

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE BENCH, AT CHENNAI

ORIGINAL APPLICATION NO. 16 of 2024

BETWEEN

Dr. Prasad Bhandge
Subhas Road, Haliyal
District Uttara Kannada Karwar,
Karnataka.

...Applicant

AND

1. Karnataka State Pollution Control Board
Through its Member Secretary, Karnataka
No.49, Parisara Bhavan,
Church Street, Karnataka.
Email: HO@kspcb.gov.in
Ph.080-25589112.
2. District Magistrate, Karwar
Uttara Kannada,
Karwar, Karnataka
Email: dckarwar@gmail.com
Ph.8382-229857
3. EID Parry Sugar mill, Haliyal
Hullatti Village, Haliyal Mandal,
Uttara Kannada, Karnataka-581 329
Email: manojupreti@parry.murugappa.com
Ph: 8284-221566

...Respondents

AFFIDAVIT ON BEHALF OF THE 3rd RESPONDENT

I, Mr. Biswa Mohan Rath, s/o. Mr. Gopinath Rath, aged about 57 years, representing the
3rd Respondent, having office at EID Parry (India) Ltd., 'Dare House', 3rd Floor, #234, NSC

For E.I.D.-PARRY (INDIA) LIMITED,

Bose Road, Parrys Corner, Chennai - 600001, do hereby solemnly affirm and sincerely state as follows:-

1. I am the authorised representative of the 3rd Respondent herein and as such well acquainted with the facts of the case and competent to swear to the present affidavit.
2. I state that the above case had initially been Suo Motu registered as Original Application No. 851 of 2022 by the Principal Bench of this Hon'ble Tribunal at Delhi by way of an order dated 10.01.2023, pursuant to a complaint filed by Dr. Prasad Bhandge. It may be noted that said OA No. 851 of 2022 was subsequently transferred to this Hon'ble Bench and renumbered as OA No. 16 of 2024 (SZ). In Dr. Prasad Bhandge's complaint filed before the Hon'ble Principal Bench, it had been alleged that the 3rd Respondent herein had been "*discharging untreated industrial effluent into nearby pond at Survey No. 39, Hanumanth Kere and also contaminating ground water table affecting the source of drinking water available to livestock and residents in nearby area*" and that "*direct discharge of effluent in river Kali is also causing huge water pollution in the area and fly ash generated in the unit is not being handled scientifically but is being dumped in open area and agricultural fields affecting agricultural produce of villagers*". To investigate the above allegations, vide order dated 10.01.2023, the Hon'ble Principal Bench had constituted a joint committee comprising State PCB and District Magistrate, directed them to visit the site, collect relevant information and submit a factual report including the details of action taken, if any. The nodal agency for coordination and compliance was to be the State PCB.
3. In compliance with the Hon'ble NGT order dated 10.01.2023, the Joint Committee was constituted. It comprised: (i) the Deputy Commissioner, Karwar as the Chairman; (ii) the Senior Environmental Officer, Divisional Office, Mangaluru as the member representing the KSPCB; and (iii) the Environmental Officer (I/c), KSPCB as the Member Convener. The Agricultural Officer (Technical) as also

invited for the inspection. The site inspection was carried out on 24.02.2023 by the members of the committee and *inter alia* field inspection was carried out and environmental samplings taken both within and outside the industry premises. The report of the joint committee was filed on 06.05.2023.

4. The 3rd Respondent is filing the present reply in response to the report of the Joint Committee.

PRELIMINARY SUBMISSIONS

5. I state that the 3rd Respondent *inter alia* carries on manufacturing of white crystal sugar, co-generation of power, and runs a molasses-based distillery.
6. Initially, the industry had been established as Bharat Sugars Ltd, which sold the industry to GMR Sugars Ltd. The 3rd Respondent took over the industry from GMR Sugars on 15.11.2010. The 3rd Respondent was given to understand (and correctly so, as borne out from the Report of the Joint Committee) that Bharat Sugars Ltd. and GMR Sugars Ltd. had the necessary permissions to operate.
7. I state that after taking over the industry, the 3rd Respondent expanded the sugar cane crushing capacity of the industry and also established the molasses-based distillery. For these activities, the 3rd Respondent obtained Consent for Cxpansion (CFE) from KSPCB and the requisite Environmental Clearance (EC) from the MOEF & CC. The 3rd Respondent also obtained Consent for Operation (CFO). The subsisting Consent for Operation (CFO) is Consent Order No. AW-329434 dated 25.01.2022, and the said CFO is valid up to 30.06.2026. I state that the 3rd Respondent also has valid authorisation under the Hazardous & Other Wastes (Management & Trans Boundary Movement) Rules, 2016 for the period up to 30.06.2026. The details of these approvals are as follows:

S. NO	CFE/CFO/EC	ORDER	DETAILS OF PRODUCTS
1.	1 st CFE expansion	KSPCB Consent Order No. 1290, dated 24.01.2013.	Expansion of Sugar Cane Crushing capacity from 3500TCD to 4800TCD

2.	Environmental clearance (EC)	Issued by the Govt. of Karnataka <i>vide</i> Order No. FEE 78 ECO 2013 dated 13.12.2013	Obtained EC for the increased production capacity from 3500 TCD to 4800 TCD crushing
3.	Environmental clearance (EC)	Issued by Ministry of Environment and Forest, Climate Change (IA Division) <i>vide</i> Order No. F. No. J-11011/336/2012 IA II (I), dated: 04.02.2015	EC obtained for increasing the Sugar cane crushing Capacity from 4800 TCD to 6000 TCD, <ul style="list-style-type: none"> • Co-generation power plant of capacity from 24 MW to 34MW • Molasses based distillery from 45 KLPD to 90KLPD • Power from incineration boiler of 3MW
4.	CFE Expansion for expansion in the name of M/s. EID Parry (India) Ltd.	KSPCB Consent Order No. 1481, dated 5.11.2015	<ul style="list-style-type: none"> • Sugar Cane crushing capacity from 4800TCD to 6000TCD. • Co-generation from 24MW to 34 MW • Molasses-based distillery from 45 KLD to 90KLD • Co-generation from spent wash incineration boiler of capacity 3MW
5.	CFE for expansion in the name of M/s. EID Parry (India) Ltd.	KSPCB Consent Order No. 1481, dated 05.11.2015.	<ul style="list-style-type: none"> • Sugar Cane crushing capacity from 4800TCD to 6000TCD • Co-generation from 24MW to 34 MW • Molasses-based distillery from 45 KLD to 90KLD • Co-generation from spent wash incineration boiler of capacity 3MW
6.	Environmental clearance	MoEF & CC order dated 11.08.2020	<ul style="list-style-type: none"> • Sugar cane crushing capacity from 6000 TCD to 11,500 TCD • Co-gen Power plant from 34 MW to 54 MW
7.	CFE expansion	KSPCB Consent Order No CTE-	<ul style="list-style-type: none"> • Sugar cane crushing capacity increased to 11,500 TCD

		323225 dated 29.01.2021	• Co-gen power plant of 54 MW
8.	Latest Consent for operation (CFO) by KSPCB	KSPCB combined consent for operation order vide Order No. AW-329434, dated 25.01.2022 and is valid up to 30/06/2026 for sugar cane crushing capacity for 11500TPD, Cogeneration power plant of capacity 57MW (including 3 MW from incineration boiler) and molasses- based distillery of capacity 90KLD	Consent order is issued for the following products/by-products <ul style="list-style-type: none"> • Refined Sugar/ Plantation white sugar 44,562.50MT/Month • Co-generation Power- 40,176 MWH • Bagasse 1,01,602.50MT / Month • Filter Cake-7,672.5MT/Month • Molasses 19,607.50MT/Month • R.S./ ENA/ I.S./ ETHANOL 2,790 KLT/Month
9.	Authorization regarding Hazardous & Other Wastes Management & Trans Boundary Movements	Valid authorization for the period up to 30/06/2026 vide Order No. 328508 obtained on 03/12/2021.	-
10.	Water Pollution control status	Permission obtained from WRD, GOK for drawing of river water.	<ul style="list-style-type: none"> • Permission obtained for total fresh water consumption of not more than 3491 KLD. • Further water consumption and waste water generation are well within the permitted standards.
11.	Sewage Treatment		A sewage treatment plant (STP) for treating sewage generated

			has been set up with a capacity of 40KLPD since November 2023
12.	Self-Monitoring		Online Continuous Effluent Monitoring System (OCEMS) fixed for real time environment data monitoring. Timely reports are being submitted to KSPCB regarding compliances and self-monitoring.

8. I further state that the 3rd Respondent has complied with directions issued by the KSPCB and the Deputy Commissioner, Karwar issued from time to time. It may be noted that on the basis of a complaint dated 25.05.2022 filed by Dr. Prasad Bhadge, KSPCB conducted an inspection of the 3rd Respondent's industry on 26.05.2022 and consequently issued a notice on 27.05.2022 with respect to certain non-compliances. I state that the 3rd Respondent had duly submitted a compliance report on 09.06.2022.
9. Thereafter, at a meeting regarding tank conservation and development held on 17.08.2022 under the chairmanship of the Deputy Commissioner, Karwar, the KSPCB had once again been directed to inspect and report on status of Hanumantha tank. Pursuant thereto, the KSPCB inspected the 3rd Respondent on 18.08.2022 and issued a Notice dated 26.08.2022 for certain limited non-compliances observed during inspection. Accordingly, the 3rd Respondent submitted a compliance report in this regard on 09.09.2022.
10. I further state that Assistant Commissioner, Karwar and Environmental Officer (I/c), Karwar (IC) had thereafter jointly inspected the industry and its suburbs on 25.08.2022, which was followed by a meeting with the 3rd Respondent. During the said meeting, certain suggestions and direction was given to 3rd Respondent for de-siltation and rejuvenation of Hanumantha tank. Accordingly 3rd Respondent has taken necessary measures.

For E.I.D.-PARRY (INDIA) LIMITED,


Authorized Signatory.


11. Apart from the above KSPCB has been analysing the industry on a monthly basis, and the 3rd Respondent has been complying with orders/directions issued from time to time.

FINDINGS OF THE JOINT COMMITTEE

12. It is submitted that the following findings in the Report of the Joint Committee may be noted:

- the Water Pollution Control Status - The 3rd Respondent draws water from the Kali River and has permission to consume water and generate waste water. The Joint Committee has examined the water consumption, waste water generation and the manner of disposal and has found it to be in accordance with the consent order.
- Effluent Treatment Plant (ETP) - The ETP area was visited and all the units of the ETP (which are all operating) were inspected. The Joint Committee has noted the new ETP with additional capacity of 1000 KLD. The ETP was found to be in accordance with the consent order. The Joint Committee has also observed that the 3rd Respondent has provided flow meters to the inlet and outlet of the ETP and has been keeping records of the inflow and outflow of the ETP. The 3rd Respondent has provided separate energy meters for the operation of the ETP units and has been maintaining records.
- Online Continuous Effluent Monitoring System (OCEMS) - The Joint Committee has noted that the 3rd Respondent has provided an OCEMS, which shows real time data for all relevant parameters. The online reading was noted by the Joint Committee, and results were found to be in accordance with the consent order.
- Air Pollution Control Status - The Joint Committee has noted the source of air pollution in the 3rd Respondent's premises, and have examined the control measures provided for. The measures taken were found to be in accordance with the consent order.

For E.I.D.-PARRY (INDIA) LIMITED,


Authorised Signatory.

- OCEMS of Stack - The Joint Committee has found that the 3rd Respondent has installed an OCEMS for the chimney attached to the boiler of capacity 15TPH at the distillery section for PM, SO_x and NO_x to measure real time data with respect to the emissions, in accordance with directions of the CPCB and the consent order. The readings taken by the Joint Committee during inspection shows that the industry is operating in accordance with the consent order.
- Stack Monitoring by KSPCB - The Joint Committee also took note of the fact that KSPCB has been manually monitoring samples of emission from other stacks of the sugar mill section and distillery section, from 30.01.2023. The analysis results from such monitoring were found to be conforming the prescribed limits under the consent order.
- Solid Waste Management - The Joint Committee has noted that the 3rd Respondent generates six types of solid waste: (i) boiler ash (both fly ash and bottom ash) from the sugar mill; (ii) Distillery boiler ash; (iii) lime sludge from sugar industry; (iv) press mud; (v) ETP Sludge; and (vi) yeast sludge. All these solid wastes are stored, treated and disposed in different ways as per the nature of the solid waste, and the said procedure is in compliance with the consent order issued by the KSPCB. The Joint Committee has noted that the 3rd Respondent is also duly maintaining records in this regard.
- Ground Water Samples - The Joint Committee collected and analysed water samples from the bore-wells in adjacent farm lands and within industry premises. The water samples so collected show that the same are well within the permissible limits.
- Treated Trade Effluent -The Joint Committee collected and analysed samples from the water holding tank. These were found to be conforming to the prescribed standards and parameters and to be well within prescribed limits for on land for irrigation. The Joint Committee has also

noted that the KSPCB has been analysing treated effluent samples from the 3rd Respondent every month and the samples have met the prescribed standards for irrigation.

- Soil Samples - The Joint Committee also collected and analysed soil samples from farm lands adjacent to the 3rd Respondent's industry and the same were found to be suitable for carrying out agricultural activity by using additional major/minor nutrients based on crop type and with good agricultural practices.
- 3rd Respondent's Production - The Joint Committee also examined the 3rd Respondent's environmental statement in Form V for 2021-22 and has found that the production is much below the consented capacities.
- No discharge in the Hanumantha Tank - The Joint Committee noted that the 3rd Respondent was not discharging any effluent into the Hanumantha Tank. The Joint Committee noted that the water in the pond had turned muddy due to desilting work, and the 3rd Respondent has taken initiative for de-silation and bund construction around the tank. The Hanumantha Tank was also found to have very low quantity of water.

13. It is also important to state that various other general and specific conditions had been complied with by the 3rd Respondent on a regular basis. However, the committee also set forth various suggestions, recommendations and non-compliances for which steps have been already taken and some of which are currently being complied with. The following are the recommendations, suggestions given by KSPCB and the steps taken/being taken by the 3rd Respondent herein:

CONSENT CONDITIONS	AS PER JOINT COMMITTEE REPORT	STEPS TAKEN BY THE 3 RD RESPONDENT
Industry shall explore the possibility of treating the sewage by providing STP of required capacity as the total domestic sewage generation is	At present domestic sewage generated from toilet blocks and other washings are being discharged into septic tank and soak pit. However, about 10KL of	3 rd Respondent has installed and commissioned 40KLPD sewage treatment plant (STP) for treating sewage generated from November 2023 onwards as per the conditions

<p>24 KLD. Industry shall submit the details of source of domestic sewage along with plan of action for providing STP.</p>	<p>wash water from canteen facility is being treated in existing ETP. Industry has to provide the plan of action for providing the STP.</p>	<p>mentioned in Para vii of the Special Conditions of the EC with identification no. EC23A022KA199431 dated 04.04.2023.</p> <p>Relevant photos are annexed as Annexure No. 1.</p>
<p>Fugitive emission near manufacturing area has to be controlled by adopting advanced technology. Progress made in this regard shall be furnished.</p>	<p>Fugitive emissions were noticed in sugar mill boiler section, bagasse handling area, coal handling area and distillery section and it has to be rectified/controlled by industry by using advanced technologies and other control measures like, providing additional silos for storage of ash, water sprinkling arrangement, multiple rows of plantations on industry boundary, pavement of roads near the coal crusher area, etc.</p>	<p>Capacity of silos for storage of ash is increased from 40MT to 100MT. Fog canon machines are arranged to suppress the fugitive emissions in bagasse handling area, coal handling area as per the conditions mentioned in Para xx of the Special Conditions of the EC with identification no. EC23A022KA199431 dated 04.04.2023.</p> <p>Around 30,000 plants were planted in and around industry boundary for the past 15 years. Planted 2000 saplings during FY 2023-24. Concrete roads were made inside the factory including coal crusher area.</p> <p>Relevant photos are annexed as Annexure No. 2.</p>
<p>The applicant shall submit storm water management plan & shall implement the same and submit the action taken report to the Board.</p>	<p>Storm water management plan provided by the industry is to be improved upon. Industry has provided rainwater harvesting facility for its rooftop water and recharging its bore wells with collection pit of capacity about 6000 m3 capacity.</p> <p>However, industry land is sloping on one side towards Hanumantha Pond and as such any rainwater from industry premises will directly reach the pond, if there are any spillages, the same gets carried away</p>	<p>Storm water management plan is improved in accordance with 13 of the special conditions listed in CFO AW 329434 dated 25.01.2022 by arranging storm water collecting pit of 450 cum holding capacity and pump of 100 cum per hour. Rainwater collected is pumped for process usages. Spillages are strictly contained locally and pumps arranged for collecting them and pumping back to process</p> <p>Relevant photos are annexed as Annexure No. 3.</p>

	with rains. Industry shall take immediate action to contain the spillages locally and shall not allow the spillages/leakages to mix with the rainwater. Otherwise, they shall collect the rainwater contaminated with spillages separately and discharge the same only after giving preliminary treatment such as flocculation and sedimentation.	
The industry shall provide metalled road for transportation of cane along with metalling of lateral roads.	Provided with metalled road for transportation of cane and concrete platform for vehicle parking. But, in other areas, specially ash handling and coal handling area, roads have to be metalled yet.	Roads at Ash handling, coal handling areas are metalled as per Para 11 of the additional conditions in CFO AW 329434 dated 25.01.2022. Relevant photos are annexed as Annexure No. 4.
The industry shall provide 15 days storage tank for storing treated trade effluent.	Unit has provided one storage tank of capacity 8800 m3 for collection of treated trade effluent. This is designed for the old crushing capacity and considering the expanded crushing capacity of 11500 TCD, the storage tank is insufficient to hold 15 days storage.	Compliance is being carried out in accordance with the show cause notice EO/KSPCB/RO-KWR/2023-24/ 103 dated. 06.05.2023 Reference is made to EO/KSPCB/RO-KWR/2023-24/ 103 dt. 06.05.2023 pg no2, point 8 which is Annexed as Annexure -9
The applicant shall always store the bagasse and boiler ash in a closed shed and ensure that the bagasse & boiler ash shall not be stored in an open land, which may cause dust nuisance in the surrounding area during wind blow. [Condition mentioned in para 8 of CFO AW 329434 dated 25.01.22]	Unit has provided three number of ash silos with a total storage capacity of 40 Tons. A small quantities of fly ash are being stored, temporarily in open area near bagasse handling section and sugar mill boiler section. Bagasse was stored in open yard and is provided with wind breaking wall. Recently, industry has installed briquette manufacturing unit at bagasse yard, but, it is	The capacity of ash silos has increased from 40MT to 100MT. No fly ash is stored in open area. A shed is constructed to store excess bagasse along with wind breaking wall for the bagasse required for our 35TPH incineration boiler running with bagasse. Relevant photos are annexed as Annexure No. 5.

	not in operation yet.	
The applicant shall dispose the empty rawmaterial cans back to the supplier and shall maintain the manifest to this process. The details shall be submitted to the Board.	The industry has generated more of oil-soaked cotton waste than authorized quantity for which they are directed to apply for amendment of authorization.	Due to increase in capacity, the oil soaked cotton waste production of the 3 rd Respondent exceeded the level authorized. The 3 rd Respondent has submitted a letter dt. 08.06.2023 (along with form IV) to KSPCB RO - Karwar to increase their authorized quantity from 0.002MT to 0.5MT. However, the response is still pending from KSPCB's end.
	RECOMMENDATION	STEPS TAKEN
	Spillages/pump gland leakages in the distillery section are taken to a collection tank through the rain water carrying drains and pumped to ETP. During first shower, rain water gets mixed up with these spillages/pump gland leakages and the overflow from the collection tank reaches the Hanumantha pond. The industry should completely avoid this and give proposal for containing the spillages/leakages locally without allowing it to come in contact with the rains. A proper storm water management plan has to be submitted by the industry to contain the spillages/leakages in the distillery section.	Spillages / pump gland leakages in the distillery section are not allowed to run through the rainwater carrying drains. It is collected locally and recycled. First shower water is collected at storm water collecting pit and pumped back to ETP. Relevant photos and drawings are annexed in Annexure No. 1.
	At present domestic sewage generating from toilet blocks and other washings are being discharged to septic tank and soak pit. About 10KL of wash water from canteen facility is being treated in existing ETP. Industry has to submit proposal for Sewage Treatment Plant as per	The 3 rd Respondent has installed and commissioned 40KLPD sewage treatment plant (STP) for treating sewage from November 2023 onwards Relevant photos and drawings are annexed in Annexure No. 1.

	consent conditions of KSPCB.	
	<p>Industry has totally 04 boilers; one coal fired incineration boiler of 15 TPH for which it has provided bag filter followed by required chimney height and three bagasse fired boilers of 100 TPH, 120 TPH and 45 TPH for which it has provided individual ESP followed by individual chimneys of required height. For the coal fired boilers, they have provided Online continuous emission monitoring system (OCEMS) and connected to CPCB server. It is desirable to provide Online emission monitoring system (OCEMS) to the rest of the bagasse fired boilers also and connect them to CPCB server even though the CPCB directions do not make OCEMS mandatory for the bagasse fired boilers.</p>	<p>OCEMS is provided for all the bagasse fired boilers and connected to CPCB server w.e.f. March 2023</p> <p>Screenshot containing real time environmental data monitoring systems available at Annexure No. 6.</p>
	<p>Fly ash/bottom ash from sugar mill is stored in three numbers of silos of total capacity 40 tons and that from distillery in one silo of 15 Tons capacities. There is pneumatic conveyor system for the ash handling in sugar mill section, but, ash handling is manually done through trucks in distillery section leading to fugitive emissions. Industry has to handle this ash also through pneumatic system.</p>	<p>3rd Respondent has commissioned 35TPH incineration boiler and stopped the operations of 15TPH boiler. In new 35TPH boiler, ash is being handled through pneumatic system only.</p> <p>Photos of the pneumatic ash conveying system annexed as Annexure No.7.</p>
	<p>There was no discharge of industrial effluents in to the Hanumantha</p>	<p>Proper arrangements have been made to contain gland leakages in distillery section</p>

For E.I.D.-PARRY (INDIA) LIMITED,

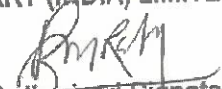
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	<p>tank. The industry was constructing bunds/trenches around the pond as a preventive step towards run off water joining the pond during the rainy seasons. But, this may end up in the reduction of pond life itself as all the surface run off are re-routed towards the open drain and there is possibility of water scarcity for farmers for irrigating their crops as this pond serves as recharge for the surrounding bore wells also. So, instead of industry re- routing the surface run off coming from its premises, it is desirable to keep the flow in to the pond, but, the industry shall control the gland leakages in the distillery section locally.</p>	<p>locally and to ensure that quality water is run off to Hanumanth pond. This will ensure recharge of surrounding borewells and also water for farmers for irrigation.</p> <p>Relevant photos annexed as Annexure-8</p>
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14. The present Respondent craves leave to file an additional affidavit containing further proof of compliance, if required.
15. In view of the above, it is humbly prayed that this Hon'ble Tribunal to take the above submissions on record and dismiss the present Application and pass such further order as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case and thus render justice.

Solemnly affirmed at Chennai on this)
23rd day of May 2024 and signed)
his name in my presence)

For E.I.D.-PARRY (INDIA) LIMITED,


Authorized Signatory.

BEFORE ME


ADVOCATE, CHENNAI

No. 2, Law Chamber,
Madras High Court
Chennai

**BEFORE THE NATIONAL GREEN
TRIBUNAL
SOUTHERN ZONE BENCH, AT
CHENNAI**

**ORIGINAL APPLICATION NO. 16
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Dr. Prasad Bhandge

...Applicant

AND

Karnataka State Pollution Control
Board & 2 ors.

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**AFFIDAVIT FILED ON BEHALF OF
3rd RESPONDENT**

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