8.2016 and the analysis results re as follows:-

S.No.	Sampling point	Suspended Particulate Matter (mg/Nm ³)	Standard in mg/Nm ³
1	Stack attached to raw mill/kiln 210 TPH, Line – I	83	100
2	Stack attached to raw mill/kiln 220 TPH, Line-II	56	50
3	Stack attached to coal mill, line - I	78	100
4	Stack attached to coal mill, line-II	31	50
5	Stack attached to cooler, Line-II	32	50
6	Stack attached to cement mill, line-II	38	50

Note: All the values are well within the standards

3. M/s. Penna Cement Industries td., Sy.No.53, 54, 56, 57 & 62, Belkatur, Tadur, Rangareddy District.

The industry is manufacturing clinker – 1.5 MTPA and cement (OPC/PPC/PSC) – 2.0 MTPA. The details of air pollution control systems provided are:

1	Raw mill/kiln – 300/200 TPH	Reverse air bag house
2	Clinker cooler – 200 TPH	ESP
3	Coal mill – 30 TPH	Bag filters
4	Cement Mill – 500 TPH	Bag filters
5	Slag grinding mill	Bag filter
6	Lime stone weight feeder	Bag filter
7	Raw material storage silo	Bag filter
8	Raw meal blending silo	Bag filter
9	Raw Coal Hoper	Bag filter
10	Clinker silo	Bag filter
11	Clinker transport to cement mill	Bag filter
12	Cement silo – I	Bag filter
13	Cement silo – II	Bag filter
14	Packing Machine – I	Bag filter
15	Packing Machine – II	Bag filter

The industry has obtained CFO & HGWA from the Board vide order dt.31.1.2015 which is valid upto 28.2.2017.

It is to inform that the industry was not in operation as the plant operations were stopped from 28.8.016. Hence, monitoring could not be carried out.

Further, it is to inform that this office received a complaint from Sri. Raj Gopal Sarda, President of Tandur Citizens Welfare association, 7-7-52/4A, Gomthi Kunj, Tandur, Rangareddy District regarding air pollution.

The Board has conducted ambient air quality monitoring on top of Police Station, Tandur, Rangareddy District on 20.3.2016 and 21.3.2016 the analysis results are as follows:

Sl. No	Sampling	Dt.of sampling	Sample no	Time & duration of sampling	PM10 ug/m3	TSPM ug/m3	SOx	NOx
1	AAQ monitoring conducted on top of police station	20.3.16	16-03-6274	2.00 PM to 10.00 PM	216	567	3	64
2		21.3	16	16-03-6275	10.00 PM to 6.00 AM	146	476	6
3		21.3.16	16-03-6276	6.00 AM to 200 PM	163	483	4	54
4	24 hrs. average				175	483	4	54
National ambient air quality standards for 24 hrs					100	--	80	80

Standards: National AAQ Standards, CPCB Notification, New Delhi
Dt.18.11.2009

The Board has conducted ambient air quality monitoring near Royal Road Lines near main road 10 meters from the Road on 17.12.2015 the analysis results are as follows:

Sl.No	Sampling location	D. of sampling	Sample no.	Time & duration of sampling	PM10 µg/m³	TSPM ug/m³
1	Ambient Air Quality Monitoring near Royal Road Lines near main rd, 10 m fro the Road	17.12.15	22-12-2015	2.30 PM to 10.30 PM	622	1958
National ambient air quality standards					100	

Standards: National AAQ Standards, CPB Notification, New Delhi
dt.18.11.2009

Note: The PM10 levels in the ambient air monitored are very high and is far exceeding the national ambient air quality standards. This may be due to heavy traffic of cement vehicles plying on the road and also the stone dust from the stone polishing units."

14.The 5th respondent/Karnataka State Pollution Control Board also filed their inspection report dated 14.08.2017 wherein they have noted the following things:

“Filing of Inspection Report on behalf of the Karnataka State Pollution Control Board

It is respectfully submitted that two cement industries namely M/s. Chettinad Cement Corporation Ltd, Kallur Village, Chincholi, Kalaburagi, Karnataka and Sagar Cement, Chatrsala village, Chincholi, Kalaburagi, Karnataka come under the jurisdiction of Karnataka State Pollution Control Board and a summary of the inspection is submitted herein below and the detailed inspection reports are annexed herewith as annexures to the present petition.

a) Chettinad Cement Corporation Ltd

In respects of Chettinad Cement Corporation Lt., the following aspects have been ascertained.

(i) M/s. Chettinad Cement Corporation Ltd., Kallur Village, Chincholi, Kalaburgi, Karnataka is located at Sangam and Kallur village and includes plant, mines and colony for the employees. The plant is located 19 kms from Tandur town.

(ii) The industry was commissioned in 2012 and has obtained Environmental Clearance from MoEF vide F.No.J-11011/399/2008-IA II (I) dt. 18.6.2010 for manufacture of cement – 2.5 MMTPA, Captive Power Plant – 30 MW and captive lime stone – 4 MMTPA in extent of 422.94 Hectares.

(iii) The industry has valid consent under Water (Prevention and Control of Pollution) Act, 1974 and emission under the Air (Preventive and Control of Pollution) Act, 1981 vide combined consent order No.AWH – 300451, PCB ID:10474, Dt. 9.6.2016 and valid for period ending 30.6.2019 for the cement plant and for the Captive lime stone mine has valid consents under Water (Prevention and Control of Pollution) Act, 1974 and emission under the Air (Preventive and Control of Pollution) Act, 1981 vide combined consent order No.AW – 302982, PCB ID: 27850, dt. 3.7.2017 and valid for the period ending 31.3.2019.

(iv) M/s. Chettinad Cement Corporation Ltd., transports raw material land finished goods through covered trucks to prevent fugitive emission. The number of trucks passing through Tandur town is reported to be 40 vehicles per day. The Ambient Air Quality has been monitored at Kallur village on 20.3.2017 and 13.7.2017 and the monitored ambient air quality concentration is 48 ug/m³ and 30 ug/m³ respectively as against the national ambient air quality standard of 100 ug/m³.

(v) M/s. Chettinad Cement Corporation Ltd., has installed the following air pollution control measures detailed below:

Sl. No	Chimney attached to	Height of chimney AGL in meters	Air pollution control equipment provided	Constituents to be controlled in the emissions	Tolerance limits mg/Nm3
1	Raw Mill land kiln	140	Reverse air bags house	PM,SO ₂ ,NO _x	50
2	Clinker cooler	45	Electrostatic precipitator	PM	50
3	Cement mill	55	Bag house	PM	50
4	Coal mill	140	Bag house	PM	50
5	Captive Power Plant – 30 MW	97	Electrostatic precipitator	PM, SO ₂ , MO _x	50

6	Coal crusher	15	Bag filter	PM	50
7	Lime stone crusher	15	Bag filter	PM	50

The conveyors for conveying materials have been completely covered by MS sheets to control fugitive emissions.

The industry has also provided continuous emission monitoring, systems and is connected to the server of PB and has provided CEMS to the following chimneys.

Sl.No.	Chimney attached to	Make of equipment	Parameters measured
1	Raw Mill land kiln	Sick mahek MRU, Germany	Particulate matter SO ₂ and NO _x
2	Cooler	Sick Mahek	Particulate Matter
3	Coal mill	Sick Mahek	Particulate Matter
4	Cement mill	Sick Mahek	Particulate Matter
5	Captive power plant	Forbes Marshal MRU, Germany	Particulate Matter

The continuous monitoring reports for the periods from 11.5.2017 to 13.7.2017 for the stacks attached to the raw mill land kiln, cooler and captive power plant submitted and the concentration of particulate matter is within the tolerance limits of 50 Mg/Nm³.

The stack monitoring for the stacks attached to captive power plant, coal mill, kiln has been monitored on 20.3.2017 and the analysis report reveals the concentration of particulate matter is 18 Mg/Nm³ and 27 Mg/Nm³ respectively and also the analysis report for the stack monitoring conducted on 13.7.2017 for the stacks attached to kiln, cooler and CPP reveals the concentration of the articulate matter 14 Mg/Nm³, 17 Mg/Nm³ and 11 Mg/Nm³ respectively which is within the tolerance limit of 50 Mg/NM³.

The industry has also installed two continuous ambient air standards near the lime stone crusher and near the cement mill land both the CAAQMS stations have been connected to CPCB server. The CAAQM reports for the period from 11.5.2017 to 13.7.2017 is enclosed as annexure – I and concentration of PM10 and PM2.5 is within the tolerance limits prescribed by national ambient air quality standards.

The ambient air quality monitoring has been conducted near Kallur village on 20.3.2017 and 13.7.2017 and concentration of PM10 is within the tolerance limits of 100 ug/m³ as per NAAQM standards.

The internal roads has been concreted to prevent fugitive emissions

B) M/s. Kalaburagi Cements Ltd.,

In respect of Kalaburagi Cements Ltd., the following aspects have been ascertained:

(i) M/s. Kalaburagi Cements Ltd., Chatrasala village, Chincholi, Kalaburgi, Karnataka is located at Chatrasala village and includes plant, mines and colony for the employees. The plant is located 25 kms from Tandur town.

(ii) The industry was commissioned in 2013 and has obtained Environmental Clearance from MoEF vide FNo.J – 11011/457/2008-IA II (I) d. 10.6.2009 for manufacture of clinker – 4 MMTPA, cement – 5.5 MMTPA, Captive power plant – 16 MW and captive lime stone – 6 MMTPA in extent of 446.77 hectares.

(iii) The industry has valid consents under Water (Prevention and Control of Pollution) Act, 1974 and emission under the Air (Prevention and Control of Pollution) Act, 1981 vide combined consent order No. AWH-300981 PCB ID:10452, dt.17.9.2016 and valid for period ending 30.6.2021 for the cement plant and for the captive lime stone mine has valid consents under Water (Prevention and Control of Pollution) Act, 1974 and emission under the Air (Prevention and Control of Pollution) Act, 1981 vide combined consent order No.AW – 300616, PCB ID:28087, dt. 20.7.2016 and valid for period ending 30.6.2021 and for the captive power plant has valid consents under Water (Prevention and Control of Pollution) Act, 1974 and emission under the Air (Prevention and Control of Pollution) Act, 1981 vide combined consent order No.AWH – 300972, PCB ID:28712, dt.16.9.2016 and valid for the period ending 30.6.2021.

(iv) M/s. Kalaburagi cements Ltd., transports raw material and finished goods through covered trucks to prevent fugitive emission. The number of trucks passing through Tandur Town is reported to be 40 vehicles per day. The ambient air quality has been monitored at labour colony on 18.5.2017 and 10.7.2017 and the monitored ambient air quality concentration is 52 ug/m³ and 28 ug/m³ respectively as against the national ambient air quality concentration is 52 ug/m³ and 28 ug/m³ respectively as against the national ambient air quality standard of 100 ug/m³.

(v) M/s. Kalburugi Cements Pvt. Ltd., has installed the following air pollution control measures detailed below and has sister concern. M/s. Gulbarga power pvt. Ltd wherein it has captive power plant of 30 MW capacity and 8.4 MW waste heat recovery system.

Sl. No	Chimney attached to	Height of chimney AGL in meters	Air pollution control equipment provided	Constituents to be controlled in the emissions	Tolerance limits mg/Nm ³
1	Raw Mill and kiln	80	Reverse air bag house	PM, SO ₂ , NO _x	50
2	Clinker cooler	40	Electrostatic precipitator	PM	50
3	Cement mill	78	Bag filter	PM	50
4	Coal mill	63	Bag filter	PM	50
5	Captive Power Plant – 30 MW	80	Electrostatic precipitator	PM, SO ₂ , MO _x	50
6	Coal crusher	20	Bag filter	PM	50
7	Lime stone	15	Bag filter	PM	50

	crusher				
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The conveyors for conveying materials has been completely covered by MS sheets to control fugitive emissions.

The industry has also provided continuous emission monitoring systems and is connected to the server of CPCB and has provided CEMS to the following chimneys.

Sl.No	Chimney attached to	Make of equipment	Parameters measured
1	Raw Mill land kiln	FLS	Particulate matter SO ₂ and NO _x
2	Cooler	FLS	Particulate Matter
3	Coal mill	FLS	Particulate Matter
4	Cement mill	FLS	Particulate Matter
5	Captive power plant	FLS	Particulate Matter SO ₂ and NO _x

The continuous monitoring reports for the periods from 30.4.2017 to 30.6.2017 submitted by the industry for the stacks attached to the Raw mills and kiln, cooler, coal mill, cement mill land captive power plant is enclosed and the concentration of particulate matter is within the tolerance limits of 30 Mg/Nm³.

The stack monitoring for the stacks attached to kiln, cooler and captive power plant has been monitored on 18.5.2017 and 10.7.2017 and concentration of particulate matter is 23Mg/Nm³, 26Mg/Nm³ and 18 Mg/Nm³ respectively and 18 Mg/Nm³, 16 Mg/Nm³ and 16 Mg/Nm³ which is within the tolerance limit of 30 Mg/Nm³.

The industry has also installed one continuous ambient air quality station near the entrance of the cement plant and the CAAQM station has been connected to CPCB server. The CAAQM report for the period from 31.5.2017 to 30.6.2017 and concentration of PM10 and PM 2.5 is within the tolerance limits prescribed by national ambient air quality standards.

The ambient air quality monitoring has been conducted at labour colony as 18.5.2017 and 10.7.2017 and concentration of PM10 is 52 ug/m³ and 28 ug/m³ which is within the tolerance limits of 100 ug/m³ as per NAAQM standard.

The internal road has been concreted to prevent fugitive emissions and have planted about 1 lakh saplings in the cement plant, mines and colony."

15. As per order dated 06.03.2021, it was brought to the notice of the Tribunal that similar issue has been considered by the Principal Bench in *Tandur Citizens Welfare Society Vs. State of Hyderabad (O.A.No.925 of 2018 (PB)*

dt. 14.11.2019) which was also filed by the same applicants, and the application was disposed of by order dated 11.04.2019 which reads as follows:

“The complaint before this Tribunal is against high level air pollution in Tandur Town, District Vikarabad, Telangana. This Tribunal, vide order dated 21.12.2018, sought a factual and action taken report from the State Pollution Control Board (SPCB).

According to the report dated 16.02.2019 which was considered by this Tribunal vide order dated 29.03.2019, the SPCB stated that one of the causes of air pollution was micro stone cutting and polishing units and open burning of municipal solid waste apart from construction activities without requisite safeguards. A task force was constituted which took steps against open burning of solid waste, apart from mitigation measures during the road construction. The Tribunal directed that remedial measures be taken against air pollution caused by micro stone cutting and polishing units and a further report filed.

Further report dated 11.07.2019 was considered vide order of this Tribunal dated 29.08.2019. The Tribunal required a status report from a joint Committee with reference to the grievance that heavy cement industries were emitting carbon dioxide which was not being checked. They were located close to the town without adequate safeguards. Other sources of pollution such as road and building constructions, stone industries, etc. were not being properly regulated.

Report filed by the joint Committee comprising CPCB, State PCB and District Magistrate, Vikarabad dated 31.10.2019 is that air quality was not meeting the requisite standards. The main sources are dust emissions. Cement industries are also not meeting the air quality standards. The Committee has recommended step for construction of bypass road, providing land for disposal of stone chips etc. apart from proper sweeping of roads, development of green belt, sprinkling of water and other mitigation measures. The conclusion and recommendations are quoted below:-

“V. CONCLUSION:

As per the monitoring reports, it is concluded that the concentration of PM_{2.5} and PM₁₀ are exceeding the National Ambient Air Quality standards at two commercial locations namely (i) At Police Station, Tandur Circle & (ii) M/s. Leo-9 Fuel Station, Chincholi Road. The gaseous parameters SO₂ & NO_x are meeting the Standards in these two commercial locations. However, the parameters PM_{2.5}, PM₁₀, SO₂ & NO_x monitored in the residential area at Sri Satya Sai Seva Sadan are meeting the National Ambient Air Quality standards.

The main sources of air pollution in Tandur town are dust generation due to large movement of vehicles especially heavy vehicles carrying raw materials/products for cement industries and stone cutting & polishing units, road construction activities, improper sweeping of the roads and

unauthorized disposal of stone chips & sludge by stone cutting and polishing units.

The stone cutting & polishing units are allotted private lands for disposal of wastes i.e., stone chips & sludge, generated from the stone cutting and polishing operations. However, it was found that the entire wastes generated are not reaching to the common point and dumped on road sides which causes air pollution during the vehicular movement.

As per the Monitoring reports of M/s. Penna Cement Industries Limited, the PM_{2.5} & PK are not meeting the National Ambient Air Quality Standards and Particulate Matter exceeding the standards prescribed in the consent for the stack attached to Coal Mill and Cement Mill - I & II.

As per the Monitoring reports of M/s. Cement Corporation of India Ltd., the fugitive emissions are not meeting the Standards and Particulate Matter exceeding the prescribed standards for the stack attached to Cement Mill - I. Accumulation of fine dust on the plant leaves, road side, production block, surroundings areas of clinker silos were observed and it causes air pollution during the vehicular movement.

M/s. The India Cements Limited meets the prescribed standards for Ambient Air Quality, fugitive emission and source emission. However, during inspection it was noticed that deposits of fine dust on the plant leaves inside the premises.

As regards to green belt development by the cement industries, M/s. Penna Cement Industries Ltd., and M/s. The India Cements Ltd., have developed 53% & 37% of green belt respectively as against the prescribed standard of 33%. But M/s. Cement Corporation of India Ltd., has developed only 30% of green belt.

The cement industries are not directly causing air pollution to Tandur Town as these industries are located at a radial distance from 6.46 km to 10.06 km. However, these industries are indirectly responsible for air pollution in Tandur town as these industries are transporting raw materials and products using heavy vehicles, about 3000 trucks every day (It includes 2 cement industries being operated outside the state i.e., in Karnataka State), through Tandur town causing severe dust generation during the vehicular movement.

The Telangana SPCB should initiate necessary action against the cement industries for non-compliances observed during inspection and monitoring of these units by the Joint Committee.

RECOMMENDATIONS OF THE JOINT COMMITTEE

The Government should hasten the process of constructing by-pass road in Tandur town to avoid the large movement of heavy vehicles, which is one of the main sources of air pollution in Tandur town.

The Government should allocate common lands of minimum 2 acres in each of the four areas namely Chencholi Road, Kokat Road, Hyderabad Road & Kodangal Road for the disposal of stone chips & sludge, where the cluster of stone cutting and polishing units are present as a short term measures.

The Government should explore the possibility of allocation of about 300 acres land for relocation of all stone cutting & polishing units outside the Tandur town as a long term measures to prevent the air pollution in the town.

An efficient marketplace should be created for the sale & purchase of stone chips & sludge for the small scale units to sell their wastes to the cement industries. This will provide an incentive for the various stakeholders to systemically handle the dust generating wastes in the area. For this, the cement industries should be directed to accept the stone chips & sludge and utilize them in their process as a raw material. The Government may waive off the royalty on the waste accepted by the cement industry.

The Government should direct the concerned Departments to complete the ongoing road construction works within Tandur Town in a time bound manner as it is one of the main sources of air pollution.

The Municipal Authorities should take up regular sweeping of roads by using sweeping machines, sprinkling of water on the roads and development of green belt along the road side as a mitigate measures to control the air pollution."

Let the State PCB and District Magistrate, Vikarabad take further follow up action in the light of above recommendations and the existing ground situation. For violation of environment norms by the cement industries and other industrial units, including stone cutting industries, the State PCB may assess and recover environmental compensation apart from other coercive measures in accordance with law. They may prepare a time bound action and execute the same. If any grievance survives the aggrieved party will be free to take legal remedies.

The application is disposed of."

16. Thereafter, this Tribunal had passed the following order:-

"16. It is seen from the order that the State Pollution control Board and District Magistrate, Vikarabad were directed to take necessary further follow up action in the light of the recommendations extracted above in the order. It is also directed to take action against those persons if there is any sitting criteria violation and if there is any environment damage assess environment compensation and recover the same. It is not known thereafter, what action has been taken by the authorities.

17. So under such circumstances, we direct District Collector, Vikarabad and Telangana State Pollution Control Board to submit a report as to what are all the actions taken by them in compliance of the directions given by the Principal Bench of this Tribunal in TANDUR CITIZENS WELFARE SOCIETY VS. THE GOVERNMENT OF TELANGANA (O.A.No.925 of 2018 dated 14.11.2019) to this Tribunal within a period of one month through e-mail at ngtszfiling@gmail.com."

17. Again, the matter was taken up on 29.10.2020 and this Tribunal had considered the report submitted by the Telangana State Pollution Control

Board dated 28.10.2020 was extracted in Para 3 of the order which reads as follows:-

“REPORT OF THE TELANGANA STATE POLLUTION CONTROL BOARD (R4) IN ORIGINAL APPLICATION No. 195 OF 2016 FILED BY TANDUR CITIZENS WELFARE SOCIETY, TANDUR, VIKARABAD DISTRICT.

The Hon'ble NGT, Chennai in its Order dated 16.09.2020 directed the Telangana State Pollution Control Board to comply with the directions dated 06.03.2020 regarding the compliance of the directions issued by the Hon'ble NGT, Principal Bench, New Delhi vide order dated 14.11.2019 in OA No. 925 of 2018.

In this connection, the following is submitted: -

1. It is to submit that the District Magistrate & Collector, Vikarabad District has reviewed the status of the implementation of the recommendations of the Joint Committee in OA No. 925 of 2018 on 22.02.2020 with all the stake holders. The minutes of the meeting is enclosed as Annexure-I. The compliance of the recommendations of the Joint Committee are as follows:

Sl. No.	Recommendation of the Joint Committee	Present Status
1	The Government should hasten the process of constructing by-pass road in Tandur town to avoid the large movement of heavy vehicles, which is one of the main sources of air pollution in Tandur town.	<p>1) The RDO, Tandur informed that land acquisition over an extent of Ac 96-06 ½ Guntas covering 4 villages for the proposed by-pass road is completed except for small area near Kokat village for which panchanama was conducted and handed over the possession to the R&B Department this January, 2019 for execution.</p> <p>2) The Executive Engineer has informed that the tender was finalized for total stretch of 12 kms which includes the land aquaization cost and now marking for laying the road for 7 kms underway with estimated period of completion is 1½ year.</p>
2	The Government should allocate common lands of minimum 2 acres in each of the four areas namely Chencholi Road, Kokat Road, Hyderabad Road & Kodangal Road for the disposal of stone chips & sludge, where the cluster of stone cutting and polishing units are present as a short term measures.	<p>1) The District Collector & Magistrate directed the RDO, Tandur to identify a land required for disposal of stone chips & sludge on permanent basis.</p> <p>2) Temporarily the stone polishing association, Tandur has acquired private lands at different locations (Chencholi Road, Kokat Road, Hyderabad Road & Kodangal Road) for disposal of stone chips & sludge. Ultimately, the stone chips & sludge are taken by the Gypsum Industries and filling of</p>

		low lying areas, house construction works & for road construction works.
3	<i>The Government should explore the possibility of allocation of about 300 acres land for relocation of all stone cutting & polishing units outside the Tandur town as a long term measures to prevent the air pollution in the town.</i>	<p>1) The District Collector enquired the RDO, Tandur on possibility of allocating land for relocation of these units from the Town.</p> <p>2) The RDO informed that a large extent of vacant land to an extent of 390 acres in the Gingurthy village falling outside the limits of municipality has been identified long back and is still available for the purpose.</p> <p>3) Further General Manager, Industries in consultation with Engineering & Revenue Departments shall work out for minimum area requirement including statutory fulfillment of green cover for setting-up of each unit so as to arrive a composite area for relocation of all 400 working units as a part of long term measures.</p>
4	<i>An efficient marketplace should be created for the sale & purchase of stone chips & sludge for the small scale units to sell their wastes to the cement industries. This will provide an incentive for the various stakeholders to systemically handle the dust generating wastes in the area. For this, the cement industries should be directed to accept the stone chips & sludge and utilize them in their process as a raw material. The Government may waive off the royalty on the waste accepted by the cement industry.</i>	<p>1) The Environmental Engineer informed that much of the sludge and part of the stone chips are being consumed by the local sub-industries for manufacturing of gypsum and for other allied utility. The areas so identified for dumping will act as a central place for both storing and lifting operations of waste for the stakeholders. The representatives of the cement industries initially though raised suspicions on its viability but later came forward, as a part of CSR activities for its utilization after necessary quality check and subject to extension of certain incentives such as waiver of royalty, etc. In this regard, the plant in-charge, M/s. Indian Cements Limited informed that the company already made a representation before the Government on utilization of quarry rejects generated after stone cutting in Sy.Nos. 16, 68 and 69 of Malkapur village, Tandur mandal for its utilization in cement manufacturing process for blending with cement grade and high grade limestone. However, the District Collector suggested to utilize even the stone cutting waste of the units and further instructed the officials to</p>

		ensure that the location of such dumping yard to be made closer to the main cement processing plants for an effective use and directed the AD-Mines to prepare the proposals to the Government on waiver of royalty soon after the receipt of project proposals from the cement units.
5	The Government should direct the concerned Departments to complete the ongoing road construction works within Tandur Town in a time bound manner as it is one of the main sources of air pollution.	<p>1) The Executive Engineer, R&B Department informed that the main road cement works within the Tandur town is time bound and will be completed within month's time.</p> <p>2) As on today all the road works within town were completed (1 km stretch from railway station to inspection bungalow, 1.2 kms stretch from Shivaji Chowk to Panduranga Temple and 750 mtrs stretch from Indira Chowk to Railway Station Road) except 400 mtrs road from DSP Office to Railway gate is not completed.</p>
6	The Municipal Authorities should take up regular sweeping of roads by using sweeping machines, sprinkling of water on the roads and development of green belt along the road side as a mitigate measures to control the air pollution.	1) The Municipal Commissioner, Tandur informed that they are regularly cleaning the roads manually and sent proposal for sweeping machines. He further informed that they have dedicated water tankers for sprinkling of waters on roads to suppress the dust generated during the vehicular movement.

2. The Board officials carried out Air Quality monitoring of 3 cement plants located near Tandur Town during the period from 05.10.2020 to 09.10.2020 and 20.10.2020 to 21.10.2020.

The status of cement industries were reviewed in the Task Force Committee hearing held on 23.10.2020. The Committee noted that the parameters (PM_{2.5}, PM₁₀, PM, SO₂, NO_x) were within the limits for M/s.Penna Cement Industries Ltd (Plant), Sy.No. 53, 54, 56, 57 & 62, Belkatur (V), Tandur(M), Vikarabad District (Annexure-II). However, as per the Online Continuous Emission Monitoring System, the values of Particulate matter was exceeding on some occasions for which the Committee has recommended for Environmental Compensation.

M/s. India Cements Limited, P.B.No.07, Sy.No.51, Tandur Mandal, Vikarabad District (Annexure-III) has complied with the Board directions and meeting the Board's standards.

In case of M/s. Cement Corporation of India Limited, Tandur Cement Factory, Tandur, Vikarabad District (Annexure-IV), the parameters (PM_{2.5}, PM₁₀, PM, SO₂, NO_x) have exceeded the limits and also not complied with the Board directions. The Committee recommended to issue directions to the two

cement industries, namely M/s. Penna Cements and M/s. Cement Corporation of India Ltd., and also to impose the Environmental Compensations. The Board is in the process of issuing directions and orders for imposition of Environmental Compensation to the two units not complying.

3. The Board officials conducted Ambient Air Quality Monitoring at following 3 locations:-

(1). Sri Satya Sai Seva Sadan, Patel Garden, Near Railway Gate, Tandur (M), Vikarabad District (05.10.2020 & 06.10.2020),

(2) M/s Faiyaz & Co. (Adjacent to M/s Leo Fuel Station, Gowthampur (V), (20.10.2020 & 21.10.2020) and

(3) Tandur Police Station, Shanthi Nagar Colony (20.10.2020 & 21.10.2020)).

As per the analysis reports, the parameters (TSPM, PM₁₀, SO₂, NO_x) are within the prescribed standards (Annexure-V).

The Interim report is submitted. Action is being taken as per the recommendations of the Task Force Committee."

18. After considering the report extracted above, this Tribunal had passed the following order:-

"4. We have also received an additional affidavit filed on behalf of the 12th respondent mentioning the compliance status of the directions.

5. The District Collector has not filed any report as directed by this Tribunal. However, the report of the Pollution Control Board shows that there are still certain non-compliance and violations and though, environmental compensation was recommended, they have not assessed the environmental compensation payable by the violating industries and they have not mentioned about the steps to be taken for imposing the environmental compensation and recovery of the same from the polluting industries for their violations.

6. When this was pointed out, the learned counsel appearing for the Pollution Control Board as well as the District Collector submitted that they will come with a proper report.

7. In the mean time, the Pollution Control Board is directed to ascertain the status of the compliance filed by the 12th respondent and whether they are sufficient to meet the requirement as required as per the pollution laws.

8. The learned counsel appearing for the 12th respondent is directed to serve the copy of the additional affidavit filed by them to the counsel appearing for the Pollution Control Board immediately so that they can verify the same and submit a report as directed by this Tribunal.

9. The Pollution Control Board as well as the District Collector are directed to submit the report on or before 03.12.2020 by e-filing along with hardcopies to be produced as per Rules and also serving copy to the other counsel appearing for the parties.

10. The Registry is directed to communicate this order to the members of the committee, District Collector as well as to the Telangana State Pollution

Control Board (TSPCB) by e-mail immediately so as to enable them to comply with the direction."

19. The matter was again taken up on 03.12.2020 and this Tribunal had considered the report submitted by the Telangana State Pollution Control Board dated 02.12.2020 received on 03.12.2020 was extracted in Para 3 of the order which reads as follows:-

"REPORT OF TELANGANA STATE POLLUTION CONTROL BOARD IN OA. No. 195 OF 2016 FILED BY TANDUR CITIZENS WELFARE SOCIETY

The Hon'ble NGT vide order dated 29.10.2020 has directed the Telangana State Pollution Control Board to submit the report regarding assessment of Environmental Compensation on the industries located near Tandur, Telangana State.

The Board has reviewed the status of the following Three Cement Industries located at Tandur in the Task Free (TF) Committee meeting held on 23.10.2020.

- 1. M/s. India Cements Limited, P.B.No.07, Sy.No.51, Tandur Mandal, Vikarabad District.*
- 2. M/s. Penna Cement Industries Limited (Plant), Sy. No. 53, 54, 56 57 & 62, Belkatur (V), Tandur (M), Vikarabad District.*
- 3. M/s. Cement Corporation of India Limited, Tandur Cement Factory, Tandur, Vikarabad District.*

As per the recommendations of the TF committee, the Board vide orders dated 28.11.2020 issued directions to the above three (3) cement plants.

*Further, the committee noted that M/s. India Cements is complying with the directions/consent conditions and meeting the Environmental Standards. The committee opined that as the Industry is complying with the consent conditions/meeting the standards, Environmental Compensation may not be levied on the industry. Accordingly, the Board has not issued any notice for Levy of Environmental Compensation (EC) to this industry (**Annexure – I**).*

Further, the Task Force Committee recommended to impose EC to M/s. Penna Cement Industries Limited and M/s. Cement Corporation of India Limited and an opportunity may be given to these two industries to raise objections if any within 7 days from the date of the order of levy of EC falling which the assessment carried out by the Board may be treated as final assessment.

*Accordingly, the Board issued orders to the above two industries directing them to raise objections if any within 7 days in writing on the calculations carried out by the Board for assessment of the EC, falling which the assessment carried out by the Board will be treated as final assessment. The Orders issued by the Board to these two industries is enclosed as **Annexure – II**."*

20. Thereafter, this Tribunal had passed the following order:-

"4. It is mentioned in the report that M/s. Penna Cement Industries Limited (Plant) and M/s. Cement Corporation of India Limited who are the respondents 9 and 11 respectively are committing the violations and as per the directions issued by the Task Force (TF) Committee, the Pollution Control Board had already issued a show cause notice to them.

5. Since a show cause notice has already been issued, we will have to await the further proceedings to be taken by the Pollution Control Board in this regard. The respondents 9 and 11 are directed to submit their compliance report regarding the deficiencies noted in the committee report and the Telangana State Pollution Control Board is directed to submit their further action taken report in this regard.

6. We have received a document said to be a rejoinder filed by the applicant along with the copy of the E. Nadu news paper report dated 23.11.2020, published in E-Nadu daily. It is in Telugu and the rejoinder submitted is not in the form in which it is required to be filed.

7. When this was pointed out, the learned counsel appearing for the applicant submitted that he will file a proper rejoinder along with the translated version of the news paper report which they are relying on.

8. The applicant is permitted to file their rejoinder in the proper form along with the translated version of the news paper report and to serve a copy of the same to the District Collector, Vikarabad District, Telangana State and also to the Telangana State Pollution Control Board through their counsel, so that they can look into the same and incorporate their views in the report to be submitted before this Tribunal as directed by this Tribunal.

9. The Pollution Control Board as well as the District Magistrate are directed to submit the report on or before 19.01.2021 by e-filing along with hardcopies to be produced as per Rules.

10. The Registry is directed to communicate this order to the members of the committee, District Magistrate as well as to the Telangana State Pollution Control Board (TSPCB) by e-mail immediately so as to enable them to comply with the direction."

21. The case was again taken up on 17.02.2021 and adjourned the case for consideration of report and objection (if any) to the earlier reports filed. Thereafter, the matter was taken up on 26.02.2021 and this Tribunal had considered the report submitted by the District Collector and District Magistrate, Vikarabad District dated Nil received on 18.01.2021 was extracted in Para 4 of the order which reads as follows:-

"Action taken report submitted before the National Green Tribunal (SZ) Chennai on the directions issued by Hon'ble NGT, New Delhi vide orders dated 14.11.2019 in O.A. No.925/2018 and orders of the Hon'ble NGT, Chennai dated 06.03.2020, 16.09.2020, 29.10.2020 and 03.12.2020 in O.A. No.195/2016

I submit that the said application came up for hearing on 03.12.2020 and the Hon'ble NGT, Chennai directed the sixth respondent to submit an action taken report on the directions issued by Hon'ble NGT vide order dt.14.11.2019 in O.A. No.925/2018. Accordingly, an action taken report on the (6) recommendations of the Joint Committee constituted by the Hon'ble NGT, New Delhi in O.A. No.925/2018 is herewith submitted as desired.

1. Construction of Bye-pass road in Tandur Town to avoid movement of heavy vehicles, which is the main source of air pollution in Tandur Town.

It is submitted that the land acquisition process has been initiated for the purpose of constructing Bye-pass road in Tandur Town with a view to avoid movement of heavy vehicles traffic and thereby reduce air pollution.

In this regard, it is submitted that the land to an extent of Acs.96.06 ½ Gts was acquired in various villages for the purpose of Bye-pass road situated at Chengole, Antharam, Kokat and Rasoolpur Villages. The land acquisition awards have been passed and compensation has also been paid to the land losers of all villagers except the farmers of Kokat village, where it is under process. Further, the acquired land has been handed over to the requisition department i.e., R&B Department under cover of panchanama. The tenders have been finalized and the work is in progress.

It is submitted that vide reference 11th cited the Deputy Engineer (R&B) Sub Division Tandur has addressed to R&B, E.E, Vikarabad District requesting for sanction of pending compensation for an amount i.e., Rs.3,16,98,398 for an extent Ac.46.9 Gts out of Ac.96.06 gts, which is pending at Finance Department vide Token No.2168/Dt.14.03.2018.

2. Allocation of common lands of minimum 2 acres in each of four areas viz., Chincholi road, Kokat road, Hyderabad road and Kodangal road for disposal of stone chips and sludge generated from stone cutting and polishing units as a short term measures.

It is submitted that, the Tahsildars of Tandur and Yalal Mandals have been instructed to identify suitable Govt. land for allocation of 2 Acres in each of four areas i.e. Tandur-Hyderabad, Tandur-Chincholi, Tandur-Kotak, Tandur-Karankote for disposal of stone chips and sludge generated from stone cutting and polishing units as a short term measure. But there is no suitable Government land is available for the above said purpose. (As such based on the direction issued by the Hon'ble NGT, the Assistant Director (Mines & Geology), Tandur has been directed to assist in identifying suitable land and submit requisition for the same for acquiring land if need be.)

3. The Government should explore the possibility of allocation of about 300 acres land for relocation of all stone cutting and polishing units outside the Tandur Town as a long term measure to prevent the air pollution in the Town.

It is submitted that the requisition has been received from Telangana State Industrial Infrastructure Corporation Limited, vide Lr. No.3030/TSIIC/Re-location/ORR/Lands/2017, dated 06.06.2020 for allotment

of 300 acres of Government land to re-allocate all stone cutting and polishing units outside of the Tandur Town.

It is submitted that, an extent of Ac.96-02 Gts of Government land in Sy. No.76 situated at Navalga Village of Basheerabad Mandal is available for relocation of all stone cutting and polishing units outside the Tandur Town. (The feasibility study is underway and the allocation/ alienation process is underway as per Rules).

4. An efficient market place should be created for the sale and purchase of stone chips and sludge for the small scale units to sell their wastes to the cement industries. This will provide an incentive for the various stake holders to systematically handle the dust generating waste in the area. For this, the cement industry should be directed to accept the stone chips and sludge to utilize them in their process as a raw material. The Government may waive off the royalty on the waste accepted by the cement industry.

It is submitted that the Environmental Engineer, PCB has informed that much of the sludge and part of the stone chips are being consumed by the local sub industries for manufacturing of gypsum and for other allied utility. The areas so identified for dumping will act as central place for both storing and lifting operations of waste for the stake holders. The representatives of the cement industries initially though raised doubts on its viability but later came forward for its utilization after necessary quality check and subject to extension of certain incentives such as waiver of royalty etc. In this regard, the plant in charge, M/s. Indian Cements Limited informed that the company already made a representation before the Government on utilization of quarry rejects generated after stone cutting in Sy. Nos.16, 68 and 69 of Malkapur Village, Tandur Mandal for its utilization in cement manufacturing process for blending with cement grade and high grade limestone. However, further instructed the officials to utilized even the stone cutting waste of the units and ensure that the location of such dumping yard be made closer to the main cement processing plants for an effective use and also directed the Assistant Director (Mines & Geology), Tandur to prepared proposals to the Government on waiver of royalty soon after the receipt of project proposal from the cement units. Accordingly, the proposal were submitted to the Director of Mines and Geology, Hyderabad through Lr. No.3041/NGT/ND/SWM/2019, Dt. 21.05.2020 for consideration by the Government orders are yet awaited.

5. The Government should direct the concerned departments to complete the ongoing road construction works within Tandur Town shall be completed in a time bound manner as it is one of the main sources of air pollution.

The Executive Engineer, R & B, Vikarabad has informed that about 90% of the road works within the Tandur town has been completed and the rest of the work is under progress and the same will be completed in a time bound manner.

6. The Municipal authority should take up regular sweeping of roads by using sweeping machines, sprinkling of water on the roads and development of green belt along the road side as a mitigate measures to control the air pollution.

It is submitted that as per the NGT orders, the instructions has been issued to the RDO, Tandur to co-ordinate and interact with Municipal Commissioner, Tandur for permanent arrangement to clean roads regularly and periodic sprinkling of water with development of green cover along the median and either sides of the road as one of the mitigation measure to control the air pollution.

In turn, the Commissioner, Tandur Municipality has furnished the action taken report in compliance to NGT orders dated 29.04.2019.

In Tandur Municipality there are (257) sanitation Staff (Regular & Out Sourcing) and the sanitation staff is engaged in following works i.e., Sweeping, Drain Cleaning, Silt lifting cleaning of public urinals, door to door garbage collection etc.

The sanitation staffs are provided with 11 Nos. of Tractors, 13 Nos. of Auto, 1 No. of JCB and 1 No. Dozer for collection of door to door garbage and cleaning of drains and Nalas etc.

The municipality has also given training to all sanitation workers as well as the resource persons to give proper awareness in public while separating Dry & Wet waste.

After door to door waste collection and segregation is also taking place.

The sanitation staffs also engaged for sprinkling water on main roads and also on internal, roads wherever required with the help of water tankers with capacity of 5000 liters in a day with maximum of 4 to 5 trips for controlling dust pollution.

Further task forces have been formed with sanitation staff for controlling plastic usage and fine is being imposed on these who violate the rules.

Further Garbage vulnerable points (GVPs) have been identified and many of them have been removed.

The Director of Municipal Administration has also issued further instructions under programme under which the Municipality has taken up sanitation drives, increasing greenery (Haritha Haram) and infrastructural improvements.

The Municipality is also taking stringent measures to curb the illegal dumping of stone wastes in the town.

Under the 6th phase of Haritha Haram programme of Telangana Govt. as per the instructions of the Commissioner & Director of Municipal Administration, the target for Tandur Town is 4.61 lakhs plants, out of which 1.25 lakhs is completed and the balance plantation is underway.

Further, it is submitted that the Task Force Committee has reviewed the status of the Cement factories limits, as per the online continuous emission monitoring system, the value of particulate matter was exceeding on some occasions of M/s. Penna cement industries Ltd. and M/s. Cement Corporation of India Ltd. and for which the committee has recommended for environmental compensation and the same was initiated.

As per the direction by the Hon'ble National Green Tribunal submitting the action taken report for consideration and pass such order or orders which deemed fit and proper in the circumstances of the case."

22. On that day, this Tribunal had also considered the objection in the form of rejoinder dated 13.02.2021 and received on 25.02.2021 filed by the applicant was extracted in Para 8 of the order which reads as follows:-

“REJOINDER FILED BY THE APPLICANT TO THE REPLY
FILED BY THE RESPONDENTS

I, Rajgopal Sarda, Son of late. Asaramji Sarda, aged about 58 years, residing at No.7/7/52/4A, Gomthi Kunj, TANDUR-501141, Rangareddy District, Telangana, temporarily come down to Chennai do hereby solemnly affirm and sincerely state as follows:

1. I am the Applicant herein and as such I am well acquainted with the facts of the case. I deny all the allegations and the averments made in Reply Affidavit of the Respondents and they may be put to strict proof of the averments made therein except those that are specifically admitted herein.

2. It is submitted that when the representations made to the 3 and 4th respondents were not considered the Applicant herein on 02.04.2016 made a representation to the 19 & 210 respondents to take immediate steps to bring down the pollution level to normalcy in Tandur

3. It is submitted that the said representation dt.02.04.2016 came to be received by the 1st & 2nd respondents herein on 08/04/16 & 12/04/2016 However, till date the 15 & 2nd respondents herein have not acted on the representation to prevent the respondents 7, 9 to 13 from causing air and noise pollution in Tandur. It is submitted that the respondents 1, 2, 3, 4, 6, 8 are expected to act on the representations of the Applicant and to prevent the respondents 7, 9 to 13 from causing air and noise pollution which are now drastically affect over 75,000 people living in Tandur area and also rural masses living nearby these cement factories.

REJOINDER FILED BY THE APPLICANT TO THE REPLY
FILED BY THE 1ST RESPONDENT

4. The averments made in paragraph 3 of the Reply of the 1st Respondent are denied. It is submitted that the 4th Respondent will not be in a position to monitor & control each and every category industry when the 4th Respondent is stationed more than 100 kms away from these Industries. It is submitted that the heavy vehicular traffic passing through the town is creating immense Air & Noise pollution. It is submitted that the Newspaper clippings clearly show that the cement industries are creating heavy air pollution and how farmers have been severely affected.

5. The averments made in paragraph 4 of the Reply of the 15th Respondent is denied. It submitted that the 4th Respondent came to Tandur town upon the repeated requests of the applicant on 17/12/2015 to measure the Air quality. It is submitted that the analysis report of February 2016 indicates PM10 value is 622 ug/m3 as against the National Ambient Air Quality Standard of 100 ug/m3. It is submitted that this report created serious anxiety and worries amongst the residents of Tandur and invited the attention of media. It is submitted that pursuant to the Air Pollution Report, there was one more analysis conducted by the 4th Respondent within a very short notice i.e.,

in the month of March, 2016. Hence, the 2nd inspection was made without informing anybody, that too immediately after the 18 inspection is submitted that the 1st respondent claims to have given directions to the Municipality to take curative steps against the Stone polishing Units & Cement manufacturing Industries which cause the maximum pollution. However, neither the municipality has taken any productive step nor the TNPCB has taken any effort to curb the menace caused by such units.

6. The averments made in paragraph 5 & 6 of the Reply of the 1st Respondent are denied. It is submitted that the contentions made in paragraph 5 of our application, pertains to the year 2015 on a different issue but the 1st respondent has replied with respect to the 7th Respondent which is an issue pertaining to 2014. It is submitted that the respondents have not taken any action against the representations made neither in 2014 nor 2015. It is submitted that further, the cement industries to save its input costs are emitting collected dust in open air during the night. It is submitted that the 1st Respondent claims that, directions have been issued by the 4th respondent to defaulting industries on several dates which is not reliable as the same is not substantiated by any means and is not credible as there is no improvement in the quality of the air in and around the city of Tandur.

8. The averments made in paragraph 7 & 8 of the Reply of the 1st Respondent are denied. It is submitted that the 1st Respondent's statement denying that they have not received our Notice is utter false and unsustainable. It is submitted that the respondents by stating that, they never received any notice are only trying to shove their responsibilities and trying to mislead this Hon'ble Tribunal. It is also to be noted that, the 4th respondent had conducted Air quality monitoring Tests but they miserably failed to take any preventive steps to bring down the Air-pollution. It is submitted that unless heavy un-required vehicular traffic is diverted from entering Tandur town and forest cover is developed, this problem will not be solved. It is submitted that the 1st Respondent has also failed to state the preventive steps executed or planned to be executed by the 4th Respondent to bring down the Air-pollution which is of prime importance. It is submitted that the 1st respondent has failed to state if 4th respondent disconnected the water & power supply to the 7th respondent as he threatened to do so in his show-cause notice, if reply was not given within a period of 14 days. It is submitted that the reply of this respondent lacks any prospective action to be taken by the 4th respondent against the 7th respondent who continues to load cement dust in open and constantly and continuously violating the Air & Environment Protection Acts. It is submitted that, if the 7th Respondent denies permission of installing Air monitoring equipments in Railway Station, then the 4th Respondent has got every authority to take appropriate action against the 7th Respondent.

REJOINDER FILED BY THE APPLICANT TO THE REPLY
FILED BY THE 2 RESPONDENT

9. With regard to averments made by the 2nd respondent in their reply affidavit are denied. It is submitted that the applicant has exhausted all remedies available to him by making representations before the concerned authorities, but they have turned a deaf ear to the same. It is submitted that, in fact the 2nd respondent has stated in his reply that the application quote PM10

of 622 mg/m³ as against the National Air Quality Index (NAQI) of 100 mg/m³, but the 2nd Respondent has not taken any coercive methods to combat pollution in TANDUR area. It is submitted that the 2nd Respondent holding the crucial responsibility of maintaining a healthy environment have stated that there is a need for multi disciplinary approach. It is submitted that as stated by the 2nd Respondent, a multi disciplinary approach is very much necessary but the initiative should be taken by the 2nd Respondent which is robust ministry established by the Government to enact and administer all matters regarding the environment issues.

REJOINDER FILED BY THE APPLICANT TO THE REPLY
FILED BY THE 3 RESPONDENT

10. With regard to the averments made by the 3rd respondent in their reply affidavit are denied. It is submitted that the 3rd Respondent is agreeing to the fact that Cement factories should have online emission monitoring devices to track the pollution and emission in the locality but on the contrary the 4th Respondent has clearly mentioned that the Respondents 9 to 11 do not have such facilities. It is submitted that moreover, even though the 3rd Respondent has stated that Respondents 12 & 13 have online monitoring system but they have failed to disclose how many times the Short Message Service (sms) alerts have been sent to these units at least in last one year.

11. With regard to para 11 to 14 of the 3rd Respondent's reply, it is submitted that they have formulated certain schemes and extended their support with an assurance to provide technical and financial support to the 4th Respondent for installation of AAQM at Tandur. It is submitted that this respondent has specifically directed the 7th Respondent herein to follow the guideline as per the document on "Inventorization of Railway Sidings and Guidelines for their Environment Management". It is submitted that the prevailing conditions of pollution in the district of Tandur shows the non execution of the said guidelines by the concerned authorities.

REJOINDER TO THE REPLY FILED BY THE 4th RESPONDENT

13. It is submitted that the 4th Respondent came to Tandur town upon the repeated requests of the applicant on 17/12/2015 to measure the Air quality. It is submitted that the analysis report of February 2016 indicates PM₁₀ value is 622 ug/m³ as against the National Ambient Air Quality Standard of 100 ug/m³. It is submitted that this report created serious anxiety and worries amongst the residents of Tandur and invited the attention of media. It is submitted that pursuant to the Air Pollution Report, there was one more analysis conducted by the 4th Respondent within a very short notice i.e., in the month of March, 2016. It is further submitted that therefore, the 2nd inspection was made without informing anybody, that too immediately after the 15 inspection and the same reveals that the pollution level found in Tandur area is far from the normal permissible level. It is submitted that the 1st respondent claims to have given directions to the Municipality to take curative steps against the Stone polishing Units & Cement manufacturing Industries which cause the maximum pollution, however, neither the municipality has taken any productive step nor the TNPCB has taken any effort to curb the menace caused by such units.

14. With regard to averments made in paragraph 6 of the reply filed by the 4th Respondent, the applicant is perplexed as to how the level of air pollution has drastically come down during the 20 AAQM conducted on 20.03.2016 & 21.03.2016. It is germane to note that, the 4th Respondent herein has not taken any effective steps to improve the air quality since the 1st AAMQ conducted on 17.12.2015. Moreover, the 4th Respondent himself has conceded to the fact that during the 2nd AAQM Analysis Report it was found that in the afternoon i.e., from 2:00 PM to 10:00 PM the PM10 value are at its peak-216ug/m3 and during the night time i.e., from 10:00 PM to 6:00 AM they are least-146ug/m3, both of which are well above the National Ambient Standards of 100ug/m3.

15. The averments made in paragraph 7 to 11 of the Reply affidavit of 4th respondent, are denied. It is submitted that although, the 4th Respondent has issued show cause notice dated 25/11/2014 to 7th Respondent & monitored the Stack and AAQM of three cement industries on several dates, he has failed to take necessary action against the 7th Respondent and other concerned respondents who have been constantly polluting the environment. It is submitted the 4th respondent merely states that he had issued directions to the cement industries and does not state anything about the compliance or follow up action in that regard which only reflects the his callous attitude, inefficiency and insensitivity towards the whole issue. It is submitted that the 4th Respondent who is the proper authority to take action against the erring officer herein being the 7th Respondent, by being a mute spectator has been directly/indirectly contributing to the raising pollution levels in Tandur.

REJOINDER FILED BY THE APPLICANT TO THE REPLY
FILED BY THE 5th RESPONDENT

16. The averments made by the 5th respondent in their reply affidavit are denied. It is submitted that the 12th and 13th respondents did not take any steps to connect their plants to Railway lines as such till April, 2015. It is submitted that therefore both the respondents would rely upon the roadways and railway lines for transmission of raw materials and cement. It is submitted that respondents 12 & 13 transport their raw material and cement in overloaded trucks without tarpaulin covering which pass through the narrow streets of Tandur thereby polluting the entire atmosphere and making the air obnoxious and toxic. It is submitted that apart from the pollution caused by such industries, transmission of cement in such heavy trucks through the narrow streets of Tandur has contributed to a large extent to the spike in road accidents.

REJOINDER FILED BY THE APPLICANT TO THE REPLY
FILED BY THE 6th RESPONDENT

17. The averments made by the 6th respondent in their reply affidavit are denied. It is submitted that the 6th respondent has merely stated the various schemes and policies in place which may seem very convincing at the first blush, however in reality none of it has been effectively implemented and pollution continues to be a serious threat. It is submitted that for instance the Haritha Haram scheme under which it was claimed by respondent that more than 10 Lakh saplings were planted was a big failure as most of the saplings did not survive owing to lack of proper irrigation and initial care.

REJOINDER FILED BY THE APPLICANT TO THE REPLY
FILED BY THE 7th RESPONDENT

18. The averments made by the 7th respondent in their reply affidavit are denied. It is submitted that, the 7th Respondent is violating various Environmental laws, not from recent past but from 2004 onwards. It is submitted that the applicant has been constantly giving representations to the 7th Respondent reminding him to take action against the rising pollution levels. It is submitted that however, all such representations have fallen to leaf ears and the 7th respondent is continuously loading cement dust from platforms in open air on increasing decreasing methods. It is submitted that in fact the 3rd Respondent in their reply has clearly stated that this respondent has not been following the guideline as per the document on inventorization of Railway Sidings and Guidelines for their Environment Management". It is submitted that the precautions measures alleged to have been taken by the 7th respondent is only on paper and has not been implemented.

REJOINDER FILED BY THE APPLICANT TO THE REPLY
FILED BY THE 8th RESPONDENT

19. The averments made by the 8th respondent in their reply affidavit are denied. It is submitted that the 8th Respondent is holding one of the esteemed offices in the town of Tandur. It is submitted that the 8th Respondent is the authority responsible for all issues pertaining to the Town of Tandur. It is submitted that, when the level of pollution in the town has been increasing at such alarming levels, this Respondent ought to have taken necessary action to curb the same. It is submitted that, on 17/12/2015 the 4th Respondent herein came to Tandur to measure the Air quality wherein it was found that the PM10 value is 622 ug/m3 as against the National Ambient Air Quality Standard of 100 ug/m3. It is submitted that this clearly shows the dangerous extent to which the quality of air has been polluted. It is submitted that however, the 8th Respondent in his counter affidavit states that he does not have the authority to take action against the erring industries and also due to paucity of funds, which is untenable and unacceptable. It is submitted that even according to the 8th respondent there was a resolution for laying by-pass roads around Tandur Town, however it is unfortunate that the said project is yet to begin. It is submitted that when such beneficial projects being stalled endlessly, the ultimate sufferer is the common man.

REJOINDER FILED BY THE APPLICANT TO THE REPLY
FILED BY THE 9th RESPONDENT

20. The averments made by the 9th respondent are denied. It is submitted that the aerial distance is the factor to be considered to determine pollution and not road distance. It is submitted that although the 9th respondent's plant is 15 Kms away from Tandur town, the 9th Respondent's Plant is located not more than 8 kms in aerial distance from extreme corner of Tandur town.

REJOINDER FILED BY THE APPLICANT TO THE REPLY
FILED BY THE 10th, 11th, 12th & 13th RESPONDENTS

21. It is submitted that, it is an admitted fact that Tandur is reeling under immense pressure of 622ug/m3 of Air-pollution which the highest in any town/city. It is submitted that this is primarily because Industries like the

Respondents herein (11, 12 & 13) were given permission without any forward thinking plan by Government planners. It is submitted that the forewarned dangers stipulated in the Environmental Protection Act has been clearly ignored to suit their convenience.

22. It is submitted that the 3rd Respondent has clearly stated in his Reply that, the 9th, 10 and 11th respondents has not installed online emission monitoring system. It is further submitted that although respondents 12 and 13 have installed online emission monitoring systems, it has not been stated the number of times SMS Alerts have been received in case of breach of standards. It is submitted that thus the directions issued by the Central Pollution Control Board under section 18(1)(b) of the Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981 has been violated by the 11th respondent.

23. It is reiterated that it is only the aerial distance that should be considered for determining the level of pollution caused and the actual distance is immaterial. It is submitted that apart from that, unprecedented noise pollution from heavy and unrequired traffic through Town limits for which Respondents 10, 11, 12 & 13 are one of the major reasons. It is submitted that there were many road accidents taken place resulting in loss of life and disabilities and to obtain the relevant details by way of an application under RTI Act was forwarded to ASP, Tandur but the same has not been answered so far in spite of more than repeated reminders. It is submitted that the Town of Tandur & Karankote has recorded the highest number of accidents.

24. It is submitted that with respect green belt the norms fixed is 33% coverage of land with Trees under normal conditions but again it is reiterated that not even 15% of our Tandur Constituency land is covered by Trees. It is submitted that the tall claims made by the respondents 10 to 13 with respect afforestation and increasing the green belt coverage is utter hogwash.

25. It is submitted that thousands of trucks carrying cement are being loaded in open air at Railway Station platforms of Tandur which is in the middle of the Town and thereby created nuisance for public and passengers ever since from the institution of these Industries. Moreover it is submitted that, the innumerable numbers of wagons are being loaded at platforms without following the guidelines formulated by CPCB. It is submitted that the above four respondents claim to have invested huge sum of money in the purchase and up-keep of pollution control equipment and devices however, in reality pollution continues to pose a serious menace to the residents of Tandur as per the recent Air Pollution Ambient Report.

26. It is to be noted that, even as per the comprehensive Report submitted by the 4th Respondent herein, it clearly reveals that the level of PM10 values pertaining to the 11th respondent are in excess of the standard limits. It is submitted that the SPM value is exceeding the standard limit. Similarly, the SPM values of the 9th Respondent is well in excess of the standard limit.

Prayer:

For the foregoing reasons it is humbly prayed that this Hon'ble Tribunal may be pleased to direct the respondents 1, 2, 3, 4, 6, 8 herein to prevent respondents 7 and 9 to 13 from causing air and noise pollution in and

around Tandur Taluk, Ranga Reddy District and further prevent respondents 9 to 13 herein from plying Heavy vehicles / Trucks in the narrow roads of Tandur Town and further direct the respondents to monitor Air and noise pollution emanates from the cement industries of respondents 9 to 13 and 7 herein and to pass such further or other orders deems fit and proper in the circumstances of the case and thus render justice.

Dated at Chennai 13th day of February, 2021"

23. After considering the report submitted by the District Collector, Vikarabad and the objection filed by the applicant, this Tribunal had passed the following order:-

"9. As regards the District Collector report is concerned, it is a long term measure to be taken by the Government for the purpose of meeting the issue permanently. Even in the report, it was mentioned that though they want to identify the land for the purpose of removing the chips by way of disposing it in a safer manner, they could not identify the land and they are in the process of identifying the land for that purpose. As regards the construction of bye-pass road etc. are concerned, the report shows that it is in progress.

10. However, those long term measures will take much time to comply with and till then we will have to consider whether the temporary measures that have been adopted/suggested are being complied with by the units and whether there is any improvement in the air quality in that area, in order to redress the grievance of the applicant so that this Tribunal can direct the cement companies which are said to be causing pollution to strictly adhere to the measures suggested till the permanent measures are implemented by the authorities by providing certain time limit for them to comply with those permanent measures as well. That could be the only possible way in which the application can be disposed of as it is not possible for this Tribunal to perpetually monitor the proceeding for a longer period as even as per the provisions of the National Green Act, 2010, the entire proceedings will have to be completed within a period of 6 (Six) Month from the date of filing of the application.

11. The Telangana State Pollution Control Board is directed to conduct further inspection of that area and conduct Ambient Air Quality Test and also submit a report as to whether there is any improvement in the Ambient Air Quality in that area and whether the temporary measures that have been adopted by the cement companies are sufficient to protect the interest of the local people against the pollution that is being complained of and suggest if any further improvement is required or any steps will have to be taken for redressing the grievance of the people in that locality so as to arrest the air pollution till permanent measure that is being adopted by the Government are implemented.

12. The Telangana State Pollution Control Board is directed to submit a further report as directed by this Tribunal on or before 31.03.2021 by e-filing in the form Searchable PDF/OCR Supportable PDF and not in the form of Image PDF along with necessary hardcopies to be produced as per Rules."

24. The matter was again taken up on 01.06.2021 and on that day, this Tribunal had considered the report submitted by the Telangana State Pollution Control Board dated 29.03.2021, e-filed on 30.03.2021 and received on 31.03.2021 and the same was extracted in Para 3 of the order which reads as follows:-

"REPORT DATED 27.03.2021 OF THE TELANGANA STATE POLLUTION CONTROL BOARD (R4) IN ORIGINAL APPLICATION NO. 195 OF 2016 FILED BY TANDUR CITIZENS WELFARE SOCIETY, TANDUR, VIKARABAD DISTRICT.

It is to submit that the Hon'ble NGT, Chennai in its Order dated 26.02.2021 directed the Telangana State Pollution Control Board to conduct further inspection of that area and conduct Ambient Air Quality Test and also submit a report as to whether there is any improvement in the Ambient Air Quality in that area and whether the temporary measures that have been adopted by the cement companies are sufficient to protect the interest of the local people against the pollution that is being complained of and suggest if any further improvement is required or any steps will have to be taken for redressing the grievance of the people in that locality so as to arrest the air pollution till permanent measure that is being adopted by the Government are implemented and directed to submit a further report.

In this regard, the following is submitted:-

The Board Officials have conducted Ambient Air Quality Monitoring (AAQM) in Tandur Town at 3 locations i.e., (i) Terrace of Police Station, Tandur, (ii) Terrace of Satya Sai Temple & (iii) Near Office room of HP Petrol Bunk. The analysis reports (**Annexure-I**) are tabulated below:-

Table 1: AAQM Results of Tandur Town monitored on the terrace of Tandur Police Station, Shanthi Nagar Colony, Tandur (M), Vikarabad District.

Date of sampling	Time and duration of sampling	PM ₁₀ µg/m ³	TSPM µg/m ³	SO ₂ µg/m ³	NO _x µg/m ³
19.03.2021 & 20.03.2021	12:30 pm to 08:30 pm	89	352	9	30
	08:30 pm to 04:30 am	76	313	9	42
	04:30 am to 12:30 pm	72	218	12	40
24 Hours Average		79	294.3	10.0	37.3
National Ambient Air Quality Standards (NAAQS)		100	---	80	80

Table 2: AAQM Results of Tandur Town monitored on the Terrace of Sri Satya Sai Seva Sadan, (Control Station).

Date of sampling	Time and duration of sampling	PM ₁₀ µg/m ³	TSPM µg/m ³	SO ₂ µg/m ³	NO _x µg/m ³
19.03.2021 & 20.03.2021	01:00 pm to 09:00 pm	87	297	8	42
	09:00 pm to 05:00 am	68	201	7	39
	05:00 am to 01:00 pm	62	266	15	36
24 Hours Average		72	254.7	10.0	39.0
National Ambient Air Quality Standards (NAAQS)		100	---	80	80

Table 3: AAQM Results of Tandur Town monitored near office room of HP Petrol Bunk of M/s. Faiyaz & Co. (Adjacent to Leo- Fuel Station), Gouthapur (V), Chincholi Road, Tandur (M), Vikarabad Dist.

Date of sampling	Time and duration of sampling	PM ₁₀ µg/m ³	TSPM µg/m ³	SO ₂ µg/m ³	NO _x µg/m ³
19.03.2021 & 20.03.2021	01:30 pm to 09:30 pm	136	482	8	42
	09:30 pm to 05:30 am	291	1079	12	40
	05:30 am to 01:30 pm	274	1266	12	38
24 Hours Average		233.7*	942.3	10.7	40.0
National Ambient Air Quality Standards (NAAQS)		100	---	80	80

***Note:** The road work is under construction stage. Hence the particulate matter (PM₁₀) has exceeded the standards due to the dust generated from the vehicular movement.

As per the analysis reports, all the parameters (PM₁₀, SO₂ & NO_x) at all three locations are well within the limits as against National AAQ standards, except the PM₁₀ at HP Petrol Bunk of M/s. Faiyaz & Co. (Adjacent to Leo-9 Fuel Station), Gouthapur, Tandur has exceeded due the dust generated from the vehicular movement, as the road work is under maintenance. The R & B Dept., authorities have informed the road work will be completed within one month i.e., by 31.05.2021.

The Ambient Air Quality in Tandur Town has been improved due the following measures taken by the concerned authorities:-

- i. The Municipal authorities are sweeping roads every day, sprinkling of water with dedicated water tanker on the roads to suppress the dust generated during the vehicular movement.
- ii. Door to door solid waste management system implemented.
- iii. Open burning of municipal solid waste controlled.
- iv. The construction of bye-pass road for Tandur Town has commenced.
- v. Tandur Stone Cutting & Polishing Units Association are using temporarily allotted land for dumping of stone chips & stone slurry.
- vi. There are four nos. of gypsum industries located in and around Tandur Town and regularly lifting stone slurry for manufacturing of Gypsum.

It is further submitted that there are three Respondent Cement Industries in Telangana State viz., M/s. Penna Cements Ltd., M/s. Cement

Corporation of India Ltd., & M/s. India Cements Ltd., and are located at a distance of 6 Kms to 11 Kms from the Tandur Town.

The Board has directed all the Cement Industries to install Online Continuous Emission Monitoring System (OCEMS) for Stack and Continuous Ambient Air Quality Monitoring (CAAQM) System. Accordingly, all the above cement industries have installed OCEMS and CAAQM systems and connected to the servers of CPCB & TSPCB. The Board is having a dedicated Online Continuous Monitoring Section and continuously monitoring the values of OCEMS and CAAQM. As and when the parameters are exceeding the standards stipulated by the Board, system generated alerts (messages) are sent to the industries to rectify the same immediately.

As per the continuous monitoring system values, the parameters ($PM_{2.5}$ PM_{10} , particulate matter, SO_2 , NO_x) are well within the limits for M/s. India Cements Ltd., and exceeded few times in case of M/s. Cement corporation of India Ltd., and M/s. Penna Cements Ltd. The Board has reviewed the status of the industries and issued directions and also levied the Environmental Compensation to the non-complying industries (M/s. Cement Corporation of India Ltd., and M/s. Penna Cements Ltd). The industries also paid the Environmental Compensation.

The cement industries are directly not causing pollution to Tandur Town. However, the heavy vehicles carrying some of the raw materials and products are plying through Tandur Town, which are causing air pollution in the Town.

The following measures are suggested to be taken up by the concerned Authorities to further improve the Ambient Air Quality in Tandur Town:-

- i. The vehicles carrying raw materials and products shall be covered completely.
- ii. The frequency of intervals of cleaning/sweeping of roads and water sprinkling through dedicated water tanker shall be increased.
- iii. The stone cutting and polishing units shall not dispose stone chips and slurry along the roadside.
- iv. The R & B Department shall complete the remaining road work which is under construction at HP Petrol Pump, Gouthapur, Tandur.
- v. The P & B Department shall complete the bye-pass road construction of Tandur Town at the earliest.

The Board will regularly monitor the Ambient Air Quality in Tandur Town. Further, the Board will regularly monitor the Stack Emissions and AAQM in the Cement industries for compliance of the Board directions.”

25. This Tribunal had also considered the additional action taken report submitted by the District Collector, Vikarabad dated 26.03.2021, e-filed on

01.04.2021 received on 08.04.2021 and the same was extracted in Para 7 of the order which reads as follows:-

**“ADDITIONAL ACTION TAKEN REPORT SUBMITTED BY
THE COLLECTOR & DISTRICT MAGISTRATE, VIKARABAD (6th
RESPONDENT) BEFORE THE NATIONAL GREEN TRIBUNAL (SZ)
CHENNAI ON THE DIRECTIONS ISSUED VIDE ORDERS DATED:
26.02.2021 IN O.A. No. 195 of 2016**

The Additional Taken Report in O.A. No. 195 of 2016 is submitted herewith as desired.

1. It is submitted the Deputy Engineer (R & B) Sub Division Tandur has addressed to District R & B, E.E, Vikarabad District requesting for sanction of pending compensation for an amount i.e., Rs. 3,16,98,398/- for an extent Ac. 46.9 Gts out of Ac. 96.06 gts, which is pending at Finance Department vide Token No. 2168/Dt: 14-03-2018 and the amount has been sanctioned vide cheque No. 2100203864, Dt: 22.12.2020 and the compensation amount has been credited into the land losers accounts directly from the PAO office.
2. It is submitted that the Assistant Director (Mines & Geology), Tandur has been directed to assist in identifying suitable land and submit requisition for the same for acquiring land if need be. In this regard, it is submitted that the Chief Secretary, Telangana State has convened a meeting on 13.02.2021 at 11.00 AM in his chambers with the concerned stake holders departments heads wherein he directed Principal Secretary, Industries to instruct TSIIC to develop a comprehensive plan for the envisaged Industrial Park in Navalga Village of Basheerabad Mandal with common infrastructural facilities to suit the requirements of Stone Cutting and Polishing Units which are to be relocated and considering its future requirements. Hence the need for additional land to dispose stone chips and sludge may not be required.
3. It is submitted that Ac. 300-00gts were identified in Basheerabad Mandal for development of an industrial park by TSIIC to accommodate approximately (800) such units. Advance possession of Ac. 212-00gts has been handed over to TSIIC. The balance patta land is under acquisition and shall be completed within 6 months.
4. It is submitted that the proposals for waiver of Royalty were submitted to the Director of Mines & Geology, Hyderabad through Lr. No. 3041/NGT/ND/SWM/2019, Dt: 21.05.2020 for consideration by the Government. Orders are yet awaited. The proposals for waiver of Royalty, the Director of Mines and Geology, Hyderabad submitted necessary proposals to the Government and the same is under active consideration.
5. It is submitted that (5) Road works with an estimated cost of 25 crores are taken up in which 93% of works completed and only 400 meters remains to be completed. The works are being taken up on war-footing and will be completed by 31st May 2021.”

26. After considering the above reports submitted by the Telangana State Pollution Control Board and the District Collector, Vikarabad District, this Tribunal had passed the following order:-

"4. It is seen from the report that the industries against whom the environmental compensation has been imposed have paid the environmental compensation. It is also mentioned in the report that the cement factories are directly not causing pollution to Tandur Town. However, heavy vehicles carrying some of the raw materials and products are plying through the Tandur Town which are causing air pollution in that area and certain directions have been issued as to how this will have to be curbed.

5. Though the Pollution Control Board had mentioned in the report that cement companies have installed continuous online effluent monitoring system and that is connected with the Pollution Control Board office, they have not mentioned anything about the efficiency of the system as to (a) whether at any point of time they found any exceedance of the standard and how many times it has been found, (b) whether at any point of time, the OCEMS was non-functional and if yes, what is the duration and periodicity and whether correspondingly production was impacted and (c) what is the nature of action taken by them on that basis.

6. When this was pointed out, the learned counsel appearing for the Pollution Control Board submitted that they will come with a detailed report regarding the same as well, if some time is granted.

.....

8. It is seen from the report submitted by the District Collector that acquisition proceedings are in progress for the purpose of shifting the stone cutting and polishing units and out of 300 Acres of land, 212 Acres have been taken as advance possession and regarding the balance area, steps will be completed within six months.

9. But they have not mentioned as to the time limit within which the shifting of the units by developing the industrial park will be completed by Telangana State Industrial Infrastructure Corporation. Unless certain action plan for shifting the units is also forthcoming, it cannot be said that it will be effectively implemented within a shorter time line.

10. It is also mentioned in the report that as regards the road work is concerned, 93% of the work has been completed and only 400 Meters remains to be completed and the same will be completed by 31st May, 2021, but we do not know the present status.

11. The applicant had produced certain photographs along with their memo dated 16.05.2021 showing the dust pollution that is being caused on account of the plying of the vehicles through these roads and also dumping of garbage on the side of the road.

12. The State Government is directed to submit a detailed further report regarding these aspects and the Pollution Control Board is also directed to file a further report on the basis of the photographs produced and also on the

basis of the direction given by this Tribunal in the earlier paragraphs before the next hearing date.

13. The State of Telangana is also directed to come with a action plan with time frame within which the entire polluting industries namely, stone cutting and polishing units will be shifted to the proposed area namely, Basheerabad Mandal so that this Tribunal can dispose of the matter by giving certain directions to be complied with, instead of keeping the matter for a long time, as the matter is pending before the Tribunal for the last five years without reaching any logical conclusion and the pollution still continues according to the applicant.

14. The applicant also filed rejoinder showing the nature of pollution that is being continued even now.

15. The Pollution Control Board is also directed to ascertain as to whether the directions issued by the Principal Bench of National Green Tribunal in **O.A. No.533 of 2019 (Anubhavkumar Vs. Union of India & Ors.)** dated 28.01.2021 regarding the control of air pollution caused in railway loading and unloading yard that is being maintained by the 7th respondent railway station are being complied while undertaking loading and unloading cement or any raw material transported for the cement factories in that area. If there is any violation, then what is the nature of action taken by the Pollution Control Board to abate such nuisance as well, it is to reported when they are filing the action taken report before the next hearing date, as this is one of the grounds raised by the applicant in the rejoinder as source of pollution in Tandur Town.

16. The respective respondents and the District Collector and the State of Telangana are directed to come with a further detailed action plan for shifting the polluting industries as proposed and further action taken by the Pollution Control Board to abate the pollution that is being caused in that area and the status report of the acquisition proceeding and completion of road work when they are filing the report as directed to be filed before this Tribunal.

17. They are directed to submit the respective reports to this Tribunal on or before 30.06.2021 by e-filing in the form of Searchable PDF/ Supportable PDF and not in the form of Image PDF along with necessary hardcopies to be produced as per Rules.

18. The Registry is directed to communicate this order by e-mail immediately to the Telangana State Pollution Control Board, District Collector, Vikarabad District, Chief Secretary, State of Telangana, Principal Secretaries of Industries and Revenues and also to the General Manager, South Central Railway, Secunderabad for their information and for compliance of the direction of this Tribunal in an effective manner, as the 7th respondent is only a lower rank officer namely, Station Master whose powers will be very minimal and in order to meet the environmental norms, the railways are having their own section in respective regions who will be dealing with these issues to make the railway station and their activities in an eco-friendly manner for the purpose of getting eco-friendly certificate that is being issued by the Ministry."

27. The matter was again taken up on 30.06.2021, and this Tribunal had considered the further report submitted by the District Collector, Vikarabad e-filed on 28.06.2021 and received on 30.06.2021 was extracted in Para 4 of the order which reads as follows:-

"DETAILED ACTION PLAN SUBMITTED BY THE COLLECTOR & DISTRICT MAGISTRATE, VIKARABAD (6TH RESPONDENT) BEFORE THE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI ON THE DIRECTIONS ISSUED VIDE ORDERS DATED: 01.06.2021 IN O.A No. 195 of 2016 IN THE MATTER OF TANDUR CITIZENS WELFARE SOCIETY IN CONNECTION WITH PREVENTION OF POLLUTION IN TANDUR TOWN

1. Construction of Bye-Pass road in Tandur Town

12.92 km bye-pass road which connects Tandur town to major markets including Vikarabad & Hyderabad is under Construction. Ac 73-09 gts., is acquired and a balance Ac 23-37 is under process for acquisition. A length of 6kms is in progress which will be completed by December 2021. This stretch will bypass majority traffic bound from Tandur town. The Balance 6.9 km road is also under progress and will be completed by June 2022.

2. Relocation of all stone cutting and polishing units to outside Tandur Town

Ac 300 has been identified in Basheerabad Mandal for development of an industrial park to accommodate approximately (700) such units. Advance possession of Ac 212 has been handed over to TSIIC. The balance patta land is under acquisition and shall be completed by July 2022 as per the LA Act, 2013. A comprehensive plan for the envisaged Industrial Park in Navalga village of Basheerabad mandal with common infrastructural facilities to suit the requirements of Stone Cutting and Polishing Units which are to be relocated and considering its future requirements is being developed by the TSIIC duly defining the ratios of allotment and will be completed by August 2021. After the final approval of the layout by the government (Budget, technical & EC), allocation of the plots by the industries department will be taken up and shift the units to the proposed park by February 2022.

3. Complete ongoing road construction works within Tandur Town in a time bound manner.

(5) road works with a length of about 6.05 kms has been completed. Remaining (1) work is under progress and will be completed by October 2021.

4. Shift lorry parking from Tandur town to the proposed Truck park in Antharam village: To ease vehicular movement and avoid entry of heavy vehicles into Tandur Municipality area, an alternative site in Antharam has been identified. The Survey & demarcation has been completed and process to handover land to TSIIC to develop it, is underway and shall be completed by July 2021."

28. On that day, this Tribunal had also considered the further report submitted by the Telangana State Pollution Control Board dated 26.06.2021, e-filed on 28.06.2021 was extracted in Para 5 of the order which reads as follows:-

"REPORT DATED 26-06-2021 OF THE TELANGANA STATE POLLUTION CONTROL BOARD (R4) IN ORIGINAL APPLICATION No. 195 OF 2016 FILED BY TANDUR CITIZENS WELFARE SOCIETY, TANDUR, VIKARABAD DISTRICT.

The Hon'ble NGT, Chennai vide Order dated 01.06.2021 directed the Telangana State Pollution Control Board to submit a further report in the matter. In this regard, the following is submitted: -

I. Online Monitoring Systems by the Industries:

The 3 cement industries namely (i). M/s. Cement Corporation of India Ltd., (ii) M/s. The India Cements Ltd., and (iii). M/s. Penna Cement Industries Ltd., have installed online stack monitoring & ambient air quality monitoring systems and connected to the Central Pollution Control Board & Telangana State Pollution Control Board websites.

The Telangana State Pollution Control Board is regularly monitoring the three cement industries for compliance of the Board directions and the observations are as follows:

i. M/s. Cement Corporation of India Ltd.,

- The industry has installed online continuous stack and ambient air quality monitoring systems. The industry has exceeded Particulate Matter (PM₁₀) eight (8) times since November, 2019.
- The Board has reviewed the status of the industry in the Task Force meeting held on 23.10.2020. After detailed discussions, the committee recommended to levy environmental compensation to the industry.
- Accordingly, the Board has levied the environmental compensation of Rs.2,40,000/-.
- The industry has paid the environmental compensation.
- Based on the directions of the Board, the industry has recently replaced the Electro Static Precipitator (ESP) by Reverse Air Bag House (RABH) for the Raw Mill & Kiln.
- The online monitoring systems are calibrated every six months to ensure the efficiency of the monitoring systems and to obtain representative values.

ii. M/s. Penna Cement Industries Ltd.,

- The industry has installed online continuous stack and ambient air quality monitoring systems. The industry has exceeded Particulate Matter (PM₁₀) eight (8) times since November, 2019.

- The Board has reviewed the status of the industry in the Task Force meeting held on 23.10.2020. After detailed discussions, the committee recommended to levy environmental compensation to the industry.
- Accordingly, the Board has levied the environmental compensation of Rs.3,30,000/-.
- The industry has paid the environmental compensation.
- The online monitoring systems are calibrated every six months to ensure the efficiency of the monitoring systems and to obtain representative values.

iii. M/s. The India Cements Ltd.,

- The industry has installed online continuous stack and ambient air quality monitoring systems. The industry has not exceeded any parameters since November 2019.
- The online monitoring systems are calibrated every six months to ensure the efficiency of the monitoring systems and to obtain representative values.

II. Photographs submitted by the Complainant:

- The Complainant vide memo dated 16.04.2021 has submitted photographs. The Board Officials have conducted Ambient Air Quality Monitoring (AAQM) in Tandur Town at 3 locations i.e., (i).Terrace of Police Station, Tandur; (ii).Terrace of Satya Sai Temple (located near Tandur Railway Station) and (iii).near Office room of HP Petrol Bunk, to ascertain the Ambient Air Quality in Tandur.

The analysis reports (Annexure-I) are tabulated below:

Table 1: AAQM Results of Tandur Town monitored on the terrace of Tandur Police Station, Shanthi Nagar Colony, Tandur (M), Vikarabad District.

Date of Sampling	Time and duration of sampling	PM ₁₀ µg/m ³	TSPM µg/m ³	SO ₂ µg/m ³	NO _x µg/m ³
16.06.2021	06:30 am to 02:32 pm	132	109	52	8
National Ambient Air Quality Standards (NAAQS)		100	---	80	80

Table 2: AAOM Results of Tandur Town monitored on the Terrace of Sri Satya Sai Seva Sadan, (Control Station) (located about 300 m from Railway Station, Tandur).

Date of Sampling	Time and duration of sampling	PM ₁₀ µg/m ³	TSPM µg/m ³	SO ₂ µg/m ³	NO _x µg/m ³
23.06.2021	10:00 am to 06:00 pm	83	130	16	42
National Ambient Air Quality Standards (NAAQS)		100	---	80	80

Table 3: AAQM Results of Tandur Town monitored near office room of HP Petrol Bunk of M/s. Faiyaz & Co. (Adjacent to Leo-9 Fuel Station Gouthapur (V), Chincholi Road, Tandur (M), Vikarabad Dist.

Date of Sampling	Time and duration of sampling	PM ₁₀ µg/m ³	TSPM µg/m ³	SO ₂ µg/m ³	NO _x µg/m ³
16.06.2021	06:00 am to 02:00 pm	70	651	68	6
National Ambient Air Quality Standards (NAAQS)		100	---	80	80

As per the analysis reports of three locations, at two locations namely, on the Terrace of Sri Satya Sai Seva Sadan, (Control Station) (located about 300 m from Railway Station, Tandur) and near office room of HP Petrol Bunk of M/s. Faiyaz & Co. (Adjacent to Leo-9 Fuel Station), the parameters (PM₁₀, SO₂ & NO_x) are well within the limits as against National AAQ Standards (NAAQS).

However, the Particulate Matter (PM₁₀) value is observed 132 µg/m³ as against the NAAQS standard of 100 µg/m³ at the Police Station, Tandur, which is a four road junction, where the vehicular movement is more with high dust generation and also dust accumulation is observed along the road side. The Board has issued Show Cause Notice on 24.06.2021 to the local body (Municipal Commissioner, Tandur) for effective implementation of Solid Waste Management Rules, 2016 i.e., implementation of door to door garbage collection, increase the frequency of road sweeping, water sprinkling on the roads to suppress the dust, develop the green belt along the road side and not to burn garbage openly.

III. Status of Road work in Tandur Town:

The Board officials inspected Tandur Town and observed that the pending 400 mtrs road work is completed.

IV. Pollution at Railway Station:

The Board officials inspected Tandur Railway Station on 16.06.2021 and discussed the issue of loading & unloading of materials from Cement Industries. The Station Master, Tandur Railway Station informed that they have stopped loading and unloading since 2017. He further informed that prior to 2017, the cement plants were using the Tandur Railway Station for loading & unloading of Raw materials & Products. However, subsequently all the cement industries have established their own railway siding for transporting of the raw materials and cement directly. The AAQM carried out near Railway Station (at Sri Satya Sai Seva Sadan, located about 300 m from Railway Station, Tandur) shows that the PM₁₀, SO₂ and NO_x are within the AAQ Standards.

V. Shifting of Stone Cutting and Polishing Units:

The Telangana State Industrial Infrastructure Corporation (TSIIC) Ltd., has informed that they have acquired 212 acres of land at Novalga Village, Tandur Mandal, Vikarabad District and in the process of developing industrial park for stone cutting and polishing units. The Revenue Department has informed that as soon as the industrial park will

be commenced the shifting of stone cutting and polishing units shall be taken up. The TSIIC informed that the schedule time for completion of Industrial Park is February 2022.

VI. By-pass Road for Tandur Town:

The land required for the by-pass road is 97 Acres 6 guntas. Out of total land, the acquisition was completed for 73 acres 9 guntas, remaining 23 acres 37 guntas are under process for acquisition.

The total length of the by-pass road is 12.9 kms. Out of 12.9 kms, 6 kms road work is in progress which will be completed by December 2021. Once the 6 kms stretch is completed, majority traffic will be by-passed from entering the town. The remaining 6.9 kms by-pass road is proposed to be taken up after completion of 6 kms stretch.

The following measures are suggested to be taken up by the concerned Authorities to further improve the Ambient Air Quality in Tandur Town:

-
- i. The vehicles carrying raw materials and products shall be covered completely.
- ii. The frequency of intervals of cleaning / sweeping of roads and water sprinkling through dedicated water tanker shall be increased.
- iii. The stone cutting and polishing units shall not dispose stone chips and slurry along the roadside.
- iv. The R&B Department shall complete the by-pass road to reduce the traffic load in the town.

The Board will regularly monitor the Ambient Air Quality in Tandur Town to sensitize the Stakeholder Departments to take necessary measures. The Board will also regularly monitor the Cement industries for compliance of Air Quality Standards."

29. After considering the above two reports, this Tribunal had passed the following order:-

"6. It is seen from the report submitted by the Telangana State Pollution Control Board that they have found some violations recently and levied penalty against two industries namely, M/s. Cement Corporation of India Ltd. and M/s. Penna Cement Industries Ltd., which they have paid. They have also given certain recommendations for curbing dust pollution that is arising as well. As regards the pollution at railway station is concerned, it was mentioned that prior to 2017, some cement plants were using the Tandur Railway Station for loading and unloading of raw materials and products. However, subsequently all the cement industries have established their own railway siding for transporting the raw materials and cement directly and the ambient air quality near the railway stations are within the standards prescribed.

7. They have not mentioned anything about the ambient air quality at the railway sidings where loading and unloading is being done at the premises of cement factories.

8. Further, this Tribunal had directed the Pollution Control Board to consider the performance and functioning of the Online Continuous Emission Monitoring System (OCEMS) as to (a) whether at any point of time they found any exceedance of the standard and how many times it has been found, (b) whether at any point of time, the OCEMS was non-functional and if yes, what is the duration and periodicity and whether correspondingly production was impacted and (c) what is the nature of action taken by them on that basis.

9. As regards 1st direction is concerned, the Pollution Control Board has taken action and imposed environmental compensation against two cement factories namely, M/s. Cement Corporation of India Ltd. and M/s. Penna Cement Industries Ltd. and they have recovered the environmental compensation as well and certain directions were given and those were complied by them.

10. As regards 2nd direction is concerned, they have not mentioned anything about the same in the report submitted.

11. When this was pointed out, the learned counsel appearing for the Pollution Control Board submitted that they will look into the issue and file a detailed report regarding the same.

12. As regards the acquisition proceedings and formation of road in Tandur Town is concerned, the Pollution Control Board had mentioned in their report that the pending 400 mts. work is completed, but the report of the District Collector shows that road work with a length of 6.05 Kms has been completed and the remaining work is under progress and will be completed by October - 2021.

13. There is some contradiction regarding the completion of road work within Tandur Town in both the reports. So, the Telangana State Pollution Control Board as well as the District Collector, Vikarabad are directed to clarify the same.

14. The counsel appearing for the applicant submitted that they have not received the copy of the report of the District Collector.

15. It may be mentioned here that all the reports will be uploaded in the National Green Tribunal portal as and when received and the parties are at liberty to get it by downloading the same from the website.

16. The parties are directed to file their objections (if any) to the report to this Tribunal before the next hearing date.

17. The Telangana State Pollution Control Board as well as the District Collector, Vikarabad are directed to submit the report regarding the further progress of the work done by them in this regard including steps taken for shifting the industries before the next hearing date.

18. The parties are directed to file their respective reports as well as objections (if any) to this Tribunal on or before 28.07.2021 by e-filing in the form of Searchable PDF/ Supportable PDF and not in the form of Image PDF along with necessary hardcopies to be produced as per Rules.

19. The Registry is directed to communicate this order to the Telangana State Pollution Control Board, District Collector, Vikarabad District and also to the official respondents including the Chief Secretary, Principal Secretary of Environment, Revenue, Finance and Industries by e-

mail immediately so as to enable them to comply with the direction and take steps to expedite the matter at the earliest."

30. Thereafter, the matter was posted to 28.07.2021 for consideration of further report and objection (if any) to the same. On 28.07.2021, it was adjourned to today by notification.

31. We have received the objection dated 26.07.2021, e-filed on 23.08.2021 and received on the same day filed by the applicant to the earlier reports submitted which reads as follows:-

"Objection filed by Applicant

I, Rajgopal Sarda, Son of late. Asaramji Sarda, aged about 58 years, residing at No.7/7/52/4A, Gomthi Kunj, TANDUR-501141, Rangareddy District, Telangana, temporarily come down to Chennai do hereby solemnly affirm and sincerely state as follows:

1. I am the Applicant herein and as such I am well acquainted with the facts of the case. I deny certain averments made in Report filed by 4th and 6th respondents and they may be put to strict proof of the averments made therein.

2. It is submitted that the 4th respondent has claimed that 400 mtrs of road work is completed, which is far from truth. It is submitted the road construction work is still ongoing and is not even close to completion. It is submitted that the 4th respondent claims the length of the road to be 400 mtrs while the 6th respondent claims it to be of 6.05 kms in length. It is submitted that such contradictions between the Report filed by the 4th respondent and 6th respondent only shows the laxity on the part of authorities. It is further submitted that more than 50 kms of roads in and around Tandur town is in a dilapidated, rickety condition which is a further cause for dust and air pollution.

3. It is submitted that the measures suggested by the 4 respondent pertaining to covering of raw materials and goods while transporting the same, in order to avoid pollution has also not been followed. It is submitted that the lorries and heavy vehicles continue to carry huge loads of cement and other raw materials without tarpaulins. It is submitted that such heavy vehicles continue to remain dusty thereby adding on to the existing pollution.

For the reasons stated in the foregoing paragraphs it is therefore humbly prayed that this Hon'ble Tribunal may be pleased to record the objection filed by the applicant and pass such further or other orders as this Hon'ble Tribunal deems fit and proper and thus render justice."

32. The Telangana State Pollution Control Board has filed a report dated 26.07.2021, e-filed on the same day and received on 12.08.2021 which reads as follows:-

“REPORT DATED 24-07-2021 OF THE ENVIRONMENTAL ENGINEER, TELANGANA STATE POLLUTION CONTROL BOARD, REGIONAL OFFICE, RANGAREDDY-I (R4) IN ORIGINAL APPLICATION No. 195 OF 2016 FILED BY TANDUR CITIZENS WELFARE SOCIETY, TANDUR, VIKARABAD DISTRICT.

It is to submit that the Hon’ble NGT, Chennai in its Order dated 30.06.2021 directed the Telangana State Pollution Control Board to submit a report on the following on or before 28.07.2021 by e-filing.

In this regard, the following is submitted: -

1. Three cement industries have installed two numbers of online ambient air quality monitoring stations each, one of the system of each industry is located near to the railway siding, where loading and unloading of raw material & products takes place. The radial distance between the railway siding and the Ambient Air Quality station in M/s India Cements Limited is 10 meters, 25 meters in M/s. Penna Cement Industries Ltd., and 150 meters in M/s. Cement Corporation of India Ltd. The concentration for all parameters for three units are within the limits during the period January 2021 to till date.

2. The range of concentration during the above period is as follows:-

Sl. No.	Name of the Industry	PM ₁₀ (µg/m ³)	PM _{2.5} (µg/m ³)
1.	M/s. India Cements Limited	11.65 – 49	8.34 – 56
2.	M/s. Penna Cement Industries Ltd.	9.3 – 97.9	1.5 – 53.2
3.	M/s. Cement Corporation of India Ltd.	1.2 – 47.64	0.56 – 42.08
	Standard	100 (µg/m ³)	60 (µg/m ³)

3. The OCEMS was functioning continuously without any interruption from January 2021 to till date. With regard to the production, there will not be any impact on production due to non functional of the OCEMS. However, based on the directions of the Board, all the three cement industries have installed interlocking systems. The purpose of the interlocking system is that whenever the control systems fails, the feed of raw material is cut off automatically and the emissions are controlled.

4. The Board officials contacted the Officials of Roads & Buildings (R&B) Department and they have informed that out of 6.45 Kms internal roads within the Tandur town, 6.05 kms length of road works completed.

5. The Telangana State Industrial Infrastructure Corporation (TSIIC) Ltd., vide letter dated 23.07.2021 has informed that the relocation of the stone cutting and polishing units would be a total period of 33 months. Out of which, land acquisition part would take 6 months and the same is completed. The remaining 27 months is required for development of Industrial park.

6. The Board will regularly monitor the Ambient Air Quality in Tandur Town to sensitize the Stakeholder Departments to take necessary measures. The Board will also monitor the Cement industries for compliance of Air Quality standards."

33. It is seen from the latest report submitted by the Telangana State Pollution Control Board that they have answered the query that due to the interruption of the OCEMS, they do not impact production. It is also mentioned in the report that based on the directions issued by the Board, all the three cement industries have installed interlocking system. The purpose of interlocking system is that whenever the control system fails, the feeding of raw material is cut off automatically and the emissions are controlled.

34. Further, it is also mentioned in the report that out of 6.45 Kms internal roads within the Tandur Town, 6.05 Kms length of road work was completed. The Telangana Industrial Infrastructure Corporation (TSIIC) Ltd. vide their letter dated 23.07.2021 has informed that the relocation of the stone cutting and polishing units would be completed within a total period of 33 months. Out of which, land acquisition part would take 6 months and the same is completed. The remaining 27 months is required for development of industrial park. They had also undertaken that they will regularly monitor the Ambient Air Quality in Tandur Town and sensitize the stakeholder departments to take necessary measures. The Board also will monitor the cement industries for compliance of Air Quality standards.

35. So, in view of the reports mentioned above and also in view of the fact that substantive steps have been taken by the State of Telangana for the purpose of shifting the chip industries, we feel that this matter can be disposed of by giving following directions:-

- (a) The State of Telangana is directed to complete the acquisition proceedings and also shifting of the chip industries as informed to the State Pollution Control Board through Telangana State Industrial Infrastructure Corporation Ltd. vide their letter dated 23.07.2021 namely, within a total of 33 months. Out of which, the acquisition proceedings have been completed so that they will have to complete the process of shifting the units by establishing the industrial park in the proposed acquired area at the earliest but any rate within a period of 27 months from today.
- (b) The Telangana State Pollution Control Board is directed to conduct periodical inspections of the area in question to ascertain the Ambient Air Quality and if it exceeds the standard provided, then they are directed to take appropriate action by giving direction to the persons who are responsible for the same to avoid air pollution being caused in that area.
- (c) The Telangana State Pollution Control Board is also directed to periodically inspect the cement factories in that area and also the railway sidings to ascertain as to whether there was any air pollution caused either due to the operation of the cement factories or during loading and unloading and if there is any excess pollution found, they are directed to take appropriate steps by giving direction to arrest the same by providing necessary pollution control mechanism, including imposing environmental compensation, if any, air pollution caused on account of such activities.
- (d) The question of the interlocking system which has been introduced in cement factories can be extended to other industries

as well where this Online Continuous Emission Monitoring System (OCEMS) is installed and State of Telangana and State Pollution Control Board are directed to take steps in this regard.

(e) The Central Pollution Control Board (CPCB) is also directed to consider this aspect and implement the same in other States as well.

(f) The District Collector, Vikarabad District as well as the Telangana State Pollution Control Board are directed to file their periodical reports regarding the progress of the shifting and other activities and also the completion of road as directed by the Principal Bench of National Green Tribunal in the order mentioned above once in 6 (Six) months.

(g) The steps taken by the Telangana State Pollution Control Board and the Central Pollution Control Board in respect of giving direction to the other industries where the Online Continuous Emission Monitoring System (OCEMS) for providing interlocking system as directed by them in this case and submit a report to this Tribunal regarding the steps taken within a period of 3 (Three) months.

(h) The District Collector, Vikarabad District is also directed to monitor the progress of the work and also take appropriate steps to curb the air pollution that is being complained off by the people in the locality by taking appropriate action against the persons who are responsible for the same so as to avoid further complaints from the people in the locality. They can also take temporary measures to suppress the dust pollution that is being experienced

by the people in the locality till the permanent measures suggested above were completed or accomplished.

36. So, this application is disposed of as follows:-

- i.** The State of Telangana is directed to complete the acquisition proceedings and also shifting of the chip industries as informed to the State Pollution Control Board through Telangana State Industrial Infrastructure Corporation Ltd. vide their letter dated 23.07.2021 namely, within a total of 33 months. Out of which, the acquisition proceedings have been completed so that they will have to complete the process of shifting the units by establishing the industrial park in the proposed acquired area at the earliest but any rate within a period of 27 months from today.
- ii.** The Telangana State Pollution Control Board is directed to conduct periodical inspections of the area in question to ascertain the Ambient Air Quality and if it exceeds the standard provided, then they are directed to take appropriate action by giving direction to the persons who are responsible for the same to avoid air pollution being caused in that area.
- iii.** The Telangana State Pollution Control Board is also directed to periodically inspect the cement factories in that area and also the railway sidings to ascertain as to

whether there was any air pollution caused either due to the operation of the cement factories or during loading and unloading and if there is any excess pollution found, they are directed to take appropriate steps by giving direction to arrest the same by providing necessary pollution control mechanism, including imposing environmental compensation, if any, air pollution caused on account of such activities.

- iv. The question of the interlocking system which has been introduced in cement factories can be extended to other industries as well where this Online Continuous Emission Monitoring System (OCEMS) is installed and State of Telangana and State Pollution Control Board are directed to take steps in this regard.
- v. The Central Pollution Control Board (CPCB) is also directed to consider this aspect and implement the same in other States as well.
- vi. The District Collector, Vikarabad District as well as the Telangana State Pollution Control Board are directed to file their periodical reports regarding the progress of the shifting and other activities and also the completion of road as directed by the Principal Bench of National Green Tribunal in the order mentioned above once in 6 (Six) months.
- vii. The steps taken by the Telangana State Pollution Control Board and the Central Pollution Control Board in respect of giving direction to the other industries

where the Online Continuous Emission Monitoring System (OCEMS) for providing interlocking system as directed by them in this case and submit a report to this Tribunal regarding the steps taken within a period of 3 (Three) months.

viii. The District Collector, Vikarabad District is also directed to monitor the progress of the work and also take appropriate steps to curb the air pollution that is being complained off by the people in the locality by taking appropriate action against the persons who are responsible for the same so as to avoid further complaints from the people in the locality. They can also take temporary measures to suppress the dust pollution that is being experienced by the people in the locality till the permanent measures suggested above were completed or accomplished.

ix. The Office is directed to place the reports as and when received before this Bench for consideration and also for giving further directions (if any) required in this regard.

x. Considering the circumstances, the parties are directed to bear their respective costs in the application.

37. The Registry is directed to communicate this order to the Telangana State Pollution Control Board, Central Pollution Control Board and Chief Secretary, State of Telangana for their information and compliance of the direction.

38. With the above observations and directions, this application is disposed off.

Sd/-

.....J.M.
(Justice K. Ramakrishnan)

Sd/-

.....E.M.
(Dr. K. Satyagopal)

O.A. No.195/2016 (SZ),
24th August, 2021. Mn.

NGT



केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

CPCB/IPC-VI/OCEMS/Interlocking/

Dated: 20.01.2022

To

The Member Secretary
All SPCBs/PCCs
(as per the list)

Sub: Compliance of the Hon'ble NGT order dated 24.08.2021, in the matter of Tandur Citizens Welfare Society v/s. Govt. of Telangana & Ors., OA No. 195/2016 (SZ).

Sir,

This has reference to the Hon'ble NGT order dated 24.08.2021 (copy attached), in the matter of Tandur Citizens Welfare Society v/s. Govt. of Telangana & Ors., OA No. 195/2016 (SZ), wherein following directions were passed:

"iv. The question of the interlocking system which has been introduced in cement factories can be extended to other industries as well where this Online Continuous Emission Monitoring System (OCEMS) is installed and State of Telangana and State Pollution Control Board are directed to take steps in this regard.

v. The Central Pollution Control Board (CPCB) is also directed to consider this aspect and implement the same in other States as well."

The purpose of the interlocking system is that whenever the control system fails, the feed of raw material is cut-off automatically and the emissions are controlled.

In this regard, it is requested to ensure that the industries, which have installed OCEMS, provide an interlocking system so that discharge/emission of pollutants are controlled in effective manner and also submit the compliance status in the enclosed formats (Format-I & II), by 31.01.2022.

SEC (IV)

Yours faithfully,

A Aggarwal
(Ajay Aggarwal)

Director & Div. Head, IPC-VI

Encl.: as above.

Copy to:

All Regional Directors, CPCB
(as per list)

: for follow-up with concerned SPCBs/PCCs

*IS/ -
Pl. put up at once
2nd Feb '22*

‘परिवेश भवन’ पूर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, Delhi-110032

दूरभाष/Tel : 43102030, 22305792, वेबसाइट/Website : www.cpcb.nic.in

Format-I: Sector-wise status of availability of interlocking system

Sl. No.	Sector	Total number of industries having OCEMS	No. of industries having interlocking system	No. of industries yet to install/provide interlocking system
1	Aluminium smelter			
2	Cement			
3	Chlor alkali			
4	Copper smelter			
5	Distillery including fermentation industry			
6	Dyes and dye- Intermediates			
7	Fertilizers			
8	Iron & steel			
9	Oil refineries			
10	Pesticides			
11	Petrochemicals			
12	Pharmaceuticals			
13	Pulp & paper			
14	Sugar			
15	Thermal power plant			
16	Zinc smelter			
17	Tanneries			
18	Common Effluent Treatment Plant (CETP)			
19	Bio-medical waste management facilities			
20	Hazardous waste management facilities			
21	Others			
TOTAL		0	0	0

Format-II: Industry-wise status of availability of interlocking system

Sl. No.	Name and address of the unit having OCEMS	Sector	Availability of interlocking system (Yes/No)	If yes, details about interlocking arrangement	If no, likely date of installation of interlocking system (dd-mm-yyyy)
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					