

**BEFORE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI (SZ)**

Appeal No.32 of 2023

M/s KK Industries

...Appellant

-Vs-

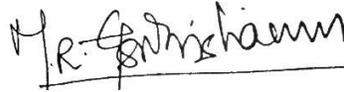
Karnataka State Pollution
Control Board & Anr

...Respondents

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Dated at Chennai on this the 24th day of January, 2024



COUNSEL FOR 1ST RESPONDENT
(KSPCB)

BEFORE THE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI

Appeal No. 32 of 2023

BETWEEN:

M/s KK Industries

...Appellant

AND :

Karnataka State Pollution Control Board & Anr

...Respondents

Sri. S.T. NARAYANA SWAMY S/o THOPE GOWDA, aged 57 years, ENVIRONMENTAL OFFICER, KSPCB, REGIONAL OFFICE, ANEKAL, do here by solemnly affirm and state on oath as follows:

1. I state that I am the Environmental Officer of KSPCB, working at Anekal Region. I am well versed with the facts of this case from its records and I am competent and authorized to swear this affidavit on behalf of Respondent No.1.
2. I submit that the above appeal has been filed by the appellant seeking to set aside the order/notice dated: 12.07.2023, issued by me imposing environmental compensation finally calculated as per CPCB formula.
3. The Respondent Board denies and disputes all the averments, contentions and allegations raised by the Appellant industry, in the present appeal and except what has been specifically admitted herein under, in writing, any omission on the part of the Respondent to deal with any specific averment, contention or allegation of the Appellant should not be construed as an admission on the part of the Respondent Board.



4. It is submitted that, instead of para wise reply to the averments in the writ petition, it is prayed that, allow the instant objections constituting an overall response to the appeal filed by the appellant herein. Therefore, it is humbly prayed to read the same in totality for assessing the facts and nature of the case.
5. At the outset, Respondent submits that the above appeal is liable to be dismissed in limine as being misconceived and not maintainable in law and fact.
6. The appellant has approached this Hon'ble Tribunal seeking to set aside the order/notice dated 12.07.2023 passed by the Respondent Board imposing the Environmental Compensation against the appellant for non-compliance under the provisions of the Water Act, 1974, Air Act, 1981 and Environment Protection Act, 1983.
7. It is relevant to state that the entire argument canvassed by the Appellant regarding the environmental compensation being arbitrary is false and hence, denied in toto.

Non-Compliances of the Appellant Industry

8. On 08.07.2013 the Appellant industry which is **small red category** industry obtained Consent for the Establishment (CFE) from the Respondent Board to carry out the manufacture of Casting of copper, tin, zinc, nickle, ingots, phosphorized branze, tin branze, tin lead branze, high tensile bras etc i.e. components of capacity 7.5 MT/Month. A copy of



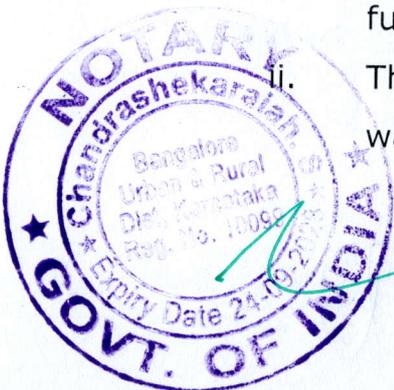
the CFE dated 08.07.2013 has been enclosed as **Annexure R1** for the kind perusal of this Tribunal.

9. On 03.09.2015, the inspection was conducted by the Board and it was noticed that the appellant industry was operating without the Consent For Operation (CFO) from the Respondent Board, thereby violating the CFE condition which reads that "*the applicant shall apply & obtain prior consent for operation (CFO) for operating the unit*". As a result of aforesaid violation, the Respondent Board had issued notice to the industry. A copy of the notice dated 11.09.2015 has been enclosed as **Annexure R2** for the kind perusal of this Hon'ble Court.

10. It is relevant to state that the Appellant industry had applied for Consent For Operation only on 14.09.2015 and obtained CFO evidencing the fact that before 14.09.2015 the industry had been operating without Consent For Operation (CFO). A copy of the CFO Application dated 14.09.2015 has been enclosed as **Annexure R3** for the kind perusal of this Hon'ble Court.

11. Subsequently, another inspection was conducted by the Board on 17.09.2019 and the following non-compliances were recorded :

- i. The Air Pollution Control Measures provided for the furnaces are not under operation.
- ii. The port hole as well as the platform to the chimney was not provided.



- iii. Fumes emissions were recorded.
- iv. Source emission monitoring was not conducted.
- v. The validity of Authorisation under ~~HMV~~^{12M} Rules had expired on 31.12.2014 and to date, the same was not renewed.
- vi. A separate HW storage area was not provided.
- vii. The barrel of the appellant industry was found in an open space wherein oil was kept without covering the lid.
- viii. No display was provided by the industry as well as Form-5 was not submitted by the appellant industry.

A copy of the inspection report dated 17.09.2019 has been enclosed as **Annexure R4** for the kind perusal of this Hon'ble Tribunal.

12. On 09.12.2019, in pursuance to the aforesaid Non-compliances, a Notice of Proposed Direction (NPD) was issued by the Respondent Board to the Appellant industry. A copy of the NPD dated 09.12.2019 has been enclosed as **Annexure R5** for the kind perusal of this Hon'ble Tribunal. In pursuance of the aforesaid NPD, on 16.12.2019 the Appellant Industry submitted a reply seeking 20 days more time to submit a detailed compliance reply, the same has been enclosed as **Annexure R6** for the kind perusal of this Hon'ble Tribunal. However, no compliances were submitted by the Appellant industry within the time sought by them.



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13. Here it is relevant to state that as the Appellant Industry had failed to take any productive steps towards rectifying the non-compliances recorded by the Respondent Board, the Board had imposed an Interim Environmental Compensation (EC) of Rs 25,00,000- vide order no. 730 dated 31.01.2020. A copy of the interim EC Order dated 31.01.2020 has been enclosed as **Annexure R7** for the kind perusal of this Hon'ble Court. The said EC for the past violations had been imposed by the Board as per the Hon'ble NGT Directions in OA No. 1038/2018 for the small red category industry.
14. In reply to the interim EC of Rs.25,00,000 imposed by the Board, the appellant industry had submitted a vague and partial compliance report dated 20.01.2020 and 11.02.2020 to the NPD issued by the Respondent board and pointwise reply dated 19.02.2020 to the interim EC order passed by the Board. Copies of the reports submitted by the Appellant industry have been enclosed as **Annexure R8 to R10** respectively for the kind perusal of this Hon'ble Tribunal.

Calculation of impugned Environmental Compensation is legal and valid in the eyes of the law.

15. It is extremely relevant to point out that from the first inspection conducted by the Respondent Board on 03.09.2015 to the last compliance report submitted by the appellant industry on 19.02.2020, at no point of time, the appellant industry has fully been able to comply with the



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violations recorded by the Respondent Board. Hence, to calculate the final EC the number of days was taken from 03.09.2015 to 19.02.2020 i.e EC was calculated for a total number of 1630 days and The E.C arrived to Rs. 2,44,50,000/- _.

16. The Respondent Board has calculated the final environmental compensation as per the directions passed in OA No. 1038/2022 by Hon'ble NGT principal bench, New Delhi, dated 29.08.2022 and as per the direction of the Chief Secretary of Respondent No. 2.

17. It is relevant to state that the appellant industry has been carrying out their activities in violation of the provisions of the Water Act, 1974, Air Act, 1981 and the Environment Protection Act, 1986 for the past 5 years. The industry as per the inspection dated 03.09.2015 has been in operation without obtaining the Consent For the Operation. Hence, the Respondent Board as per the directions of Hon'ble NGT in OA No. 1038/2018 is within its power to impose the environmental compensation calculated from 03.09.2015 i.e from the date the first violation of the Appellant industry was recorded.

18. It is relevant to point out that the entire argument canvassed by the appellant that the compliances have been made by the appellant industry and that the consent has been obtained at the present day, does not discharge the appellant industry from its liability that was due to be imposed upon



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the appellant industry at the time the appellant industry was operating in violations to the provisions of law. It is relevant to state that the impugned environmental compensation to the tune of Rs 2,44,50,000/- has been imposed by the Respondent Board keeping in mind the principle of 'polluter pays' and mere compliances made in the present cannot undo the pollution emitted by the Appellant industry in the past.

19. The impugned Environmental compensation is right and valid for the following reasons :

- i. The Appellant industry has been operating in 2015 **without obtaining the consent for the operation** by violating CFE Conditions of CFE dated 08.07.2013
- ii. The impugned Environmental compensation has been recorded from 03.09.2015 (the date of first inspection where violations of the appellant industry was recorded) to 19.02.2020 (the latest reply submitted by the appellant industry) calculating to a total number of **1630 days**.
- iii. The Appellant industry had **failed to submit** any concrete reply to the non-compliance notices and interim Environmental compensation issued by the Board.
- iv. At no point of time, the industry has been able to completely comply with the violations recorded by the Respondent Board.



v. The Appellant Industry is **red-category industry**. Hence, the environmental compensation is calculated as per CPCB formula for red category industry. The appellant industry has only recently moved from the red to the orange category only on 28.08.2020. Hence, the argument of the appellant that impugned EC should be calculated keeping it as the orange industry is outright unjust and misleading.

20. It is significant to state that the imbalance caused to the ecology is part and parcel of the industrial process. Thus, the financial responsibility of taking prevention and controlling measures for the pollution caused should rest upon the industry which caused pollution. The principle of polluter pays has time and again been also upheld by the Hon'ble Apex Court and High Courts in a plethora of judgements such as *Indian Council for Environment Legal v Union of India, 1996 SCC (3) 212, M.C Mehta v Kamal Nath (2000) 6 SCC 213 etc.*

21. In light of the aforesaid, it is relevant to state that the impugned environmental compensation levied by the Respondent Board upon the Appellant industry amounting to Rs 2,44,50,000 is valid and legal.

22. The present appeal filed by the Appellant only to escape from its liability by misleading this Hon'ble Tribunal and hence, requires to be dismissed as not maintainable either in law or in facts.

Date 24/11/2024
Place B. M.

Deponent/Respondent No 1.



SWORN TO BEFORE ME

24/11/2024
CHANDRASHEKARIAH. S.

Advocate & Notary
No. 9/7, Kampegowde Nilaya
3rd Cross, Muthurayaswamy Extension
Sunkadakatte, Bangalore - 560091



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ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ
Karnataka State Pollution Control Board

"ಪರಿಸರಭವನ", 1 ರಿಂದ 5ನೇ ಮಹಡಿಗಳು, ನಂ.49, ಚರ್ಚ್‌ಸ್ಟ್ರೀಟ್, ಬೆಂಗಳೂರು - 560 001, ಕರ್ನಾಟಕ, ಭಾರತ
"Parisara Bhavana", 1st to 5th Floor, # 49, Church Street, Bengaluru - 560 001, Karnataka, INDIA

NO.KSPCB/CFE/CEO-2/K. K./SR/2013-14/ H826

DATED: - 8 JUL 2013

TO:
The Proprietor,
M/s. K.K. Industries,
Plot No. 162/A, Bommasandra Jigani Link Road,
4th Phase Bommasandra Industrial Area, Rajapura
Village, Jigani Hobli, Anekal Taluk,
Bangalore Urban District.

Sir,

Sub: Issue of CFE for establishment of New Industry to carryout manufacture of Castings of Copper, Tin, Zinc, Nickle Ingots Phosphorized Brange, Tin Branze, Tin Leded Branze, High Tensile Brass components of capacity 7.5 MT/Month in the industry premises at Plot No. 162/A, Bommasandra Jigani Link Road, 4th Phase Bommasandra Industrial Area, Rajapura Village, Jigani Hobli, Anekal Taluk, Bangalore Urban District, By M/s K.K. Industries

- Ref: 1. Your consent applications under Water & Air Acts received on 05.03.2013.
2. Inspection of Regional Officer, Anekal on 19.03.2013 and the inspection report No: 1311 dated: 30.03.2013.
3. This Office Memo No: 738 Dated: 10.05.2013.
4. Reply from the Regional Officer vide No: 227 Dated: 10.06.2013.
5. Board Office Memorandum No: 1606 dated: 21.06.2012.
6. Board Office Circular No: 5335, Dated: 03.12.2012.

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With reference to the above, it is to be informed that, the Board hereby accords consent for establishment under the Water (Prevention & Control of Pollution) Act 1974, and the Air (Prevention & Control of Pollution) Act 1981, for establishment of New Industry to carryout manufacture of Castings of Copper, Tin, Zinc, Nickle Ingots Phosphorized Brange, Tin Branze, Tin Leded Branze, High Tensile Brass components of capacity 7.5 MT/Month in the industry premises at Plot No. 162/A, Bommasandra Jigani Link Road, 4th Phase Bommasandra Industrial Area, Rajapura Village, Jigani Hobli, Anekal Taluk, Bangalore Urban District, By M/s K.K. Industries, subject to the following conditions;

1. This consent for expansion is valid for a period of Five years from the date of issue.
2. The applicant shall renew the CFE in case the Plant is not established within a period of 5 Years. The applicant shall apply & obtain prior Consent for Operation (CFO) for operating the Unit.

CHIEF ENVIRONMENTAL OFFICER (I/C)

"ಪ್ಲಾಸ್ಟಿಕ್ ಬಳಕೆ ನಿಲ್ಲಿಸಿ, ಪರಿಸರ ಹಾನಿ ತಪ್ಪಿಸಿ"

AVOID USE OF PLASTICS- BE 'ECO' FRIENDLY

3. The applicant shall not undertake expansion/diversification without the prior consent of the Board.
4. The applicant shall obtain necessary license/clearance from other relevant statutory agencies before taking up construction.
5. There shall not be any complaints against the industry from the surrounding public in respect of water, air or Noise/solid waste generation.

I. WATER CONSUMPTION:

1. The source of water is purchased through tankers and total fresh water consumption shall be as below.

Sl.No.	Particulars	Water Consumption
1	Domestic sewage	2250 LPD
2	Industrial (Cooling)	250 LPD

II. WATER POLLUTION CONTROL:

1. The total quantity of waste water discharge & mode of treatment shall be as below.

Sl.N o.	Particulars	Waste water discharged	Mode of Disposal
1	Domestic sewage	1800 LPD	Shall be disposed to Septic tank & Soak pit.
2	Industrial (Cooling)	--	There shall not be any generation of trade effluent from the process, but water used for cooling purposes shall be completely recycled back into the process.

2. The domestic wastewater shall be treated in septic tank with soak pit. No overflow from the soak pit is allowed. The septic tank and soak pit shall be designed as per IS 2470 Part – I and Part – II.
3. There shall not be any generation of trade effluent from the process, but water used for cooling purposes shall be completely recycled back into the process.
4. The waste water generated from the Cooling process shall be completely recycled back to the same purposes only.
5. There shall be no bypass or discharge of effluents either within or outside the factory premises under any circumstances.
6. The applicant shall install integrated flow measuring/recording devices on the sewage line. A record of daily sewage discharge shall be maintained.
7. The applicant shall take suitable steps so that there will be reduction of the fresh water consumption as well as waste water generation from the industry.

Surya
CHIEF ENVIRONMENTAL OFFICER (I/C)

8. The applicant shall not change or alter either the quality or the quantity or the rate of discharge or temperature or the route of discharge without the previous written permission of the Board.
9. The applicant shall not allow the discharge from the other premises to mix with the discharge from his premises. Storm water shall not be allowed to mix with the effluents on the upstream of the terminal manhole where the flow measuring devices are installed.
10. There shall not be any discharge of untreated trade/domestic sewage inside/outside the industry premises.

III. AIR POLLUTION CONTROL:

1. The discharge of emissions from the premises of the applicant shall pass through the air pollution control equipment and discharged through stacks/chimneys mentioned in **Annexure-I** where from the Board shall be free to collect the samples at any time in accordance with the provisions of the Act and Rules made there under.
2. The industry shall upgrade/modify/replace the control equipments if they are found inadequate to meet the standards stipulated. Prior permission of the Board shall be obtained for the same.
3. Fugitive emission near manufacturing area has to be controlled by adopting advance technology. Progress made in this regard shall be furnished.
4. If there is going to be any new air pollution sources in future, the project authorities shall apply and obtain consent for establishment for the same from the Board.
5. The industry shall ensure that the ambient air quality in its premises shall conform to the National Ambient Air Quality Standards specified in Environment (Protection) Rules.

IV. SOLID WASTE MANAGEMENT:

1. The applicant shall segregate solid waste from Hazardous Waste Municipal Solid Waste and store it properly till treatment/disposal without causing pollution to the surrounding Environment.
2. The solid waste generated shall be by scientific method without causing eye sores to the general public and to the surrounding environment.
3. There shall not be any generation of Solid Waste from the proposed expansion project.

V HAZARDOUS WASTES (MANAGEMENT, HANDLING & TRANSBOUNDARY MOVEMENT) RULES 2008:

1. The industry shall apply and obtain authorization under Hazardous Wastes (Management, Handling & Transboundary Movement) Rules 2008, and comply with the conditions of the authorization. The applicant shall comply with the terms and conditions stipulated in authorization.
2. The industry generates used oil; oil soaked cotton waste & used filters. The propose to dispose off through authorized reprocessor for treatment & disposal.

[Signature]
CHIEF ENVIRONMENTAL OFFICER (I/C)

VI. GENERAL:

1. The industry shall transport and store the raw materials in a manner so as not to cause any damage to environment, life and property. The applicant shall be solely responsible for any damages to environment.
2. The industry shall not commission the proposed plant for trial or regular production unless necessary water & air pollution control equipments are installed to the satisfaction of the Board. The industry shall ensure that the control equipments are completed and commissioned simultaneously along with construction of the factory and erection of machineries.
3. The industry shall not change or alter (a) raw materials or manufacturing process, (b) change the products or product mix (c) the quality, quantity or rate of discharge/emissions and (d) install/replace/alter the water or air pollution control equipments without the prior approval of the Board.
4. The industry shall immediately report to the Board of any accident or unforeseen act or event resulting in release of discharge of effluents or emissions or solid wastes etc. in excess of the standards stipulated. And the industry shall immediately take appropriate corrective and preventive actions under intimation.
5. The industry is liable to reinstate or restore, damaged or destroyed elements of environment at his cost, failing which, the applicant/occupier as the case may be shall be liable to pay the entire cost of remediation or restoration in advance an amount equal to the cost estimated by Competent Agency or Committee.
6. The applicant shall comply with all the Rules and guidelines issued from time to time.
7. The Board reserves the right to review, impose additional condition or conditions, revoke, change or alter the terms and conditions.
8. The industry shall take measures to develop green belt in the periphery and shall have maximum greenery in the factory premises.
9. This CFE does not give any right to the Party/Project Authority/Industry to forego any legal requirement that is necessary for setting/operation of the plant.
10. This consent is issued without prejudice to any Court Cases pending in any Hon'ble Court
11. The industry shall furnish point wise compliance to the conditions given under this consent for expansion within 30 days.

Please note that this is only consent for establishment issued to you to proceed with the formalities for establishment of new industry and does not give any right to proceed with trial /regular production. For this purpose, separate consents of the Board for discharge of liquid effluent and the emissions to the air shall have to be obtained by remitting prescribed consent fee. The application for consent has to be made 45 days in advance of commissioning for trial production of the plant. Issue of consent will be considered only after providing water and air pollution control measures / equipments as required.


CHIEF ENVIRONMENTAL OFFICER (I/C)

The receipt of this letter may please be acknowledged.

FOR AND ON BEHALF OF
KARNATAKA STATE POLLUTION CONTROL BOARD

Sd/-
CHIEF ENVIRONMENTAL OFFICER (I/C)

Note:

1. *It is advised to provide all necessary healthcare facilities to employees & local people and shall carry out routine health survey among employees & local people and tests like Spirometry, Pulseoxymetry, Lung function test, etc.*
2. *It is advised to regularly check the health of workers exposed to very high noise levels and suitable measures to avoid any ill effects shall be taken.*
3. *It is advised to take all safety measures to avoid any injury to its employees and local people as per the approved Onsite and Offsite Emergency Plan.*

Copy To:

- 1) The Environmental Officer, KSPCB, Regional Office, Anekal for information.
- 2) Master copy
- 3) Office copy.


CHIEF ENVIRONMENTAL OFFICER (I/C)

ANNEXURE - I

Chimney	Chimney Attached to	Minimum Chimney Height to be Provided	Constituents to be controlled in the emission.	Tolerance limits Mg/NM3	Air Pollution Control equipment to be installed, in addition to Chimney height as per Col (3)	Date of which air pollution Control equipments shall be provided to achieve the stipulated tolerance limits and chimney heights conforming to stipulated heights.	Remarks
1.	125 KVA DG Set	5m ARL	So ₂	--	With Acoustic enclosure	Before commissioning	1. The emission rate of all chimneys shall be reported within 30 days.
2.	Tilting Oil Furnace of capacity-250 Kg	5m ARL	PM	150	With Cyclone dust collector with dry scrubber	Before commissioning	2. Details of D.G. Sets if any like KVA rating fuel consumption in Kg/hr., Chimney height above roof level and dia to be furnished within 30 days. D.G. Sets and other noise generating machinery to be provided with Silencers/Mufflers to reduce the noise pollution.
3.	Melting Furnace of capacity 250 Kg/hr						3. There shall be no smell or odour nuisance from the industry. 4. There shall be no other sources of air pollution.



CHIEF ENVIRONMENTAL OFFICER (I/C)



Anekal - 2

(11)

//BY RPAD//

No: /PCB/RO Anekal/DEO-1/2015-16/7669

Date:

11 SEP 2015

DESPATCHED

To,

The Proprietor
M/s K.K. Industries
Plot No. 162/A, Bommasandra Jigani link road
4th Phase, Bommasandra Industrial area
Rajapura village, Jigani Hobli
Anekal Tq, Bangalore Urban district

Sir,

- Sub:** Non-compliance under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 & the Air Act, 1981 by your industry - reg
- Ref:** 1. B.O. Combined Consent order NO. H 826 dated 8/7/2013
2. Inspection of your industry by this office on 3/9/2015

With reference to the above, it is bring to your notice that, Board has issued CFE to establishment to carryout manufacture Castings of Copper, Tin, Zinc, Nickel, Ingogts, Phophorized brange, Tin Branze, Tine Leded Branze, High Tensile Brass components of capacity 7.5 MT/month with a condition that, "The applicant shall apply & obtain prior Consent for operation for operating the unit". The unit was inspected on 3/9/2015 on routine basis and observed that, the industry has commissioned and operating the unit without prior Consent for operation. Hence, *you are hereby informed to apply and obtain Consent for operation immediately.*

Please note that, operating the unit without prior Consent of operation is at your own risk and responsibility and punishable under the relevant provisions of the Water Act,1974 & the Air Act,1981.

The receipt of this notice may please be acknowledged.

Yours faithfully

valundev SK
ENVIRONMENTAL OFFICER
REGIONAL OFFICE, ANEKAL

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KARNATAKA STATE POLLUTION CONTROL BOARD

Parisara Bhavan', #49, Church Street, Bangalore-560001, 080-25589114



Helpdesk - ACKNOWLEDGEMENT (F-CPS- 02)

UIN	0302073426
Register No	99304
Financial Year	2015-16
Regional Office	Bangalore south
Organisation Name	K K Industries
Address	Plot No. 162/A, Bommasandra Jigani Link Rd Indl Area, Rajapura Village, Jigani Hobli, Anekal Tq, Blore
Application Type	CFO Water and Air
Activity as per Board Notification	R35 - Industry or process involving foundry operations
Activity as per Application	Manufacturing of non ferrous components
Category	Red
Size	Small
Application request letter receipt date	2015-09-14
Capital Investment (Lakhs)	381
Fees Paid (Y/N)	YES
Application Submitted (Y/N)	Yes
Application to be disposed before	100 (Working days)
Remarks	

Consent Fee Details

Bank Name/s	DD /NEFT/RTGS No/s	DD /NEFT/RTGS date/s	DD /NEFT/RTGS Amount/s	Fees paid date	Total amount	Payment Mode
* Kotak Mahindra Bank Ltd	682803	08/09/15	90000	2015-09-14	90000	DD
Total fee paid(Rs.)					90000	

EO

AEO/DEO/RO/Others (Helpdesk)

- Note :**
- 1) Please quote the registration number given above in all the future correspondences with respect to this application
 - 2) In case of any undue delay in receiving consent/authorisation you may contact Chairman/Member Secretary through e-mail - ho@kspcb.gov.in

Regional office Address :

Nisarga Bhavan, Thimaiah Main Rd, 7th 'D' Main, 3rd Stage, 2nd Block, Shivanagar, Opp Pushpanjali Theatre, Basaveshwaranagar, Bangalore-560079 ,

KARNATAKA STATE POLLUTION CONTROL BOARD

Parisara Bhavan', #49, Church Street, Bangalore-560001, 080-25589114

RECEIPT

No 52183 / 2015-16

Date: 14-Sep-2015

An Amount of Rs **90000 (Ninety Thousand Only)** is received from **K K Industries** through **682803**, dd date **08/09/15**, towards **CFO Water and Air**.

Officer Incharge



**INSPECTION REPORT OF VEENA KONA, AEO, KSPCB,
REGIONAL OFFICE, ANEKAL REGION.**

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A. General Information			
1.	Name of the industry with address	:	M/s. K. K Industries, Plot No. 162/A, Bommasandra Jigani Link Road, 4 th Phase, Bommasandra Industrial Area, Rajapura Village, Jigani Hobli, Anekal Taluk, Bangalore Urban District.
2.	Date of inspection	:	17.09.2019
3.	Name of Contact person with designation. Mobile No Email:	:	1. Sri Kamal Bhandari – Managing Partner 2. Sri Kunal – Partner & Technical Executive 9844031533 Bhandari.k@gmail .com
4.	Category of the unit	:	Small Red
5.	Status of Combined Consent and H.W. Authorisation	:	1. Combined Consent Validity : 30.06.2020 2. H.W. Authorisation Validity:
B Water Consumption and Wastewater generation			
1	Source of Water & Status of flow meter	:	1 No of Bore well Not Provided
2	Water Consumption (KLD)	:	2.5 KLD
	Process	:	0.25 KLD
	Utility (Boiler etc.)	:	---
	Domestic	:	2.25 KLD
3	Wastewater Generation (KLD)	:	1.80 KLD
	Trade effluent	:	Re-circulated (Industrial Cooling)
	Domestic Sewage	:	1.8 KLD
4.	Mode of Wastewater Treatment	:	Re-circulated (Industrial Cooling)
	Trade Effluent quantity	:	---
5	Mode of Sewage Treatment	:	Septic tank and Soak pit
	Sewage quantity	:	1.8 KLD
	Mode of Final Disposal	:	Septic tank and Soak pit
6.	Remarks, if any	:	---
C. Air Pollution Control Status			
1.	Process emission sources	:	Tilting Oil Furnace of Capacity – 250 Kg Melting Electrical Furnace of capacity – 250 Kg Electrical Furnace of Capacity-400 Kgs
	Control measures provided	:	Common Cyclone Dust collector with Dry Scrubber
	Stack height	:	5 m ARL
	Compliance to standards	:	They were informed to conduct the source emission monitoring through NABL/MoEF accredited laboratory and to submit the analysis report of the same to the Regional Office at the earliest.
2.	DG sets capacity with control measures taken	:	125 KVA, not provided adequate chimney height.
3.	Remarks, if any	:	Not provided the port hole and platform to the scrubber provided to the Furnaces.
D Hazardous & Other Wastes			
1	H.W. Generation with category & quantity per Month	:	Used Oil (5.1) ---
	Status of H.W. storage shed, spillage collection pit etc.	:	Size of Storage Area: Not provided Spillage collection pit : Not Provided Inventory as on date: Used Oil --- 20 Ltrs
	Mode of waste disposal	:	Recycler : Not yet registered. Incinerator : NA TSDF : NA

	Verification of Form 4, Form 3 and Manifests in Form 10 submitted	:	Not maintained the details in Form-3. Submitted Form-4.
2.	Other Solid Wastes	:	NIL
	Solid waste generated (Other than mentioned above)	:	---
	Quantity of Generation	:	---
	Details of storage	:	---
	Mode of waste disposal	:	---
3.	Remarks, if any	:	Not obtained Authorization under Hazardous and Other Wastes Rules, 2016. Whereas they have generates Used Oil.
E	Rain Water Management	:	
1.	Total Plant area	:	42,000 Sft
	Roof Area (m ²)	:	11,900 Sft
2	Status of Rain Water Harvesting for rooftop	:	Pipe line & Collection tank provided to collect the rain water.
	Mode of utilisation	:	Percolation pit / Collection tank / discharged to drain
3.	Remarks, if any	:	They were informed to provide the rain water harvesting facility.
F	Noise level: Details of the measures taken in the premises to control/manage noise pollution to be explained with documentary evidences.	:	Informed to conduct the noise monitoring.
G	Greenbelt management	:	3,500 Sft.
H	Utilization Of CSR Fund	:	---
I	Non-Compliances observed to the Conditions stipulated in the Consent Order/ Authorization	:	<ul style="list-style-type: none"> • The Air Pollution Control Measures provided for the Furnaces are not under operation. • Not provided the port hole and platform to the chimney provided to the Scrubber. • Process Fumes emission was observed. • Not conducted the source emission monitoring. • The validity of an Authorization under HWM Rules has been expired on 31/12/2014 and till date, they have not submitted application under HWM Rules, 2016. • Not provided the separate HW storage area. • Kept barrel outside in an open space within the industry premises, which is filled with used oil without covering the top lid and spillage of oil was found on the floor. (Photo has taken at the time of inspection, herewith enclosed for reference) • Not provided the display Board. • Not submitted Form-5.
J	Observations made	:	They have switched on to Gail gas connection in place of oil usage to run the Tilting Furnace.
J	Verification of the analysis reports/Form- 5	:	Not submitted
K	Recommendations	:	It is recommended to initiate action under Sec. 33(A) of Water Act, 1974 & Sec. 31(A) of Air Act, 1981 against to the industry to comply with the non-compliances observed.


Signature of the Inspecting Officer



Barrel with oil without top lid stored in an open space in the industry premises.



Spillage of oil on the floor

// BY REG. POST WITH ACK.DUE//

No. PCB/SEO/BNG-SOUTH/NPD /2019-20/

Date:

NOTICE OF PROPOSED DIRECTIONS UNDER SECTION 31(A) OF THE AIR (PREVENTION & CONTROL OF POLLUTION) ACT, 1981, READ WITH RULE 20 (A) OF KARNATAKA AIR (PREVENTION & CONTROL OF POLLUTION) RULES, 1983 TO M/S. K. K INDUSTRIES, PLOT NO. 162/A, BOMMASANDRA JIGANI LINK ROAD, 4TH PHASE, BOMMASANDRA INDUSTRIAL AREA, RAJAPURA VILLAGE, JIGANI HOBLI, ANEKAL TALUK, BANGALORE URBAN DISTRICT.

Sub: Non-compliance with the provisions of Air (Prevention & Control of Pollution) Act, 1981 and the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 by M/s. K. K Industries, Plot No. 162/A, Bommasandra Jigani Link Road, 4th Phase, Bommasandra Industrial Area, Rajapura Village, Jigani Hobli, Anekal Taluk, Bangalore Urban District.

Ref: 1) Combined Consent order vide no. PCB/CEO.Non-EIA/K K/2015-16/H 1183, dated: 15/12/2015.
 2) Inspection of the industry by AEO on 17/09/2019.
 3) RO Anekal inspection report vide no., dated:
 3) CPCB Office Order No.1162 dated: 04.09.2019 pertaining to the levying Environmental Compensation w.r.t the directions issued by the Honorable NGT in the matter of OA No.593/2017 (WP (CIVIL) No.375/2012).
 4) R.O Anekal letter No..... dated:

--/--

PREAMBLE:

M/s K. K Industries, is an existing Small Red category industry located at Plot No. 162/A, Bommasandra Jigani Link Road, 4th Phase, Bommasandra Industrial Area, Rajapura Village, Jigani Hobli, Anekal Taluk, Bangalore Urban District, has obtained consent under the provisions of the Water Act and the Air Act for the period up to 30-06-2020 for the manufacture of casting of Copper, Tin, Zinc, Nickle Ingots Phosphorized Branze, Tin Branze, High Tensile Brass components of capacity 7.5 MT/Month vide ref (1).

Subsequently, the industry was inspected by AEO of RO-Anekal on 17/09/2019 and following non-compliance observations were reported:-

- The Air Pollution Control Measures provided for the Furnaces are not under operation.
- Not provided the port hole and platform to the chimney provided to the Scrubber.
- Process Fumes emission was observed.
- Not conducted the source emission monitoring.
- The validity of an Authorization under HWM Rules has been expired on 31/12/2014 and till date, they have not submitted application under HWM Rules, 2016.
- Not provided the separate HW storage area.
- Kept barrel outside in an open space within the industry premises, which is filled with used oil without covering the top lid and spillage of oil was found on the floor.
- Not provided the display Board.
- Not submitted Form-5.

In view of the above non-compliances, the Board proposes to initiate action under Section 31 (A) of Air (Prevention & Control of Pollution) Act, 1981, read with Rule 20 (A) of Air (Prevention & Control of Pollution) Rules 1983 as under,

PROPOSED DIRECTIONS:

In exercise of the powers conferred under Section 31 (A) of the Air (Prevention and Control of Pollution) act, 1981 read with rule 20 (A) of the Karnataka Air (Prevention and Control of Pollution) Rules 1983, the designated officer, namely Zonal Senior Environmental Officer, Bengaluru South, Karnataka State Pollution Control Board, Bengaluru here gives the following proposed direction so as to why not to direct;

1. The Occupier M/s. K. K Industries, Plot No. 162/A, Bommasandra Jigani Link Road, 4th Phase, Bommasandra Industrial Area, Rajapura Village, Jigani Hobli, Anekal Taluk, Bangalore Urban District to close the industry forthwith and until further orders.
2. The Managing Director, BESCOM, K.R.Circle, Bangalore, to issue necessary directions to the concerned Executive Engineer/Assistant Executive Engineer, to stop/cut off power supply to the above industry forthwith and until further orders.
3. The Executive Engineer/Assistant Executive Engineer, BESCOM, Chandapura Division, to stop/cut off power supply to the above industry forthwith and until further orders.
4. The Deputy Commissioner, Bengaluru Urban, Bengaluru, to seize the industry forthwith and until further orders.
5. **To levy Environmental Compensation** for the aforesaid non-compliances mentioned (from the date of observation i.e. 17.09.2019 by the inspecting Officer of the Regional Office, Anekal) as per the CPCB Office Order (ref-3).

Therefore you are hereby called upon to **Show Cause within 15 days of time** from the date of receipt of this Proposed Directions to file your objections if any to the Senior Environmental Officer, Bangalore-South, Karnataka State Pollution Control Board, Bangalore and with a copy to the Environmental Officer, Regional Office, Anekal.

If no objections are received, the Board will proceed further to confirm the proposed Directions.

**FOR AND ON BEHALF OF THE
KARNATAKA STATE POLLUTION CONTROL BOARD
Sd/-
ZONAL SENIOR ENVIRONEMNTAL OFFICER
BENGALURU SOUTH**

To,
The Occupier,
M/s. K. K Industries,
Plot No. 162/A, Bommasandra Jigani Link Road,
4th Phase, Bommasandra Industrial Area,
Rajapura Village, Jigani Hobli, Anekal Taluk,
Bangalore Urban District.

Copy to:

1. The Member Secretary, KSPCB, Church Street, Bangalore - for kind information.
2. The Regional Officer, Anekal, KSPCB, for information & necessary action.
3. Master File.
4. Case File.

**SENIOR ENVIRONMENTAL OFFICER
BENGALURU SOUTH**

Officer of the Senior Environmental Officer
Karnataka State Pollution Control Board
Bangalore - South
"NISARGA BHAVAN", 3rd Floor,
Thimmaiah Road, 7th 'D' Cross,
Shivanagar, Bangalore - 560 010.
Phone : 23228862

ಹಿರಿಯ ಪರಿಸರ ಅಧಿಕಾರಿಯವರ ಕಛೇರಿ
ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ
ಬೆಂಗಳೂರು ದಕ್ಷಿಣ
"ನಿಸರ್ಗ ಭವನ", 3ನೇ ಮಹಡಿ,
ತಿಮ್ಮಯ್ಯ ರಸ್ತೆ, 7ನೇ 'ಡಿ' ಮುಖ್ಯ ರಸ್ತೆ,
ಶಿವನಗರ, ಬೆಂಗಳೂರು-560 010.
ಫೋನ್ : 23228862



towards a cleaner Karnataka

254

// BY REG. POST WITH ACK.DUE//

No.PCB/SEO/BNG-SOUTH/NPD /2019-20/564

Date 9 DEC 2019

NOTICE OF PROPOSED DIRECTIONS UNDER SECTION 31(A) OF THE AIR (PREVENTION & CONTROL OF POLLUTION) ACT, 1981, READ WITH RULE 20 (A) OF KARNATAKA AIR (PREVENTION & CONTROL OF POLLUTION) RULES, 1983 TO M/S. K. K INDUSTRIES, PLOT NO. 162/A, BOMMASANDRA JIGANI LINK ROAD, 4TH PHASE, BOMMASANDRA INDUSTRIAL AREA, RAJAPURA VILLAGE, JIGANI HOBBLI, ANEKAL TALUK, BANGALORE URBAN DISTRICT.

Sub: Non-compliance with the provisions of Air (Prevention & Control of Pollution) Act, 1981 and the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 by M/s. K. K Industries, Plot No. 162/A, Bommasandra Jigani Link Road, 4th Phase, Bommasandra Industrial Area, Rajapura Village, Jigani Hobli, Anekal Taluk, Bangalore Urban District.

Ref: 1) Combined Consent order vide no. PCB/CEO.Non-EIA/K K/2015-16/H 1183, dated: 15/12/2015.

2) Inspection of the industry by AEO on 17/09/2019.

3) CPCB Office Order No.1162 dated: 04.09.2019 pertaining to the levying Environmental Compensation w.r.t the directions issued by the Honorable NGT in the matter of OA No.593/2017 (WP (CIVIL) No.375/2012.

4) R.O Anekal letter No. 580 dated: 03.12.2019.

--/--

PREAMBLE:

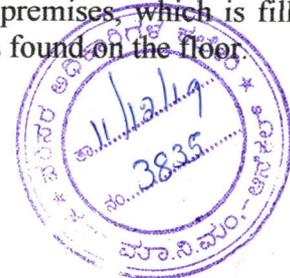
M/s K. K Inudstries, is an existing Small Red category industry located at Plot No. 162/A, Bommasandra Jigani Link Road, 4th Phase, Bommasandra Industrial Area, Rajapura Village, Jigani Hobli, Anekal Taluk, Bangalore Urban District, has obtained consent under the provisions of the Water Act and the Air Act for the period up to 30-06-2020 for the manufacture of casting of Copper, Tin, Zinc, Nickle Ingots Phosphorized Branze, Tin Branze, High Tensile Brass components of capacity 7.5 MT/Month vide ref (1).

Subsequently, the industry was inspected by AEO of RO-Anekal on 17/09/2019 and following non-compliance observations were reported:-

- The Air Pollution Control Measures provided for the Furnaces are not under operation.
- Not provided the port hole and platform to the chimney provided to the Scrubber.
- Process Fumes emission was observed.
- Not conducted the source emission monitoring.
- The validity of an Authorization under HWM Rules has been expired on 31/12/2014 and till date, they have not submitted application under HWM Rules, 2016.
- Not provided the separate HW storage area.
- Kept barrel outside in an open space within the industry premises, which is filled with used oil without covering the top lid and spillage of oil was found on the floor.
- Not provided the display Board.
- Not submitted Form-5.

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In view of the above non-compliances, the Board proposes to initiate action under Section 31 (A) of Air (Prevention & Control of Pollution) Act, 1981, read with Rule 20 (A) of Air (Prevention & Control of Pollution) Rules 1983 as under,

PROPOSED DIRECTIONS:

In exercise of the powers conferred under Section 31 (A) of the Air (Prevention and Control of Pollution) act, 1981 read with rule 20 (A) of the Karnataka Air (Prevention and Control of Pollution) Rules 1983, the designated officer, namely Zonal Senior Environmental Officer, Bengaluru South, Karnataka State Pollution Control Board, Bengaluru here gives the following proposed direction so as to why not to direct;

1. The Occupier M/s. K. K Industries, Plot No. 162/A, Bommasandra Jigani Link Road, 4th Phase, Bommasandra Industrial Area, Rajapura Village, Jigani Hobli, Anekal Taluk, Bangalore Urban District to close the industry forthwith and until further orders.
2. The Managing Director, BESCOM, K.R.Circle, Bangalore, to issue necessary directions to the concerned Executive Engineer/Assistant Executive Engineer, to stop/cut off power supply to the above industry forthwith and until further orders.
3. The Executive Engineer/Assistant Executive Engineer, BESCOM, Chandapura Division, to stop/cut off power supply to the above industry forthwith and until further orders.
4. The Deputy Commissioner, Bengaluru Urban, Bengaluru, to seize the industry forthwith and until further orders.
5. **To levy Environmental Compensation** for the aforesaid non-compliances mentioned (from the date of observation i.e. 17.09.2019 by the inspecting Officer of the Regional Office, Anekal) as per the CPCB Office Order (ref-3).

Therefore you are hereby called upon to **Show Cause within 15 days of time** from the date of receipt of this Proposed Directions to file your objections if any to the Senior Environmental Officer, Bangalore-South, Karnataka State Pollution Control Board, Bangalore and with a copy to the Environmental Officer, Regional Office, Anekal.

If no objections are received, the Board will proceed further to confirm the proposed Directions.

**FOR AND ON BEHALF OF THE
KARNATAKA STATE POLLUTION CONTROL BOARD
Sd/-
ZONAL SENIOR ENVIRONEMNTAL OFFICER
BENGALURU SOUTH**

To,
The Occupier,
M/s. K. K Industries,
Plot No. 162/A, Bommasandra Jigani Link Road,
4th Phase, Bommasandra Industrial Area,
Rajapura Village, Jigani Hobli, Anekal Taluk,
Bangalore Urban District.

Copy to:

1. The Member Secretary, KSPCB, Church Street, Bangalore - for kind information.
2. The Regional Officer, Anekal, KSPCB, for information & necessary action.
3. Master File.
4. Case File.


**SENIOR ENVIRONMENTAL OFFICER
BENGALURU SOUTH**



KK INDUSTRIES
An ISO 9001 :2015 Certified Company



162-A, Bommasandra - Jigani Link Road, Bangalore - 560 105.
Phone : 080-2783 9610, 2783 9661, Fax : 080-2783 9623
E-mail: bhandari.k@gmail.com, kunal@kkindustries.org, bhandarikunal1990@gmail.com

To,
The Senior Environmental Officer,
KSPCB, Bangalore South Zonal office,
3rd Floor, Nisarga Bhavan, Shivanagar, Bangalore.

Date: 16/12/2019

Dear Sir,
Subject: Reply to the Notice of proposed Direction/ Compliance under the provision of water & Air Act.

Reference:

1. Your office NPD reference No. 254/PCB/SEO/BNG-South/NPD/2019-20/564 dated 09/12/2019.

With Reference to the above subject and reference we acknowledged your office NPD Letter. We will submit the detailed reply to your office within 20 days from the date of this letter. Kindly grant us 20 days to submit the reply in detail.

We kindly request you to consider and don't take any further action against our industry, we are complying to all the norms of KSPCB.

Thanking you,

For **KK INDUSTRIES**

(Kamal Bhandari)
Managing Partner

Copy to :

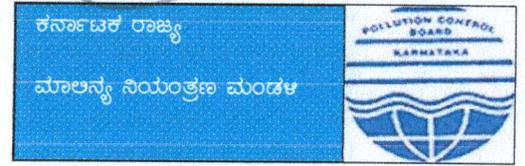
The Regional Environmental Officer,
Anekal Region, 3rd Floor, Nisarga Bhavan,
Shivanagar, Bangalore – 560 010.



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Regional Office: Bangalore –Anekal
2nd Floor "NISARGA BHAVAN"
7th 'D' Cross, Thimmaiah Road,
Sanegoravanahalli, Shivanagar
Bengaluru -560 010
Tel/Fax: 080 -23229538

ಪ್ರಾದೇಶಿಕ ಕಛೇರಿ: ಬೆಂಗಳೂರು - ಅನೇಕಲ್
೨ನೇ ಮಹಡಿ, "ನಿಸರ್ಗ ಭವನ",
7ನೇ 'ಡಿ' ಅಡ್ಡ ರಸ್ತೆ, ತಿಮ್ಮಯ್ಯ ರಸ್ತೆ,
ಸಾಣೆಗೊರವನಹಳ್ಳಿ, ಶಿವನಗರ,
ಬೆಂಗಳೂರು - 560 010
ದೂರವಾಣಿ: 080- 23229538



towards a cleaner Karnataka

//RPAD//
DEMAND NOTICE

NO. KSPCB/RO-ANEKAL/CEPI/Env. Compensation/2019-20/730

Date: 31 JAN 2020

To,
The Occupier,
M/s K. K. Industries,
Plot No. 162/A, Bommasandra Jigani Link Raod,
4th Phase, Bommasandra Industrial Area,
Jigani Hobli, Anekal Taluk,
Bangalore-560 105.

DESPATCHED

Sir,

Sub: Imposing Environmental Compensation (EC) for the non-compliances under the provision of Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution) Act, 1981 and Environment(Protection) Act, 1986.

- Ref: 1. Combined consent order No. PCB/CEO/Non-EIA/K K/2015-16/H1183, dated: 15.12.2015.
2. Notice issued vide no. PCB/RO Anekal/DEO-1/2015-16/7669, dated: 11/09/2015.
3. Notice of Proposed Direction issued vide no.254/PCB/SEO/BNG-South/NPD/2019-20/564, dated: 09/12/2019.
4. Directions of Hon'ble NGT in the matter of OA No 1038/2018 dated 10.07.2019 & 14.11.2019 (corrected on 19.11.2019).
5. Board Office Memo vide no. KSPCB/CEO-2(NEIA-BNG)/CEPI/Env. Compensation/2019-20/5749, dated: 31/01/2020.

The Central Pollution Control Board (CPCB) in exercise of its statutory functions under Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981 and Environment (Protection) Act, 1986 has carried out the physical study of the industrial clusters in the country with reference to the Comprehensive Environmental Pollution Index (CEPI). On the basis of the study and based on CEPI -2016 criteria, CPCB has identified 100 polluted industrial clusters. Wherein, KIADB Industrial Area, Jigani, Anekal, Bangalore; Peenya are identified as Critically Polluted Industrial Area (CPA) with a CEPI score of 70.99 and 78.12 respectively and identified Bidar as Severely Polluted Industrial Area (SPA) with a CEPI score of 65.64.

The Hon'ble NGT, Principle Bench, New Delhi, in its order dated: 10.7.2019 in Original Application No. 1038/2018, has directed that the Central Pollution Control Board (CPCB) in coordination with all the State Pollution Control Boards (SPCBs) to take steps by exercising statutory powers under the Water (Prevention and Control of Pollution) Act, 1974, Air(Prevention & Control of Pollution) Act, 1981 and Environment(Protection) Act, 1986 or any other law to prohibit operation of polluting activities in the said Critically Polluted Areas and Severely Polluted Area within three months and to furnish compliance report.

45 Hon'ble NGT, further, directed to make assessment of compensation to be recovered from the said polluting units for the period of last 5 years taking into account the cost of restoration and cost of damage to the public health and environment and the deterrence element. The scale of deterrence may be related to the period and the frequency of defaults and such other factors as may be found relevant may also be taken into account. The Tribunal has directed that Pending assessment of compensation, **interim compensation** be recovered at the scale adopted by the Tribunal in case of Vapi Industrial Area(in case of Aryavart Foundation Vs. M/s. Vapi Green Enviro Ltd. & Ors.) as mentioned below:

1. Large Industries - Rs. 1 Crore each industry
2. Medium Industries - Rs. 50 Lakhs each industry
3. Small Industries - Rs. 25 Lakhs each industry

Subsequently, the Tribunal in its Order dated 14.11.2019 (corrected on 19.11.2019) in the matter of OA No.1038/2018, has stated that, while remedial action may certainly be planned, current violation of law could not be ignored and was actionable by way of stopping polluting activities, initiating prosecution and recovering compensation on 'Polluter Pays' principle. The statutory authority are accountable and hence has directed that meaningful action has to be taken by the State PCB's/PCC's as already directed against the polluters in the Critically Polluted Industrial (CPA) area.

Your industry is located in Critically Polluted Area and the industry was inspected by the Officers of the Board viz., SEO/EO/DEO/AEO on several occasions and observed the following violations in the last 5 years as below;

Sl No	Date of Inspection	Violations Observed
1	03/09/2015	➤ The industry was inspected on 03/09/2015 on routine basis and observed that, the industry has commissioned and operating the unit without prior Consent for Operation.
2	17/09/2019	<ul style="list-style-type: none"> ➤ The Air Pollution Control Measures provided for the Furnaces are not under operation. ➤ Not provided the port hole and platform to the chimney provided to the Scrubber. ➤ Process Fumes emission was observed. ➤ Not conducted the source emission monitoring. ➤ The validity of an Authorization under HWM Rules has been expired on 31/12/2014 and till date, they have not submitted application under HWM Rules, 2016. ➤ Not provided the separate HW storage area. ➤ Kept barrel outside in an open space within the industry premises, which is filled with used oil without covering the top lid and spillage of oil was found on the floor. ➤ Not provided the display Board. ➤ Not submitted Form-5.

The above observations noticed from last 5 years are the violations under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981 and Rules framed under Environment(Protection) Act, 1986 and contributing to the pollution of the surrounding environment viz. Water, Air, Soil.

In view of the above facts, you are hereby liable to pay interim Environmental Compensation of Rs. 25,00,000/- (Rupees Twenty Five Lakhs Only) as your industry falls under L/M/S/R/O category as per Hon'ble NGT order cited at ref (4), in the form of demand draft (DD) drawn in favor of Member Secretary, KSPCB, Bengaluru within 15 days from the date of service of this notice, failing which action as deemed fit under the provision of Law, will be initiated.

The receipt of this notice may please be acknowledged.

Yours faithfully,
Sd/-
Environmental Officer

Copy To:

1. The Member Secretary, KSPCB for kind information.
2. The Zonal SEO, Bangalore South for kind information.

Environmental Officer



KK INDUSTRIES
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162-A, Bommasandra - Jigani Link Road, Bangalore - 560 105.
Phone : 080-2783 9610, 2783 9661, Fax : 080-2783 9623
E-mail: bhandari.k@gmail.com, kunal@kkindustries.org, bhandarikunal1990@gmail.com

To,
The Senior Environmental Officer,
KSPCB, Bangalore South Zonal office,
3rd Floor, Nisarga Bhavan, Shivanagar, Bangalore.

Date: 20/01/2020

Dear Sir,

Subject: Reply to the Notice of proposed Direction/ Compliance under the provision of water & Air Act.



Reference:

1. Your office NPD reference No. 254/PCB/SEO/BNG-South/NPD/2019-20/564 dated 09/12/2019.
2. Our Letter Dated : 16/12/2019.

With Reference to the above subject and reference and further our letter dated 16/12/2019 we are submitting herewith following point wise compliances.

Sl.No.	Non Compliances as per your office letter	Compliances made from outside/time bound action plan.
1.	The air pollution control measures provided for the furnace are not under operation.	Scrubber provided for the furnace is operational, There is some issue with the scrubber we rectified and corrected the scrubber, it is in operational, photographs of the same is enclosed for your reference.
2.	Not provided the porthole and platform to the chimney provided to the scrubber.	The work in progress to provide the porthole and platform to the scrubber we will complete this within 10 days and submit the photographs to your office.
3.	Process fumes emissions was observed	Now the scrubber is functioning properly, There are no fumes in the process area.
4.	Not conducted the source emission monitoring	We will submit the source emission monitoring reports within 10 days from the date of this letter.

AS-1
Jan 19
24/1/20



KK INDUSTRIES
An ISO 9001 :2015 Certified Company



162-A, Bommasandra - Jigani Link Road, Bangalore - 560 105.

Phone : 080-2783 9610, 2783 9661, Fax : 080-2783 9623

E-mail: bhandari.k@gmail.com, kunal@kkindustries.org, bhandarikunal1990@gmail.com

5.	The validity of an authorization under HWM Rule has been expired on 31/12/2014 and till date they have not submitted appln under HWM Rule,2016.	We are not generating any hazardous waste in our industry, earlier we are using LDO for furnace which used to be burnt up. Now we changed the fuel for furnace (Gail Gas). Hence we are not generating any Hazardous waste in our industry. We generate used oil around 15 Lts/A from DG Set, the generated waste is stored and it will be disposed to authorized recyclers.
6.	Not provided the separate HW Storage Area.	We are not generating any Hazardous waste from process and except that DG used Oil. Qty is very minimal.
7.	Kept Barrel outside in an open space within the industry premises, which is filled with used oil without covering the top lid and spillage of oil found on the floor.	The used oil, coming out of the generator (15L Approx) is still lying at our end and waiting to be disposed (Photo Enclosed) We will arrange to dispose this used oil of 15L to authorized recyclers only. We have made the arrangement to clean up the area around the generator and ensure no spillage.
8.	Not provided the Display Board	Display Board provided, photographs of the same are enclosed.
9.	Not Submitted form-5	Form-5 Submitted acknowledgment is enclosed.

We kindly request you to consider and don't take any further action against our industry, we are comply all the norms of KSPCB.

Thanking you,

For **KK INDUSTRIES**

(KAMAL BHANDARI)
Managing Partner

Copy to:

The Regional Environmental Officer,
Anekal Region, 3rd Floor, Nisraga Bhavan,
Shivanagar, Bangalore – 560 010.

ANNEXURE I



Fig. 1: New Chimney Unit Installed (Outdoor)



Fig. 2: Front View of Chimney Unit (Outdoor) with Water Collection Pit (Under completion)



Fig. 3: Scrubber Unit (with internal FRP Lining)



Fig. 4: Blower Unit



Fig. 5: Purification Unit



Fig. 6: Indoor Chimney routing + Hood collection units

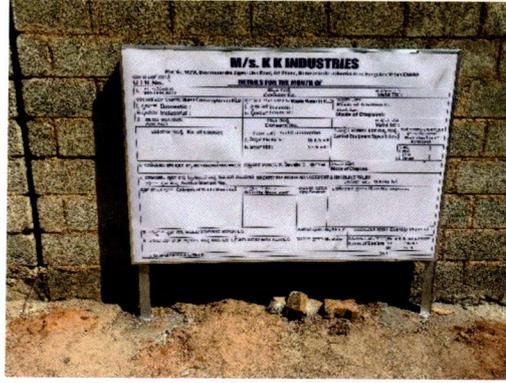


Fig. 7: Display Board



Fig. 8: Used DG Oil



KK INDUSTRIES
An ISO 9001 :2015 Certified Company



162-A, Bommasandra - Jigani Link Road, Bangalore - 560 105.
Phone : 080-2783 9610, 2783 9661, Fax : 080-2783 9623
E-mail: bhandari.k@gmail.com, kunal@kkindustries.org, bhandarikunal1990@gmail.com

To,
The Environmental Officer,
KSPCB, Anekal Regional office,
2nd Floor, Nisarga Bhavan, Shivanagar, Bangalore.

Date: 11/08/2020

Dear Sir,
Subject: Renewal of Consent under Air & Water Act.
Reference:

1. Our Application submitted on renewal of Consent under Air & Water Act.

With Reference to the above subject and reference we are submitting herewith affidavit on Rs.100/- stamp paper stating that we are not used lead as alloy in our process. Consent is not required for lead alloy components. The production capacity is remaining same only we are not using the lead in our process line.

Kindly consider and incorporate and renew the consent for our unit.

Thanking you,
For **KK INDUSTRIES**

Kamal Bhandari
Partner





सत्यमेव जयते

INDIA NON JUDICIAL

Government of Karnataka

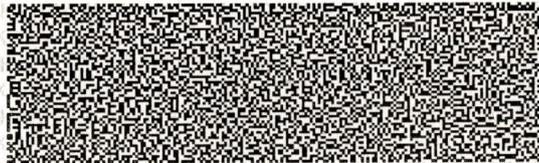
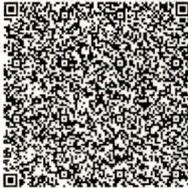
Rs. 100

e-Stamp

Certificate No. : IN-KA98689289295701S
 Certificate Issued Date : 11-Aug-2020 05:29 PM
 Account Reference : NONACC (FI)/ kacrsf08/ BOMMANAHALLI1/ KA-BA
 Unique Doc. Reference : SUBIN-KAKACRSFL0898451883783692S
 Purchased by : KAMAL BHANDARI
 Description of Document : Article 4 Affidavit
 Description : AFFIDAVIT
 Consideration Price (Rs.) : 0
 (Zero)
 First Party : KAMAL BHANDARI
 Second Party : N A
 Stamp Duty Paid By : KAMAL BHANDARI
 Stamp Duty Amount(Rs.) : 100
 (One Hundred only)

सत्यमेव जयते

For Sree Kaamadhenu Credit Co-op. Society Limited



Please write or type below this line

AFFIDAVIT

I, KAMAL BHANDARI aged about 55 years Occupation Partner of M/s. KK Industries normally resident of Bangalore. do hereby solemnly affirm on oath as under:

I affirm, the Partner of M/s. KK Industries Plot No.162/A, Bommasandra- Jigani Link Road Industrial Area, Rajapura Village, Anekal Taluk, Bangalore Urban Dist.

..2.

Statutory Alert:

1. The authenticity of this Stamp Certificate should be verified at "www.shcilestamp.com". Any discrepancy in the details on this Certificate and as available on the website renders it invalid.
2. The onus of checking the legitimacy is on the users of the certificate.
3. In case of any discrepancy please inform the Competent Authority.

I am authorized to swear the undertaking by the Management/Board/etc.

I undertake herewith we will not be manufacturing Lead Based Bronze Components in our unit, Instead of that we are manufacturing only Copper based, Zinc, Tin, Aluminium, Nickel based Bronze Components.

Lead will not be used in our process now onwards. Kindly remove the Lead in our Consent.

The production capacity is remaining same as 7.5MT/Month

I undertake herewith we will make the compliances as per the KSPCB Norms.

I undertake to abide by all the terms and conditions to be imposed by the Karnataka State Pollution Control Board.

I undertake that in case of any violation of the terms and conditions and which are incorporated in the consent, I shall not operate the Industry, apart from being liable to be dealt under provisions of Section 44 of Water Act and Section 37 of Air Act.

Place: Bangalore
Date: 11/08/2020

DEPONENT/OCCUPIER

Signature:



Name: Kamal Bhandari

Address:

M/s. KK INDUSTRIES

Plot No.162/A, Bommasandra- Jigani Link Road Industrial Area, Rajapura Village, Anekal Taluk, Bangalore Urban Dist.



SWORN TO BEFORE ME

JAIN SWARNAMALA
ADVOCATE AND NOTARY
GOVT. OF INDIA Mobile: 9448239328
#7, Ganesh Temple Building,
Near BBMP Begur Road,
Bommanahalli, Bangalore - 560 068

11/08/2020



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Phone : 080-2783 9610, 2783 9661, Fax : 080-2783 9623
E-mail: bhandari.k@gmail.com, kunal@kkindustries.org, bhandarikunal1990@gmail.com

To,
The Environmental Officer,
KSPCB, Anekal Regional Office,
3rd Floor, Nisarga Bhavan, Shivanagar, Bangalore.

Date: 19/02/2020

Dear Sir,
Subject: Reply to the Notice Received for Environmental Compensation.

Reference:

1. Your office letter No. KSPCB/ RO- Anekal /CEPI/ENV Compensation/2019-20/730 Dated 31/01/2020

With Reference to the above subject and reference we are submitting herewith following compliances/clarifications.

Sl.No.	Violations as per letter	Compliances made from our side.
1.	The industry was inspected on 03/09/2015 on routine basis and observed that the industry has commissioned and operating the unit without prior consent for operation.	We have obtained the CFE in 2013 and a copy of the same has been submitted, from the Board for setting up of the industry. Once completion of installation of machinery. We obtained the consent under air & water Act.
2.	The Air pollution control measures provided for the furnaces are not under operation.	The earlier scrubber was some issues; we changed the scrubber and installed the new scrubber. It is extracting all suspended particles now – we have also added a recycle pit so that all waste water will be collected in the same
3.	Not provided the port hole and platform to the chimney provided to the scrubber.	Port hole and platform already provided and submitted the photographs also. A test with the monitors were also conducted and reports submitted
4.	Process Fumes Emission was observed.	We used the PNG for firing the furnace and the heat and fumes generated from this is very low – the surrounding ambient temperature has also reduced (values recorded)
5.	Not conducted the source emission monitoring.	We already conducted the source emission and submitted the report to your office. The actual values obtained during peak performance is within the prescribed limits

Handwritten notes: 24/1/20, A, 24/1/20





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6.	The validity of an Authorization under HWM rules has been expired on 31/12/2014 and till Date they have not submitted application under HWM Rules-2016.	We are not generating any hazardous waste in our industry and hazardous waste authorization is not required for our industry.
7.	Not provided the separate HW storage area.	We don't generate any hazardous waste, hence hazardous waste storage area also not required.
8.	Kept barrel outside in an open space within the industry premises which is filled with used oil without covering the top lid and spillage of oil was found on the floor.	The qty is very minimal and backlog qty, stored in designated storage area and it will dispose to authorized recyclers. This was a very minimal qty of waste oil from service of genset
9	Not provided the display Board.	Display Board provided and photographs already submitted
10	Not submitted by Form-5.	Already submitted and got the acknowledgment.

We have complied with all the points as per your observations and our industry is small scale and still in the growth process. Today the survival of the industry is very difficult due to lack of orders and industry slump, in this situation we cannot able to pay the environmental compensation of Rs.2500000/- (Twenty Five Lakhs). Industry is not in position to pay such huge amount, we are struggling to pay the monthly salary to our employees due to lack of orders, recession and global economy. We kindly request you to drop that environmental compensation for our type of small sick industries and we are ready to comply the norms of KSPCB for sake of environment.

This is for our kind request and oblige. We also request your kind office don't take any further action against our industry we are and will adhere to all rules and obligations as per the norms set by the Karnataka State Pollution Control Board. We will update you with all records indicating the results of observations as per the norms on a time to time basis.

Further, we enclosed herewith the Photographic of modifications done at our Industry, for your kind reference.

Thanking you,

For **KK INDUSTRIES**

Managing Partner

ANNEXURE I



Fig. 1: New Chimney Unit Installed (Outdoor)



Fig. 2: Front View of Chimney Unit (Outdoor) with Water Collection Pit (Under completion)



Fig. 3: Scrubber Unit (with internal FRP Lining)



Fig. 4: Blower Unit



Fig. 5: Purification Unit

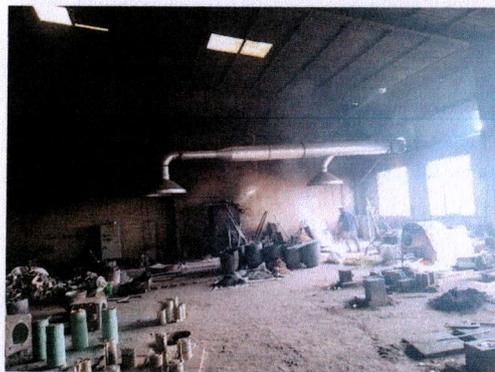


Fig. 6: Indoor Chimney routing + Hood collection units

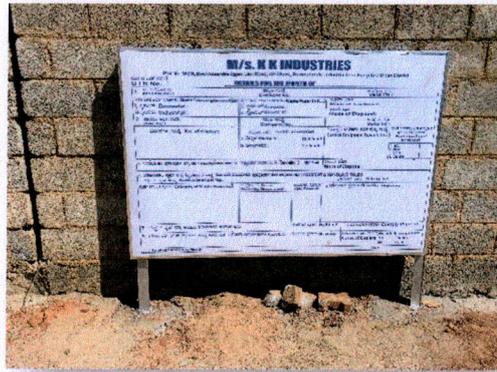


Fig. 7: Display Board

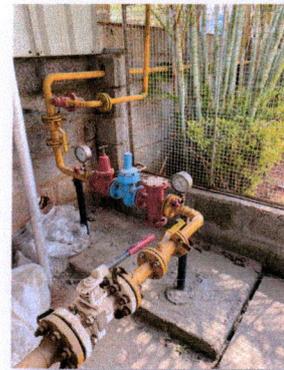


Fig. 8: Piped Natural Gas (PNG) by GAIL – Image shows Meter Reading System (MRS), Drive Train and Pipeline with our premises



Fig 9.: Chimney outlet spout at 35 feet from ground level (10 feet above roof point)

**BEFORE NATIONAL
GREEN TRIBUNAL
SOUTHERN ZONE,
CHENNAI**

Appeal No.32 of 2023

K.K.Industries

...Appellant

-Vs-

Karnataka State Pollution
Control Board

...Respondents

**REPLY FILED ON BEHALF THE 1ST
RESPONDENT**

M.R.GOKUL KRISHNAN

Karnataka State Pollution Control
Board

COUNSEL FOR 1ST RESPONDENT