

**HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN
AND
HON'BLE SRI JUSTICE A. RAJASHEKER REDDY**

WRIT PETITION Nos.41021, 41058, 41166 and 41181 of 2018

COMMON ORDER: *(per the Hon'ble the Chief Justice Sri Thottathil B. Radhakrishnan)*

These Writ Petitions are filed by different industries, who are bulk drug manufacturers, seeking directions to the second respondent - Telangana State Pollution Control Board, Hyderabad, (TSPCB), to grant appropriate sanction for the purpose of extension including environmental clearance in one of the cases, as the TSPCB however has kept in abeyance of the earlier orders issued by it.

2. When the matter is taken up today, the learned counsel for the petitioners, took us to paragraph No.18 of the counter-affidavit filed on behalf of the second respondent in Writ Petition No.41021 of 2018. He has placed for perusal a copy of the counter-affidavit since the original counter-affidavit is yet to be tagged in the case file by the Registry.

3. Paragraph No.18 of the counter-affidavit reads as follows:

“In reply to Para No.10, this respondent submits that the Hon'ble NGT, Chennai, in the appeal has pronounced the orders in the matters pertaining to Patancheru Pollution batch cases on 24.10.2017,

issuing certain directions to the State Government and State PCB.

Consequent to the issue of above orders by the Hon'ble NGT, Chennai, meetings were conducted by the Chief Secretary to Govt., on 01.12.2017, Chairman, TSPCB & Chief Advisor, Govt. of Telangana on 27.02.2018 and the Hon'ble Minister for IT E&C, MA&UD, Industries & Commerce, Mines & Geology, Public Enterprises and NRI affairs on 03.03.2018, wherein the Learned Additional Advocate General, Standing Counsel of the Board before Hon'ble NGT, Chennai, Principal Secretary to Govt., EFS & T Department, Principal Secretary to Government, Industries & Commerce Department, Government of Telangana, representatives of Bulk Drug Manufacturers Association (BDMA) and other Officials were present. The representatives of BDMA has requested for withdrawal of G.O.Ms.No.62, dated 28.04.1999, G.O.Ms.No.95, dated 21.09.2007 and G.O.Ms.No.64, dated 23.07.2013 which imposed certain restrictions on proposals for expansion of industries subject to certain conditions in view of the final orders of the Hon'ble NGT in O.A.No.69 to 72 of 2013 & batch cases (Patancheru Pollution Batch cases).

However, it was noticed that the Government vide G.O.Ms.No.64, dated 23.07.2013 issued amendment to the ban notification G.O.Ms.No.95, dated 21.09.2007 allowing expansion of bulk drug units only subject to installation of ZLD systems and subject to outcome of the cases pending in the NGT, Southern Zone or in other Court. It was decided that since the Hon'ble NGT has directed consideration of expansion of

existing units subject to certain conditions till further orders are passed by the Hon'ble NGT, there may not be any scope for withdrawal of the ban notifications on expansion at the present. However, as the expansion of the industrial units have been permitted to be considered on grounds of public interest and other conditions as per Hon'ble NGT orders, the ban notifications may have to be amended suitably by issuing fresh G.O. incorporating the additional conditions viz., deposit of 1% of the annual turnover, grounds of Public Interest and achieving Zero Liquid Discharge (ZLD) etc., imposed by the Hon'ble NGT for considering expansion applications and importantly such expansion can be in respect of all categories of industries covered by the ban notifications and need not be restricted only to the bulk drug and bulk drug intermediate manufacturing units and it was decided that the TSPCB should address the Government to issue the required Government orders.

Accordingly, the Board while informing about the applications for Consent to Establish received for expansion from industries has requested for issue of Government Orders amending the earlier G.Os in accordance with the Hon'ble NGT orders.

As the Government Orders are yet to be issued, the CFE applications for expansion of the petitioners could not be processed by the Board.”

4. In the light of the aforesaid, the learned counsel for the petitioners says that for the time being, it would suffice that these Writ Petitions are ordered directing that the TSPCB will process Consent Order For Establishment applications for expansion of

the petitioners immediately upon obtaining Government Orders, which it is awaiting as stated by it in paragraph No.18 of the counter-affidavit.

5. We may notice that the Government has to issue necessary clarification, as is required by the TSPCB, since issuance of such clarification would remove any clog in considering the matters pending with the TSPCB.

6. For the aforesaid reasons, these Writ Petitions are ordered directing that the TSPCB will take up the Consent Order For Establishment applications of the petitioners for expansion and consider them and would proceed with those applications on the basis of the decision of the Government. Let the TSPCB takes requisite follow-up action to ensure that the Government's decision is obtained without delay, so that the matter can be dealt with at the TSPCB's end within an outer limit of three (3) months from the date of receipt of a copy of this order.

Pending miscellaneous petitions, if any, shall also stand disposed of. There shall be no order as to costs.

THOTTATHIL B. RADHAKRISHNAN, CJ

Date: 25.01.2019

A. RAJASHEKER REDDY, J

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