

Regd.
Time Bound
Court Matter

**HP STATE POLLUTION CONTROL BOARD,
BELOW BCS, PHASE-III, NEW SHIMLA**

No. PCB/ OA No. 801/2018 - 8693. Dated:- 27-4-19

From: The Member Secretary

To
✓ The Registrar General,
Hon'ble National Green Tribunal, Copernicus Marg,
New Delhi

**Subject:- Compliance of order dated 1-3-2019 passed in OA No. 801/2018 titled
Jasmeet Singh V/s State of HP others.**

Sir,

This has reference to order dated 1-3-2019 passed by Hon'ble National Green Tribunal Delhi wherein following directions has been passed:-

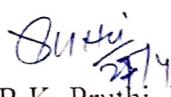
".....5. It is clear from the above that there are serious deficiencies in working of CETP causing water pollution by discharge of untreated effluents in the water bodies. The CETP operator is required to be held accountable for causing the pollution and required to remedy the same at the earliest at its cost.

6. We direct CETP operator to furnish performance guarantee in the sum of Rs. 25 Lakhs to the satisfaction of the State PCB. The State PCB may take further remedial measures to oversee the remedying of deficiencies and also to assess and recover the cost of damage already caused, apart from taking other measures in accordance with law against the concerned polluters-CETP operator as well as individual defaulting industries.

The application is disposed of. The action taken report may be furnished by the State PCB within two months to the Tribunal by email at ngt.filing@gmail.com. Put up the report for consideration on 29.05.2019.....".

In this connection, please find enclosed herewith compliance report on behalf of HP State Pollution Control Board in compliance to afore-cited directions which may kindly be taken / placed on record please.

(Encl: as above)


(Dr. R.K. Pruthi, IAS)
Member Secretary
HPSPCB, Shimla-9,
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- 1 -

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH AT NEW DELHI**

OA No. 801/2018

In the matter of:

Jasmeet Singh

.....Petitioner

Versus

State of HP & Ors.

.....Respondents

**COMPLIANCE REPORT BY WAY OF AFFIDAVIT ON
BEHALF OF HP STATE POLLUTION CONTROL
BOARD IN COMPLIANCE TO ORDER DATED 01-03-
2019.**

MAY IT PLEASE YOUR LORDSHIPS :-

I, Dr. R.K. Pruthi, (IAS) son of late Sh. Gian Chand Pruthi, aged 52 years, presently working as Member Secretary, H.P. State Pollution Control Board, Him Parivesh, Phase-III, BCS, New Shimla, Himachal Pradesh, do hereby solemnly declare and affirm on oath as under: -

1. That the afore-cited case is related to issues of alleged leakage of Common Effluent Treatment Plant (CETP) in Baddi area was listed before this Hon'ble Tribunal on 01-03-2019 wherein following directions were passed qua the respondent Board :-

".....5. It is clear from the above that there are serious deficiencies in working of CETP causing water pollution by discharge of untreated effluents in the water bodies. The CETP operator is required to be held accountable for causing the pollution and required to remedy the same at the earliest at its cost.

6. We direct CETP operator to furnish performance guarantee in the sum of Rs. 25 Lakhs to the satisfaction of the State PCB. The State PCB may take further remedial measures to oversee the remedying of deficiencies and also to assess and recover the cost of damage already caused, apart from taking other measures in accordance with law against the concerned polluters-CETP operator as well as individual defaulting industries.

ATTESTED
With Commission

Pruthi

Member Secretary,
HP State Pollution Control Board
Shimla

The application is disposed of. The action taken report may be furnished by the State PCB within two months to the Tribunal by email at ngt.filing@gmail.com. Put up the report for consideration on 29.05.2019.....".

2. That in compliance to afore-cited directions it is submitted that the site was inspected by the Environmental Engineer, HPSPCB, Regional Office Baddi on 24.04.2019 to verify the compliance done by M/s Baddi Infrastructure regarding the measures suggested by the Joint committee. It has been reported that during the inspection following observations were made:-

- Bye pass loop arrangements have been provided at two rivulets crossings to stop any leakage/discharge of effluent into river. These bypass loops shall be operated manually in case of any leakage or overflow observed in the main pipeline the flow can be diverted to the alternate line through valve arrangements.
- Regarding surveillance of the pipeline network of CETP, M/s Baddi Infrastructure has constituted a team of 4 members and is patrolling the pipeline route, this team shall be responsible for regular monitoring and action required in case of any leakage/damage to 62 K.M pipeline laid for all four categories of effluents being transported to CETP for final Treatment and disposal.
- The effluent generated from Textile Industry having concentrated dyes and intermediates categorized as Category-IV effluent in CETP is held responsible for high TDS parameter and M/s Baddi Infrastructure has proposed time bound action plan for corrective measures required to be adopted to bring the high TDS values within prescribed limits. The details of the action plan are as under:

(a) Sewage Treatment Plant of capacity 5.5 MLD is under construction and targeted to be completed by June 2019 as per letter submitted, M/s Baddi Infrastructure has proposed to add the treated sewage in Category-IV for dilution and resulting in reducing the concentration of High TDS at significant values.

ATTESTED
Commissioner

Authy

Member Secretary,
HP State Pollution Control Board
Shimla

(b) M/s Baddi Infrastructure has also proposed to install nano filtration in Category-IV effluent and a team of seven members of Baddi Infrastructure, Bharuch Enviro Infrastructure, Vardhman and Winsome Textiles are going to visit Tirupur (Tamil-Nadu) from 2nd May to 5th May 2019 to understand the operational technology related to nano filtration and the concept of reuse of the recovered brine in the production process of textile Industry Category-IV. It has also been proposed to install a pilot plant at Baddi for Research & Development purpose and to check the scope of Reuse of brine solution back in process.

- M/s Baddi Infrastructure has informed that a proposal has been made to lay down approximately 6945 meter additional pipeline to increase the connectivity of 21 effluent generating units to CETP through pipeline instead of tankers. The total effluent load of the said industries is calculated as 1.2 MLD, they have undertaken to complete this work by 31.07.2020.
- The State Pollution Control Board is regularly inspecting various industrial units and Common Effluent Treatment plant at Kenduwal on regular basis. Also, for conducting sampling of CETP as well as River Sirsa (Upstream CETP and Downstream of CETP) four teams comprising of Senior Officers of the State Board has been constituted for designated industrial areas. These teams conducted surprise inspections of the industrial units in Baddi, Barotiwala and Nalagarh region to control the tendency of discharging untreated effluent by the individual industries. Regulatory action has already been taken against the units found non complying w.r.t effluent treatment and disposal.
- CETP unit has installed Pre aeration in the equalization tanks by providing blowers in the tanks and operating the same.
- Separate Energy meters have been installed to maintain the record of operation of blowers meant for aeration. M/s Baddi Infrastructure has also maintained the log book having daily energy units consumed for the said operations. The operation of the blowers can be cross checked by verifying the log book.

ATTESTED
State Commission

[Signature]

Member Secretary,
HP State Pollution Control Board
Shimla

The copy of report of the Environmental Engineer, HPSPCB, Baddi is annexed as **Annexure R-A.**

3. That M/s Baddi Infrastructure has also submitted performance bank guarantee of Rs. 25 Lakh in compliance to orders of Hon'ble NGT dated 1-3-2019, copy of which is annexed as **Annexure R-B.**
4. That the status report in compliance to afore-cited orders of this Hon'ble Tribunal, annexed at **Annexure R-A** may kindly be taken on record.

Identified By

That I, the above named deponent do hereby solemnly affirm and declare that the above contents of paras 1-4 of this affidavit are correct to best of my knowledge based on information derived from official records, no part of the same is wrong and nothing material has been concealed therefrom.

Verified at Shimla on 27th day of April, 2019.

ATTESTED

Oath Commissioner

Sukhi
DEPONENT

Member Secretary,
HP State Pollution Control Board
Shimla

Identified the above over the days of 27th April 2019
 before me on solemn affirmation of the day of 27th April 2019
 in the district of Shimla by *Ric. Parthi*
 who was identified by *Virender*
 who is personally known to me and the contents of the above affidavit, have been explained to the deponent in vernacular and admitted them to be correct and true to the best of his knowledge and belief.



Virender
Oath Commissioner
HP High Court Shimla
27-4-19

All Certificates and Documents are Attested by me

Sukhi
27-4-19
Oath Commissioner

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ANNEXURE - R - A



H.P. STATE POLLUTION CONTROL BOARD
Regional Office Baddi, HIMUDA Complex,
Phase-I, Tehsil:Baddi, Distt.Solan (HP)
Telefax- 01795-245653, 245374 Website: <http://hppcb.nic.in/>

NO/PCB/EE /CWPII 11/2016 Baddi /2019 170

Dated 25-04-19

From The Environmental Engineer

To

The Member Secretary
HP State Pollution Control Board
Him Parivesh, Phase-III, New Shimla 171009

Sub: O.A No. 801/2018 Jasmeet Singh V/s State of H.P & Ors. in the Hon'ble NGT Delhi.
Sir,

With reference to your Office letter no. PCB/ 236 OA no. 801/2018-7663-64 dated 12.04.2019 on subject mentioned above. In this regard, the unit has submitted its compliance vide letter no. BI/CETP-Gen. Corrsp (BEIL)/2019-1536-38, dated 05.04.2019. The spots were inspected on 24.04.2019 to verify the compliance done by M/s Baddi Infrastructure regarding the measures suggested by the Joint committee; the details regarding the observations made during the inspection are as under:

1. Bye pass loop arrangements have been provided at two rivulets crossings to stop any leakage/discharge of effluent into river. These bypass loops shall be operated manually in case of any leakage or overflow observed in the main pipeline the flow can be diverted to the alternate line through valve arrangements.
2. Regarding surveillance of the pipeline network of CETP, Baddi Infrastructure has constituted a team of 4 members and is patrolling the pipeline route, this team shall be responsible for regular monitoring and action required in case of any leakage/damage to 62 K.M pipeline laid for all four categories of effluents being transported to CETP for final Treatment and disposal.
3. The effluent generated from Textile Industry having concentrated dyes and intermediates categorized as Category-IV effluent in CETP is held responsible for High TDS parameter and Baddi Infrastructure has proposed time bound action plan for corrective measures required to be adopted to bring the high TDS values within prescribed limits. The details of the same are as under:
 - (a): Sewage Treatment Plant of capacity 5.5 MLD is under construction and targeted to be completed by June 2019 as per letter submitted, Baddi Infrastructure has proposed to add the treated sewage in Category-IV for dilution and resulting in reducing the concentration of High TDS at significant values.
 - (b) They have also proposed to install nano filtration in Category-IV effluent and a team of seven members of B.I, BEIL, Vardhman and Winsome Textiles are going to visit Tirupur (Tamil-Nadu) from 2nd May to 5th May 2019 to understand the operational technology related to nano filtration and the concept of reuse of the recovered brine in the production process of textile Industry Category-IV, they have proposed to install a pilot plant at Baddi for R&D purpose and to check the scope of Reuse of brine solution back in process.

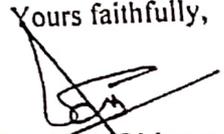
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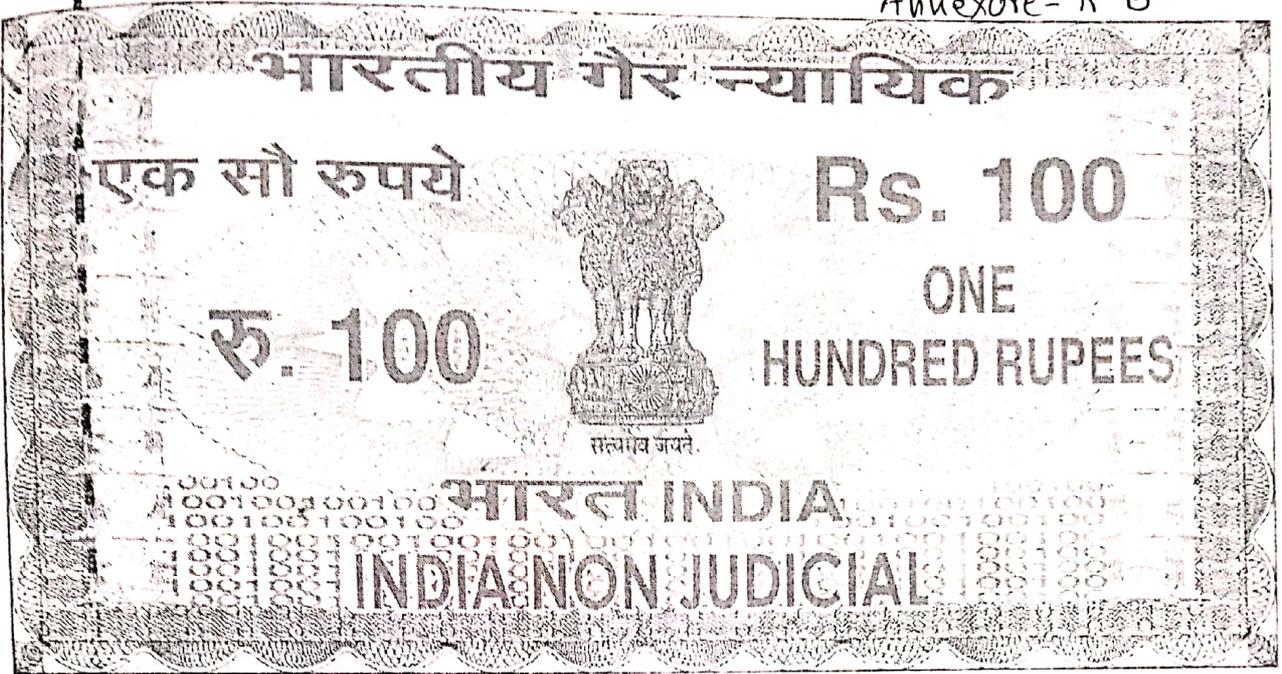
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4. Baddi Infrastructure has informed that a proposal has been made to lay down approximately 6945 meter additional pipeline to increase the connectivity of 21 effluent generating units to CETP through pipeline instead of tankers, the total effluent load of the said industries is calculated as 1.2 MLD, they have undertaken to complete this work by 31.07.2020.
5. The State Pollution control Board is regularly inspecting various Industrial units and Common effluent Treatment plant at Kenduwal on regular basis. Also, sampling of CETP as well as River Sirsa U/S CETP and D/S of CETP. Four teams comprising of Senior Officers of the State Board has been constituted for designated industrial areas, these teams conducted surprise inspections of the industrial units in Baddi, Barotiwala and Nalagarh region to control the tendency of discharging untreated effluent by the individual industries. Action has already been taken against the units found non complying w.r.t effluent treatment and disposal.
6. Unit has installed Pre aeration in the equalization tanks by providing blowers in the tanks and operating the same.
7. Separate Energy meters have been installed to maintain the record of operation of blowers meant for aeration. They have also maintained the log book having daily energy units consumed for the said operations. The operation of the blowers can be cross checked by verifying the log book.
8. Baddi Infrastructure has submitted undertaking that the performance bank guarantee of Rs. 25 Lakh 2019 in compliance to orders of Hon'ble NGT in O.A no. 801/2018 shall be submitted on or before 29th April (Copy enclosed).

This is for favor of your kind information and further necessary action, please.

Yours faithfully,


ER. S. K. Dhiman
Environmental Engineer



गुजरात गुजरात GUJARAT

BM 967238

दि. 24.04.2019
 नाम: योगेश कार्पडिया / YOGESH KARPADIA
 पता: ...
 ...
 ...


 सुरेश के. पटेल

(रजि. वे. नं. १/८६)
 ४/सी, शांति नगर, अ. अ. अ. अ.
 नवी दिल्ली, अ. अ. अ. अ.



कृते बैंक ऑफ बरोडा / FOR BANK OF BARODA
 (योगेश कार्पडिया / YOGESH KARPADIA)
 विधिक एटर्नी / CONSTITUTED ATTORNEY
 POWER OF ATTORNEY NO. 7869/2019

DATE: 20-04-2019
 GUARANTEE NO. 895 TGP ER 001719
 AMOUNT: 25,00,000
 EXPIRY DATE: 30-04-2022
 CLAIM DATE: 30-04-2022

कृते बैंक ऑफ बरोडा / FOR BANK OF BARODA
 Pardeep Mukherjee
 प्रबंधक / MANAGER

DATE: 26-04-2019
GUARANTEE NO. 0895IGPER001719
AMOUNT: 2500000
EXPIRY DATE: 30-04-2022
CLAIM DATE: 30-04-2022

Guarantee No. .0895IGPER001719

In compliance to the order dated 01.03.2019 passed in Original Application NO 801/2018 in the matter of Jasmeet Singh Versus State of Himachal Pradesh by Hon'ble National Green Tribunal (NGT) Principal Bench New Delhi wherein Hon'ble NGT has found deficiencies in working of Common Effluent Treatment Plant (CETP) causing water pollution by discharging of untreated effluent in the water bodies. So, M/s Baddi Infrastructure, Operator of CETP was directed to furnish performance guarantee in the sum of Rs 25 Lakhs to the satisfaction of H.P. State Pollution Control Board (HPSPCB).

At the request of M/S BADDI INFRASTRUCTURE we Bank of Baroda Ankleshwar Industrial Estate Branch do hereby undertake to pay the H.P. STATE POLLUTION CONTROL BOARD an amount not exceeding RS. 25,00,000/- against any non-compliance of directions of Hon'ble NGT and notices /directions of the HPSPCB by M/s Baddi Infrastructure, Operator of CETP.

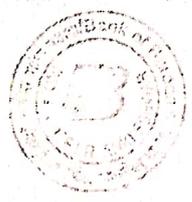
2. We Bank of Baroda Ankleshwar Industrial Estate Branch do hereby undertake to pay the amount due and payable under this guarantees without any demur merely on a demand from the Board that the amount claimed is due for the reason of non-fulfillment of undertaking. Non-compliance of directions/ notices/ letters/ instructions/ issued by the Board / violation of provisions of any of the provisions of Law mentioned hereinabove. Any such demand made on the Bank shall be conclusive as regards the amount due and payable by the Bank under this Guarantee. However our liability under this Guarantee Shall be restricted to an amount not exceeding Rs. 25,00,000/-

3. We undertake to pay to the Board any money so demanded notwithstanding any dispute raised by the said company /unit in any suit or proceedings pending before any court or Tribunal or Board against the Board relating thereto, our liability under this present being absolute and in equivocal.

4. The payment so made by us under this agreement shall be valid discharge of our liability and company/ unit shall have no claim against us in making such payment.

5. We/Bank of Baroda Ankleshwar Industrial Estate Branch further agree that the guarantee herein contained shall remain in full force and effect during the period that would be taken for the performance of undertaking / notice/ letter etc and that it shall continue to be enforceable till all the dues of Government / Board under or by virtue of said undertaking / notice/ letter etc under have been fully paid and it has claimed satisfied or discharged of till Government/Board certified that the terms conditions of the Directions/undertaking / Notice/ letter any provisions of relevant law have been fully and property carried out and complied by the relevant law have been fully and properly carried out and complied by the said company/unit and accordingly discharges this guarantee unless the demand or a claim under this guarantee is made us on or before 30-04-2022 will be discharged from the liability under this guarantee thereafter.

6. We Bank of Baroda Ankleshwar Industrial Estate Branch further agree with the board that the Board shall have the fullest liberty without our consent and notice/letter etc. or to extend time of compliance by the said company /unit from



कृते बैंक ऑफ बड़ोदा / FOR BANK OF BARODA
Jaideep Mulhjee
प्रबन्धक / MANAGER
इन्ड. एस्टेट अकलेश्वर शाखा / IND EST ANKLESHWAR BR

कृते बैंक ऑफ बड़ोदा / FOR BANK OF BARODA
(योगेश कापडिया / YOGESH KAPADIA)
विधिक एटर्नी / CONSTITUTED ATTORNEY -
POWER OF ATTORNEY NO. 7800000000

- 9 -

DATE: 26-04-2019
GUARANTEE NO. 0895161PE 2001713
AMOUNT: 25,00,000
EXPIRY DATE: 30-04-2022
CLAIM DATE: 20-04-2022

time to time or to postpone for any time or from time to time any of the power exercisable by the Board against the said company /unit and to forbear or enforce any of the terms and conditions relating to the said undertaking /notice/ letter etc and we shall not be relieved from our liability by reason of any such variation, or extension being granted to the said company/unit or for any forbearance, action commission on the part of the Board or any forbearance action commission on the part of the Board or any indulgence by the Board to the company/unit or by any of such matter or, thing whatsoever which under the law relating to sureties would but for this provisions have effect of so relieving us.

7. This Guarantee will not be discharged due to the change in the constitution of the Bank or the company/unit.

8. We Bank of Baroda Ankleshwar Industrial Estate Branch under take not to revoke this guarantee during its currency except with the previous consent of the Board in writing.

9. Notwithstanding what has been stated above our liability under this guarantee is restricted to Rs.25,00,000 our guarantee, shall remain in force for three years /until 30-04-2022 and may be extended for the period if required by the PCB.

10. Unless a demand or claim under this guarantee is made on in writing on or before the all your rights under the guarantee shall be forfeited and we shall be released and discharged from all liabilities under this guarantee thereafter.

11. For your sake of convenience you may confirm the above bank guarantee from our controlling office. Address is given below:

12. Notwithstanding any thing to the contrary contained herein :-

- (1) Our liability under this Bank Guarantee shall not exceed Rs.25,00,000/- (Rupees Twenty five Lakh Only)
- (2) This Bank Guarantee shall be valid upto 30.04.2022 and,
- (3) We are liable to pay the guarantee amount or any part thereof under this Bank Guarantee only and only if you serve upon us a written claim or demand on or before 30.04.2022

Place : Ankleshwar

Date : 26/04/2019



कृते बैंक ऑफ बड़ोदा / FOR BANK OF BARODA
(योगेश कापडिया / YOGESH KAPADIA)
विधिवत एटर्नी / CONSTITUTED ATTORNEY
POWER OF ATTORNEY NO. 7869/2018

कृते बैंक ऑफ बड़ोदा / FOR BANK OF BARODA
Jaiideep Mulgjee
प्रबन्धक / MANAGER
ई. ए. स्टेट, अंकलेश्वर, राज. / NO. EST ANKLESHWAR