

**HON'BLE SRI JUSTICE A. RAJASHEKER REDDY
AND
HON'BLE SRI JUSTICE P. NAVEEN RAO**

**WRIT PETITION Nos.24986, 24987, 26242, 26430,
26455, 26471, 26480, 26484, 26486, 26498, 26511,
26538, 26973, 27022, 27034 and 27040 of 2019**

COMMON ORDER : (per PNR, J)

In all these writ petitions, the petitioners claim that they have established Industrial Units and operating them outside Patancheru-Bollarum area. Some of the Units are in the process of expanding their production and when they applied for expansion of their production, the respondent – Pollution Control Board demanded for payment of 1% of annual turnover to consider the application for expansion and also payment of 0.5% of the previous year's annual turnover for remedial measures, as per the directions of the National Green Tribunal (Tribunal), vide order dt.24.10.2017 in Application No.69 of 2013 and batch (South Zone – THC).

2. This Court, by order dt.29.11.2019, while adjourning the matters, recorded the statement of the learned Standing Counsel for Telangana State Pollution Control Board that no coercive steps would be taken against the petitioners.

3. Today, when the matters are called, learned Standing Counsel for Pollution Control Board submits that the

Umbrella Organisation (Bulk Drug Manufacturers Association – BDMA) has submitted a representation stating that the Units, which are outside Patancheru-Bollarum area, cannot be penalized by demanding payment of 1% of annual turnover for processing the application for expansion and also payment of 0.5% of the previous year's annual turnover for remedial measures, as per the directions of the Tribunal and that the said representation is under consideration of the Pollution Control Board. Thus, he seeks disposal of the writ petitions with a direction to the Pollution Control Board to consider the said representation expeditiously, while retaining the earlier undertaking of the learned Standing Counsel for the Pollution Control Board, in the meantime.

4. Learned counsel for the petitioners submits that all the petitioners have not made applications individually, whereas their Association has made an application and the petitioners in these writ petitions may also be permitted to file applications. He further submits that applications are also filed for expansion of the production capacity, but those applications are not processed on the ground that the petitioners have not deposited the amount demanded by the Pollution Control Board, though the petitioners are not required to pay the said amounts, as they are not within Patancheru-Bollarum area and the orders of the Tribunal are not applicable to them.

5. However, learned counsel for the petitioners also agreed for disposal of the writ petitions with a direction to the Pollution Control Board to consider the application submitted by their Association and the petitioners be permitted to make individual applications seeking to exempt them from levy of 1% of annual turnover and also payment of 0.5% of the previous year's annual turnover for remedial measures and to consider their applications already submitted for expansion of production capacity and pass appropriate orders.

6. Recording the said submissions of the learned counsel for the petitioners and the learned Standing Counsel for the Pollution Control Board, these writ petitions are disposed of, permitting the petitioners to make individual applications within a period of one week from today. On receipt of such applications, if any, made within the above mentioned period, the respondent - Pollution Control Board shall consider the same along with the application filed by the Association within a period of four weeks thereafter. The respondent - Pollution Control Board also shall consider the applications of the petitioners to accord permission to expand their production capacity along with these applications. Till a decision is taken by the respondent - Pollution Control Board, it shall not take any coercive steps against the petitioners. No order as to costs.

7. As a sequel, miscellaneous applications pending, if any,
in these writ petitions shall stand closed.

A. RAJASHEKER REDDY, J

P. NAVEEN RAO, J

20.12.2019.
Msr



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