

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE BENCH AT CHENNAI
APPLICATION NO 88 OF 2020**

IN THE MATER OF:

MEENAVATHANTHAI K.R.SELVARAJ KUMAR MEENAVAR NALA
SANGAM, Represented by its President, M.R.Thiyagarajan
....Applicant

-VERSUS-

UNION OF INDIA & 3 OTHERS

...Respondents

Reply of the 4th Respondent

I, M.A Joy , aged about 51 years, Factory Manager of M/s.Sun
Pharmaceutical Ltd, having its factory at 100/2A,100/2B, 100/3, Sathammai
Village, Karunkuzhi , do hereby solemnly affirm and sincerely state as follows:

I am the Factory Manager of the 4th Respondent company and as such I am
well acquainted with the facts and circumstances of the case and I am authorised to
swear to this affidavit

FACTUAL MATRIX :

It is submitted that M/s Sun Pharmaceutical Industries Limited is
professionally managed public limited company established in the year 1983

For SUN PHARMACEUTICAL INDUS...

M.A. JOY
General Manager - Operations

located at SPARC, TANDALJA, VADODARA, 390020. Sun Pharma manufactures and markets a wide range of Intermediates, Active pharmaceutical ingredients (APIs) and Drug products. Basic Research Center SPARC (Sun Pharma Advance Research Company) is located at Vadodara, Gujarat State. Sun pharma is one of the leading generic medicine manufacturing companies in the world.

The present plant site, at Maduranthagam was established in the year 1992-93 and is manufacturing various lifesaving medicines. This plant has statutory approvals and licenses from various regulatory agencies and providing employment to 438 direct and about 200 contract labours . Most of the contract employees are from the nearby villages to the company.

This respondent is equipped with all safety systems and controls like Pressure Relief Valves (PRV), Safety Relief Valve(SRV), Fire extinguisher, Fire hydrants Flame arrestor, Breather valves, Sprinkler system, Fire tenders, Emergency siren & alarm system etc. The site has well equipped Occupational Health Center (OHC) inside the factory premises.

This respondent has Zero Liquid Discharge (ZLD) treatment facility viz., Solvent Stripper, Multiple Effect Evaporator (MEE), Agitated Thin Film Drier (ATFD) for High COD stream. Low COD effluent treated through ETP Biological treatment system followed by Reverse Osmosis plant from all the waste water from the process. The treated water is recycled for utilities.

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The Sewage water is treated through Sewage Treatment Plant (STP). The treated water is effectively used for gardening and utilities.

The emission from manufacturing equipment's is connected to scrubber to avoid any emission from the manufacturing process. The Cyclone separator followed by bag filter installed as an Air Pollution Control Measures in flue gas stacks in boiler. The relevant parameters required for the control systems are being monitored by Pollution Control Board. The site has Solvent Recovery Plant for distillation of various solvents. The recovered solvent from the Solvent Recovery Plant is reused in the process.

The company had developed greenbelt in an area of 21992 Sq. m which is 31.47 % of the total plot area. In that 1000 no. of various types of three different trees Gulmohar (Delonix regia), Neem (Azadirachta indica and Pungam (Pongamia pinnata) and about 1500 no. of bamboo trees planted around the boundary walls. The treated sewage water is utilized to maintain the green belt area.

There are few other industries near to the site. The industries include Pharmaceuticals (Formulations), Bulk drugs & intermediates, Manufacturing of Automotive spares, Textiles, Commercial battery manufacturing, Welding electrode manufacturing etc.

REPLY ON MERITS:

1. Para one needs no comments

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2. As regards to para 2 & 3 this respondent denies all the allegations. This respondent started its operation in the year 1992-93 for production and manufacturing of Bulk Drugs and intermediates at 90/2, 90/3, 90/4, 99/1, 99/2, 99/3, 99/4, 99/5, 100/1, 100/2A, 100/2B, 100/3, Sathammai Village, Karunkuzhi.

after obtaining all statutory licenses as mandated by the authorities in the name of M/s Pradeep Exports (A Unit of Pradeep Drug Company limited) The Unit is operating as per authorization issued by the TNPCB. Consent Order No. 8850 dated 09/04/1992.(Annexure -1) It is pertinent to note that the first EIA notification 1994 exempted the industries from obtaining environmental clearance if it's started the operation before 1994. This respondent started the operations in the year 1992 - 93 before EIA notification 1994 hence Environmental Clearance is not applicable to this respondent factory. In the year 2000 the company Namely Pradeep exports was merged with Sun Pharma Industries Ltd by a scheme of amalgamation sanctioned by the Hon'ble High court of Madras. The Unit applied for change in products mix in the year 2005 and a detailed study was conducted through Anna University, Chennai to assess the environmental viability for the product mix. As per the report the quantity of generation of all kind of waste within the limit of earlier permitted quantity. (Annexure-2) As there was no change in previously approved waste quantity, TNPCB granted Consent To Establishment (CTE) to the site vide Order no. 3094 (Air) & 3150 (Water) in the year 2005 subsequently TNPCB issued Consent To Operate (CTO) vide Order no. 16641(Air) & 20607 (Water) dated 19/06/2006. Annexure -3) As per the EIA notification year 2006, (Annexure-4) the change in Product -Mix, changes in the quantities or numbers of products may be

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allowed without prior Environmental Clearance by the concerned State Pollution Control Board provided such changes in the quantities of products are in the same category and are within the previously granted overall total limits This respondent Unit has current CTO vide order no. 2005218846891 (Air) & 2005118846891(Water) issued dated 02/01/2020. (Annexure-4) .All the above have been referred in page 7 of the NGT committee report.

4. As regards to Para 4 the allegations of the applicant are denied this respondent started operations in the year 1992-93 as stated supra and the EIA Notification 1994 is not applicable to the units started prior to the said notification and the said notification is prospective and not retrospective. As per the EIA notification, 1994, for projects listed in the schedule -1 to the notification respect of which the required land has been acquired and all relevant clearance of the State Government including NOC from the respective State Pollution Control board have been obtained before 27th January 1994, a project proponent will not be required to seek Environmental Clearance. The same has been observed in page no. 7 of Hon'ble NGT committee report.

5.As regards to Para 5 & 6The Pradeep Drug Company was merged with Sun Pharma Industries Ltd in the year 2000. And the Unit applied for change in products mix in the year 2005 and study was conducted through Anna University, Chennai to assess the environmental viability for the product mix. As per the report the quantity of generation of all kind of wastes are within the limit of earlier permitted quantity.

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Since there was no change in previously approved waste quantity, TNPCB granted Consent To Establishment (CTE) to the site vide Order no. 3094 (Air) & 3150 (Water) in the year 2005 subsequently TNPCB issued Consent To Operate (CTO) vide Order no. 16641(Air) & 20607 (Water) dated 19/06/2006. As per the EIA notification year 2006, the change in Product –Mix, changes in the quantities or numbers of products may be allowed without prior Environmental Clearance by the concerned State Pollution Control Board provided such changes in the quantities of products are in the same category and are within the previously granted overall total limits. The same has been observed at page no. 7 of Hon'ble NGT committee report .

7. As regards to para 7 the EIA notification, 1994 is not applicable for the unit as the Unit started in the year 1992 - 93. Based on EIA Notification 2006, as there was no change in approved waste quantity, TNPCB granted Consent To Establishment (CTE) to the site vide Order no. 3094 (Air) & 3150 (Water) in the year 2005 subsequently TNPCB issued Consent To Operate(CTO) vide Order no. 16641(Air) & 20607 (Water) dated 19/06/2006. Unit has current CTO vide order no. 2005218846891 (Air) & 2005118846891(Water) issued dated 02/01/2020.

8. As regards to para 8 this Unit applied for change in products mix in the year 2005 and study was conducted through Anna University, Chennai to assess the environmental viability for the product mix as per the report the quantity of generation of all kind of waste within the limit of earlier permitted quantity as there was no change in previously approved waste quantity, TNPCB granted Consent To

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Establishment (CTE) to the site vide Order no. 3094 (Air) & 3150 (Water) in the year 2005 subsequently TNPCB issued Consent To Operate (CTO) vide Order no. 16641(Air) & 20607 (Water) dated 19/06/2006. As per EIA notification 2006 unit has applied recently for Environmental Clearance for the proposed change in product mix and enhancement of production capacity within the existing facility. As per the EIA notification year 2006, the change in Product –Mix, changes in the quantities or numbers of products may be allowed without prior Environmental Clearance by the concerned State Pollution Control Board provided such changes in the quantities of products are in the same category and are within the previously granted overall total limits.

9. As regards to para 9 EIA notification, 1994 is not applicable for the unit as the Unit started in the year 1992 - 93. Based on EIA Notification 2006, as there was no change in approved waste quantity, TNPCB granted Consent To Establishment (CTE) to the site vide Order no. 3094 (Air) & 3150 (Water) in the year 2005 subsequently TNPCB issued Consent To Operate(CTO) vide Order no. 16641(Air) & 20607 (Water) dated 19/06/2006. Unit has current CTO vide order no. 2005218846891 (Air) & 2005118846891(Water) issued dated 02/01/2020.

10.As regards to Para 10 Unit is functioning in this said location since 1992-93 before the Bird Sanctuary declared by the Government of Tamil Nadu as per G.O.Ms. No. 199 dated 03.07.1998. and the same has been observed in the NGT Committee report.

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11. As regards to para 11 EIA notification 1994, Environment Clearance is not applicable for the unit as the Unit started in the year 1992 – 93 prior to the notification . Unit has current CTO vide order no. 2005218846891 (Air) & 2005118846891(Water) issued dated 02/01/2020. The same has been observed in page no. 7 of Hon'ble NGT committee report.

12. As regards to para12 as stated supra the EIA notification 1994, Environment Clearance is not applicable for the unit as the Unit started in the year 1992 - 93.

13. As regards to Para 13 The Unit is operated with monitoring and guidance of TNPCB & CPCB, New Delhi. The treated waste water is sampled on monthly basis by TNPCB Authorities. The parameters of the treated waste water is meeting the Standards as per the norms prescribed by the authority. Unit had invested to create upgraded Zero Liquid Discharge (ZLD) treatment facility viz., Solvent Stripper, Multiple Effect Evaporator (MEE), Agitated Thin Film Drier (ATFD) for High COD stream. Low COD effluent treated through ETP Biological treatment system followed by Reverse Osmosis plant from all the waste water from the process. The treated water is recycled for utilities. Unit operate Sewage Treatment Plant and the final treated outlet sewage quality is within the limit and it's fully utilized for in house Green Belt area. From the above it is evident that all the treated water is recycled inside the unit and no waste water is discharged. The Report of Analysis from TNPCB attached as (Annexure – 5). And the Schematic flow drawing of Sewage & Effluent treatment system attached as (Annexure – 6).As per the CPCB

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direction Unit has installed online emission monitoring system and real time data is transferring to Central Pollution Control Board and State Pollution Control Board. The online emission standards are monitoring by Central Pollution Control Board and State Pollution Control Board. Online emission monitoring system Screenshots attached as (Annexure – 7). Unit has Hazardous Waste Authorization and as per the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016, the generated wastes are disposed to authorize Treatment Storage and Disposal Facility (TSDF) facilitator and recyclers and mandatory forms were submitted to TNPCB. This respondent reiterates that all necessary precautions and protocol is followed and due to the strict adherence to all the stipulations of the authorities it is evident that this respondent is not discharging any amount of waste from the unit much less to the nearby water bodies. The same has been observed in page No. 15, 18, 19 & 20 of Hon'ble NGT committee report.

14. As regards to para 1 to 17 this respondent Unit has Zero Liquid Discharge (ZLD) Facility and operate the Effluent Treatment Plant continuously and effectively. Zero Liquid Discharge system consist of Solvent Stripper, Multiple Effect Evaporator (MEE) and Agitated Thin Film Drier (ATFD), Biological treatment system and Reverse Osmosis (RO) plant and the treated water ETP is recycling to utilities. Unit operates Sewage Treatment Plant and the final treated outlet sewage quality is within the limit and it's fully utilized for in house Green

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Belt area. Unit ensures that no effluent is discharged from the unit premises to outside the premises or to nearby water bodies under any circumstance. In this regard attention is invited to the observations in page No. 15, 18, 19 & 20 of Hon'ble NGT committee report. Apart from us there are many other industries nearby manufacturing Pharmaceuticals (Formulations), Bulk drugs and intermediates, Manufacturing of Automotive spares, Textiles, Commercial battery manufacturing, Welding electrode manufacturing etc. (Annexure-8) In respect with the NGT committee report filed before this Hon'ble Tribunal we would like to file the following clarifications for the kind consideration by this Hon'ble Tribunal

S. No	NGT Joint Committee Recommendations	Compliance status	Target Date
1.	Solvent recovery system is not working with high efficiency, so that the solvent along with effluent is being sent to Multi Effect Evaporator system (MEE), where the solvent is collected separately and sent to recycler. The industry shall take necessary steps	Solvent is not sent to MEE along with effluent. Unit have Solvent Recovery Plant, working efficiently to recover and recycle solvent in manufacturing process. It has distillation column with adequate capacity of condensers & desired utilities. We have monitoring mechanism and control valves for the distillation column set up for efficient operation of the distillation columns and to avoid emissions to environment.	NA

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<p>to optimize the operational efficiency of the Solvent Recovery System.</p>	<p>As part of manufacturing process, there is separation of organic & aqueous layers based on product solubility. If product is in solvent layer, the aqueous layer is considered as effluent and sent to Multi Effect Evaporator (MEE). Based on miscibility of solvent & water, traces of solvent are present in the aqueous layer generated from the process. In MEE, this solvent is recovered through the stripper and sent to authorized vendor. The stripper is meant to recover such solvents come to MEE due to miscibility of solvents in water layer.</p>	
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2.	<p>The Unit has installed RO system, whereas the permeate is again reused and reject is sent to MEE for further treatment. In addition to the existing RO system, the industry shall install High Pressure RO or any other suitable technology to increase more recycling of treated wastewater as well as it will reduce the further steam consumption of MEE due to further increase in concentration of reject.</p>	<p>Unit had procured High Pressure RO (HPRO) plant to increase recycling of water and reduce the High TDS water to MEE. The installation of HPRO system is in progress to improve water recycling.</p>	<p>August 2021</p>
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For SUN PHARMACEUTICAL INDUSTRIES L.L.


 M.A. JOY
 General Manager - Operations

3.	<p>The industry may be directed to carryout ground water study through reputed institutions such as National Geo Physical Research Institute (NGRI), Central Ground Water Board (CGWB), NEERI, etc. within six months. The industry shall carryout the remedial measures suggested as per study to improve the ground water quality in and around the industry premises.</p>	<p>The ground water quality of bore wells present at site had been analyzed by TN PCB. The water analysis results from 2016 are attached along with graphical presentation of key parameters.</p> <p>As ground water quality data is already available for last few years & same is being monitored by TNPCB periodically, we request the Honorable Joint Committee to reconsider about the requirement of further ground water study.</p> <p>As the unit don't discharge any effluent to contaminate nearby water bodies and TN PCB bore well water sample results of last few years' confirm that there is no contamination in ground water, we humbly request to waive off the compensation proposed in the joint committee report.</p>	NA
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In view of the above facts and circumstances it is humbly prayed that this Hon'ble tribunal may reject the awarded interim compensation of Rs.58,20,000.00 recommended by the Joint Inspection committee in its report dated 04-11-2020 and pass further or other orders as this Hon'ble tribunal may deem fit and necessary .

For SUN PHARMACEUTICAL INDUSTRIES LTD

M.A. JOY
General Manager - Operations

Solemnly affirmed at Chennai
This 12th day of August 2021

Before me

Advocate, Chennai

 31/8/21

M. MOHAMED RIYAS, B.A., B.L.,
No. 424, New Addl. Law Chambers,
High Court Buildings,
Chennai - 600 104. Cell : 9677173957