

**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: 31.10.2023

**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: Ms. Vanita Bhargava & Ms. Nikitha Shenoy, Advs. for Birla Carbon India Pvt. Ltd (R - 1)

ORDER

1. The grievance raised in the Original Application, registered on the basis of the letter petition is in respect of violation of the provisions of the Air (Prevention and Control of Pollution) Act, 1981 by the Project Proponent namely Birla Carbon Renukoot. Considering the said grievance, the Tribunal by order dated 24.07.2023 had constituted a joint Committee consisting of Collector, Renukoot and one representative from State Pollution Control Board with the direction to the Committee to visit the site and submit a factual and action taken report clearly providing the compliance status with respect to CTO granted on 30.01.2019 and with respect to the additional manufacturing processes including ambient air quality data around the industry and trends of ambient air quality as per established National Air Quality Monitoring Program (NAMP) station, if operated.

2. The joint Committee has filed the report dated 27.10.2023 noting certain violations. We also find that the joint Committee has placed reliance upon the reports relating to online continuous emission monitoring system, gaseous emissions and ambient air quality monitoring report provided by the project proponent instead of making efforts to independently collect the information in this regard. The recommendations of the joint Committee are as under:-

“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. We also find on running page 150 that in the report relating to source emission monitoring, the parameters have not been specified. A prayer has been made by the Counsel for the Project Proponent to seek instructions and file reply/objection to the report.

4. Having regard to the issue involved in the matter, we deem it proper to implead following as the respondents in this OA.:-

- i. Member Secretary, Uttar Pradesh State Pollution Control Board
- ii. Collector, Sonbhadra, Uttar Pradesh
- iii. Birla Carbon India Private Limited, Renukoot, unit at Murdhawa Industrial Area, P.O. Renukoot, Sonbhadra, Uttar Pradesh.

5. Let notice be served upon the unrepresented respondents.
6. List this matter on 12.01.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

October 31, 2023
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