

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

**Original Application No.65/2023(WZ)
Earlier Original Application No.276/2022(PB) L.P.**

Rakesh Patel

.....Applicant

Versus

State of Gujarat & Ors.

....Respondents

Date of hearing: 30.08.2024

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

Applicant : None appeared.
Respondents : Mr. Maulik Nanavati, Advocate for GPCB
Mr. Saurabh Kulkarni, Advocate along-with
Mr. Ashutosh Kumar, Advocate for R-2, R-5 & R-6
Mr. Ivo D'Costa, Advocate along-with
Mr. Shivshankar Swaminathan, Advocate for R-4

ORDER

1. None has appeared from the side of applicant despite repeated calls.
2. Heard the argument of learned counsel Mr. Maulik Nanavati representing Gujarat Pollution Control Board (GPCB), though we find that GPCB has not been impleaded as one of the respondents in the present Original Application. Therefore, we direct the Registry to implead the GPCB as respondent No.7 in the present Original Application and place on record an amended memo of parties.
3. During argument, the learned counsel Mr. Maulik Nanavati for GPCB has drawn our attention to our earlier order dated 18.01.2024, wherein, in para no.5, we had noted that the Joint Committee, which was

constituted in this case, its report had already been considered by this Tribunal at length in the earlier order dated 03.08.2023. Thereafter, he has drawn our attention to the earlier order dated 03.08.2023, in which we had dealt with the 1st report of the Joint Committee at length and directed that two more industries i.e. M/s Chemstar Organics (I) Ltd. and M/s TML Industries Ltd. needed to be impleaded as respondent Nos.5 & 6 respectively. Thereafter, these two industries were impleaded accordingly.

4. Today, from the side of respondent Nos.5 & 6, learned counsel Mr. Saurabh Kulkarni has appeared before us, who submits that he has filed reply affidavits separately in this matter. We find that with the reply affidavit of respondent No.5, he has annexed the closure direction dated 25.11.2021 issued by the GPCB for non-compliances noted therein on the part of the respondent No.5. In that closure direction, it is also recorded therein that an amount of Rs.50 lakh was required to be credited in the account of Gujarat Pollution Control Board (GPCB) by way of an interim Environmental Compensation and Bank Guarantee was also required to be submitted to the tune of Rs.1,50,000/-. This amount has not been deposited so far nor is the Bank Guarantee submitted. In this regard, the learned counsel for GPCB submits that personal hearing was given to the respondent No.5, but they are stated to have not deposited the said amount because of the industry being closed, due to financial crunch and till now, it remains closed. Therefore, rejoinder to this affidavit is required to be filed by the GPCB within two weeks so that whatever action is needed to be taken against the said respondent as of now may be recorded therein and thereafter only, we will pass final order with regard to these industries.

5. From the side of respondent No.6- M/s TML Industries Ltd., reply affidavit dated 29.09.2023 has been filed, wherewith an inspection report conducted by the GPCB has been annexed, in which at serial no.9, violations are noted to have been found at the site in question. In this regard, the learned counsel for GPCB submits that they were found to have been removed/complied with. But we do not find any written rejoinder affidavit to that effect having been filed, for which we allow two weeks' time to the GPCB and thereafter only, we will pass final order with regard to this industry.

6. With respect to the other respondent industries i.e. respondent Nos.1 to 4, the learned counsel for GPCB submits that in this matter, last Joint Committee Report dated 12.07.2023 has been filed, which is annexed at page nos.1052 to 1059 of the paper book, relevant part of which is quoted herein below:-

- “
- Notice of Direction under section 33-A of the Water Act-1974 issued on 06/07/2023 for contaminated water observed within premises due to heavy rain fall. [Copy of Notice of Direction is attached as “Annexure – 33”]

ACTION TAKEN:

- Gujarat Pollution Control Board has imposed Rs. 25 lacs interim Environmental Damage Compensation (EDC) with Bank Guarantee each from M/s. Mayur Dychem Intermediates Pvt. Ltd. (Unit-III), M/s. Kiri Industries Ltd. (Unit-III) & M/s. Bodal Chemical Ltd. (Unit-VII) and imposed Rs. 15 lacs interim Environmental Damage Compensation (EDC) with Bank Guarantee from M/s. Loxim Industries Ltd.
- GPCB has installed auto samplers in VECL channel at 6 # strategic locations in Zone-3 of Padra area, Vadodara & collecting shift wise composite samples on 8 hourly basis since 27/08/2022 to monitor quality of industrial effluent as regular interval.
- GPCB has also provided Auto Sampler at Vedach Pumping station of VECL and after Vedach Pumping station, there is no any industrial wastewater is coming into VECL channel. Analysis Reports of Sampling of Vedach Pumping Station done by GPCB are below:

Date	Vedach Pumping Station COD in mg/l (limit-250 mg/l)
21-09-2022	313
	198
	325
22-09-2022	254
	199
	278
23-09-2022	240
	267
	338
24-09-2022	195
	209
	260
25-09-2022	302
	226
	218
26-09-2022	341
	223
	285

	296
28-09-2022	198
	237
29-09-2022	171
30-09-2022	227
01-10-2022	235
02-10-2022	218
03-10-2022	210
04-10-2022	191
05-10-2022	228
06-10-2022	204
07-10-2022	178
08-10-2022	158
09-10-2022	226
10-10-2022	174
11-10-2022	229
12-10-2022	171
13-10-2022	216
14-10-2022	203
15-10-2022	275
16-10-2022	252
17-10-2022	228
18-10-2022	206
19-10-2022	252
20-10-2022	133
03-11-2022	175
11-11-2022	167
13-11-2022	516
19-12-2022	980
30-12-2022	1362
05-01-2023	445
17-01-2023	346
04-02-2023	279
18-02-2023	2114
09-03-2023	973
15-03-2023	2098
11-04-2023	575
12-04-2023	347
05-05-2023	195
07-06-2023	246
Average	358.71

- GPCB instructed VECL to provide OCEMS with flow meter at final discharge point of VECL i.e. at "J" Point which is installed and functioning.
- VECL has submitted time bound action plan and mentioned that, Closed pipeline is laid inside 6 km of the channel from Vedach to Sarod (J-Point) of the total 16 km stretch. After completion of laying pipeline from Vedach to Sarod section, only 26.6 km of the channel will be left with, which can be completed by 2026.

- As a part of punitive measures, GPCB has directed VECL to explore technological intervention to find out any ghost connections in Zone III during VECL shutdown/maintenance time and VECL & GPCB inspected internal condition of channel at Zone-II & Zone-III to identify any ghost connections in the effluent conveyance channel with help of Robotic Camera on dated 28/02/2023 to 03/03/2023 and during inspection no any ghost connection identified in channel.
- GPCB has also been collected monthly samples of J-Point. The analysis report are as below:

<u>VECL "J" Point result</u>		
Month	COD mg/l	NH3 mg/l
	(250 mg/l)	(50 mg/l)
August'22	322	11.7
September'22	401	8.4
October'22	577	22.06
November'22	169	6.44
December'22	137.5	4.68
	156	4.82
January'23	199	8.57
	736	81.48
February'23	260	7.84
	738	2.8
March'23	540	6.12
	249	10.05
April'23	387	7.68
May'23	189	6.27
June'23	126	5.16
Average	345.77	12.93

- It is observed from above that, the key parameters i.e. COD and NH3-N, which were earlier found to be much higher side, have now been improved because of the continuous efforts being put up by GPCB.
- In future, GPCB will Re-Implemented Closure Directions to all above mentioned units wherever non-compliance observed.

7. In view of the above-mentioned report, it is submitted by the learned counsel for GPCB that all the necessary actions, which were required to be taken against the said four industries, have already been taken.

8. From the side of respondent No.2 - M/s Mayur Dye Chem. Intermediates Pvt. Ltd. (Unit-II), learned counsel Mr. Saurav Kulkarni has appeared.

9. From the side of respondent No. 4 – M/s Bodal Chemicals Ltd., learned counsel Mr. Ivo D'Costa has appeared.

10. The learned counsel for respondent No.2 and respondent No.4 have submitted before us that they do not have any objection against the Action Taken Report submitted by the GPCB.

11. We direct the Registry to list this matter for final order/hearing on 27.09.2024

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

August 30, 2024

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P.Kr