

**A.P. Pollution Control Board v. Prof. M. V. Nayudu (Retd.) &  
Others, 1999**

**FACTS**

1. The respondent business is to be build up in another plant for the creation of vegetable oils in the State of Andhra Pradesh. Respondent industry bought a land parcel in town named Peddashpur. Inside the scope of the town the repositories that gives drinking water to the 5 million of individuals around the space.
2. In the year 1988 the Ministry of Forest and Environment set up the red rundown of dangerous businesses. In that red rundown, name of respondents industry was additionally recorded.
3. This warning was given by the Central Government dependent on its force under the Eater counteraction and control of Pollution Act of 1974 just as the Air avoidance and control of contamination Act of 1981.
4. In 1994 under the Directive Principles of Central Government, the State Government forces a warning where it was referenced that foundation of any industry inside 10 kilometer of supplies is to be denied by law.
5. In 1995 couldn't applied for getting the NOC from the territory of Andhra Pradesh Pollution Control Board for the foundation of his industry into that space. It was acknowledged by the climate authority of the state.
6. Government reaffirmed the standard in 1996. Thus,State of Andhra Pradesh Pollution Control Board dismissed the application on account of that standard .
7. The Commission of Industries educated the respondent he should selectin elective region yet he didn't pay attention to the commission of businesses different common works and introduced hardware.

8. By and by, respondent applied for a NOC from the State of Andhra Pradesh Pollution Control Board.

9. Then, at that point likewise the Board dismissed the application.

10. Then, at that point reacted fought that he contribute a lot of cash on the foundation of the business and its tasks

11. Thereafter, State Government subsequent to assessing demand made by the respondent

12. Then, at that point the authorization and the remedy alongside the rules to the respondent were given to be followed water contamination.

13. Andhra Pradesh Pollution Control Board arranged a rundown of safeguards to be followed yet doesn't acknowledged the use of NOC by the respondent.

14. A while later respondent recorded an allure before investigative Authority under Section 28 of Water Act.

15. Re-appraising position switch the orders made by the territory of Andhra Pradesh Pollution Control Board by giving thinking that the respondent had utilized the most recent methods for to forestall natural contamination.

16. At long last, giving of NOC is admissible to the respondent.

## **ISSUES RAISED**

1. Regardless of whether the respondent-business an unsafe one and what is its contamination possibility, considering the idea of the item, the effluents and its area?

2. Regardless of whether the activity of the business is probably going to influence the delicate catchment region bringing about contamination of the Himayat Sagar and

Osman Sagar Lakes providing drinking water to the twin urban communities of Hyderabad and Secunderabad?

## **CONTENTIONS PROGRESSED**

### ***Litigant:***

The litigant of this case was A.P Pollution control board which fought that the respondent business couldn't begin its common works and development without acquiring a freedom from the A.PPollution control board Moreover,A.P. Contamination Control Board presented that the items produced by respondent industry would prompt the accompanying wellsprings of contamination:

"(a) Nickel (strong waste) which is a substantial metal and furthermore a risky waste under the Hazardous Waste (Management and Handling) Rules, 1989.

(b) There is a capability of release or run-off from the industrial facility consolidated joining oil and other side-effects.

(c) Emission of sulfur dioxide and oxide of nitrogen."

### ***Respondent:***

After the dismissal of letter of the respondent business for getting the NOC, they bid under Section 28 of Water Act before the redrafting authority. Along with this the respondent presented a testimony of Shri Santapa who was a policeman of the Tamilnadu Pollution Control Board which was in the blessing of respondent industry. In that testimony it was expressed that industry had followed just as embraced eco well disposed innovation by utilizing all the shielding measures for the security of climate.

Moreover, reacted ventures Director submitted and sworn statement clarifying the insights about the innovation utilized in the erection of the plant. Another report was likewise presented by the respondent business pronouncing utilized by them is, gotten from the Indian Institute of Chemical innovation of Hyderabad which is a prestigious, and that industry had given a testament proclaiming that this industry won't release any acidic influents which is destructive for the climate. Based on above sworn statement and reports it was battled that industry isn't a contaminating industry

## **JUDGMENT**

The court switch the choice made by the redrafting authority and thinks about the utilization of respondent for acquiring. Most importantly court center around an inquiry that whether Central government to absolve and individual dangerous industry inside the 10 km region around the repository regardless of whether he is following every one of the strategies and security measures to defend climate. For this specific inquiry court reaches a resolution that for the assurance of climate And with the respect of 10 kilometer rule the exclusion ought not to be suitable in nature and NOC to the respondent couldn't be issued. Secondary Court considered second issue that whether according to the report submitted in the court, respondent could guarantee exception from the court or not. In the light of this inquiry court went to a result that the respondent business won't cause any water contamination regardless of whether it was set up under the 10 kilometer space of supplies since respondent vowed to make vital moves and measures to shield climate. In any case, Court dismissed promissory estoppel made by the to make an essential move and safeguards. But Court rejected promissory estoppel made by the to take necessary action and precautions. Court came to the conclusion that reservoirs is significant as million of public relied upon his reservoirs for drinking water and to give safeguard measures to respondent. Court held that safeguards good could be failed because of any error human operation or by an accident. Court does not want to take risk in this matter and you lied on the precautionary principle. Therefore it was held that court can't supersedes the policy decision of the Government thus cannot issue NOC to respondent.