

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

Misc. Application in Disposed of Case No.70/2023
in
Original Application No.105/2023

M L Dhiman

Applicant

Versus

State of Punjab

Respondent

Date of hearing: 25.01.2024

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

Respondent: Ms. Sunieta Ojha, Adv. with Mr. Gursharan Dass Garg, Environmental Engineer for Punjab PCB
Mr. Bhavya Goyal, Adv. for R - 3
Mr. Prateek Chadha & Ms. Muskaan Singla, Advs. for Secretary, State of Punjab

ORDER

1. In this original application, grievance was in respect of discharging industrial chemical effluent by AKUMS Life Science Ltd. at Village Sundran, Tehsil Dera Bassi, District Mohali, Punjab leading to damage of crops and nearby agricultural fields.
2. Original application was disposed of by directing the joint committee to look into the matter, take remedial action and file the report.
3. On basis of the report filed by the joint committee on 11.05.2023, present Miscellaneous Application (MA) has been registered.

4. Notices to the concerned parties were issued in the previous proceedings.

5. Reply on behalf of Additional Secretary, Govt. of Punjab, Department of Science, Technology & Environment as also reply on behalf of Punjab Pollution Control Board (PPCB) has been filed. Respondent no.3-Project Proponent has filed the reply belatedly.

6. Status report filed by PPCB dated 22.01.224 reflects that at the stage of applying for renewal of CTO or when visit to the unit was made, the unit was found to be non-compliant of the provisions of Air (Prevention and Control of Pollution) Act, 1981 and Water (Prevention and Control of Pollution) Act, 1974. Therefore, after affording an opportunity and on reaching to the conclusion that industry had failed to give satisfactory reply, Chairman of the Board had decided as under:-

- “ 1. The 'consent to operate' applied under the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981, may be refused.*
- 2. PSPCL authorities be directed u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 to disconnect the electric supply available to the industry with immediate effect.*
- 3. Two bank guarantees amounting to Rs. 5 lakhs each submitted by the industry be encashed.”*

7. Paragraph no.7 of the report thereafter refers to the decision of the competent authority of the Board to temporarily restore the electricity connection of the industry for a period of three months upto 29.02.2024, subject to the following conditions:-

- “a. Additional APCD will be installed in addition to the cyclone already installed with the boiler within 3 months.*
- b. The industry will install STP for the treatment of domestic waste water within 3 months.*

- c. *The industry will install ATFD with the ETP system within 3 months.*
- d. *The industry shall carryout the Environmental Audit Study Report for the area inside the industry and outside the industry and shall include ground water study, ambient air quality monitoring, Solvent Recovery Plant audit, ETP audit which should include the adequacy of Zero liquid discharge based technology ETP from a Technical Institute of good repute and submit the report within 3 months.*
- e. *The industry shall submit a material balance statement for all the product being manufactured within 3 months.*
- f. *The industry shall submit a Water balance statement for all the product being manufactured within 3 months.”*

8. It is not reflected in the report as to what prompted the Board to change its earlier decision and permit the project proponent to operate though the above conditions (a) to (d) were not fulfilled. This needs to be clarified.

9. Reply of the State as also the PPCB is deficient in following aspect:-

- i. The total water intake per day;
- ii. Water consumption in the process and other utilities;
- iii. Capacity of the effluent treatment plant;
- iv. Capacity of the sewage treatment plant;
- v. Waste water generation from the unit and the sewage;
- vi. Treated waste water quantity;
- vii. Utilization of the treated waste water and the areas/utilities where the treated waste water is utilized along with the quantity;
- viii. Details of the sludge and solid waste generated per day and its disposal;
- ix. Assessment of damage caused outside the premises of industry due to violations.

10. Mr. Gursharan Dass Garg, Environmental Engineer, PPCB is present and has stated that respondent no.3 is discharging zero liquid outside the premises. He is required to file the water balance as also disclose the quantity of the effluent discharged from the unit and its treatment and waste water utilization.

11. Let the fresh report be filed by the PPCB, keeping in view the above, within four weeks.

12. It will be open to the Respondent no.3-project proponent to file a fresh response keeping in view the observations made above, if he so desires.

13. List on 05.04.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

January 25, 2024

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JG.