

Item No.5

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No.373/2022
(I.A No. 165/2022)

Sumit Saini

Applicant

Versus

Haryana State Pollution Control Board & Ors.

Respondents

Date of hearing: 21.02.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: Applicant in person (through VC).

Respondent: Mr. Lokesh Sinhal, Sr. AAG with Rahul Khurana,
Advocate for respondents no. 1 to 4.
Mr. Nitin Mehta, RO, Yamuna Nagar, Mr. Naresh, AEE
for HSPCB.
Mr. Ayush Sinha, Commissioner, Municipal Corporation,
Yamuna Nagar and Mr. Hemant, Senior Engineer,
Municipal Corporation, Yamuna Nagar.
Mr. Anubha Agrawal, Advocate for respondent no. 5.

Application under Provisions of the National Green Tribunal Act, 2010.

ORDER

1. Mr. Sumit Saini resident of village Damla, District Yamuna Nagar, Haryana has sent the present letter petition raising substantial questions relating to environment and seeking intervention by this Tribunal for issuance of directions for protection of environment.

2. Vide order dated 24.05.2022, this Tribunal constituted a Joint Committee with direction to submit factual and action taken report within

two months and notices were ordered to be issued to respondents no. 1 to 5.

3. In compliance thereof, Regional Officer, HSPCB, Yamuna Nagar filed the report of the Joint Committee vide email dated 28.09.2022. The relevant part of the report reads as under:-

“INTERIM REPORT IN COMPLIANCE OF ORDERS DATED 24.05.2022.

X X X X X X

3. That on 20.7.2022, the Dy. Commissioner, Yamuna Nagar nominated the City Magistrate as his representative. As per directions of Hon'ble NGT a team of the following Officers was constituted:-

- I. Sh. Ashok Kumar, HCS, CTM, Jagadhri (Representative of Deputy Commissioner, Yamuna Nagar).
- II. Sh. Vijay Kumar Gupta, Chairman, SEAC.
- III. Sh. Nirmal Kumar, the then Regional Officer, HSPCB, Yamuna Nagar.
- IV. Sh. Naresh Kumar, AEE, HSPCB, Yamuna Nagar.

4 Status of M/s SPS Bio Chem Pvt. Ltd. :

a) The complainant Sh. Sumit Saini filed a complaint against pollution and public nuisance caused by the unit in question which was received to the board through CM Window grievance portal of State of Haryana vide Grievance No CMOFF/N/2022/ 037666 dated 08.04.2022. Also another complaint received through District Level Grievance Monitoring Committee, Yamuna Nagar.

b) It is submitted that said unit was planned to install the compressed Bio-Gas Manufacturing Plant. As per Consent Management of Haryana State Pollution Control Board issued vide order dated 04.12.2020, such type of units falls at Serial No. 110 of Orange Category. Copy of policy orders dated 04-12-2020 is enclosed as Annexure-R-1.

c) The site of the unit was initially visited by the field officer of HSPCB on 23.04.2022 but Sh. S.A David, Manager of the unit, restrained the field officer from inspection and did not allow the officer to do the inspection on that day. Thereafter, the Board had requested to the Deputy Commissioner, Yamuna Nagar vide letter no HSPCB/YR/2022/3303 dated 12.05.2022 to appoint the Duty Magistrate alongwith police protection for the inspection of the unit. In response to the request of HSPCB, the Deputy Commissioner, Yamuna Nagar vide order dated 13.05.2022 appointed Sh. Deepak, Municipal Engineer, Municipal Corporation, Yamuna Nagar as Duty

Magistrate for the inspection of the unit on 13.05.2022. Then the site of unit was again inspected by the field officer of the board on 13.05.2022 alongwith the Duty Magistrate appointed by the Deputy Commissioner, Yamuna Nagar.

d) During the inspection on 13.05.2022, it has been found at site of the unit that the proposed plant of "Compressed/refined bio-gas production for bio- degradable wastes" was under installation. However, at site of the unit, the huge quantity of press mud of sugar mill was found stored un-scientifically in shape of big heaps and without any Pollution Control Arrangement and without any permission from Haryana State Pollution Control Board. The such press mud of sugar mill is the raw material for such kind of units. As the press mud of sugar mill is highly bio-degradable product and if not used timely causes huge seepage effluent from the heaps of press mud and also causes huge air pollution in sense of foul smell due to bio-degradation of the press mud. The such effluent generated due to bio-degradation or otherwise have high water pollution load and if not handled properly causes land and water pollution. Similarly, such bio-degradation also causes huge air pollution in sense of foul smell. At site it was observed that effluent generated and coming from big heaps of press mud and causing land pollution and underground water pollution as such effluent ultimately percolate into ground water and pollute the underground water. On site as per provisions of water Act, 1974, the legal sample of such stagnant effluent was collected from the site and the sample was sent to the HSPCB laboratory at Panchkula for analysis. Moreover, the bio-degradation of such press mud of sugar mill was causing the huge air pollution at site which was affecting the surrounding area upto distance of 3 K.M. or more, in sense of foul smell. The analysis report for the effluent delivered to the laboratory at Panchkula was released vide AR No. 5450 dated 27.05.2022 and the parameters (BOD, COD, TSS and Oil & Grease) were exceeding the prescribed limits as under:-

Sr. No.	Parameter	Results	Prescribed Limit General Discharge Standard
1	pH	6.48	5.5-9.0
2	BOD	22000	30.0
3	COD	168000	250.0
4	TSS	3480	100.0
5	Oil and Grease	22.5	10.0
6	Conductivity	3507	---

The copy of analysis report dated 27.05.2022 is enclosed as Annexure-R-2. Accordingly, Show Cause notice for prosecution under section 43/44/45/45-A/47 of Water (Prevention & Control of Pollution) Act, 1974 & under section 37/38/39/40 of Air (Prevention & Control of Pollution) Act, 1981 and show cause for closure under section 33-A of Water (Prevention & Control of Pollution) Act, 1974 and under section 31-A of Air (Prevention & Control of Pollution) Act, 1981 alongwith imposition of Environmental Compensation was issued to the unit on 15.05.2022. The unit has submitted the reply of the show cause notice vide his letter dated 02.06.2022. After considering the reply of the unit, closure action against the unit was

recommended to Competent Authority vide Regional Office letter no. 3482 dated 08.06.2022 under section 33-A of Water Act and under section 31-A of Air Act.

e) Thereafter, closure orders were issued by Competent Authority of the Board on dated 13.06.2022 and the same has also been complied/ done by Board on dated 15.06.2022. The prosecution action against the unit has also been filed in the special Environment Court at Kurukshetra and the next date is fixed for 30.09.2022. The recommendation for levying of Environment Compensation has been sent to the head office vide letter dated 26.09.2022. The copy of Closure order issued against the unit is attached herewith Annexure-R-3. The copy of compliance report of closure order is attached herewith as Annexure-R-4. Further, as per unit letter dated 18.07.2022, the unit informed that they have lifted/disposed of the Press Mud stored outside completely. The unit's letter dated 18.07.2022 and photographs of the site are also attached herewith as Annexure-R-5.

5. Status of compliance of SWM Rules, 2016:

a) The complainant Sh. Sumit Saini informed that Municipal Corporation has started dumping municipal solid waste in the vicinity of the village causing serious environmental problems in the area. Accordingly, the joint team was visited the illegal and unscientific dumping of solid waste at Village-Aurangabad on dated 27.07.2022 and found that the illegal and unscientific dumping of solid waste is still continuing at Village-Aurangabad.

b) The Municipal Corporation, Yamuna Nagar is bound to be complying with the provisions of Solid Waste Management Rules, 2016, but same is not being complied. Therefore, direction regarding compliance on the land fill site at Village Aurangabad under section 4 of the Municipal Solid Waste (Management & Handling) Rules, 2016 has been issued by the HSPCB and Action plan for compliance of said Rules has been sought. Further, Show Cause Notice to pay the Environmental Compensation has been issued to the District Municipal Commissioner, Municipal Corporation, Yamuna Nagar-jagadhri vide office letter no. HSPCB/YR/2022/4386 dated 27.09.2022.

Further action in the matter will be taken as per law.

6. STATUS OF DITCH DRAIN:

a) That the grievance of the complainant is about the discharge of the Ditch Drain carrying waste water of District Yamuna Nagar into River Yamuna via Dhanaura Escape and hence causing the contamination of underground water.

b) It is humbly submitted that said issue has already been considered filed by this Hon'ble Tribunal in OA No. 212 of 2020(Chaudhary Ompal&Ors. V/s State of Haryana). Copy of detailed order dated 06.04.2022 is annexed herewith as Annexure-R-6.

C) In compliance of order dated 6.4.2022, compliance report has been filed on behalf of the Chief Secretary, Haryana to the Registrar General, NGT.

7. STATUS OF PLYWOOD MANUFACTURING UNITS AND BRICK KILNS

- a) The complainant Sh. Sumit Saini alleged that plywood manufacturing units and brick kiln are being run in village Damla without having Pollution Control Systems and he has also informed that these units are discharging untreated effluents into ground water and also emitting smoke/ fly ash.
- b) The status of plywood manufacturing units and brick kilns as per record maintained with the HSPCB are herewith as Annexure-R-7 & Annexure-R-8.
- c) Further, it is submitted that these units are running in compliance of the provisions of Water Act/Air Act and having valid CTO. There is no source of trade effluent in the plyboard manufacturing unit as well as brick kiln except domestic effluent. These units are having own septic tank in the premises. Moreover, these units are having Adequate APCM. The monitoring of each industry has been carried out as and when required. However, fresh sampling of air emissions shall be taken and placed on record in due course.
- d) That brick kiln units are lying closed in rainy period and probability of their operation is after month of October/November. When these units will come into operation, compliance status of environmental norms shall be verified.

Interim Report is being submitted for kind consideration please. It is undertaken to comply with the directions passed by Hon'ble Tribunal."

4. Rejoinder to the report of the Joint Committee dated 28.09.2022 was filed by the applicant vide email dated 12.01.2023.
5. In compliance of order dated 29.09.2022, report on behalf of HSPCB was filed by Mr. Nitin Mehta, Regional Officer, HSPCB, Yamuna Nagar vide email dated 16.01.2023. The relevant part of the report is reproduced below:-

"REPORT ON BEHALF OF HARYANA STATE POLLUTION CONTROL BOARD IN COMPLIANCE OF ORDERS DATED 29.09.2022

X X X X

2. That pointwise status of grievances are as under:

a) Status of plywood manufacturing units and brick kiln:
In this regard, it is informed that in compliance of the order of Hon'ble NGT, the Regional Office Yamuna Nagar requested to the Head Office to conduct the inspections of the plyboard manufacturing units and Brick kilns, which is the mentioned in this O.A. and accordingly Mr. Shivender Singh, Scientist-B posted in Head office, HSPCB, Panchkula has been deputed to conduct inspections of these units. Thereafter, he has conducted inspections of 16 no. units. Out of 16 units inspected/ visited, 12 units were

found compliant. 3 units were found non-operational and 1 unit was without adequate facility of sampling. These 4 units shall be inspected again along with other non-inspected units. A tabulated chart about inspection of Plywood Manufacturing units is attached herewith as Annexure-R/ 1. Rest of the inspections will be completed in next one month and complete report w.r.t compliance and non-compliance and Action Taken against non-compliance units shall be submitted in two months time.

The Brick Kilns in question are still not in operation. Those shall be inspected after they are in operation and report shall be submitted accordingly.

b) M/s SPS Bio Chem Pvt. Ltd., Dudhla Road, Village Damla, District Yamuna Nagar:

In this regard, it is informed that in compliance of the order of Hon'ble NGT, the Regional Office, Yamuna Nagar has served Notice to the Project Proponent- M/s SPS Bio-Chem Pvt. Ltd to appear in the Hon'ble NGT on the next date of hearing. Further, it is also submitted that above said unit has deposited the Environment Compensation amounting to Rs. 15,31,250/- as per order issued by the Board vide No. HSPCB-080002(0018)/3/2022-COORDINATION CELL-HSPCB 1/136580/2022 dated 07.10.2022. Copy of this order issued by HSPCB on 07.10.2022 is attached herewith as Annexure-R/2. Thereafter, the unit has obtained consent to Establish from the Board vide No. HSPCB/Consent/: 843073522YAMCTE30407408 dated 22.12.2022. The copy of CTE granted to the unit is attached herewith as Annexure-R/3.

c) Illegal and unscientific dumping of solid waste at Village-Aurangabad:

The directions regarding compliance on the land fill site at Village Aurangabad under section 4 of the Municipal Solid Waste (Management & Handling) Rules, 2016 were issued to the District Municipal Commissioner, Municipal Corporation, Yamuna Nagar-Jagadhri vide letter no. HSPCB/YR/2022/4386 dated 27.09.2022 and letter no. HSPCB/YR/2022/4750 dated 26.12.2022. The copy of letter dated 27.09.2022 & reminder letter dated 26.12.2022 are attached herewith as Annexure-R/4 & Annexure-R/5 respectively. However, no compliance report has been received from Municipal Corporation, Yamuna Nagar in this matter. Further action in the matter will be taken as per law.

The report is submitted for kind consideration please. It is undertaken to comply with the directions passed by Hon'ble Tribunal."

6. Vide order dated 17.01.2023, the Joint Committee was directed to visit the spot and submit its report within one month and the Commissioner, Municipal Corporation, Yamuna Nagar was impleaded as respondent no. 6.

7. Report of the Joint Committee has been filed vide email dated 18.02.2023. The relevant part of the report is reproduced below:-

“Report on Behalf of Haryana State Pollution Control Board in Compliance of Orders dated 17.01.2023.

X X X X

2. That pointwise status of grievances are as under:-

a) **Status of plywood manufacturing units and brick kiln:-**
In this regard, it is informed that in compliance of the order of Hon'ble NGT, there are 28 nos. of plywood manufacturing units and 05 nos. of Brick Kilns mentioned in the complaint filed by Sh. Sumit Saini. As per directions by Hon'ble NGT, all the units (Plywood manufacturing units and Brick Kilns) are inspected and the compiled status is attached as Annexure-R/1 and Annexure-R/2 respectively. The copies of Analysis Reports of 24 Nos. Plywood Units and 02 Nos. of Brick Kilns are attached as Annexure-R/3 and **Annexure-R/4** respectively.

b) **M/s SPS Bio Chem Pvt. Ltd., Dudhla Road, Village Damla, District Yamuna Nagar:-** In this regard, it is informed that the said unit has been established after obtaining Consent to Establish from the Board vide No. HSPCB/Consent/: 843073522YAMCTE30407408 dated 22.12.2022. The copy of CTE granted to the unit is attached herewith as **Annexure-R/5**. The unit has also applied for Consent to Operate and the same is under process. The latest inspection of the unit has been carried out on dated 15.02.2023 and it has been observed that unit has not started any operation. Copy of CTO application dated 31.01.2023 is attached as **Annexure-R/6**. The sample of ground water from the tube well installed in the premises of this unit has been collected on dated 03.02.2023 and analysis report issued vide No. 340 dated 15.02.2023 of the same is attached herewith as **Annexure-R/7**. Also, no press mud or any other raw material was found in the unit.

c) **Illegal and unscientific dumping of solid waste at Village-Aurangabad:-** The Municipal Corporation, Yamuna Nagar-Jagadhri has submitted the compliance report in this matter vide letter Memo no. EE-II/1415 dated 07.02.2023 Annexure-R/8. Thereafter, the site has been verified on dated 15.02.2023 jointly by the officers of HSPCB and Municipal Corporation, Yamuna Nagar. During inspection the Municipal Solid Waste Processing site at village Aurangabad was found complying. The copy of joint inspection report along with photographs are attached as Annexure-R/9.

d) **Ditch Drain:-**It is humbly submitted that detailed report has been filed on behalf of Chief Secretary, Haryana in OA No.212/2020 (Chaudhary Ompal Vs St of Haryana) which is pending for consideration. Detailed report filed in OA No.562/2022 (Ishika Vs GNCT) also includes status of this drain.

Copy of order dated 16.02.2023 passed in OA No. 562/2022 is annexed herewith as **Annexure-R/10**.

Action by the Public Health & Engg. Department for the finalization of the installation of new CETP having capacity of 18 MLD at Parwaloo and installation of new STPs having capacity of 70 MLD at Radaur Road are under process. The copy of report submitted by PHED dated 25.01.2023 is annexed herewith as Annexure-**R/11**.

Comments on the response dated 03.01.2023 filed by Sh. Sumit Saini resident of village Damla, District Yamuna Nagar, Haryana. In this regard, it is submitted that Joint Committee Report dated 28.09.2022 was filed before the Hon'ble National Green Tribunal on the basis of facts and records.

Case No.1-Status of plywood manufacturing units and brick kiln:-In this connection, it is submitted that the compiled status of compliance may also read as already annexed as **Annexure-RI and Annexure-R2**. The units mentioned in the complaint were established since 1997 to 2004. These units are operating after obtaining CTO from the Board after verifying the compliance made by these units.

As per Standards for Emission or Discharge of Environmental Pollutants as per **Schedule — I (See rule 3)**, issued under The Environment (Protection) Rules, 1986, the parameters for Industrial Stack Monitoring for the boilers is reproduced as under:-

Steam generation	Pollutant	Emission limit (mg/Nm3)
Less than 2	Particulate Matter	1200*
2 to less than 10	Particulate Matter	800*
10 to less than 15	Particulate Matter	600*
15 and above	Particulate Matter	150**

* To meet the respective standards, cyclone/ multi-cyclone is recommended as control equipment with the boiler.

** To meet the standard, bag filter/ ESP is recommended as control equipment with the boiler.

As per the criteria fixed, all these units mentioned in the complaint are having boilers of capacity less than 15 TPH and have installed adequate pollution control device i.e. Cyclone/ Multi-cyclone.

All these units have provided septic tank for disposal of domestic effluent and no industrial effluent is generated from these units.

*The complainant has mentioned name of 05 no. brick kilns in his complaint. All of these brick kilns have been inspected and it has been observed that only 02 no. brick kilns are in operation from which samples of air emissions were collected. Remaining 03 no. brick kilns are presently not in operation. The detailed status of brick kilns is attached as **Annexure-R/2**.*

Case No.2- Status of SPS Bio Chem Pvt. Ltd.:- *In this regard, it is informed that the said unit has been established after obtaining consent to Establish from the Board vide No. HSPCB/Consent/:843073522YAMCT E30407408 dated 22.12.2022. The copy of CTE granted to the unit is attached herewith as **Annexure-R/5**. The unit has obtained permission for change of land use from Directorate of Town and Country Planning. The unit has also applied for Consent to Operate and the same is under process. The inspection of the unit has been carried out and it has been observed that unit has not started any operation till date. Copy of CTO application dated 31.01.2023 is attached as Annexure-R/6. The sample of ground water from the tube well installed in the premises of this unit has been collected on dated 03.02.2023 and analysis report of the same is awaited. Also, no press mud or any other raw material was found in the unit. Further no siting parameters for such type of units have been prescribed. During inspection unit has informed that they will control odor by following measures:-*

- a) The heaps of press mud will be covered by one layer of ligno-cellulocis biomass. Rice straw will be used to cover the heaps of press mud.*
 - b) Heaps will be covered by one layer of Tarpaulin.*
 - c) Sprayer system is being installed in RMS area for spraying chemical for making the environment odor less.*
 - d) Plantation of trees which are eco-friendly to this kind of environment of press mud storage will be done.*
- Action will be taken as per law against the unit if found violating the norms at any stage.*

Case No.3- Status of Municipal Solid Waste:- *The Municipal Corporation, Yamuna Nagar-Jagadhri has submitted the compliance report in this matter vide letter Memo no. EE-II/1415 dated 07.02.2023 **Annexure-R/8**. Thereafter, the site has been verified on dated 15.02.2023 jointly by the officers of HSPCB and Municipal Corporation, Yamuna Nagar. During the inspection the Municipal Solid Waste Processing site at village Aurangabad is now found complying. The copy of joint inspection report alongwith photographs are attached as Annexure-R19.*

Case No.4- Status of Ditch Drain:-*The action from the Public Health & Engg. Department for the finalization of the installation of new CETP having capacity of 18 MLD at Parwaloo and installation of new STPs having capacity of 70 MLD at Radaur Road are under process.”*

8. Reply has been filed by respondent no. 5 vide email dated 13.02.2023 and. The relevant part of the reply of respondent no. 5 is reproduced as under:-

“Short Reply On Behalf Of Respondent No.5 Project Proponent M/S. Sps Bio-Chem Private Limited

X	X	X	X	X
---	---	---	---	---

2. That the answering respondent, a responsible entity, is working towards the protection of environment, sustainable development, generation of alternate source for energy for reducing dependence on fossil fuels and reducing carbon footprint. In furtherance of vision of the Government of India, for Sustainable Alternative Towards Affordable Transportation (hereinafter referred to as “SATAT Scheme”) launched by the Ministry of Petroleum and Natural Gas, Government of India in October 2018, the answering respondent-Project Proponent is setting up a plant for effective disposal and conversion of residue of sugar producing industry (i.e. Press Mud) into Compressed Bio Gas (CBG) alongwith production of Fermentation Organic Manure (FOM) and LFOM to be entirely utilized as manure in organic farming and not discharging any water. Answering respondent is setting up the plant in collaboration with Hindustan Petroleum Corporation Limited (HPCL) wherein the latter has agreed to retail the CBG produced.

3. The Compressed Bio Gas (CBG) plant is being set up at Village Damla, District Yamuna Nagar, Haryana. Bio-gas output of 16000 cubic meter per day is sought to be generated, which can be used to run commercial vehicles for 1,80,000 kms and produce 100 Ton of FOM manure per day. The plant, when commissioned, will save 82,000 tons of Carbon dioxide emissions per year.

4. As per the process being followed by the answering respondent, Press Mud and Cow Dung (raw material) will be treated in the Mixing Tank whereafter Gas will be collected, compressed and transported. Simultaneously, (FOM) Fertilizer will be produced for use as manure in organic farming and the liquid remaining thereafter would again be used in the mixing tank and there would be no discharge of water effluent. Entire remaining liquid would be used in the process itself. Hence, there would be no discharge of effluent. A copy of Biogas Process Flow is attached as Annexure R-1.

5. Storage of raw material has been designed in a scientific manner. Two layers of 1500 Micron (1.5mm) pond liner will be laid on the prepared ground. Area has been divided into multiple sub areas and slopes are given to the Centre of each area. At center of each sub area perforated pipes are laid with mesh filter. These pipes are interconnected, and leachate collected is transferred to main header which is connected to sump from where it is connected to a mixing tank to feed into digester. To avoid the smell raw material will be stored in multiple layers of Press Mud, Paddy Straw and Tarpaulin. Further, regular spray would be done to making the environment odourless. This storage design is appreciated and recognized by United Nations. Answering respondent would also undertake plantation of trees.

6. It is relevant to mention that the raw material being used and stored by the answering respondent is 'Press Mud'. It is the residue of filtration of sugarcane juice. In its unprocessed form, it is directly used as manure by farmers and has the capability to improve yield. It is also taken by the briquette manufacturers. It is submitted that the raw material is natural and does not create any environmental pollution or hazard. Molasses is not used as a raw material by the answering respondent.

7. Setting up of CBG Plant has been facilitated under the SATAT scheme, wherein entrepreneurs setting up Compressed Bio Gas plant are encouraged to produce and supply compressed bio-gas to oil related public sector companies for sale in automotive and industrial field. This initiative undertaken by Government of India is with a view to benefit the vehicle users who would utilize this clean fuel instead of petrol or diesel thereby reducing air pollution and carbon emission; reduce dependency on crude oil imports and help the farmers by supplying them organic manure for farming for producing better quality farm produce. Compressed Bio Gas plant (CBG) would serve dual purposes in as much as it would be an efficient way for disposal of Press Mud and on the other hand it would generate clean fuel, which can be used for running of automobiles and Fermentation Organic Manure (FOM), which can be used for organic farming thereby having tremendous health benefits for the consumers of such agricultural products. Further, it is relevant to mention that CBG will be produced in controlled environment and immediately stored in cascades. Carbon dioxide would also not be released and stored for further use in the industry.

8. Under the scheme, Priority Sector lending has been expanded to give loans for setting up the CBG projects. Central Financial Assistance in the form of capital subsidy and grants-in-aid is sought to be given for installation of such plants. Setting up about 5000 CBG plants, at the earliest, is the need of the hour and the vision of the Government under the scheme so as to achieve target production of 15 million ton of CBG by 2023.

9. That State of Haryana also, vide notification dated 09.03.2018, formulated Haryana Bio-Energy Policy, 2018 with an objective to

promote generation of energy from the surplus biomass in the State, to create conducive environment to attract private investment in biomass project and to harness bio-mass power as it has huge potential of energy with sustainable environmental benefits. The State Government gives incentives for setting up such units in as much these units can be set up on agricultural land, do not require any Change of Land Use (CLU) or approval from Town & Country Planning Department; are exempted from payment of External Development Charges; are given 100% exemption from payment of fees on stamp duty charges for registration of land required for setting up such projects etc. A copy of Haryana Bio-Energy Policy, 2018 notified on 09.03.2018 by Department of New & Renewable Energy, Haryana Government, is attached as Annexure R-2. Haryana State Pollution Control Board also issued Office Order dated 04.12.2020 stating procedure for obtaining Consent to Establish and Consent to Operate for different categories of projects, a copy of which is attached as Annexure R-3.

10. That it is relevant to mention that a unit for production of Compressed Bio Gas (CBG) alongwith FOM and LFOM, with no wastewater discharge, as is being established by the answering respondent falls under the "White Category", as stated by the Central Pollution Control Board, Ministry of Environment, Forest and Climate Change, Government of India, vide letter dated 22.09.2021. A copy of letter dated 22.09.2021 issued by Central Pollution Control Board, Ministry of Environment, Forest and Climate Change, Government of India categorizing the project of the answering respondent under "White Category", is attached as Annexure R-4. Consequently, as per Office order dated 04.12.2020 issued by Haryana Pollution Control Board, no Consent was required to be taken. It is further relevant to mention that setting up of CBG plant does not require Environmental Clearance under the 2006 EIA Notification.

11. However, the Project proponent, before start of construction, diligently submitted Online Application for obtaining Consent to Establish in August 2021 vide Online Application No. 15398691. The said application was rejected on 28.10.2021 majorly due to non-submission of Change of Land Use permission from the Department of Town and Country Planning, Haryana. Thereafter, the Department of Town and Country Planning, Haryana granted CLU permission on 05.05.2022 (though the same had been applied for in October 2021). Pursuant thereto, Project proponent re-submitted the application physically on 02.06.2022 and online on 22.06.2022 vide Application No. 24289056.

12. In the meanwhile, present O.A. No. 373 of 2022 was filed before this Hon'ble Tribunal without any notice to the answering respondent. This Hon'ble Tribunal, vide order dated 24.05.2022, was pleased to constitute a Joint Committee to verify the factual position and look into the grievances of the villagers. A copy of order dated 24.05.2022, passed by this Tribunal in OA No.373 of 2022, is attached as Annexure R-5.

13. That pursuant to the said order, it is alleged that one field officer of HSPCB visited the unit on 23.04.2022 but was restrained from inspection. It is submitted that no notice was given to the answering respondent for inspection of the unit. It is not a case where the answering respondent willful denied entry to an officer, without any reasons whatsoever. No person without a valid ID card or authority is allowed inside the unit for security purposes. However, subsequently, the unit was duly inspected by the authorities on 13.05.2022.

14. That pursuant to inspection, Show Cause Notice dated 15.05.2022, was issued by the officers of respondent, a copy of which, is attached as Annexure R-6. Thereafter, reply to the said Show Cause Notice was filed by the answering respondent on 25.05.2022/ 02.06.2022, a copy of which, is attached as Annexure R-7. It was categorically stated that establishing and operating of the plant shall commence only after getting all the approvals.

15. However, still the Competent Authority, issued Closure Order dated 13/10.06.2022, served on 15.06.2022, a copy of which, is attached as Annexure R-8. It is relevant to mention that in compliance of the said orders, the unit was closed from 15.06.2022 itself. Answering respondent, vide letter dated 04.07.2022, submitted a response to the closure order, a copy of which, is attached as Annexure R-9. It was stated that the unit in question falls under the 'White Category' and meets all the requirements and hence requested that the Closure Order be withdrawn. The answering respondent also diligently lifted and disposed of all the Press mud urgently and intimated the same to the authorities, vide letter dated 18.07.2022, a copy of which, is attached as Annexure R-10. Here it is relevant to mention that Pressed Mud is a biodegradable product which is as such used in the fields as manure. The stored material was removed without any environmental after effects.

16. Answering respondent, vide letter dated 07.10.2022, requested for Suspension of Closure Order in view of constrain to lift the Press Mud generated by the mills, delay of the plant due to Covid-19 restrictions and for ensuring that the construction work and commissioning of the plant does not get further delayed. A copy of letter dated 07.10.2022/ 14.11.2022, requesting for Suspension of Closure Order, is attached as Annexure R-11. Haryana State Pollution Control Board levied a fine of Rs. 15,31,250, which was diligently deposited by the answering respondent. Haryana State Pollution Control Board (HSPCB), vide letter dated 02.12.2022, issued Suspension of Closure Order in view deposit of performance security and payment of compensation, a copy of which is attached as Annexure R-12.

17. That Haryana State Pollution Control Board (HSPCB), vide letter dated 22.12.2022, has also been pleased to grant "Consent to Establish" to the answering respondent for a period of five years. A copy of "Consent to Establish" letter issued by HSPCB, is attached as Annexure R-13.

18. It is therefore respectfully submitted that the Project Proponent is a non-polluting unit, and infact is helping in tackling the problem of environment pollution by using biomass for generation of clean fuel for automobiles and organic manure for farmers. It falls under the 'White' category project. Raw material being used and stored is organic and in its unprocessed form is used by farmers as manure. Answering respondent has been diligent in its actions during the process of setting up the plant. The plant is likely to commission from end of February, 2023 and would be a huge support to the cause of environment.

9. Reply has been filed by respondent no. 6 vide email dated 17.02.2023 and. The relevant part of the reply of respondent no. 6 is reproduced as under:-

“REPLY OF RESPONDENT No. 6 i.e. COMMISSIONER, MUNICIPAL CORPORATION YAMUNANAGAR-JAGADHRI

X

X

X

X

3. That the Municipal Corporation Yamunanagar-Jagadhri allotted the work to M/s Classic manpower vide this office no MCY/2021/260 dated 22/03/2021 for Door to Door Collection, Solid Waste Lifting, Segregation, Transportation and Disposal of Solid Waste as per Municipal Solid Waste Rules 2016. This work order was issued for execution of above said work from 22/03/2021 to 21/03/2022. M/s Classic Manpower executed the work initially in a proper way but after some time this agency did not process the solid waste as per Municipal Solid Waste Rules, 2016. Due to this reason notices were issued to the agency to complete the processing but agency did not respond and finally agency was blacklisted by Municipal Corporation Yamunanagar-Jagadhri on dated 27/10/2022 alongwith withholding the payment amounting to Rs 5,26,60,426/-. After that agency on dated 13/12/2022 filed an appeal in Hon'ble Petition Committee of Haryana Vidhan Sabha and assured to execute the work within one month. Accordingly, Hon'ble Petition Committee of Haryana Vidhan Sabha allowed him to execute the work within one month and directed to submit the report. In compliance of order dated 13/12/2022 of Hon'ble Petition Committee of Haryana Vidhan Sabha, M/s Classic Manpower started the work and as on today the agency has lifted all the solid waste which was collected by the agency for processing at this site, the blacklisting of agency will only be withdrawn after submitting the proof of scientific disposal of this waste. Now Municipal Corporation Yamunanagar-Jagadhri has allotted this work of door to door collection, lifting, segregation and processing work of ward no 12 to 22 to M/s IND Sanitation Solution vide this office memo no 13449 dated 11/10/2022. This agency is transporting waste to this

site and processing this waste in compliance of Solid Waste Management Rule 2016.

4. *That, Complainant in his complaint dated 03.01.2023 has agreed that solid waste lying at Aurangabad has been lifted.*

5. *That, it is also submitted that Municipal Corporation has allotted the work of door-to-door collection, lifting, segregation and processing work of waste from ward no 12 to 22 to M/s IND Sanitation Solution vide this office memo no 13449 dated 11/10/2022. Now agency is doing door to door, segregation and processing of fresh solid waste at this site in a scientific manner. Now, there is no foul smell because the agency is executing the work by making windrows, spraying culture over it (the photograph is annexed as R-1). After spraying culture proper turning of windrows is being done. When windrows reach to maturity level then bio mining is being done through trommels to receive different fractions as Compost, RDF, inert and C&D, Which are in the scope of the agency to be disposed off in scientific manner as per SWM Rules, 2016. It is further submitted that agency has lifted RDF from this site after bio mining (approx 120 MT). Weighing slips and photograph of loaded truck with GPS Co-ordinates are annexed as R-2.*

6. *That, it also submitted that solid waste collected from ward no 12 to 22 is being transported to this site which is estimated approx 135 tons per day, but the plant installed at site is of capacity 300 tons per day. If plant works in two shifts the capacity goes up to approx. 500 Tons per day. Which is more than sufficient to process the transported waste at this site after doing Bio remediation for 24 to 28 days and then bio mining is being done (Photographs is annexed as R-3).*

7. *That, weighing bridge has been installed at site which has been duly calibrated by the authorized body (Photograph is annexed as R-4) all waste received is being weighed properly*

before receiving at site. Weighing slips of solid waste from the day when door to door collection has started is annexed as R-5.

8. *That, the boundary wall at plant is constructed by tin shed (photograph is annexed as R-6).*

9. *That, the team of Regional Officer, Pollution Control Board Yamunanagar-Jagadhri has visited the site and has checked and verified the facts presented by answering respondent. The report is annexed as R-7 ”*

10. Rejoinder has been filed by the applicant vide email dated 17.02.2023.

11. We have gone through the report filed by the HSPCB. In the report, it has been mentioned that in compliance of order dated 17.01.2023 28

numbers of Plywood manufacturing units and 5 numbers of brick kilns were inspected and status report annexure R-1 and annexure R-2 have been submitted in respect thereof. In annexure R-1, it has been mentioned that out of 28 Plywood manufacturing units, 24 units were compliant and 3 units were lying closed due to reasons mentioned and one unit was lying closed under order of the board. However, there is no mention whether the above said units have obtained licenses from the Competent Authorities. Individual compliance status of all the units has not been mentioned despite the specific order to this effect passed by this Tribunal. Similarly, in annexure R-2, 2 brick kilns are stated to be compliant while other 3 brick kilns are stated to be non-operational. The aspect regarding compliance with the consent conditions by individual brick kilns has not been looked into. The plywood manufacturing units are using wood as fuel while the brick kilns are using coal as fuel. In its report the Joint Committee has not mentioned anything about disposal of fly ash generated by above said units.

12. The Joint Committee is directed to look into the aspects of compliance with the consent conditions and disposal of fly ash by the units individually and submit the report in this regard within two months by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF.

13. In the report dated 16.01.2023, the Regional Officer, HSPCB, Yamuna Nagar had mentioned that environmental compensation of Rs. 15,31,250/- was imposed by HSPCB on M/s SPS Bio Chem Pvt. Ltd which has been deposited by the above said unit. The amount of environmental compensation deposited by M/s SPS Bio Chem Pvt. is ordered to be utilized for restoration of the environment in the area and respondent no. 2-HSPCB and respondent no. 4-Deputy Commissioner, Yamuna Nagar are directed to submit Action Plan for utilization of the amount of environmental

compensation for restoration of the environment in the area with specific timelines within one month by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF.

14. In the report dated 16.01.2023, the Regional Officer, HSPCB, Yamuna Nagar has mentioned that the directions regarding compliance on the land fill site at village Aurangabad under section 4 of the Municipal Solid Waste (Management and Handling) Rules, 2016 had been issued to the Commissioner, Municipal Corporation, Yamuna Nagar-Jagadhri vide letter No. HSPCB/YR/2022/4386 dated 27.09.2022 and letter no. HSPCB/YR/2022/4750 dated 26.12.2022 but no compliance report had been received. In its report, the Joint Committee has mentioned that Commissioner, Municipal Corporation, Yamuna Nagar-Jagadhri has submitted compliance report dated 07.02.2023 and thereafter the site was verified on 15.02.2023 and during inspection the Municipal Solid Waste processing site at village Aurangabad was found compliant.

15. In its reply, the respondent no. 6- Municipal Corporation, Yamuna Nagar has submitted that Municipal Corporation, Yamuna Nagar-Jagadhri had allotted the work to M/s Classic Manpower which initially worked in proper way but subsequently did not process the solid waste as per Solid Waste Management Rules 2016. The agency was blacklisted by the Municipal Corporation Yamuna Nagar-Jagadhri on 27.10.2022 and payment of amounting to Rs. 5,26,60,426/- was withheld but the Hon'ble Petition Committee of Haryana Vidhan Sabha allowed him to execute the work within one month and directed to submit the report. M/s Classic Manpower started the work and lifted all the solid waste but the same is yet to submit the proof of scientific disposal of the waste. Municipal Corporation Yamuna Nagar-Jagadhri has now allotted the work to M/s IND Sanitation Solution which is

processing the waste in compliance of the Solid Waste Management Rules 2016. The HSPCB is directed to audit status of compliance by Municipal Corporation Yamuna Nagar-Jagadhri with Solid Waste Management Rules, 2016 and the Water (Prevention And Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986 in respect of solid waste and sewage management as well as preventing discharge of untreated sewage/industrial effluent in river Yamuna through the drain in question in compliance of directions issued by this Tribunal and also to initiate proceedings for imposition of the environmental compensation on respondent no.6- Municipal Corporation Yamuna Nagar-Jagadhri for the past violations in accordance with law and submit its report mentioning in detail action taken in this regard within two months by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF.

16. List for further consideration on 18.04.2023 for hearing in respect of M/s SPS Bio Chem Pvt. Ltd. and brick kilns and on 18.05.2023 for hearing in respect of the plywood industries and Municipal Corporation Yamuna Nagar-Jagadhri.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

February 21 2023
AG