

Item No. 14

Court No. 1

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

Original Application No. 442/2023
(I.A. No. 756/2023 & I.A. No. 765/2023)

Pankaj Srivastava

Applicant

Versus

Birla Carbon India Private Limited

Respondent

Date of hearing: 12.01.2024

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

Respondent: Mr. Pradeep Misra & Mr. Daleep Dhyani, Advs. for UPPCB (Through VC)
Ms. Vanita Bhargava & Ms. Nikitha Shenoy, Advs. for R - 1

ORDER

1. In this Original Application, the grievance against the Project Proponent was that the unit was running without any consent from UPPCB. It had not taken consent for 6 nos. of Reactors, Vent Scrubber Stacks and Main Bag Filter Stacks and that the unit had not disclosed height of 6 nos. Reactors, Vent Scrubbers Stacks and 2 Main Bag Filter Stacks for consent. Reactor, Vent Scrubber and Main Bag Filter Stack is used during plant shutdown, and contains un-burnt carbon monoxide which is byproduct of the plant.

2. Considering the grievance raised in the OA, the Tribunal by order dated 24.07.2023 had constituted a joint Committee with the direction to the joint Committee to visit the site and submit a factual and action taken report. The joint Committee had submitted the report dated 27.10.2023 making the following recommendations: -

“Recommendations:-

- i) The unit needs to monitor the gaseous emission emitted from Vent Scrubbers during process shutdown/off production each year.*
- ii) The unit shall inform about next process shutdown/off production to UPPCB and UPPCB needs to monitor to ensure the gaseous emission emitted from Vent Scrubbers.*
- ii) The unit shall install sampling platform and Port hole on each vent scrubbers.*
- iv) In case of any violation found according to the analysis report, the UPPCB shall initiated action about to impose the Environment Compensation for defaulting days.*
- v) The unit shall install automatic monitoring system on vent scrubbers for monitoring of gaseous emission emitted during shutdown.”*

3. The Tribunal, considering the report had also noted that running page 150 revealed that in source emission monitoring, the parameters were not specified. Hence, the Tribunal had impleaded the Project Proponent and had issued notice.

4. The fresh report has been filed by the joint Committee showing that the Project Proponent is meeting the relevant criteria. The details relating to the compliance of the recommendations and compliance status have been disclosed in the fresh report as under:-

“13. During visit, it was found that Sampling platform and Port hole has been established on each vent scrubbers by the industry. On the basis of monitoring report, discussion with industry representative and facts found during visit, the complying status of joint committee recommendation are as follows:-

<i>Sr. No.</i>	<i>Recommendations</i>	<i>Complying Status</i>
<i>1.</i>	<i>The unit needs to monitor the gaseous emission emitted from Vent Scrubbers during process shutdown/off production each year.</i>	<i>Complying</i>
<i>2.</i>	<i>The unit shall inform about next process shutdown/off production to UPPCB and UPPCB needs to monitor to ensure the gaseous emission</i>	<i>Complying, The value of parameter in gaseous emission was found within permissible limit.</i>

	<i>emitted from Vent Scrubbers.</i>	
3.	<i>The unit shall install sampling platform and Port hole on each vent scrubbers.</i>	<i>Complying</i>
4.	<i>In case of any violation found according to the analysis report, the UPPCB shall initiate action to impose the Environment Compensation for defaulting days.</i>	<i>As per monitoring report, No violation has been found. In the light of this, action is not required.</i>
5.	<i>The unit shall install automatic monitoring system on vent scrubbers for monitoring of gaseous emission emitted during shutdown.</i>	<i>As per information provided by the industry vide letter dated 08.01.2024 (Copy attached as Annexure-4), the unit has floated enquiry for installation of automatic monitoring system in the vent scrubbers. Offers received from M/s Nevco Engineers Pvt. Limited and M/s IMTB Engineers Private Limited are being technically evaluated.</i>

5. So far as the 5th item is concerned, learned Counsel appearing for the Project Proponent on instructions has stated that the automatic monitoring system would be installed and commissioned on or before 31.12.2024. Project Proponent is permitted to do so.

6. In view of the above, we dispose of the present OA by directing the Member Secretary, UPPCB to get the inspection of the unit done in the month of the January, 2025 and file the report before the Registrar General of the Tribunal by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF and if found necessary, the matter may be listed before the Bench for consideration.

7. The Original Application is disposed of accordingly.

8. I.A. No. 756/2023 and I.A. No. 765/2023 will also stand disposed of accordingly.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

January 12, 2024
Original Application No. 442/2023
(I.A. No. 756/2023 & I.A. No. 765/2023)
SN.