

Item No.5

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

[THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)]

**ORIGINAL APPLICATION NO.65 OF 2023 (WZ)
[Earlier Original Application No.276/2022 (PB) (L.P.)]**

Rakesh Patel

.... Applicant

Versus

M/s Loxim Industries Ltd. & Ors.

.... Respondents

Date of Hearing : 03.08.2023

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Applicant

: Mr. Ivo D'Costa, Advocate along with
Mr. Shivshankar Swaminathan, Advocate

Respondents

: Ms. Manvi Damle, Advocate for R1
Mr. Saurabh Kulkarni, Advocate for R-2
Mr. Maulik Nanavati, Advocate for GPCB

ORDER

1. The petitioner/applicant Mr. Rakesh Patel has sent a complaint on 24.02.2022 stating therein that many chemical companies like M/s Bodal Chemicals Ltd, M/s Loxim Industries Ltd. and M/s Mayur Dye Chem Intermediates Pvt. Ltd. produce polluted water/effluent and the same is being discharged in Padra Canal through pipeline without treatment. On this letter/complaint, cognizance was taken by the Principal Bench of this Tribunal on 28.04.2022 and a Joint Committee was constituted with a direction to furnish factual and action taken report within two months.

2. In pursuance of the aforesaid order, the Joint Committee had submitted its report dated 19.07.2022, which was considered by the previous Bench on 21.07.2022. By the order passed on 21.07.2022, the Joint Committee report was directed to be sent to the

Chairman/Managing Directors of respondent Nos.1 to 4 Companies, requiring them to file reply against the allegations made in the application. It was further directed that the Joint Committee shall take site inspection and look into the allegations regarding highly polluted and dangerous chemicals mixed water effluent, being discharged in Padra Canal through pipeline without requisite treatment. It was also directed that since the same appeared to be due to improper working of CETPs and mismanagement of channel by VECL, the Joint Committee was directed to verify factual position of quality of effluents discharged and also compliance of the consent conditions and environmental norms, including compliance of the provisions under Coastal Regulation Zone (CRZ) Notification. The Joint Committee was, therefore, directed to take appropriate remedial action by following due process of law.

3. Next the matter was considered on 21.10.2022, on which date it was recorded that the service of notice was sufficient on all respondents – industries. All the respondents had taken objection with respect to territorial jurisdiction of the Principal Bench, which is recorded in the said order and thereafter, this matter stood transferred to this Bench.

4. In compliance with the order passed by the previous Bench on 21.07.2022, the Joint Committee submitted its second report, which is annexed at pages 675 to 682 of the paper-book, wherein following conclusions are drawn:

- “1. It is to mention that the concentration of various monitored parameters has shown decreasing concentration trend since April-2022 onwards. This improvement is mainly because of stringent monitoring in Zone 3 by GPCB and consequent less discharge or no discharge (the unit installed Zero Liquid Discharge facility) by many of the industries especially those located in Zone 3.*
- 2. The analysis results of samples collected from final discharge point of 02 CETPs inspected by the joint team were found within prescribed CCA standards for key parameters namely COD, BOD and Ammonical Nitrogen in both the CETPs,*

Concentration of Chloride, Sulphate & TDS in the treated effluent are exceeding the prescribed CCA standards in both the CETPs. However, considering all treated effluent through VECL is being finally discharged into Estuarine zone, CETPs are seeking exemption from the norms of such inorganic parameters under the reference of MOEF & CC Notification dated 01/01/2016. VECL is going for detailed study to be conducted by reputed agency like IITs in this regard as informed by VECL to GPCB.

3. The joint team visited 30 industries other than 02 CETPs. Out of 30 units visited by the joint team, the effluent management system of 03 units namely (i) M/s Bodal Chemicals Ltd. Unit-VIII, Vill: Ekalbara, Tq. Padra, Dist. Vadodara (ii) M/s Chemstar Organics (I) Limited, Vill: Umraya, Tq. Padra, Dist. Vadodara and (iii) M/s TML Industries Ltd., Vill: Piludra, Tq. Jambusar, Dist. Vadodara were found unsatisfactory. There was no major noticeable violation observed in the other 27 units at the time of visit.
4. The observations on analysis results of 06 nos of auto samplers installed by GPCB in Zone-3 of VECL channel as part of stringent monitoring show that there is increase in COD concentration between upstream & downstream of Zone 3, means the potential contribution of COD in VECL is appeared to be from dyes and dye intermediate units located in Zone-3.
5. Though significant improvement observed in the quality of effluent being discharged at J point when compared to analysis data of prior to Apr 2022. However, quality of effluent being discharged through VECL channel at J Point is still exceeding the prescribed CCA standards. Especially the presence of cyanide which was not found earlier and therefore required to be revisited and rechecked for conforming its presence beyond norms.
6. VECL is still discharging some of the effluent through old open channel in the downstream of Vedach pumping station.
7. VECL is discharging the effluent in the estuarine zone of River Mahi. As per CCA specific condition no.11, VECL shall provide deep sea tamper proof pipeline system as observed and advised by NIO and NEERI, Nagpur. However, VECL is still discharging the treated effluent in the estuarine zone of River Mahi at the J Point downstream of village Sarod, Taluka Jambusar, Dist. Bharuch.
8. It is observed that all the visited industries have installed ETP. But looking to the above conclusion, it appears that these industries are probably not operating their system properly, to save on the operational costs.

Therefore, the Joint Committee proposes that :

- (a) There should be CCTV Surveillance System with proper IP Address connected to the control room of VECL and GPCB so that any lacunae of operation shall be dealt with.*
- (b) A Third Party Expert Agency may be engaged on regular and continuous basis to monitor the systems & ensure proper operations of infrastructure of these companies.”*

5. This report has not been considered by the Principal Bench, nor by this Bench. But we find that there are two action taken reports filed from the side of GPCB, one dated 02.11.2022 and another dated 12.07.2023.

6. In the second Joint Committee report, it is recorded that the Joint Committee visited 30 industries other than two CETPs. Out of 30 units visited by the Joint Committee, the effluent management system of three units i.e. (i) M/s Bodal Chemicals Ltd. Unit-VIII – respondent No.4 (ii) M/s Chemstar Organics (I) Limited and (iii) M/s TML Industries Ltd. were found unsatisfactory, while there was no major violation in other 27 units at the time of visit. It is also recorded in this report that the quality of effluent being discharged through VECL channel at J Point is still exceeding the prescribed CCA standards. Especially the presence of cyanide, which was not found earlier, was required to be revisited and rechecked. It is also recorded that VECL is still discharging some of the effluent through old open channel in the downstream of Vedach pumping station and VECL is discharging the effluent in the estuarine zone of River Mahi.

7. From the above conclusions, it is apparent that two industries namely M/s Chemstar Organics (I) Ltd and M/s TML Industries Ltd also emerge as violators and they are not made parties in this Original Application. We, therefore, direct the Registry to implead them as party-respondents and issue notice to them, returnable four weeks.

8. Since the GPCB has found these two industries – M/s Chemstar Organics (I) Ltd and M/s TML Industries Ltd to be unsatisfactory, why they were found to be unsatisfactory has to be clarified by way of affidavit

and what action was taken regarding this has also to be made clear by the GPCB. The affidavit in this regard shall be filed before the next date.

9. Put up this matter for next consideration on 11.10.2023.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

August 03, 2023
O.A. No.65/2023 (WZ)
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