

Item No. 08

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 225/2022
(IA NO 815/2023,IA NO 668/2023,IA NO 596/2023,IA NO 20/2023,IA
NO 21/2023)

Nitin Dhiman

Applicant

Versus

Respondent(s)

Date of hearing: 14.08.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Ms. Unnati Anand, Adv. for Applicant

Respondent: Mr. Gaurav Agarwal, Adv. (Amicus Curiae) with Mr. Sarthak Kalra, Adv.
Ms. Savi Nagpal, AAG for R - 1, 4 to 6
Ms. Atika Singh, Mr. Kunal Anand & Ms. Richa Kapoor, Adv. for Punjab
PCB
Mr. Naginder Benipal & Mr. Aman Chaudhary, Adv. for R - 3
Mr. I.K. Kapila, Adv. for R - 7 to 9
Ms. Vrinda Bhandari & Mr. Prannu Dhawan, Adv. for R - 10 & 11

ORDER

1. In this original application the Tribunal is considering the issue of discharging of pollutants by dyeing units in Ludhiana and performance of three Common Effluent Treatment Plants (CETPs) setup for the purpose of treating the effluent discharge of these units. Learned amicus referring to his report 02.08.2023 has pointed out that annexure AC-1 contains the list of 36 industrial units which are members of the 15 MLD CETP, annexure AC-3 is a list of 108 units which are connected to 50 MLD CETP and annexure AC-5 which is a list of 65 units connected to 40 MLD CETP. He has submitted that the annexure AC-13 contains the list of 12 large and medium unit, list of 26 dyeing units in industrial area A of Ludhiana, 16 other scattered dyeing units which are not connected to any CETP and are directly discharging the effluent in Municipal

drain/Sewer. He has also referred to annexure AC- 16 of his report to point out that 50 MLD CETP was found to be having a bypass directly discharging the effluent without treatment into the sewage.

2. Learned counsel for the PPCB is not in a position to disclose as to what action has been taken against the units which are not connected to CETP and are discharging the untreated effluent or the person/operator managing 50 MLD CETP which was found to have a bypass and discharging untreated effluent into the sewage. She has sought time to place on record the response to the facts disclosed in the report of learned amicus. She is also directed to disclose the information about the units in the following tabulated form:-

Sr. No.	Name & Address of the unit	Small / Medium unit with geo code	Environmental clearance date	Consent from PCB	Consumption of water and intake source	Provision for pretreatment within the unit	If connected to CETP and the quantity to be supplied to the CETP	Capacity of the CETP to which the unit is connected and the environmental/consent for the CETP	Quantity discharged from CETP along with water quality analysis (to be annexed) and mode of discharge (land , river canal etc.)	If having own ETP along with geo code and capacity	Quantity discharged from ETP along with water quality to be annexed analysis and mode of discharge (land , river canal etc.)	Remarks of PCB.

3. In the response the PPCB will disclose the total number of units which are scattered and not connected to CETP which are violating the environmental norms and against which action has been taken for said violation and the nature of such action. The PPCB will also disclose if such unconnected scattered dyeing units have any Association and give details of such Association.

4. Learned counsel appearing for the Respondent No. 7 to 9 Associations and 10 & 11 project proponents have sought four weeks time to file their response.

5. Having regard to the issue involved in this O.A. we deem it proper to implead CPCB through its Member Secretary as Respondent No. 12.

6. Hon'ble Supreme Court in Paryavaran Suraksha Samiti & Anr Vs. Union of India & Anr. (2017) 5 SCC 326 had given the time limit of three years for setting up CETP. The Judgment was delivered on 22.02.2017 and three years period has expired. The direction of the Hon'ble Supreme Court was to the following effect:

“7. Having effectuated the directions recorded in the foregoing paragraphs the next step would be to set up common effluent treatment plants. We are informed, that for the aforesaid purpose, the financial contribution of the Central Government is to the extent of 50% that of the State Government concerned (including the Union Territory concerned) is 25%. The balance 25% is to be arranged by way of loans from banks. The above loans, are to be repaid, by the industrial areas, and/or industrial clusters. WE are also informed that the setting up of a common effluent treatment plant, would ordinarily take approximately two years (in cases where the process has yet to be commenced). The reason for the above prolonged period, for setting up “common effluent treatment plants”, according to the learned counsel, is not only financial, but also, the requirement of land acquisition, for the same.

“8. In view of the fact, that the financial position has been taken care of, as has been expressed above, we are of the view, that the setting up of “common effluent treatment plants”, should be taken up as an urgent mission. With reference to common effluent treatment plants, which are already under implementation, we hope and expect, that they would be completed within the timelines already postulated. With reference to common effluent treatment plants, which are yet to be set up, we consider it just and appropriate to direct, the concerned State Governments (including, the concerned Union Territories) to complete the same within a period of three years, from today. We are also of the view, that while acquiring land for the 'common effluent treatment plants', the concerned State Governments (including, the concerned Union Territories) will acquire such additional land, as may be required for setting up “zero liquid discharge plants”, if and when required in the future.”

7. For compliance of the direction relating to setting up of CETPs, Member Secretary, PCB was made responsible and Secretary Environment was made answerable for default. The direction of the Hon'ble Supreme Court in this regard is as under:

“13. We are of the view that mere directions are inconsequential, unless a rigid implementation mechanism is laid down. We, therefore, hereby provide that the directions pertaining to continuation of industrial activity only when there is in place a functional "primary effluent treatment plants". and the setting up of functional "common effluent treatment plants" within the timelines, expressed above, shall be of the Member Secretaries of the Pollution Control Boards concerned. The Secretary of the Department of Environment, of the State Government concerned (and the Union Territory concerned), shall be answerable in case of default. The Secretaries to the Government concerned shall be responsible for monitoring the progress and issuing necessary directions to the Pollution Control Board concerned, as may be required, for the implementation of the above directions. They shall be also responsible for collecting and maintaining records of data, in respect of the directions contained in this order. The said data shall be furnished to the Central Ground Water Authority, which shall evaluate the data and shall furnish the same to the Bench of the jurisdictional National Green Tribunal.”

8. Having regard to the report of the amicus we are *prima-facie* of the view that the direction of the Hon'ble Supreme Court has not been complied with. Hence we deem it proper to implead the Secretary, Environment State of Punjab as Respondent No. 13.

9. Let notice be issues to the newly added Respondent No. 12 & 13 for filing their response at least one week before the next date of hearing.

10. Learned counsel for the State of Punjab and District Magistrate, Ludhiana submits that report/response will be filed within four weeks.

11. List on 27.11.2024

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

August 14, 2024
O.A. No. 225/2022
HB