

Item Nos.05 to 09:-

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

[Through Physical Hearing (Hybrid Option)]

Original Application No.127 of 2026(SZ)
WITH
Appeal Nos.24, 25, 39 & 41 of 2026(SZ)

IN THE MATTER OF:

O.A. No. 127 of 2026(SZ):

Gottimukkala Veera Venkata
Ramana Murthy Raju & Ors.

...Applicant(s)

Versus

The Chairman,
Andhra Pradesh Pollution Control Board and Ors.

...Respondent(s)

Appeal Nos.24&25 of 2026(SZ):

V.S. Krishna,
Andhra Pradesh.

...Appellant(s)

Versus

SEIAA,
Through its Member Secretary,
Vijayawada and ors.

...Respondent(s)

With

Appeal No.39 of 2026(SZ):

V.S. Krishna,
Andhra Pradesh.

...Appellant(s)

Versus

SEIAA,
Through its Member Secretary,
Vijayawada and ors.

...Respondent(s)

With

Appeal No.41 of 2026(SZ):

Dr. Boddu Ganga Rao,
Visakhapatnam District.

...Appellant(s)

Versus

Union of India,
Through the Secretary,
MoEF&CC and Ors.

...Respondent(s)

Date of hearing: 27.10.2026.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SUJIT KUMAR BAJPAYEE, EXPERT MEMBER

O.A. No.127/2026 (SZ):

For Applicant(s): M/s. R. Jayaprakash, K.
Chandrasekaran, S. Faheem Ahmed,
R.S. Maitreya.

For Respondent(s): Mr. K. Ravindranath for R1 to R4, R6 & R7.
M/s. R. Yella Reddy &
Manthan Raj Sharma for R5.
Mrs. Swarnalatha represented
Mr. R. Thirunavukarasu for R11.

Appeal Nos.24, 25 & 39/2026 (SZ):

For Appellant(s): M/s. Nagasaila, Sr. Adv. a/w.
M/s. V. Suresh, NS Tanvi, Kavya. K &
Ananya. P.

For Respondent(s): Mr. K. Ravindranath for R1 to R2.

Appeal No.41/2026 (SZ):

For Appellant(s): Ms. Kothai Muthu Meenal.

For Respondent(s): Mrs. Swarnalatha represented
Mr. R. Thirunavukarasu for R1.
Mr. K. Ravindranath for R2 to R5, R7 & R8.

M/s. R. Yella Reddy, Manthan Raj
Sharma & Anshika Yadav for R6.
Mr. Om Prakash, Sr. Adv. a/w.
M/s. P. Giridharan, S. Sai Sathya Jith,
Muthuchharan Sundresh for R9.

ORDER

1. After hearing the matter for a while, it is made clear that the Environmental Clearances which are under challenge were obtained under Item 8 (a) of the EIA Notification, 2006, which refers to “*Building and Construction Projects*”. When the project is for a proposed construction of a Mega Data Centre Park, the regulatory gaps viz., public consultation and the site-specific environmental conditions are not taken into account.

2. It is a well-known fact that data storage systems, including those used by streaming platforms, rely on servers that generate heat as a by-product of their operation. If the heat generated is not adequately removed, the servers may overheat and fail.

3. Under Item 8(a) of the EIA Notification, 2006, which falls under Category ‘B2’, the regulatory authorities appear to have considered only aspects such as waste, drainage, and parking, while overlooking the generation of e-waste, battery waste, used oil waste, and, above all, heat.

4. Even as per the impugned Environmental Clearance, the generation of e-waste is 6 TPA, battery waste is 200 TPA and used oil waste is 8,000 LPA. In such circumstances, the MoEF&CC has not provided for a

specific category under the EIA Notification for the construction of mega data centre projects.

5. In India, there is a Draft Data Centre Policy, 2020, which has not taken a final shape. In view of the availability of the said draft policy, it would have been appropriate for the authorities to consider its provisions before issuing the Environmental Clearance. However, in the present cases, the Environmental Clearances have been issued by the SEIAA, Andhra Pradesh.

6. Therefore, the MoEF&CC is suo motu impleaded as Respondent No.11 in O.A. No.127 of 2026, as Respondent No.7 in Appeal Nos.24 and 25 of 2026 (SZ), and as Respondent No.7 in Appeal No.39 of 2026 (SZ) and is called upon to address the issues referred to above.

7. Let notice be issued to the newly impleaded respondent through the Tribunal. The Registry is directed to carry out the necessary amendments to the cause titles in all these matters.

8. The learned counsel, Mrs. Swarnalatha representing Mr. R. Thirunavukarasu, accepts notice on behalf of the MoEF&CC and seeks two weeks' time to file a response.

9. The MoEF&CC is directed to file its reply **on or before 20.11.2026.**

10. In the meanwhile, the learned counsel appearing for the appellant insisted that the project should

be stopped forthwith. Already, it is stated that the project is only in at the initial stage of construction, before which the matter can be decided.

11. Hence, we direct all the respondents to file their respective replies/response before the date of next hearing and exchange the pleadings among themselves.

12. Considering the gravity of the issues involved and the fact that the Draft Data Centre Policy, 2020, has not yet been finalised, this Tribunal is of the considered view that the assistance of an *Amicus Curiae* would be beneficial in appreciating and examining the issues involved in these matters. Accordingly, Mr. Sanjay Upadhyay, learned Senior Advocate, New Delhi, is appointed as *Amicus Curiae* in all these matters to assist this Tribunal.

13. Let the matter be listed on **07.12.2026**.

Sd/-
Smt. Justice Pushpa Sathyanarayana, JM

Sd/-
Dr. Sujit Kumar Bajpayee, EM

**O.A. No.127/2026(SZ)&
Appeal Nos.24, 25, 39 & 41/2026(SZ)
27th October, 2026. AD.**

Note:

The Registry is directed to communicate a copy of this order to Mr. Sanjay Upadhyay, learned Senior Advocate, New Delhi, along with the complete set of case papers, either by post or by e-mail.