

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH**

(By Video Conferencing)

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

Sumit Saini

Applicant

Versus

Haryana State Pollution Control Board

Respondent

Date of hearing: 29.09.2022

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

Applicant: None.

Respondent: Mr. Rahul Khurana, Advocate with Mr. Virender Singh,
RO, HSPCB, Yamuna Nagar.

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

ORDER

1. Mr. Sumit Saini resident of village Damla, District Yamuna Nagar, Haryana sent the present letter petition, which was treated and registered as original application, raising following four grievances:-

- (i) there are about 25 plywood industries and 5 brick kilns which are being run in village Damla. Pollution Control Systems have not been installed in the said industries which are discharging untreated effluents and emitting flyash and smoke causing air pollution and contamination of ground water;
- (ii) one 2000 TPT CNG Plant is being set up by M/s SPS Bio Chem Pvt. Ltd., in the said village for generating CNG by compressing Bio-gas by using sugar mill molasses. The above said company has stored excessive quantity of sugar molasses more than its requirement of

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72,000 tons per year which is emitting foul smell and methane gas causing serious health hazards to the inhabitants;

- (iii) Yamuna Nagar Municipal Corporation has started dumping municipal solid waste in the vicinity of the village causing serious environmental problems in the area; and
- (iv) there is a drain running alongside the village wherein the industries are discharging untreated waste water which finally goes to the Yamuna River.

2. Vide order dated 24.05.2022, this Tribunal constituted a Joint Committee comprising of the SEIAA, State PCB, Yamuna Nagar Municipal Corporation, and Deputy Commissioner, Yamuna Nagar and directed the same to submit factual and action taken report within two months.

3. In compliance thereof, Regional Officer, HSPCB, Yamuna Nagar has 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.

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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. In view of the averments in the application and observations/recommendations in the report of the Joint Committee regarding grievance number (ii) mentioned above -**Status of M/s SPS Bio Chem Pvt. Ltd.** , we consider it appropriate to have response of (1) State of Haryana through Chief Secretary, Government of Haryana, (2) State PCB, (3) SEIAA, (4) Deputy Commissioner, Yamuna Nagar, and (5) Project Proponent- M/s SPS Bio Chem Pvt. Ltd., who stand impleaded as respondents No. 1 to 5. The Registry is directed to prepare and attach memo of parties to the application and issue notices to respondents No. 1 to 5 accordingly requiring them to file their reply/response within two

months at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

5. Notice be served on the Project Proponent- M/s SPS Bio-Chem Pvt. Ltd through District Magistrate, Yamuna Nagar and for this purpose notice issued to the Project Proponent- M/s SPS Bio Chem Pvt. be sent to the Deputy Commissioner, Yamuna Nagar by E-mail for getting service of the same effected on the Project Proponent and sending his report in this regard.

6. The Joint Committee is also directed to make further inspections/visits, look into grievances number (i) and (iii) mentioned above and submit its further Action Taken Report within two months at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

7. List the matter for further consideration on 17.01.2023.

8. A copy of this order, along with a copy of the complaint, be forwarded to SEIAA, State PCB, Yamuna Nagar Municipal Corporation, and Deputy Commissioner, Yamuna Nagar by e-mail for compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

September, 29, 2022
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