

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Appeal No.23/2023/EZ

M/s Globus Spirits Limited

Appellant(s)

Versus

Bihar State Pollution Control Board & Ors.

Respondent(s)

Date of hearing: 06.10.2023

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Appellant(s) : Mr. Kallol Basu, Advocate a/w
Mr. Nilanjan Pal, Advocate (in Virtual Mode)

ORDER

1. Heard Mr. Kallol Basu, learned Counsel assisted by Mr. Nilanjan Pal, learned Counsel appearing (in Virtual Mode) on behalf of the Appellant.
2. This Appeal has been filed by the Appellant seeking quashing of the order dated 16.08.2023 passed by the Bihar State Pollution Control Board (BSPCB) under Section 33A of the Water (Prevention and Control of Pollution) Act 1974 and Section 31A of Air (Prevention and Control of Pollution) Act 1981.
3. The Appellant is stated to have been established in the year 2016 and is a Grain Based Distillery Unit with distillery capacity of 120 KLD having a co-generation power plant of 3.5 MV. It is further stated that the Unit was granted Consent to Establish (CTE) by the Pollution Control Board on 11.05.2016 laying down conditions therein for operation. Discharge Consent Order was granted vide letter dated 03.09.2019 with renewal for the period 01.07.2019 till 30.06.2024. Emission Consent Order has also been granted under

the Air (Prevention and Control of Pollution) Act 1981. It is stated that on a complaint made by certain persons, inspection of the Appellant Unit was carried out on 15.02.2022 by the Bihar State Pollution Control Board in presence of the Complainants and the representative of the Appellant Unit. The Report was prepared on 25.02.2022 wherein it was stated that Liquid Discharge and Fly Ash was found inside and outside the premises and recommendation was therefore made for recovery of Environmental Compensation. Accordingly, an order was passed on 04.05.2022 proposing direction U/S 33A of the Water (Prevention and Control of Pollution) Act 1974 and U/S 31A of the Air (Prevention and Control of Pollution) Act 1981 as to why Environmental Compensation amounting to Rs.22,50,000/- (Rupees twenty two lakh fifty thousand only) be not imposed and the Unit was granted fifteen days time to file its objection.

4. It is also stated that the Unit filed its objection/reply dated 06.06.2022 stating that the Unit is a Grain Based Distillery without any Liquid/Effluent Discharge. Effluents, if any, are in terms of protein which is used as bio-products and sold to parties. It is also stated that between August, 2021 and December, 2021 there were heavy rains and flood in the area on account of which there was a complete breach of the nearby embankment and water had entered the premises of the Unit as a result of which there was no production during that period and the Unit was closed, information of which was duly communicated to the District Magistrate, Vaishali and District Industry Centre, Vaishali vide letter dated 16.08.2021. It is further stated that environmental parameters were re-established along with

borewell and CPU inlet and outlet test reports through authorized labs, log sheet and Water Balance Report were also submitted.

5. It is stated that after almost ten months, an order dated 14.02.2023 was issued U/S 33A of the Water (Prevention and Control of Pollution) Act 1974 and U/S 31A of the Air (Prevention and Control of Pollution) Act 1981 giving opportunity of hearing to the Appellant Unit on the reply previously submitted by the Appellant Unit dated 06.06.2022 and date of hearing before the Chairman, Bihar State Pollution Control Board was fixed for 21.02.2023. The representative of the Appellant Unit appeared in the hearing and proposed the date of inspection to be 6th March, 2023 or 7th March, 2023 to verify the progress of compliance of the Appellant Unit. It is also stated that the Board conducted an inspection of the Unit on 16.03.2023. It is further stated that the Appellant Unit vide its letter dated 13.04.2023 informed Board that all steps had been taken by the Appellant Unit and there was no discharge from the Unit and they are maintaining Zero Liquid Discharge (ZLD) and also clarified that the effluents are of such type which are in terms of protein used for making Animal Feed Supplement as its bio-product.
6. It is stated that thereafter an order was passed on 18.04.2022 pertaining to violation and fixing Environmental Compensation of Rs.22,50,000/- (Rupees twenty two lakh fifty thousand only) and thereafter a formal impugned order dated 16.08.2023 was passed directing the Appellant Unit to deposit Environmental Compensation of Rs.22,50,000/-.
7. In our opinion, matter requires consideration.
8. Issue notice to the Respondent Nos.1, 2 and 3, Bihar State Pollution Control Board, returnable within four weeks.

- 9. The Respondents shall file their counter-affidavits within four weeks.
- 10. **List on 28.11.2023.**

.....
B. Amit Sthalekar, JM

October 06, 2023,
Appeal No.23/2023/EZ
SKB

.....
Dr. Arun Kumar Verma, EM