

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

Appeal No. 75 of 2017 (SZ)

IN THE MATTER OF:

M/s.Subrahmanyeswara Swamy Rice Mill
Rep. by its Partner, Sri. V.Rajendra Prasad,
Door No. 1-34-251, Gujjanagundla,
Maruthi Nagar,
Guntur District 522 006

... Applicant(s)

AND

1. The Andhra Pradesh State Pollution Control Board,
Rep. by its Member Secretary,
Pariyavarana Bhavan, A-iii, Industrial Estate,
Sanathnagar, Hyderabad 500018
2. The Joint Chief Environmental Engineer,
Zonal Office, Andhra Pradesh Pollution Control Board,
Plot No.41, Opposite SBH,
Sri Kanakadurga Officers Colony,
Gurunanak Road, Vijayawada 520 008
3. The Environmental Engineer,
Regional Officer,
Andhra Pradesh Pollution control Board,
Nav Bharat Nagar, Guntur 522006

... Respondent(s)

Counsel appearing for the Appellant:

M/s. Naidu Associates

Counsel appearing for the Respondents:

Mr.T. Sai Krishnan for R1 to R3

ORDER

PRESENT:

HON'BLE SHRI JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER

Dated 22nd September, 2017

Whether the Judgement is allowed to be published on the Internet – Yes/No
Whether the Judgement is to be published in the All India NGT Reporter – Yes/No

Appeal is filed challenging the order of closure issued by the Andhra Pradesh Pollution Control Board (APPCB) dated 07.09.2017.

2. Learned counsel appearing for the appellant submitted that though some deficiencies have been pointed out by the APPCB, the appellant had already cured the deficiencies and by representation dated 21.09.2017 informed the APPCB in detail the compliance and therefore a direction be issued to the APPCB to inspect the Rice Mill immediately and if the Board is satisfied that the deficiencies have been cured and complied with, the appellant rice mill be permitted to operate. Learned counsel also submitted that if there is any further deficiencies to be cured, the APPCB may point out the deficiencies and grant time to the appellant to comply with the same and on compliance appellant is prepared to inform the APPCB about the compliance and request for further inspection at the cost

of the rice mill and once the deficiencies are cured the appellant be permitted to operate.

3. Learned counsel appearing for the respondents submitted that the impugned order shows that the Consent of the APPCB to operate i.e. the acknowledgement of the Registration as a Small Scale Industrial Unit was not obtained by the appellant. When the learned counsel appearing for the appellant pointed out that the Registration Certificate as well as the acknowledgement have been produced along with the application. Learned counsel appearing for the APPCB, Mr. Sai Krishnan, after examining the records agreed that appellant has the required Consent. Learned counsel also submitted that the APPCB is prepared to inspect the unit and once it is found that the appellant is complying with all the conditions necessary to avoid any air pollution, the APPCB is prepared to permit the appellant to operate the unit.

4. In the light of the agreement between the parties the appeal is disposed as follows:-

The respondents APPCB shall inspect the Rice Mill of the appellant at Gujjanagundla in Guntur District within 7 days from today. On such inspection if the APPCB finds that all the deficiencies pointed out earlier have been cured by the appellant, the appellant shall be permitted to operate the unit forthwith. In case any further deficiencies are noted, APPCB shall intimate such deficiencies in details to the appellant, who is at

liberty to cure them at the earliest and inform to the APPCB that the deficiencies have been complied with and also to request the APPCB a further inspection. In that case, the APPCB shall inspect the Rice Mill. The cost of such inspection shall be at the cost of the appellant. If it is found that all the deficiencies are cured, the APPCB shall then permit the appellant to operate the unit.

6. The appeal is disposed accordingly with no order as to costs.

Justice M.S. Nambiar
Judicial Member

NGT