

Item No.02

(Court No. 1)

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

(By Video Conferencing)

Appeal No. 30/2022
(I.A. No. 168/2022 & I.A. No. 169/2022)

Gulab Rai & Ors.

Appellant(s)

Versus

Union of India & Ors.

Respondent(s)

WITH

Caveat Application Nos. 06/2022 & 07/2022

Filed by M/s Maa Sheetla Ventures Limited

Date of hearing: 14.07.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Respondent: Mr. Pinaki Misra, Senior Advocate with Mr. Ishan Dewan, Advocate for
M/s Maa Sheetla Ventures Ltd. (R - 6 & 7)/ Caveators

ORDER

1. This appeal has been preferred against grant of Environmental Clearance (EC) dated 18.01.2022 by the Ministry of Environment, Forest and Climate Change (MoEF&CC) in favour of M/s Maa Sheetla Ventures Limited for proposed establishment of grain-based ethanol distillery of capacity of 60 KLD along with Co-Plot No. 26 KA and 27 KA, at Village Surpur, Tehsil – Kaladhungi, Distt-Nainital, Uttarakhand.

2. Delay condoned and heard on merits, even though none appeared for the appellant.

3. The impugned order shows that the project site is in possession of the Project Proponent (PP). Green belt is to be developed on 33% of the site. The project will result in direct/indirect employment of 125 persons. The PP has allocated Rs. 120 lakhs for Corporate Environmental Responsibility. The impugned order further shows:

“xxxxxx.....xxx

7. There are no national parks, wildlife sanctuaries, Biosphere Reserves, Tiger/Elephant Reserves, Wildlife Corridors etc. within 10 km distance. Reserved Forests-Nihal Reserve Forest at distance of 1.77 km in south direction. River/water body Gularghate Nadi flowing at a distance of 1.30 Km in the South direction.

8. Total water requirement for the Grain based Ethanol Plant will be 1017 KLPD out of which 647 KLPD will be recycled in plant operations. Hence, the fresh water requirement for the project will be 370 KLPD which will be met from ground water. Spent Wash (Slops) generation from Distillation, will be sent through separation of suspended solids in Decanter Centrifuge, part Thin Slops are concentrated in multi-effect evaporators to form a Thick (Protein) Syrup, which is mixed with the Wet Cake DWG separated earlier from Decanters. This interim product called DWGS has 30-32% w/w Solids is subject to drying in a rotating steam tube bundle dryer to deliver a value-added by-product-DDGS-Distillers Dried Grains with soluble and which has min. 90% Solids and max 10% moisture. This DDGS sells as Cattle Feed/Poultry Feed/Fish Feed based on its Protein Content. Hence, entire spent wash is decanted, concentrated into syrup in a Multi-Effect Evaporation followed by Drying, in order to achieve Zero Effluent Discharge. Effluent of 355 KLPD quantity will be treated through state of art CPU/Effluent Treatment Plant of 600 KLPD capacity (Anaerobic, aerobic, Filters & RO System). The plant will be based on Zero Liquid Discharge System.

9. Power requirement for proposed project will be 1507 KWH (maximum) will be met from Co-generation power plant of 2 MW. Unit has proposed 1 no. of boiler of capacity 20 TPH. Electro Static Precipitator (ESP) with a stack of height of 65 m will be installed for controlling the particulate emissions within the statutory limit of 50 mg/Nm³ for the proposed boilers.

10. Details of process emissions generation and its management:

- ESP with a stack height of 65m will be installed for controlling the particulate emissions. Online Continuous Emission Monitoring System will be installed with the stack and data will be transmitted to CPCB/SPCB servers.*

- *CO₂ generated (44 TPD) during the fermentation process will be collected by utilizing CO₂ scrubbers and sold to authorized vendors.*

11. Details of Solid Waste/Hazardous waste generation and its management:

Waste	Quantity	Uses/Disposal
Total Ash	3.3 MT/Day	Will be provided to Brick Manufacturer Industry.
Condensate polishing unit sludge	1 KLD	Used as manure.
Cattle Feed DDGS	22 MT/Day	Will be sold as cattle feed.

12. As per OM dated 16th June, 2021, PP has submitted self-certification in the form of affidavit declaring that the proposed capacity of 60 KLD will be for manufacturing of fuel ethanol only.

13. During deliberations EAC sought the following information/commitments from PP:

- *Electrostatic precipitator shall be installed with proposed boiler.*
- *PP shall use only rice husk/other biomass as fuel in boiler.*
- *Company to construct a storage pond of 60 days capacity and the accumulated water to be used as fresh water thereby reducing fresh water consumption.*
- *15% of the total plant area will be reserved for parking.*
- *PP shall utilize fresh water @4.0 KL/ KL of ethanol production.*
- *Brick manufacturing unit will be installed within the plant premises for utilization of fly ash.*
- *Entire project shall be ZLD and no single drop of water shall be discharged outside plant premises.*
- *PP shall meet 10% of the total power requirement from solar power.*
- *The proposed budget allocation of Rs. 1.20 Crores towards CER and shall be used for construction/up-gradation of school building with provision of facilities e.g. Class rooms, playground, Laboratory, Library, Computer class, toilets, Drinking Water Facilities, solar light etc. Further, the works under CER Plan shall be implemented in consultation with District Collector before commission of the project.”*

xxxxxx.....xxx

16. The Committee noted that the EMP report is in compliance of the PFR. The Committee deliberated on the CER plan and found to be addressing the issues in the study area. The Committee has found the additional information submitted by the project proponent to be satisfactory and addressing the issues raised by the Committee. The EAC has deliberated the proposal and has made due diligence in the process as notified under the provisions of the

EIA, Notification, 2006, as amended from time to time and accordingly made the recommendations to the proposal. The experts Members of the EAC have found the proposal in order and have recommended for grant of environmental clearance.

- 17. xxxxxx.....xxx
- 18. xxxxxx.....xxx

A. Specific Condition:

xxx.....xxx.....xxx

(iv). Total Fresh water requirement shall not exceed @ 4.0 KL/KL and will be met from ground water. Prior permission shall be obtained from the concerned regulatory authority/CGWA in this regard and renewed from time to time. No ground water recharge shall be permitted within the premises. Company to construct a storage pond of 60 days capacity and the accumulated water to be used as fresh water thereby reducing fresh water consumption.”

B. General Condition:

xxxxxx.....xxx

(vii). The project proponent shall also submit six monthly reports on the status of compliance of the stipulated Environmental Clearance conditions including results of monitored data (both in hard copies as well as by e-mail) to the respective Regional Office of MoEF&CC, the respective Zonal Office of CPCB and SPCB. A copy of Environmental Clearance and six monthly compliance status report shall be posted on the website of the company.

(viii). The environmental statement for each financial year ending 31st March in Form-V is mandated shall be submitted to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website of the company along with the status of compliance of Environmental Clearance conditions and shall also be sent to the respective Regional Offices of MoEF&CC by e-mail.

22. The above conditions will be enforced, inter-alia under the provisions of the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986, the Hazardous Waste (Management, Handling and Transboundary Movement) Rules, 2016 and the Public Liability Insurance Act, 1991 read with subsequent amendments therein.”

4. The case set out in the memo of appeal is that correct information has not been furnished with regard to distance of reserved forest. The said distance is 1.1 km. The area is covered by 90% fruit bearing trees of mango, lichi, papaya and guavava which will be adversely affected by the air pollution. The agricultural land may be dug to discharge effluents causing damage to the groundwater. If the project is permitted, more industries may be set up in the area affecting the air quality. Particulate matter will be emitted from the distillery unit from the fly ash generated in the process. Flue gas emission will lead to increase of particulate matter, sulfur dioxide and nitrogen. Disposal of waste will pollute the soil.

5. We find that there has been due appraisal by the Expert Appraisal Committee (EAC) of the impact of the project on the environment. Suitable conditions for waste disposal and mitigating the emissions as well as discharge of effluents have been imposed, including the condition of ZLD requiring the entire waste generated to be recycled and reused in the process itself, by closing the loop/circuit within the unit. There is a provision for green belt to mitigate the air pollution. Environmental protection measures are required to be taken in terms of the EMP. However, we find that in Specific Condition (iv) quoted above, instead of condition of recharge of groundwater it appears to have been wrongly mentioned that “no ground water recharge shall be permitted” which will stand modified by deleting the word “no”. However, such recharge should be by rain water and not with waste water.

6. We, thus, hold that due appraisal has been made and suitable ‘Specific’ and ‘General’ Conditions imposed which are to be monitored in accordance with Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, including as per

office order of the Uttarakhand SPCB dated 17.07.2020 relating to 'approved fuel' and the Environment (Protection) Act, 1986 and the Rules. Once the conditions are duly complied with and monitored, the apprehension that there will be pollution by the project so as to reject the appraisal for EC cannot be accepted.

7. The appeal is disposed of accordingly without interfering with the grant of EC but requiring modification as above and reserving right of any aggrieved party to take remedies against violation of any environmental norms in the operation of the project.

All pending IAs will also stand disposed of.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Arun Kumar Tyagi, JM

Prof. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

July 14, 2022
Appeal No. 30/2022
I.A. Nos. 168/2022 & 169/2022
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