

National Green Tribunal

Gedam Dilip Kumar vs Thermal Power Tech Corporation ... on 28 March, 2022

Bench: K Ramakrishnan, K. Satyagopal

Item No. 03:

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Original Application No. 39 of 2022 (SZ)
(Through Video Conference)

IN THE MATTER OF:

Gedam Dilip Kumar,
Telangana and another. ... Applicant(s)

Versus

The Singareni Collieries Company Limited,
Represented by its Chairman & Managing Director,
Telangana and others. Respondent(s)

Date of hearing: 28.03.2022

CORAM:

HON'BLE Mr JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant(s): Mr. Sravan Kumar
For Respondent(s): Mr. A. Sanjeev Kumar Spl. Govt. Pleader
for R1 & R0

Mr. Meyyappan represented
Mrs. Me. Saraswathy for R2
Mr. T. Sai Krishnan for R4
Ms. Renuka represented

Mrs. H. Yasmeen Ali for R5 to R8

ORDER

. The grievance in this application is regarding the air pollution that is being caused on account of operation of the first respondent unit/M/s. Singareni Collieries Company Limited.

. It is alleged in the application that the 9TM respondent is the General Manager of the first

respondent company, who is managing the affairs in that area.

. According to the applicant, large scale dust pollution is being caused on account of operation of the first respondent unit in Tiryani Mandal, Komurambheem Asifabad District, State of Telangana. They are making indiscriminate blasting operations for the purpose of extracting the coal from that area, which results in large scale sound air pollution viz noise and dust pollution.

. Further, the minerals that have been collected are being dumped in open areas, without following environmental protection rules, which also causes lot of nuisance to the neighbouring villagers. Since, the coal that has been mined out are not being properly protected during rainy season the run of coming from mining area, percolates into the ground and affects not only the ground water quality as well, but also affects the nearby water bodies causing water pollution.

. Further, large scale deposit of dust in the nearby agricultural land affects the soil quality and also the fertility of the land thereby reducing the income of the people who are engaged in agricultural activities. Though on earlier occasions, on the basis of the complaints made, the Telangana State Pollution Control Board had inspected the area and issued show cause notices giving certain directions, but they were not implemented by them and the nuisance still continues.

. It is also alleged in the application that the conditions imposed in the Environmental Clearance (EC) as well as other permissions were also not strictly adhered to by the first respondent company, which is also one of the reason for pollution in the area.

. The applicant also produced certain newspaper reports in support of their case of the alleged pollution being caused on account of the operation of the first respondent company.

. The applicant also produced certain photographs along with the application to prove their case. Since no action was taken by the authorities, the applicant filed this application seeking the following reliefs:-

A. Declare the action of Respondent No. 1, 3 and 9 is illegal, arbitrary and contrary to the EP Act, 1986 EFO issued by Telangana State Pollution Control Board and Environmental Clearance dated 06.02.2015 for violating the Special Conditions No. V, Vi, Vii, Vill, IX, XV, XVI, XVII, XVIII, XIX, XXI, XXXI, XXXII, XXXIV, v, ix, X, xi, xii, 6, 9 etc., B. Appoint an independent experts committee to verify the allegations raised by the applicants in regard to environmental violations, damage caused to the water body, inundation, air, water pollution by Respondents No. 1, 3 and 9 in the execution of Kairaguda Opencast Coal Mine at Bellampalli area of Komurambheem Asifabad District in Telangana State.

. Direct the Respondent No. 2 (MoEF) and (TSPCB) to take stringent action according to Section 5 of Environment (Protecting) Act, 1986 for violations of Environmental Clearance, EFO conditions committed and loss caused to the environment, people by Respondent No. 1, 3 and 9.

. Direct the District Collector of Kumar Bheem Asifabad to enumerate and assess the loss caused due to inundation and diversion of Vatti Vagu by Respondent No. 1 for providing appropriate rehabilitation and resettlement.

. Direct the Respondent No. 2, to file an action taken report on the violation of Special Condition No. Vv, vi, vii, viii, ix, XV, XVI, XVII, xviii, xix, XXI, XXXI, XXxii, XXXIV, XXXV, XXxix, xlii, xlv, xlvii and General Conditions No. ii, iii, iv, v, ix, X, Xi, xii, 6, 9 etc., . Direct the Respondent No. 2 to initiate action against the respondent no. 1 and 9 for non-compliance and _ fix accountability for the damage caused to the property, loss to the villagers due to Khairagura Open cast Mine.

. Direct the Respondent No. 1, 3 to provide Rehabilitation and Resettlement to the victims according to Special Condition No. xliii, and implement CSR activities according to Condition No. v, xvii, xlv, xvii, by taking assistance of local grant permission.

. Direct the Respondent No. 1, 3 and 9 to set up Environment Management cell, Environment Audit cell according to General Condition No. xi, 9 of Environment Clearance dated 06.02.2015 and direct the Respondent No. 1 and 9 to set up separate account for funds earmarked for environmental protection measures for spending according to the EMP/EIA Direct the Telangana PCB to submit action taken report on Notice No. 2087/TSPCB/RO/NZB/W&A/20121-725 dated 23.12.2021.

9. On going through the allegations made in the application, we are satisfied that there arises a substantial question of environment which requires the interference of this Tribunal as causing pollution on account of non- compliance of the conditions imposed in the Environmental Clearance (EC) as well as other permissions granted will give raise to substantial question of environment especially it causes air and water pollution affecting the health of the people. So, the application is admitted.

10. The applicant is directed to serve a copy of the application along with the documents produced to the standing counsel appearing for the Respondents No. 1 to 9 within a week, so that they can get necessary instructions from the respondent and file their independent statements without delay.

11. The applicant is also directed to produce necessary requisites along with postal cover and the necessary postal stamps before this Tribunal within a week, so as to enable this Tribunal to send notice to the respondents through Tribunal, to ensure service on them and proceed against them, if they did not appear, in their absence in accordance with law.

12. In order to ascertain the genuineness of the allegations made in the application, we feel it appropriate to appoint a Joint Committee consisting of (1) a Senior Officer from Ministry of Environment, Forests and Climate Change (MoEF & CC), Integrated Regional Office, Hyderabad, (2) a Senior Officer from Integrated Regional Office, Central Pollution Control Board, Chennai, (3) a Senior Officer from Telangana State Pollution Control Board as deputed by its Chairman, (4) The District Collector, Komurambheem Asifabad District, Telangana State and (5) The Executive Engineer, Irrigation Department, Komurambheem Asifabad District, Telangana to inspect the area in question and submit a factual as well as action taken report if there is any violation found.

13. The committee is directed to ascertain as to;

i) Whether the first respondent company is having all necessary Environmental Clearance and _ other permission required under the environmental laws,

ii) Even if they are having such clearances/permissions, whether they are complying with the conditions of Environment Clearance and other permissions granted and if not, what are all the violations noted and the action taken against the first respondent for such violation,

iii) Whether any pollution both air, soil and water including noise pollution, has been caused on account of the operation of the first respondent unit and if so, what are all the remediation measures to be taken by them to mitigate the circumstances,

iv) The committee is directed to ascertain the Ambient Air Quality (AAQ), sound level and also soil as well as ground water contamination if any caused in the neighbouring area and inside the unit on account of operation of the first respondent unit in that area.

v) If there is any contamination or pollution caused, what are the remedial measures to be taken to rectify the same by the first respondent company,

vi) The committee is also directed to ascertain the environmental damage if any being caused on account of their operation and assess' the environmental compensation on that basis including the expenses required for restoration of damage caused to the environment,

vii) If whether there was any health impact caused in the area on account of the alleged pollution as raised by the applicant on account of the operation of the first respondent unit in that area, and if so, what are the remedial measures to be taken by the first respondent to mitigate the circumstances and to protect the health of the people in that area as part of their CSR activities,

viii) Apart from assessing environmental compensation caused on account of the damage caused to the environment and if there is any violations found, then assess the compensation for such violation, as has been directed by this Tribunal,

ix) Ascertain as to whether the alleged diversion of Vattivagu water body mentioned in the application has been done with necessary permissions and on account of such diversion and environment impact is caused in that area and if so, what are the remedial measures to be taken to mitigate such impact.

14. The District Collector, Komurambheem Asifabad District, Telangana State will be the nodal agency for co-ordination and providing necessary logistics for this purpose.

15. The District Collector, , Komurambheem Asifabad District, Telangana State is directed to co-operate with the members of the committee and to take steps to inspect the area in question and submit a report to this Tribunal without delay.

16.The applicant is also directed to serve a copy of the application along with the documents produced to the members of the committee within a week, so as to enable them to comply with the direction of filing the report without delay.

17. The committee as well as the respondents are directed to submit the report and independent response to this Tribunal on or before 29.04.2022 by e-

filing in the form of searchable PDF/OCR 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 to the members of the committee as well as the official respondents immediately through e-mail, so as to enable them to comply with the direction without delay.

19.For appearance of parties, filing their independent response and also for consideration of report, post on 29.04.2022.

SD/-

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(Justice K. Ramakrishnan) Sd/-

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(Dr. Satyagopal Korlapati) O. A. No. 39/2022, (SZ) 28.03.2022,Sr.