

Item No.1

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.**

(Through Physical Hearing with Hybrid V.C. Option)

Original Application No.759/2023

Bonigi Rangaiah

...Applicant

Versus

State of Andhra Pradesh & Ors.

...Respondents

Date of hearing: 22.01.2024

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: None for the Applicant.

**Application is registered based on a letter petition received by Post.**

**ORDER**

1. Mr. Bonigi Rangaiah S/o Venkateswarlu, resident of Village Kakuvaripalem, Vellapalem, District Nellore has sent by post the present letter petition to this Tribunal, which has been treated and registered as O.A. No. 759/2023.

2. The relevant part of the letter petition enumerating grievances of the applicant is reproduced as follows:-

*“Sub: A.P.State — SPSR Nellore District — Muthukur Mandal — Adani Krishnapatnam Port — High Density of Air & Water Pollution - violation of the EC, Air & Water Acts —high impact on the human habitations — reeling under severe impact of the health of the people and livestock — inaction of the local authorities —complaint submitted for protection of the human habitations — Pending- Submission of reminder-Request for inspection & enquiry and for prosecution — Reg.*

*Ref: The EC, CFE & CFO issued in favour of the Adani Krishnapatnam Port, SPSR Nellore District, A.P.,*

*Your good authority is well aware that Adani Krishnapatnam Port is handling large cargo of Coal apart from other products. The activities relating to the import, storage and transportation of coal in the dry and windy conditions inevitably result in dust drifting into the surrounding villages.*

*The spillages during the course of handling the loading, unloading, storage and transportation of coal falling on the road and dumping yards are transformed into powder form thereby fine dust emissions generation during the vehicle movement, forms as dusty clouds added with dry and windy conditions inevitably result in dust drifting into the surrounding villages cornering the villages to reel under polluted air. The inhalation of the said dust particles in the air affecting the people and became a severe health disorders which is the order of the day in the surrounding villages.*

*The Port management is least worried about the generation of high end pollution and not initiated any mitigation measures as on date. The coal fine dust layers formed on the villages apart from trees is an ample proof for the high density of pollution. It is regular phenomena in the villages causing an array of environmental impacts, seriously affecting the health due to the prolonged exposure to the pollution.*

*The absence of pollution mitigation measures also multiplying the pollution disorders. Even after the lapse of over and above 25 years, 33 % green belt was not formed as on date —the existing plantation is less than 2 % consisting of normal species which are not suitable for the particular climatic zone presently existing at the Adani Krishnapatnam Port.*

*Absence of wind shields, plantation, overloading of transport vehicles/ wagons, absence of tarpaulin, sprinklers, remote controlled AAQ management monitored stations are having its own share in the high density of pollution. Due to the handling of dusty coal the nearby residents of the villages are inhaling unhealthy air generated from coal. The height of the coal stack is over and above the permitted height and is visible at the coal stack yards. The existing level of pollution is having negative impact over the plant growth which occurs with other stresses.*

*It is pertinent to note that each and every conditions imposed in the Environmental Clearance and the CFE & CFOs are willfully violated by the port management and the pollution traces which visible at the neighbouring villages is an ample proof for the high handed and negligent attitude of the management. Every term of the EC, CFE & CFO issued in favour of the port management was violated from time to time and it became habitual and order of the day for the port management and cornering the human habitations with severe health disorders.*

*In addition to this it is also important to note that even after the lapse of 30 long years, the port management is still relying on the private water suppliers for its day to day activities. It is important to note that every private water supplier are illegally tapping the ground water at various places in and around port and minting money at the cost and price of the Environment.*

*In view of the said circumstances, I once again request your authority to call for the related records, inspect the port premises so as to know the visible violations apart from the surrounding villages which are reeling under the gravity of the high end pollution resulting with pollution*

*related health disorders. Your authority is further requested to go through the violations and initiate steps for prevention of the pollution and for compliance of the terms of the EC, CFE & CFO and save the human habitations from the clutches of the pollution and protect the environment and further initiate steps for prosecution against the persons concerned under the Environment, Air & Water Acts as per the procedure in vogue.”*

3. *Prima facie* the averments made in the petition raise substantial questions relating to environment arising out of the implementation of the enactments specified in Schedule-I to the National Green Tribunal Act, 2010.

4. In view of the averments made in the application, we consider it appropriate that a Joint Committee be constituted to verify the factual position and suggest appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of representatives of the Central Pollution Control Board (CPCB), Andhra Pradesh Pollution Control Board (Andhra Pradesh Pollution Control Board (APPCB)) and Collector, Nellore and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and take appropriate remedial action. The APPCB will be the nodal agency for coordination and compliance.

5. Even though in the present case cognizance has been taken by this Bench on the basis of letter petition received by post with approval and assignment under order of Hon'ble Chairperson, but in view of the facts and circumstances of the case including the fact that the place of accrual of cause of action lies within jurisdiction of the Southern Zone Bench of this Tribunal at Chennai, we are of the considered view that it will be appropriate if the case is further heard by the Southern Zone Bench of this Tribunal at Chennai.

6. Accordingly, the Registry is directed to list the matter before the Southern Zone Bench of this Tribunal at Chennai on 15.04.2024 after obtaining orders from Hon'ble the Chairperson for transfer of the case.

7. Factual and Action taken Report may be submitted before the Southern Zone Bench of this Tribunal at Chennai within two months preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

8. A copy of this order be forwarded by email to the CPCB, the APPCB and the Collector, Nellore for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

January 22<sup>nd</sup>, 2024  
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