

Item No. 08

Court No. 1

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

M.A. No. 70/2023
In
Original Application No. 105/2023

M L Dhiman Applicant

Versus

State of Punjab Respondent

Date of hearing: 05.04.2024

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

Applicant(s): None Present

Respondent(s): Ms. Sunieta Ojha, Adv. with Mr. Gursharan Dass Garg, Environmental
Engineer for Punjab PCB
Mr. Bhavya Goyal, Adv. for R - 3

ORDER

1. In this original application, the issue under examination relates to the discharge of the effluents by the project proponent i.e. Respondent No. 3.
2. The Tribunal in the proceedings dated 25.01.2024 had taken note of the report of the Punjab Pollution Control Board (PPCB) dated 22.01.2024 disclosing the decision of the Chairman of the Board to refuse the Consent to Operate (CTO), disconnect electricity and encash Bank Guarantee of Rs. 5 lakhs. The Tribunal also took note of the subsequent decision to temporarily restore the electricity connection of the industry for a period of three months upto 29.02.2024. It is pointed out that the CTO was granted temporarily upto 29.02.2024 subject to certain conditions.

3. The Tribunal had also observed that in the report nothing was reflected as to what prompted the Board to change its earlier decision and permit the project proponent to operate, whereas the conditions while granting the permission upto 29.02.2024 were not fulfilled. In the said background, the Tribunal had directed the PPCB to file a fresh report along with the water balance chart.

4. The report along with water balance chart has been filed and it has been disclosed that the unit was inspected by a Special Committee of PPCB on 13.03.2024 and the observations of the Committee are mentioned in paragraph 5 of the report and observation '(d)' reveals that though the unit has installed new STP plant of 50 MLD for treatment of its domestic effluent, but the same was found to be under stabilization. It has been pointed out that subsequently, the CTO has been granted on 15.03.2024 valid upto 30.06.2024 which also contain the condition of stabilizing the STP within one month, meaning thereby the STP is not yet operational. It is stated that the domestic sewage is being treated in the ETP. But as to how the same is being done, has not been disclosed. It appears that Respondent No. 3 is not complying with all the norms, yet it is being permitted to operate.

5. In the facts and circumstances of the case, we deem it proper to have the report from a Joint Committee. Accordingly, we constitute a Joint Committee comprising of the Regional Officer, Ministry of Environment, Forest and Climate Change (MoEF&CC), Chandigarh and representative of Member Secretary, Central Pollution Control Board (CPCB). The RO, MoEF&CC will be the nodal agency for coordination and compliance. The Joint Committee will visit the site, collect all the information relating to compliance of requisite norms by Respondent No. 3 and submit the report before the Tribunal within six weeks 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.

6. The Environmental Engineer (Authorized Officer on behalf of PPCB) present in person has submitted that the CTO will now be renewed only if the unit complies with all the norms.

7. The reply of the PPCB reflects that during the inspection by the Special Committee on 13.03.2024, it was found as under:

“xxxxxx.....xxx
e). *Presently, discharge of domestic effluent is about 8 KLD, which after treatment is discharged onto land for plantation. The industry has newly developed 02 pockets of plantation area in its premises. The area of which is about 1.2 acres, which is adequate. The industry is in the process of development of another pocket of plantation area of around 01 acres, near its boiler area.”*

8. Learned Counsel appearing for Respondent No. 3 submits that no water is discharged from the unit and for plantation purposes fresh water is used. Such a statement runs countered to the finding of the Special Committee as quoted above.

9. List on 15.07.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

April 05, 2024
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DV