

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTH ZONE BENCH, CHENNAI

ORIGINAL APPLICATION NO. 182/2021(SZ)

with

ORIGINAL APPLICATION NO. 143/2020(SZ) &
IA No. 106 of 2020 (SZ) & IA No. 99 of 2022 (SZ)

In the matter of

Mahesh Kumar, Ernakulam

.....Applicant(s)

Versus

Kerala State Pollution Control Board and Ors.

....Respondent(s)

with

K.K Muhammed Iqbal

.....Applicant(s)

Versus

Kerala State Pollution Control Board and Ors.

....Respondent(s)

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Place: Bengaluru

Date 08/05/2023



J. Chandra Babu
8/5/2023
(J. Chandra Babu)
Regional Director
Central Pollution Control Board
Regional Directorate, Bengaluru

R. 1/1
Filed through Counsel

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**ORIGINAL APPLICATION NO. 182/2021(SZ)
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**Report in the matter of I.A No. 99/2022 in O.A no. 143/2020
before the Hon'ble NGT (Southern Zone)**

The Hon'ble NGT, Southern Zone in the matter I.A No. 99/2022 in O.A No. 143/2020 vide its order dated 15/02/2023 has directed that:

“ ...

we direct the Central Pollution Control Board and Kerala State Pollution Control Board to call the applicant in I.A. No.99 of 2022 (SZ) to discuss about the technology that he is referring to and explore whether it is possible to convert Jarosite to gypsum. For the conversion of 8.5 Lakh Tonnes of Jarosite lying in Jarosite ponds, the applicant has stated that it may cost about Rs.17 Crores and he has also offered to invest about 20% to his own, subject to the approval and support of the Government.

4. In this regard, it is pertinent to point out that in the report dated 21/07/2022 filed by the Kerala State Pollution Control Board/ 1st respondent, it is stated that the total project cost as per the DPR is Rs.47.88 Crores for capping and dealing with the Jarosite.

5. In such a view of matter, we direct the Central Pollution Control Board and Kerala State Pollution Control Board to consider the applicant's technology for using the Jarosite waste to optimum use and also work out the cost component of the same. We also recommend that the Central Pollution Control Board may have its own in house research Wing or establish tie-ups

With the concerned research institutions for dealing with such kind of matters so that the industrial wastes may be used as resources and converted into a useful product.

6. As already there are more than 7,00,000 Tonnes of Jarosite, it would be the right choice for the Central Pollution Control Board and State Pollution Control Board to swing into action and come out with a useful solution. So, we direct the Central Pollution Control Board and also the Kerala State Pollution Control Board in this regard to file independent reports after consulting with the experts, considering the application [I.A. No.99 of 2022 (SZ)].

...”

In compliance of the aforesaid orders, CPCB convened a meeting of following Experts in the subject matter along with officials of CPCB, Kerala SPCB and the applicant in the matter through video conferencing on 21/03/2023.

1. Sh. N.K Verma, Former Additional Director, CPCB
2. Sh. R.K Bansal, Member, Expert involved in preparation of Guidelines on Handling and Management of Jarosite
3. Sh. Ullas Parlikar, ARF expert, Cement Plants
4. Dr. Mahendra Patil, Chief Scientist & Head, Solid & Hazardous Division, NEERI-Nagpur
5. Sh. B. Vinod Babu, Scientist ‘F’ & Head, Waste Management-II Division, CPCB
6. Sh. Rajneesh Jain, Incharge-Hazardous Waste, Rajasthan SPCB.
7. Sh. G. Rambabu, Scientist ‘D’, Waste Management-I Division, CPCB – on behalf of Divisional Head, Waste Management-I Division, CPCB
8. Ms. Ramya G, Environmental Engineer, Kerala SPCB – On behalf of Chief Environmental Engineer, Regional Officer, Ernakulam, Kerala SPCB

Based on the deliberations and discussion with the Applicant, Experts made the following observations and recommendations:

Observations-

1. The project cost of Rs.47.88 Crores specified in the DPR is towards the remediation of the contaminated soils and groundwater in Edyaar area due to historic operations of erstwhile closed

M/s Binani Zinc Ltd. DPR prepared by CPCB provides scope of work and cost estimates for remediation of contaminated soil, contaminated groundwater and transfer of jarosite from unlined landfills (No. 1, 2 and 3) into the secured landfill No. 4 followed by chemical stabilization. The primary objective of DPR was to contain any active source of contamination from the jarosite stored within premises of M/s Binani Zinc Ltd.

The cost break-up of the remediating contaminated areas at Edyaar is given below;

- a. Excavation and off-site disposal of contaminated soil at an estimated cost of Rs. 12.91 Crores;
 - b. Pump and ex-situ treatment of Groundwater (including installation of monitoring wells & treatment system and long term monitoring) at an estimated cost of Rs. 6.02 Crores over a period of 10 years.
 - c. Excavation of Jarosite from unlined Ponds 1, 2 & 3 and transfer to lined pond No. 04, capping of same and site restoration / reclamation at an estimated cost of Rs. 28.95 Crores.
2. CPCB has prepared draft Guidelines for Handling and Management of Jarosite, and the said guidelines are available at CPCB website seeking public comments/feedback by 31.03.2023. The draft guidelines outlines various options for utilization of Jarosite such as in cement making, construction of roads, etc. The guidelines also highlight the need for stabilization of Jarosite, extent of treatment required for utilization including utilization targets. The guidelines will be finalized after examining and reviewing the comments received from public or stakeholders.
 3. The proposal of Applicant is to convert the Jarosite in pond 1,2 and 3 into gypsum for use in cement plants, whereas the DPR prepared by CPCB aims to contain the active contamination from Jarosite ponds 1,2, and 3 and also to remediate the soil and groundwater in and round the premises of M/s Binani Zinc; hence these costs are not comparable.
 4. Further, the cost proposed by Applicant is not related to remediation of contaminated site but limited to utilisation of Jarosite (lying in Ponds 1,2, and 3) by cement industries. Thus, it covers only part of scope of work proposed by CPCB and not on work of remediation of contaminated site (soil and groundwater).
 5. In the hierarchy of waste management, utilization of waste is always preferred option over disposal. The proposal of Applicant to utilize the waste lying in ponds is better option provided it is proven and the material is acceptable to the users (cement plants).
 6. The applicant has yet to establish the use of product derived through its technology. He has not yet provided the following details, which are required to consider the proposal:
 - a. Details and availability of the proposed industrial solid wastes for mixing with Jarosite.

- b. Sources of spent acid proposed for treatment of Jarosite and its availability.
 - c. Willingness of potential utilizers (cement plants), including the quality requirement of the Gypsum produced by the Applicant's technology.
 - d. Characterization of the Jarosite waste lying in the premises of M/s Binani Zinc.
7. The applicant intends to utilize hazardous waste, that is, spent sulphuric acid for treating Jarosite, therefore a trial run is required to be carried out as per the provisions of Rule 9 of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.
 8. The technology for conversion of Jarosite to Gypsum as mentioned by the Applicant, is based on the studies carried out by him on the Jarosite generated by M/S Hindustan Zinc Ltd. in Rajasthan and not on the Jarosite lying at M/s Binani Zinc Ltd. at Kerala. In this context, Committee is of the opinion that characteristics of Jarosite waste generated by M/s Hindustan Zinc Ltd and M/s Binani Zinc Ltd. could differ due to technological and operational practices, and hence specific studies on suitability of Jarosite waste for conversion to gypsum and its utilization in Cement industries would be necessary.
 9. Sulphate present in the Jarosite are in complex form, therefore, the same may not be available for reaction. Further, the Jarosite of M/s Binani Zinc has already been treated with lime in the past, hence the characteristics of the same will be different from freshly generated Jarosite. In this context, the Applicant is required to provide the characteristics of the waste and also demonstrate the same in a trail utilization study.
 10. The role of Applicant is limited to facilitating the utilization of material. However, the project of this magnitude would be feasible only in case there is demand for the gypsum produced from Jarosite using the Applicant's technology. Further, the proposal is limited to utilization of Jarosite lying in 3 ponds without addressing the primary requirement of containing contamination after the removal of Jarosite as well as remediation of soil and ground water in and around the premises of M/s Binani Zinc.
 11. At this stage the proponent has only a conceptual plan, and the feasibility of the Applicant's technology is yet to be determined along with cost of infrastructure, material handling, treatment and transportation mitigation measures required, if any, during the entire process.
 12. The jarosite as excavated from the ponds will have high moisture and will require drying to bring the moisture level to < 20% for which the applicant proposes to install a dryer. However, the fact that excavated jarosite will need processing and for the period of the processing, jarosite pond(s) will remain exposed to atmosphere, poses a high environmental risk especially in view of high rainfall prevalent in the area and vicinity to the river.

Recommendation-

- i. The committee is of the opinion that a solution-oriented approach be adopted that shall assess the demand of the gypsum derived through the Applicant's technology and also address the methodology for containing the contamination after removal of Jarosite as well as remediation of soil and ground water in and around the premises of M/s Binani Zinc.
- ii. Therefore, the Experts suggested that the Applicant may submit a detailed proposal in collaboration with prospective utilizers (cement plants) of Gypsum derived through Applicant's technology to Kerala SPCB with copy to CPCB for review of the proposal. The said proposal shall outline the process in detail along with quantity of Jarosite required for conducting trial study, list of industrial waste proposed for mixing, source and quantity of spent acid required, guarantee on acceptance of the finished product (gypsum) by the cement plants and quality requirements of product intended to be derived by the utilizers.

The minutes of Meeting are appended as **Annexure-I**.

The above observations and recommendation have been communicated to the Applicant and Kerala SPCB vide letter dated 06/04/2023. The copy of the letter is appended as **Annexure-II**.

With regard to recommendation of Hon'ble NGT to CPCB for having its own in-house research Wing/ tie-ups with the concerned research institutions for utilization of industrial wastes as resources or conversion into a useful product. It is submitted that, CPCB has its Research & Development (R&D) Division which facilitates CPCB, SPCBs/PCCs in taking up of such R&D projects either on their own or in collaboration with scientific and technical institutions for advancement in various environmental domains.

Place: Bengaluru
Date 08/05/2023

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[Handwritten signature]
08/05/2023

(J. Chandra Babu)
Regional Director
Central Pollution Control Board
Regional Directorate, Bengaluru

J. Chandra Babu
REGIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE - BENGALURU
(MIN.OF ENV,FOREST & CC, GOVT OF INDIA)
BENGALURU - 560 079. MOB: 9868278903

Minutes of Meeting held in Compliance of Hon'ble NGT (Southern Zone) order dated 15/02/2023 in the matter of I.A No. 99/2022 in O.A No. 143/2020

Hon'ble NGT (SZ) while hearing the matter of I.A No. 99/2022 in O.A No. 143/2020 (SZ) on 15/02/2023 directed CPCB and Kerala SPCB to consider the applicant's technology for using the Jarosite waste to optimum use and also work out the cost component of the same and file report on above matter after consulting with the experts.

In compliance of the aforesaid order, a meeting of Experts was held alongwith officials of CPCB, Kerala SPCB, wherein the Applicant in IA was invited to make technical presentation on the proposed technology. The meeting was held virtually through video conferencing on 21/03/2023. The list of participants is appended as **Annexure-I**.

Sh. B. Vinod Babu, Scientist 'F' & Head, Waste Management-II Division, welcomed all the participants and briefed the background in the matter and the experts were requested to examine and give their views on the applicability and viability of the proposed technology of the Applicant.

He informed that as per Schedule-I of the Hazardous and Other Wastes (Management and Transboundary Movement) (HOWM) Rules, 2016, Jarosite has been categorized as High-Volume Low effect waste (HVLE) and required to be managed as per the CPCB guidelines.

Further, CPCB has prepared draft Guidelines for Handling and Management of Jarosite, and the said guidelines are available at CPCB website seeking public comments/feedback by 31.03.2023. He said that the draft guidelines outline various options for utilization of Jarosite such as in cement making, construction of roads, etc. The guidelines also highlight the need for stabilization of Jarosite, extent of treatment required for utilization including utilization targets. The guidelines will be finalized after examining and reviewing the comments received from public or stakeholders.

Thereafter, Ms. Ramaya G, Environmental Engineer, Kerala SPCB presented details on the case. She informed about the matter of Hon'ble NGT (SZ) in O.A No. 143/2020 related to contamination caused by discharge/dumping of effluent and Jarosite generated by M/s Binani Zinc Ltd. to the nearby agricultural land in Edayar Area and contamination of sites with Zinc and other heavy metals. The industry responsible for causing such contamination, that is the erstwhile closed M/s Binani Zinc Ltd. has challenged the detailed investigation and DPR prepared by CPCB under National Clean

Energy Fund (NCEF) regarding the extent of contamination in Edyaar area claiming that there may be other industries responsible for pollution of the said area. In this context, the Applicant filed an I.A 99/2022 in the aforesaid OA before the Hon'ble NGT (SZ), stating that the remediation cost mentioned in CPCB's DPR is much higher, compared to the technology developed by the Applicant, with which, the Jarosite waste lying in unlined ponds can be converted into gypsum, that can be utilised by Cement plants.

Further, it was informed that, Hon'ble NGT while hearing the said matter on 15/02/2023 noted that the total project cost as per the DPR prepared by CPCB was Rs. 47.88 Crores, whereas as per applicant the jarosite will be converted into useful product at a cost of Rs. 17 crores and accordingly directed CPCB & KSPCB to call applicant and consider his technology.

In this regard, the concerned Division, in CPCB clarified that the said remediation cost of Rs. 47.88 Crore was assessed based on detailed site assessment carried out, with an objective to remediate the contaminated soils and groundwater in Edyaar area due to historic operations of erstwhile closed M/s Binani Zinc Ltd. DPR prepared by CPCB provides scope of work and cost estimates for remediation of contaminated soil, contaminated groundwater and transfer of jarosite from unlined landfills (No. 1, 2 and 3) into the secured landfill No. 4 followed by chemical stabilization. The primary objective of DPR was to contain any active source of contamination from the jarosite stored within premises of M/s Binani Zinc Ltd.

The cost break-up of the remediating contaminated areas at Edyaar is given below;

1. Excavation and off-site disposal of contaminated soil at an estimated cost of Rs. 12.91 Crores;
2. Pump and ex-situ treatment of Groundwater (including installation of monitoring wells & treatment system and long term monitoring) at an estimated cost of Rs. 6.02 Crores over a period of 10 years.
3. Excavation of Jarosite from unlined Ponds 1, 2 & 3 and transfer to lined pond No. 04, capping of same and site restoration / reclamation at an estimated cost of Rs. 28.95 Crores.

It was informed that, large quantity of Jarosite has been disposed in unlined ponds 1,2 & 3. It was decided to shift the same into lined pond no. 04, in order to prevent further contamination of from unlined ponds.

Sh. Harish Kandhari informed the experts that he intends to utilize the Jarosite by converting the same into a crystalline gypsum with about 50% purity for potential utilization in cement plants. He explained that in his patented process, the fresh and stabilized jarosite waste materials can be mixed with other locally available industrial wastes and spent sulphuric acid to produce crystalline Gypsum to meets requirements of cement plants. He has not provided details about the proposed industrial waste, sources of spent acid proposed for treatment and the potential utilizers. Further, he has clarified that, he has not carried out any trial study on the Jarosite of M/s Binani Zinc, and requested that samples of Jarosite waste may be provided to him to carry out studies on his proposal.

After detailed deliberations, the following points were observed by the Expert Members:

- (i) The proposal of Applicant is to convert the Jarosite in pond 1,2 and 3 into gypsum for use in cement plants, whereas the DPR prepared by CPCB aims to contain the active contamination from Jarosite ponds 1,2 and 3 and also to remediate the soil and groundwater in and round the premises of M/s Binani Zinc; hence these costs are not comparable.
- (ii) Further, the cost proposed by Applicant is not related to remediation of contaminated site but limited to utilisation of Jarosite (lying in Ponds 1,2, and 3) by cement industries. Thus, it covers only part of scope of work proposed by CPCB and not on work of remediation of contaminated site (soil and groundwater)
- (iii) In the hierarchy of waste management, utilization of waste is always preferred option over disposal. The proposal of Applicant to utilize the waste lying in ponds is better option provided it is proven and the material is acceptable to the users (cement plants).
- (iv) The applicant has yet to establish the use of product derived through its technology. He has not yet provided the following details, which are required to consider the proposal:
 - a. Details and availability of the proposed industrial solid wastes for mixing with Jarosite.
 - b. Sources of spent acid proposed for treatment of Jarosite and its availability.

- c. Willingness of potential utilizers (cement plants), including the quality requirement of the Gypsum produced by the Applicant's technology.
 - d. Characterization of the Jarosite waste lying in the premises of M/s Binani Zinc.
- (v) The applicant intends to utilize hazardous waste that is spent sulphuric acid for treating Jarosite, therefore a trial run is required to be carried out as per the provisions of Rule 9 of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.
- (vi) The technology for conversion of Jarosite to Gypsum as mentioned by the Applicant, is based on the studies carried out by him on the Jarosite generated by M/s Hindustan Zinc Ltd. in Rajasthan and not on the jarosite lying at M/s Binani Zinc Ltd. at Kerala. In this context, Committee is of the opinion that characteristics of Jarosite waste generated by M/s Hindustan Zinc Ltd and M/s Binani Zinc Ltd. could differ due to technological and operational practices, and hence specific studies on suitability of jarosite waste for conversion to gypsum and its utilization in Cement industries would be necessary.
- (vii) Sulphate present in the Jarosite are in complex form, therefore, the same may not be available for reaction to produce the intended Gypsum. Further, the Jarosite of M/s Binani Zinc has already been treated with lime in the past, hence the characteristics of the same will be different from freshly generated Jarosite. In this context, the Applicant is required to provide the characteristics of the waste and also demonstrate the same for producing gypsum in a trail utilization study.
- (viii) The role of Applicant is limited to facilitating the utilization of material. However, the project of this magnitude would be feasible only in case there is demand for the gypsum produced from Jarosite using the Applicant's technology. Further, the proposal is limited to utilization of Jarosite lying in 3 ponds without addressing the primary requirement of containing contamination after the removal of Jarosite as well as remediation of soil and ground water in and around the premises of M/s Binani Zinc.
- (ix) At this stage the proponent has only a conceptual plan, and the feasibility of the Applicant's technology is yet to be determined alongwith cost of infrastructure,

material handling, treatment and transportation mitigation measures required, if any, during the entire process.

- (x) The Jarosite as excavated from the ponds will have high moisture and will require drying to bring the moisture level to < 20% for which the applicant proposes to install a dryer. However, the fact that excavated jarosite will need processing and for the period of the processing, Jarosite pond(s) will remain exposed to atmosphere, poses the risk of active leaching into groundwater during monsoon period. Therefore, the applicant may address the same in his proposal.

Recommendation of the Committee:

- i. The committee is of the opinion that a solution oriented approach be adopted that shall assess the demand of the gypsum derived through the Applicant's technology and also address the methodology for containing the contamination during period of processing and after removal of Jarosite as well as remediation of soil and ground water in and around the premises of M/s Binani Zinc.
- ii. Therefore, the Experts suggested that the Applicant may submit a detailed proposal in collaboration with prospective utilizers (cement plants) of Gypsum derived through Applicant's technology to Kerala SPCB with copy to CPCB for review of the proposal. The said proposal shall outline the process in detail alongwith quantity of Jarosite required for conducting trial study, list of industrial waste proposed for mixing, source and quantity of spent acid required, guarantee on acceptance of the finished product (gypsum) by the cement plants and quality requirements of product intended to be derived by the utilizers.

Further, the Applicant may provide break-up for the Cost of Rs. 17 Crore mentioned for his technology.



Annexure-I**List of participants**

Applicant of I.A 99/2022 in O.A 143/2020 (SZ):

1. Sh. Harish Kandhari

Expert Members:

2. Sh. N.K Verma, Former Additional Director, CPCB
3. Sh. R.K Bansal, Member, Expert involved in preparation of Guidelines on Handling and Management of Jarosite
4. Sh. Ullas Parlikar, ARF expert, Cement Plants
5. Dr. Mahendra Patil, Chief Scientist & Head, Solid & Hazardous Division, NEERI-Nagpur
6. Sh. B. Vinod Babu, Scientist 'F' & Head, Waste Management-II Division, CPCB
7. Sh. Rajneesh Jain, Incharge-Hazardous Waste, Rajasthan SPCB.
8. Sh. G. Rambabu, Scientist 'D', Waste Management-I Division, CPCB – on behalf of Divisional Head, Waste Management-I Division, CPCB
9. Ms. Ramya G, Environmental Engineer, Kerala SPCB – On behalf of Chief Environmental Engineer, Regional Officer, Ernakulam, Kerala SPCB

Invite Members:

10. Sh. J.C Babu, Regional Director, Regional Directorate-Bengaluru, CPCB.
11. Ms. Deepti Kapil, Scientist 'D', Waste Management-II Division, CPCB
12. Sh. Vivek, Scientist 'D', Regional Directorate-Bengaluru, CPCB
13. Ms. Sunitra, Environmental Engineer, Kerala SPCB
14. Ms. Vinaya, Environmental Engineer, Kerala SPCB
15. Sh. Sahil Patel, Scientist 'C', Waste Management-II Division, CPCB
16. Dr. Gargi Biswas, RA, Waste Management-I Division, CPCB



केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT FOREST & CLIMATE CHANGE GOVT OF INDIA

By Speed Post

F. No. CM-13013/1/2023-WM-II-HO-CPCB-HO

06th April, 2023

To,

Sh. Harish Kandhari,
Applicant of I.A No. 99/2022 in O.A No. 143/2020
Eco Bounty Highway P. Ltd.
DPIIT Regd Startup/MSME Co.
13C Town Hall, Udaipur-313001 Rajasthan.

Sub: Minutes of the meeting held on 21/03/2023 in the matter of I.A No. 99/2022 in O.A No. 143/2020 -reg.

Sir,

This has reference to the meeting held on 21/03/2023 to discuss the technology referred by applicant (Sh. Harish Kandhari) in I.A No. 99/2022 in O.A No. 143/2020 for conversion of Jarosite to Gypsum as per the Hon'ble NGT (Southern Zone) orders dated 15/02/2023.

In this regard, the minutes of the meeting are attached herewith for kind information.

Yours faithfully,

(B. Vinod Babu)

Scientist 'F' & Head,
Waste Management-II Division

‘परिवेश भवन’ पर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, Delhi-110032

दूरभाष/Tel : 43102030, 22305792, वेबसाईट/Website : www.cpcb.nic.in



केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT FOREST & CLIMATE CHANGE GOVT OF INDIA

By Speed Post

F. No. CM-13013/1/2023-WM-II-HO-CPCB-HO

06th April, 2023

To,

Sh. Harish Kandhari,
Applicant of I.A No. 99/2022 in O.A No. 143/2020
Eco Bounty Highway P. Ltd.
DPIIT Regd Startup/MSME Co.
13C Town Hall, Udaipur-313001 Rajasthan.

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Sir,

This has reference to the meeting held on 21/03/2023 to discuss the technology referred by applicant (Sh. Harish Kandhari) in I.A No. 99/2022 in O.A No. 143/2020 for conversion of Jarosite to Gypsum as per the Hon'ble NGT (Southern Zone) orders dated 15/02/2023.

In this regard, the minutes of the meeting are attached herewith for kind information.

Yours faithfully,


(B. Vinod Babu)
Scientist 'F' & Head,
Waste Management-II Division

Copy to:

The Member Secretary,
Kerala State Pollution Control Board,
Plamoodu Jn., Pattom Palace P.O.
Thiruvananthapuram-695 004.

:For kind information and necessary action *please*


(B. Vinod Babu)

‘परिवेश भवन’ पर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, Delhi-110032

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