

**BEFORE THE NATIONAL GREEN TRIBUNAL (SOUTH ZONE)  
CHENNAI**

O.A.No. 34 of 2019

R.Gouramma

...2<sup>nd</sup> Applicant/

-Vs-

Mr.Rajasekar Shambu (Deceased)

The Chairman,  
Karnataka State Pollution Control Board,  
and others

...Respondents

**OBJECTION FILED BY THE 2<sup>ND</sup> APPLICANT**

1. This Applicant respectfully submits that they first said heartfelt thanks to the Joint Committee and the Hon'ble Green Tribunal (SZ) Chennai because the Committee report has taken to the street of truth about the severely affected area and focus (notice) to the Government about the highly contaminated drinking water and affected area by discharging of raw effluent by the 5 to 11 Respondents based on the Hon'ble Court subsequent orders.

2. This Applicant respectfully submits that the Joint Committee report clearly reveals the problem facing all the said villagers have been living around these 5 to 11 and Respondents because of highly spoiled the ground water by way of discharging raw effluents affected the potable water drastically which is in page 11 of Joint Committee Report under 'C' Ground Water Quality. Biological Oxygen Demand (BOD) analysis missed which is very important especially for water analysis for living things (villages, cattle and other living creatures).



..2..

3. This Applicant respectfully submits that the said villagers mostly uneducated and their children only studying now. They drink the open well water and the cattle also drinking water when they go for mazing. Their livelihood is only based on cattle and agriculture in the rainy season. They never go to hospital in their tender age for any illness. But now they are going to hospital frequently. In every house, all are suffering frequently by cold and cough. They enjoy the climate a decade ago between 3 a.m. to 6 a.m. and the rainy season also. The Applicant's area is totally and severely affected due to these 5 to 11 Respondents discharging of raw effluent and the villagers could not sleep at night because of air fumes engulfs the said villages and disturb the breathing. The Respondents 5 to 11 and other polluted units spoiled the cultivation of agriculture. The villagers depends upon the income from the cattle selling and cow milk. Due to highly spoiled ground water, the cattle suffering from frequent illness and even could not grow the cattle.

4. This Applicant respectfully submits that regarding the 5<sup>th</sup> Respondent, the Joint Committee clearly reveals that it is comes under 'Large Red Category'. This 5<sup>th</sup> Respondent unit directly discharging its trade effluent to nearby drains. The KSPCB officials fear to take action against the unit because it has money power and muscle power to do anything. The 5<sup>th</sup> Respondent effluent goes like water in the drainage which results in the violation consent for operation. This unit area comes under severely polluted area (SPA)



..3..

which ascertained by CEPI clearly reveals by Principal Bench, National Green Tribunal, New Delhi order in O.A.No.1038/2018 dated 10.07.2019 which is in applicant type set page No132.

5. This Applicant respectfully submits that regarding compensation, the Principal Bench ascertained that interim environmental compensation in O.A.No. 34 of 2019 dated 10.07.2019 on the following scale

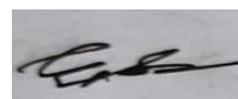
(i) Large Industries – Rs.1.0 Crore each

(ii) Medium Industries – Rs.50 lakhs each

(iii) Small Industries – Rs.25 lakhs each.

Here the Joint Committee gives leniency to the 5<sup>th</sup> to 11<sup>th</sup> Respondents for fixing Environmental Compensation. These 5 to 11 Respondents are red category units. The Joint Committee ascertained that they are highly polluting the areas.

6. This Applicant respectfully submits that the Joint Committee ascertained the samples of open well and bore well of Kolhar Industrial area reveals that the parameters such as COD, TDS, Total Hardness, Cl, CaMg, N, Pb, Mn and Fe are exceeding the permissible limit. Higher concentration of TDS 6580 mg/l confirms the ground water contamination severely due to discharge of Industrial effluents. Further the Joint Committee ascertained the surface water sample of Nizampur tank was exceeding the permissible limit of IS Standards by 'many fold' as COD, Cl, Ca, N,



..4..

Pb and Mn and the results confirms that tank which is contaminated with Industrial waste water discharged.

Therefore the Joint Commissioner has taken strenuous efforts for filing this report is appreciable but only gives leniency in fixing of environmental compensation without considering these industries are manufacturers of medicine products and intermediary and full of heavy chemical compounds.

7. This Applicant respectfully submits that the 6<sup>th</sup> Respondent directly discharge the raw effluent into dry open well which land belonging to Sri Baburao Gudge, Honnikere Village by tankers and the 4<sup>th</sup> Respondent ascertained the samples taken from the open well of Sri Baburao Gudge and the 6<sup>th</sup> Respondent effluent are same. The illegal discharge of raw effluent into dry open well will totally spoil the well which clearly reveals the 4<sup>th</sup> Respondent inspection dated 01.02.2018 and the 4<sup>th</sup> Respondent recommended for penal action. This industry new products highly poisonous chemicals including cyano ethyl and several benzene intermediate products.

8. This Applicant respectfully submits that the 4<sup>th</sup> Respondent ascertained the toxic smell found in the dry open well raw effluent discharged by 6<sup>th</sup> Respondent should not considered leniently for imposing environmental compensation. Therefore, the Joint Committee ought to have imposed minimum Rs.1.0 Crore. The 6<sup>th</sup> Respondent ETP also not functioning properly and ATFD for MEE has not been installed. The 6<sup>th</sup> Respondent is engaging the



..5..

production of Jam 2 which clearly reveals the violation of consent order. All villages are starving for good water. But this 6<sup>th</sup> Respondent totally spoiled the ground as toxic because of full of pharma product. Therefore we request the Hon'ble Court should impose more than Rs.2.0 crore as compensation and should not provide any indulgence in the compensation. One drop of poison will spoil the entire milk in the churn. The same done by the 6<sup>th</sup> Respondent discharging the raw effluent with full of health affected dangerous chemicals.

9. This Applicant respectfully submits that the 7<sup>th</sup> Respondent has violated the closure order directions and penal action initiated which clearly reveals in 23.03.2019 report of the 4<sup>th</sup> Respondent. They issued closure order on 16.11.2016. The 4<sup>th</sup> Respondent inspected the 7<sup>th</sup> Respondent unit on 13.09.2017 and ascertained that the firm was operating against closure order which violated the consent order. The 7<sup>th</sup> Respondent has been running more than year to year against closure order which violated the consent order. Therefore impose compensation more than Rs.2.0 crore and to be closed forthwith until CETP come into operation properly.

10. This Applicant respectfully submits that the 8<sup>th</sup> Respondent is engaged in the manufacture of Bulk Drugs and Intermediates and closure order issued by the 4<sup>th</sup> Respondent dated 10.06.2016 on the inspection under the 2<sup>nd</sup> Respondent. This 8<sup>th</sup> Respondent was operating without valid environmental clearance



..6..

issued by the competent authority based. This 8<sup>th</sup> Respondent polluting the ground water in and around Kolhar Industrial Area, Bidar. Based on the non compliances observed during the inspection under the 2<sup>nd</sup> Respondent, closure order issued on 10.06.2016. The 2<sup>nd</sup> Respondent ordered to install online continuous effluent/emission monitoring system on 09.02.2017. Due to non compliance of online monitoring system, the 2<sup>nd</sup> Respondent issued show cause notice on 01.02.2018. Based on the 2<sup>nd</sup> Respondent inspection and observed the polluting the ground water and therefore impose minimum Rs.2.0 crore compensation to the 8<sup>th</sup> Respondent.

11. This Applicant respectfully submits that the 9<sup>th</sup> Respondent has inspected by the 4<sup>th</sup> Respondent on 03.11.2017 and observed that the unit is operating without valid consent and the industry violated Section 5 of Environmental (Protection) Act 1986 for not obtaining environmental clearance for the products 50 Cyanophthalide manufactured. The unit has problem in handling raw material and there is a complaint on eye irritation of nearby villages round 1.5 to 2.0 km. Therefore these units are pharmaceutical manufactured industries polluted the ground water should impose minimum Rs.2.0 crore compensation to this industry.

12. This Applicant respectfully submits that the 10<sup>th</sup> Respondent extremely goes beyond the control over the 2<sup>nd</sup> Respondent. Because the receiving complaints from public and



..7..

public representatives alleging that contamination of borewells and open wells located in and around Kolhar Industrial Area due to discharge of untreated effluents by this 10<sup>th</sup> Respondent. Therefore a committee has constituted by the 2<sup>nd</sup> Respondent and inspected the unit on 03.12.2013 and ascertained the following:

(i) The unit attempts were made to erase the information recorded of each reactor

(ii) Consent has given only manufacturing of

(a) Methyl Paraben – 5.8T

(b) Sodium Salt of Methyl Paraben – 2.0T

(c) Propyl Parabenzol – 3.94T

(d) Sodium Salt of Propyl Paraben – 1.0T

(e) Sodium Carboxy Methyl Cellulose 23

But this industry manufactured apart from consent given products.

iii) Flow measuring devices were not provided to measure the inflow to the evaporator. No proper maintenance.

iv) Not operated the evaporator continuously because all the three tanks were completely filled with effluents.

v) Apprehended that this Respondent disposed of the effluent elsewhere

vi) Large number of barrels collected effluents found stored in open area.



..8..

This unit continued its operation but not complied the conditions stipulated in the consent and there is no MEE. Therefore to impose minimum Rs.2.0 crores compensation to this Respondent. This Respondent manufacturer of Bulk drug and intermediates.

13. This Applicant respectfully submits that the 11<sup>th</sup> Respondent violating the provisions of manufacture products because this unit obtained consent for manufacturing Ibuprofen but it engaged other products. Based on the 2<sup>nd</sup> Respondent committee instituted and inspected on 05.12.2013

(i) No multiple effect evaporator

(ii) The unit kept sintex tank for collection and storage of effluent

(iii) Large number of barrels to be stored in open area.

(iv) Quantity of hazardous waste stored very less

(v) Closure direction issued on 24.04.2014

(vi) No records for generation and disposal was available at site and other non compliance clearly reveals that to impose minimum 2.0 crore compensation to this unit. The 4<sup>th</sup> Respondent inspected the unit on 22.06.2015 and several non-compliance and violating pollution control laws.

14. This Applicant respectfully submits that kindly direct the Joint Committee to fix the compensation to the Applicant's land and others those who are all affected in their area. They need good



..9.

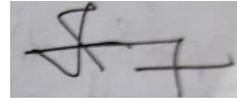
drinking water green environment, toilet facilities and water facilities to our school and maintenance of nearby Government Hospitals

15. This Applicant respectfully submits that the Joint Committee has submitted their remedial measures which is in their para 9 of its report to be implemented. This Applicant do not know the status of the CETP. After completion of the CETP, the Hon'ble Court may permit to run the 5 to 11 Respondents still that, the Hon'ble Court directed to stop their manufacturing activities. Kindly direct the Joint Committee regarding to file present status of the CETP also.

Dated at Chennai on this the 14<sup>th</sup> day of February, 2022.



2<sup>nd</sup> Applicant



Counsel for 2<sup>nd</sup> Applicant