

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

Principal Bench, New Delhi

O.A No. 606 of 2022

In the matter of

Public Action Committee & Ors.

...Applicant(s)

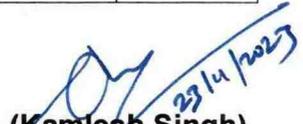
Vs.

State of Punjab & Others

...Respondent(s)

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(Kamlesh Singh)

Scientist-E,
Central Pollution Control Board,
Delhi-110032

Place: Delhi

Date: 23.11.2023.

Action taken report of Central Pollution Control Board (CPCB) in compliance of the Hon'ble NGT order dated 26.09.2023 in the matter of O.A. No. 606 of 2022 titled as Public Action Committee & Ors. Vs State of Punjab & Others

That the Hon'ble National Green Tribunal in the matter of OA No. 606 of 2022 directed official respondents vide its order dated 26.09.2023 as under:

".....to find out other sources/causes of contamination of ground water, take remedial measures and to ensure supply of safe and clean drinking water to the residents of the locality. Action Taken Report be filed with giving details regarding baseline data of groundwater quality before and after operation of the respondent no. 7-Distillery unit and remedial action taken."

It is humbly submitted that the CPCB team visited the industry i.e. M/s Malbros International Pvt. Ltd., (Distillery), Village-Mansoorwal, Tehsil-Zira, District-Ferozepur, Punjab during 22.02.2023 to 24.02.2023 to investigate the matter related to groundwater contamination along with the subject experts deputed by Central Ground Water Board (CGWB). The same was initiated in response to a complaint dated 23.12.2022 received from the Hon'ble Member of Parliament.

It is humbly submitted that during the aforesaid visit on 22.02.2023 to 24.02.2023, CPCB requested the Industry to provide various documents including EIA report prepared by it in the year 2006, locations of bore wells monitored for groundwater quality for environmental impact assessment and details regarding installation of dryer besides other information. The same was also asked from the industry during the course of report preparation of the said visit vide e-mail dated 20.03.2023. The industry has not responded in this regard to CPCB till date. Copy of list of various documents sought from the industry is annexed as **Annexure-1**.

PPCB was also requested to provide the said documents vide letter dated 02.03.2023, 20.03.2023. Information was also sought from PPCB vide e-mail dated 19.11.2023. The PPCB has provided only the details of initial consent to establish / NOC granted vide letter No. RO/FDK/NOC/2006/04 dated 11.05.2006 and consent to operate granted vide letter No. HO/FDK/WPC/2007/F-2249 dated 10.08.2007. The examination of these document indicates that industry was granted consent to establish dated 11.05.2006 subject to a specific condition that the industry will install

dryer of adequate capacity to convert wet cake into powder form and the same shall be used in the boiler furnace as fuel and / or shall be sold in the market as cattle feed. However, the industry failed to install the dryer as per the condition imposed in the NOC and the wet cake was sold out directly to the cattle feed industry as informed by PPCB. It was also informed that as per record the industry installed the dryer for the production of cattle feed in powder form @55 TPD and the same was verified by the officer of State Board on 13.03.2015. The exact date of installation of Dryer unit is not yet reported to CPCB. Copy of consent to establish/ NOC granted vide letters dated 11.05.2006 by PPCB and copy of consent to operate granted vide letter dated 10.08.2007 by PPCB is annexed as **Annexure-2 and Annexure-3** respectively.

CPCB is yet to receive the EIA report carried out during the process of grant of environmental clearance (which was granted vide letter No. J-11011/187/2006-IA II (II) dated September 25, 2006) from the industry and PPCB as sought vide above mentioned e-mails, to compare baseline data of groundwater quality before and after operation of the respondent no. 7 – Distillery unit. Meanwhile, EIA report (Study period: October to Dec 2015) was obtained from MoEF&CC vide e-mail dated 21.11.2023. The said EIA report was submitted by the industry vide letter No. MIL150/16-17 dated 19.12.2016 for obtaining environmental clearance from the MoEF&CC for the proposed installation of Unit-II-Grain based ethanol /ENA/RS/Industrial Alcohol Plant (500 KLPD in existing distillery plant at village-MANSOORWAL, Tehsil-Zira, District – Ferozepur, Punjab. Copy of the said email dated 21.11.2023 from MoEF&CC is given at **Annexure-4**. The baseline groundwater quality data of hand pump / tubewell in respect of 03 villages as reported in the said EIA report (Study period: October to December 2015) was compared with the data as of February, 2023 as presented in the CPCB report with regard to the various parameters in various borewells for the said three reported villages namely Mansoorwal Kalan, Pandori Khatrian and Ratol Rohi and the same are as below:

Table No.1 : Ground Water Quality						
Parameter/ Village	Mansoorwal Kalan		Village Pandori Khatrian		Village Ratol Rohi	
Parameters	Concentration in 2015. *	Concentration in 2023 **	Concentration in 2015*	Concentration in 2023 **	Concentration in 2015*	Concentration in 2023 **
Colour	BDL	BDL-145	BDL	BDL	BDL	BDL-22
Magnesium	6.49	5 to 27	13.94	11	19.63	14-25
Total Dissolved Solids	684	Average: 1246 (619-1905)	548	1068	468	Average: 1491 (1101-1882)
Sulphate	34.45	229-1008	33.86	169	33.82	246-730

Iron	0.15	0.06-243.53	0.28	0.06	0.28	0.04-10.69
Zinc	0.24	0.01-0.98	0.21	BDL	0.15	0.01-0.1
Chromium	BDL	0.01-0.36	BDL	BDL	BDL	BDL-0.01
Copper	BDL	0.15-0.18	BDL	BDL	BDL	BDL-0.02
Manganese	BDL	0.01-3.72	BDL	0.02	BDL	0.03-0.55
Lead	BDL	0.08-0.13	BDL	BDL	BDL	BDL-0.03
Arsenic	BDL	0.01-0.14	BDL	BDL	BDL	BDL-0.02
Nickel	BDL	0.21-0.22	BDL	BDL	BDL	BDL

(All parameters are in mg/l except colour)

**Concentration as reported in EIA report of the industry (Study period: Oct-Dec, 2015) in sample from one hand pump/ tube well.*

*** Concentration as reported in CPCB's report (Sampling period: Feb-23-24, 2023) in sample from various borewells (11 borewells in Mansoorwal kalan, 01 borewell in Pandori Khatrian and 02 borewells in Ratol Rohi).*

It is submitted that the analytical data of groundwater samples collected by CPCB on 23-24 February, 2023, given in Table No.1 above, reveals significant increasing trend in the concentration of various parameters when compared with baseline data of 2015 (as reported in EIA Report of the Industry).

Furthermore, IA No. 262 filed by the original applicants, states that the State Government of Punjab had previously formed four Committees to investigate (i) matter related to water pollution & public health, (ii) increasing case of Cancer, Hepatitis-B etc. in the villages surrounding the factory, (iii) damage to soil & crops and (iv) loss of animals.

It is humbly submitted that NEERI has been engaged by PPCB for detailed environmental site assessment and suggesting remedial measures. PPCB may provide the aforesaid reports of the four Committees to NEERI who may take into account necessary observations/findings of the reports and incorporate necessary remedial measures thereto in their on-going study.

It is also humbly submitted that Hon'ble National Green Tribunal may also like to consider engaging other subject matter expert Institutes such as CSIR - National Geophysical Research Institute (NGRI) and Central Ground Water Board (CGWB) for associating in the site assessment & remedial measures study being conducted by NEERI who has been engaged by PPCB.

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Annexure-1**Details requested from M/s Malbros International Pvt. Ltd.**

1. Copy of the EIA report prepared by the industry in the year 2006 along with co-ordinates of the locations monitored for the ground water quality.
2. Co-ordinates of the Locations monitored for the ground water quality by the Industry for EIA report in 2016, for the expansion.
3. Date of installation of all the bore-wells (Operational and defunct as on date) located inside the factory premises, including all the bore-wells already existing there in the land purchased from the farmers along with copy of the registration of these bore-wells with CGWB/PWRDA, along with co-ordinates. Site plan indicating location of all the bore-wells and piezometers may be provided.
4. Assembly drawings of the all the bore-wells (Operational and defunct as on date) located in the premises of the industry.
5. Date of installation of all the piezometers installed within and outside the premises, by the industry along with assembly drawing and co-ordinates.
6. Copy of NOC obtained from CGWB for the abstraction of ground water.
7. Copy of the application submitted to PWRDA by the Industry for renewal of NOC issued earlier by CGWB.
8. Copy of NOC issued by PWRDA, for abstraction of ground water.
9. Periodical ground water quality monitoring data generated by the Industry in compliance of NOC of CGWB.
10. Date of Installation and the capacity of the dryer by the industry.
11. Details of the feed (cattle, Poultry and other, if any) generated and sold before and after installation of dryer. Details/summary of the buyers along with quantities supplied before and after installation of the dryer (two years date before and after installation of dryer) may be provided.
12. Copies of the original EC and the EC granted for expansion.
13. Copy of the latest half yearly compliance report of EC Conditions submitted to MoEF&CC.

Ref 13/4/23

 PUNJAB POLLUTION CONTROL BOARD VATAVARAN BHAWAN, PATIALA	
Ph: 215793, 215802, PBX: 227925, 200282, 200557, 290897 Extn. 229 Ph: 0175-306507 E-mail: info@ppcbonline.com or ppcb@ch1.vsnl.net.in Web: www.ppcbonline.com or http://www.punjabgovt.nic.in	

No. CMC/EE-L/F.No. 24/ _____

Dated

To

M/s Malbros International,
Near Sugar Mills, Zira Talwandi Road,
Vill. Mansoorwal Kalan, Tehsil Zira,
Distt. Ferozepur.

Name of the M.D. : Sh. Deip Malhotra, M.D.
Scale of the industry : Large
NOC fee details : Rs. 30,000/- vide R.No. 56/2070 Dated 22.11.2005

Subject: "No Objection Certificate" from Pollution Angle.

No. RO/FDK- /NOC/2006/04

Dated 11.5.2006

Reference your application on the above cited subject to the
Environmental Engineer Regional Office-Faridkot.

The Punjab Pollution Control Board, has "No Objection" for setting up
the proposed grain based distillery project at Zira-Talwandi Road, Vill. Mansoorwal
Kalan, Tehsil Zira, Distt. Ferozpur for the manufacture of extra neutral
Alcohol/Rectified Spirit and Liquor @ 100 KLD subject to the following conditions:-

1. The NOC is valid only for registration of application and issue of demand notice for electric connection by P.S.E.B./Water supply connection/loans etc. However, the industry shall obtain a clearance certificate from the Board to the effect that it has installed proper and adequate pollution control equipments for the purpose of release of electric connection by P.S.E.B. and drawing the last installment of loan from financial institutions.
2. (i) The project proponent will obtain Environmental clearance from the Govt. of India, Ministry of Environment & Forest, before starting any construction activity, preliminary or otherwise, at site.
(ii) The N.O.C. is valid for a period of one year from the date of its issue or till the commissioning of the industry whichever is earlier.
3. The industry shall apply for consents of the Board as required under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 atleast two months before the commissioning of the industry.
4. The industry shall provide adequate arrangements for fighting the accidental leakages/discharge of any air pollutant/gas/liquids from the vessels, mechanical equipments etc. which are likely to cause environmental pollution.
5. The industry shall comply with any other conditions laid down or directions issued by the Board under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 from time to time.
6. Nothing in this N.O.C. shall be deemed to preclude the institution of a action nor relieve the applicant from any responsibilities or penalties l
only
ed under the provisions of the Water

M/s Malbros International, Zira Talwandi Road,
Vill. Mansoorwal Kalan, Tehsil Zira,
Distt. Ferozepur.

7. The project has been approved by the Board from pollution angle and the industry shall obtain the approval of site from other concerned departments, if need be.
8. The industry shall plant minimum of three suitable varieties of trees at the density of not less than 1000 trees per hectare along the boundary of the industrial premises.
9. The entire cooling water used by the industry shall be recirculated and the recirculation system shall installed and commissioned simultaneously alongwith the main project.
10. The industry shall construct and commission the effluent treatment plant, as per the proposal submitted by it, simultaneously with the main project and the treated effluent shall conform to the standards adopted by the Board for such discharges/industries.
11. The industry shall reuse its treated trade effluent @ 600 KLD, as make up water in cooling tower, 14 KLD for Gardening & 6 KLD for floor washing etc. as proposed by it. No trade effluent shall be discharged out side the premises.
12. The industry shall not irrigate the vegetable crops with treated effluents, which are used/consumed as raw.
13. The industry shall construct a pucca storage tank of sufficient capacity to hold back the effluent in case of failure of effluent treatment plant/Re-circulation system and also for no demand period.
14. The industry shall discharge domestic effluent onto land for plantation after treating it in Septic tank.
15. The industry shall ensure that the effluent discharged by it is toxicity free.
16. All the under ground water retaining structures shall be lined with an impervious layer so as to avoid seepage and contamination of sub-soil/water.
17. (a) The industry shall, for the purpose of measuring and recording of quantity of water consumed and waste water discharge, affix meters of such standards at such places as approved by the Environmental Engineer, Punjab Pollution Control Board, Regional Office-Faridkot.
(b) The industry shall install online monitors for continuous monitoring of pH, conductivity & D.O. in its treated trade effluent and maintain record of the same.
18. a) The industry shall ensure that at any time the emission do not exceed the emissions standards laid down by the Board from time to time.
b) The industry shall ensure that the emissions from each stack shall conform to the following emission standards laid down by the Board.

Steam Generating capacity	Required particulate matter	
	A. Area upto 5 Km from class I and class-II town.	B. Other than "A" the periphery of
Less than 2 ton/hr.	800 mg/NM ³	1200 mg/NM ³
2 ton to 10 ton/hr.	500 mg/NM ³	1000 mg/NM ³
Above 10 ton to 15 ton/hr	350 mg/NM ³	500 mg/NM ³
Above 15 ton/hr	150 mg/NM ³	150 mg/NM ³

19. The industry shall install air pollution control devices simultaneously alongwith main project so as to contain all the suspended particulate matter and gaseous emissions within the permissible limits prescribed by the Board.
20. The industry shall discharge all gases through a stack of minimum height as specified in the following standards laid down by the Board.

(i) STACK HEIGHT FOR BOILER PLANTS

Steam Generating Capacity	Stack heights
1. Less than 2 ton/hr.	9 metres or 2.5 times the height of neighboring building which ever is more.
2. More than 2 ton/hr. to 5 ton/hr.	12 metres
3. More than 5 ton/hr. to 10 ton/hr	15 metres
4. More than 10 ton/hr. to 15 ton/hr	18 metres
5. More than 15 ton/hr. to 20 ton/hr	21 metres
6. More than 20 ton/hr. to 25 ton/hr.	24 metres

(ii) Stack height for diesel generating sets:

Capacity of diesel generating set	Height of the Stack
0-50 KVA	Height of the building + 1.5Mt.
50-100 KVA	-do- + 2.0Mt.
100-150 KVA	-do- + 2.5Mt.
150-200 KVA	-do- + 3.0Mt.
200-200 KVA	-do- + 3.5Mt.
250-300 KVA	-do- + 3.5Mt.

For higher KVA rating stack height H (in metre) shall be worked out according to the formula:

$$a) H=h+0.2(KVA)^{0.5}$$

where h = height of the building in metres where the generator set is installed.

- (iii) The industry shall put up acoustic enclosure (canopy) around its D.G. sets so as to control noise pollution in the area.
21. The industry shall provide terminal manhole at the end of each collecting system and a manhole upstream of final outlet (s), for measurement of flow and for taking samples.
22. The industry shall submit the performance study of the treatment facilities/air pollution control devices within a period of two months after the commissioning of the treatment plant/air pollution control devices.
23. The industry shall not discharge any fugitive emissions/odour. All gases shall be emitted through a stack of suitable height/as per the norms fixed by the Board from time to time.
24. The industry shall keep the height of exhaust pipes with ventilation equipments etc. at least 3 meters above the roof level.
25. The industry shall ensure that the emissions from the each stack shall conform to the emission standards laid down by the Board from time to time.

26. The industry shall provide port holes and platform (s) and/or other necessary facilities as may be required for collecting samples of emissions from any chimney, flue, duct or any other outlets.

Specifications of the port-holes shall be as under:-

- i) The sampling ports shall be provided at atleast 8 times chimney diameter down-stream and 2 times upstream from any flow disturbance. For a rectangular cross section, the equivalent diameter (D_e) shall be calculated from the following equation (1) to determine upstream, downstream distances:

$$D_e = 2LW / (L+W)$$

Where L = Length in mts., W = Width in mts.

- (ii) The sampling ports shall be 7 to 10 cm. in diameter.

27. i) The industry shall not consume any fuel except Rice husk/HSD for burning purposes without the prior written permission of the Board.
ii) The industry shall not use and burn the rice husk as fuel (except in the form of briquettes and use of rice husk in fluidized bed combustion).
28. The industry shall submit clearance certificate from the concerned departments regarding the compliance of the conditions imposed by C.S.A. in the environmental clearance granted vide No. 1136 dt. 3.4.2006.
29. All amendments/revisions made by the Board in the effluent and/or emission/stack height standards shall be applicable to the industry from the date of such amendments/revisions.
30. The industry shall install separate energy meter for its effluent treatment plant/air pollution control devices and maintain the record of consumption of energy on daily basis for the running and maintenance of effluent treatment plant/air pollution control device.
31. The adequacy and efficacy of the effluent treatment plant and air pollution control devices will be the entire responsibility of the industry.
32. The industry shall submit an on site emergency plan approved by the Chief Inspector of Factories, Punjab.
33. The industry shall obtain the Authorization under the Hazardous Waste Management Rules, 1989.
34. The industry shall obtain permission from the central ground water Authority for extracting the ground water.
35. The industry shall provide rain water harvesting facility so as to collect the rain water & recharge the ground water.
36. The pollution control devices shall be interlocked with the manufacturing process of the industry.
37. The industry shall make proper storage pit to store the hazardous waste generated from the process/evaporation ponds.

38. The industry shall ensure that the by-product produced in the form of wet cake or powdered form, is sold in the market, smoothly, without any resistance from the public. There shall be no nuisance/odour emissions from the storage of by-products/residue (wet cake) during no demand of the said product in the market. The industry will reduce its production capacity appropriately, if it fails to sell whole of the product in the market or to use it as fuel.

M/s Malbros International, Zira Talwandi Road,
Vill Mansoorwal Kalan, Tehsil Zira,
Distt. Ferozepur.

39. The industry shall also install dryer of adequate capacity to convert the wet cake into powder form and the same shall be used in the boiler furnace, as fuel and/or shall be sold in the market as cattle feed.

40. (i) The industry shall dispose off the solid waste (fly ash), generated from burning of fuel, in a proper manner i.e. by way of selling it to cement/brick manufacturing units and dumping in pits in 1.5 acre land, yearmarked by it for this purpose, in a scientific manner.

(ii) The industry will ensure that no nuisance/pollution is caused in the area with the disposal of fly ash or other solid waste the industry.

41. The Board reserves the right to revoke this 'consent to establish' (NOC) if at any stage it is found that the information submitted by the industry is incorrect.

Endst. No.

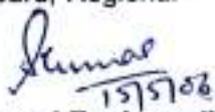
5705-06

Dated 11/5/06

^{-sd/-}
Environmental Engineer (L)

A copy of the above is forwarded to the following for information and necessary action:-

1. The Senior Environmental Engineer, Punjab Pollution Control Board, Zonal Office, Ludhiana w.r.t. his office letter no.2380 dated 17.3.2006.
2. The Environmental Engineer, Punjab Pollution Control Board, Regional Office, Faridkot for information & necessary action.


15/5/06
Environmental Engineer (L)

	PUNJAB POLLUTION CONTROL BOARD VARAN BHAWAN, PATIALA
Ph: 2215793, 2215802 PBX: 2227925, 2200282, 2200557, 2200897, Extn. 208	FAX: 0175- 2215636, 2215802 Web: www.ppcb.gov.in

No :HO/FDK/APC/2007/F-1580

Date of issue : 10.08.2007

Date of expiry : 10.02.2008

Name of the Occupier : *Sh. Deiiip Malhotra, CMD*
Scale of the Industry : *Large*
Gross Capital Investment : *Rs.22.88 Crores as on 30.4.2007*
Consent Fee Details : *Rs.30,000/ vide R.No.44/2341 Dtd 15.5.2007.*

Subject: Consent to operate an industrial plant u/s 21 of the Air (Prevention & Control of Pollution) Act, 1981 of M/s Malbros International (P) Ltd., Near Zira Sugar Mills, Talwandi Road, Village Mansoorwal Kalan, Tehsil Zira, District Ferozepur.

With reference to your application for consent to operate an industrial plant u/s 21 of the Air (Prevention & Control of Pollution) Act, 1981, you are hereby authorised by State Board to operate an industrial plant and to discharge the emissions arising out of your premises subject to the following conditions:

1. The consent is valid only for the manufacturing of Extra Neutral Alcohol/Rectified Spirits & Liquor @ 50 KL/day by using grains as raw material.
2. This consent is not valid for getting power load from the Punjab State Electricity Board or for getting loan from the financial institutions.
3. (a) The industry shall apply for renewal of consent atleast two months before expiry of the consent.
- ✓(b) The industry shall submit performance study of its air pollution control devices, conducted by Board's lab/approved Lab and submit report to the Board, within two months, so as to consider further extension in validity period of this consent.
4. a) The industry shall ensure that at any time the emission do not exceed the emissions standards laid down by the Board from time to time.
- b) The industry shall ensure that the emissions from each stack shall conform to the following emission standards laid down by the Board.

Steam Generating capacity	Required particulate matter	
	A. Area upto 5 Km from the periphery of class I and class-II town.	B. Other than "A"
Less than 2 ton/hr.	800 mg/NM ³	1200 mg/NM ³
2 ton to 10 ton/hr.	500 mg/NM ³	1000 mg/NM ³
Above 10 ton to 15 ton/hr	350 mg/NM ³	500 mg/NM ³
Above 15 ton/hr	150 mg/NM ³	150 mg/NM ³

All emissions normalised to 12% carbon dioxide.

5. The industry shall discharge all gases through a stack of minimum height as specified in the following standards laid down by the Board.

(a) **STACK HEIGHT FOR BOILER PLANTS**

Sr. No.	Steam Generating Capacity	Stack heights
	Less than 2 ton/hr	9 metres or 2.5 times the height of neighboring building which ever is more.
(i)	More than 2 ton/hr. to 5 ton/hr	12 metres
(ii)	More than 5 ton/hr. to 10 ton/hr	15 metres
(iii)	More than 10 ton/hr. to 15 ton/hr	18 metres
(iv)	More than 15 ton/hr. to 20 ton/hr	21 metres
(v)	More than 20 ton/hr. to 25 ton/hr.	24 metres
(vi)	More than 25 ton/hr. to 30 ton/hr	27 metres
(vii)	More than 30 ton/hr.	30 metres

$$H = 14 Q_1^{0.3}$$

or

$$H = 74 Q_2^{0.24}$$

Where Q_1 = Quantity of SO_2 in Kg/hr.

Q_2 = Quantity of particulate matter in Ton/day.

- (b) For industrial furnaces and kilns, the criteria for selection of stack height would be based on fuel used for the corresponding steam generation.
- (c) Stack height for diesel generating sets:

Capacity of diesel generating set	Height of the Stack
0-50 KVA	height of the building + 1.5Mt.
50-100 KVA	-do- + 2.0Mt.
100-150 KVA	-do- + 2.5Mt.
150-200 KVA	-do- + 3.0Mt.
200-200 KVA	-do- + 3.5Mt.
250-300 KVA	-do- + 3.5Mt.

For higher KVA rating stack height H (in metre) shall be worked out according to the formula:

$$a) H = h + 0.2(KVA)^{0.5}$$

where h = height of the building in metres where the generator set is installed.

- (c) The industry shall put up enclosure (canopy) around its D.G. sets so as to control noise.
6. (a) The industry shall not consume any fuel except rice husk diesel for burning purposes without the prior written permission of the Board.
- (b) Rice husk in loose form shall be burnt in fluidized bed furnace.

7. The industry will install the separate energy meter for running pollution control devices and send monthly reading to the Board by the fifth of the following month.
8. The industry shall provide port-holes, platforms and/or other necessary facilities as may be required for collecting the samples of emissions from any chimney, flue or duct or any other outlets.
- Specifications of the port-holes shall be as under:-
- (i) The sampling ports shall be provided at atleast 8 times chimney diameter down stream and 2 times up stream from the flow disturbance. For a rectangular cross section the equivalent diameter (De) shall be calculated from the following equation to determine upstream, downstream distance:-
- $$De = 2 LW / (L+W)$$
- Where L= length in mts. W= Width in mts.
- ii) The sampling port shall be 7 to 10 cm in diameter.
9. a) The industry shall install continuous monitors/analysers with alarm system on all stacks and shall submit the results to the concerned Environmental Engineer atleast once in a quarter.
- b) The industry shall make necessary arrangements for the monitoring of stack emissions and shall get its emissions atleast twice in a year by approved Lab/Board's lab analysed and send reports to the Board.
10. The industry shall comply with any other conditions laid down or directions issued in due course by the Board under the provisions of the Air (Prevention & Control of Pollution) Act, 1981.
11. Nothing in this consent shall be deemed to preclude the institution of any legal action nor relieve the applicant from any responsibilities, liabilities or penalties to which the applicant is or may be subjected to under this or any other Act.
12. The industry shall plant minimum of three suitable varieties of trees at the density of not less than 1000 trees per hectare all along the boundary of the industrial premises.
13. Any amendments/revisions made by the Board in the emission/stack height standards shall be applicable to the industry from the date of such amendments/revisions.
14. The industry shall dispose off its solid wastes generated by the burning of fuel in a proper manner and to the satisfaction of the Board to avoid public nuisance and air pollution problem.
15. The air pollution control equipments shall be kept at all time in good running condition and ;
- (i) All failures of control equipments.
- (ii) The emissions of any air pollutant into the atmosphere in excess of the standards laid down by the Board occurring or being apprehended to occur due to accident or other unforeseen act or event.

"Shall be intimated telegraphically to the Environmental Engineer, Regional Office-Faridkot as well as to the Director of Industries, Punjab Chandigarh as required under rule 10 of the Punjab State Board for the Prevention and Control of Air Pollution Rules, 1983".

16. The industry shall maintain the following record to the satisfaction of the Board: -
- a) Log books for running of air pollution control devices or pumps/motors used for running of the same.
 - b) Register showing the results of various tests conducted by the industry for monitoring of stack emissions and ambient air.
 - c) Register showing the stock of absorbents and other chemicals to be used for scrubbers.
17. The existing control equipment shall be altered or replaced in accordance with the direction of the Board, and no control equipment or chimney shall be altered or as the case may be erected or re-erected except with the previous approval of the Board.
18. The industry shall not discharge any fugitive emissions. All gases shall be emitted through a stack of suitable height, as per the norms fixed by the Board from time to time.
19. The industry shall provide adequate arrangements for fighting the accidental leakages/discharge of any air pollutant/gas/liquids from the vessel, mechanical equipments etc. which are likely to cause environmental pollution.
20. (a) The industry shall make arrangements for the monitoring of ambient air quality. The location of stations shall be fixed with the approval of the Board. The location of sampling station shall be selected in consultation with the Environmental Engineer, Punjab Pollution Control Board, Regional Office, Faridkot.
- (b) The study shall cover the presence of following parameters which shall be measured in micrograms per cubic meter.
- i) Suspended particulate matter (SPM)
 - ii) Any other (to be specified)
- (c) The sample shall be analysed according to the procedure specified by ISI/State Board or with any standard method.
21. The industry shall get its stack emissions tested for the following pollutants from a Laboratory approved/authorised by the Board.
- i) Particulate matter.
 - ii) Any other pollutant required to be tested by the Board.
22. The industry shall ensure that no air pollution problem or public nuisance is created in the area due to discharge of emissions from the industry.
23. The adequacy and efficacy of air pollution control devices will be the entire responsibility of the industry.
24. The industry shall obtain cover under the Public Liability Insurance Act, 1991.
25. The industry shall obtain the Authorisation under the Hazardous Waste Management Rules, 1989.
26. The air pollution control devices shall be interlocked with the manufacturing process of the industry.

M/s Malbros International (P) Ltd.,
Near Zira Sugar Mills, Talwandi Road, Village Mansoorwal Kalan, Zira, Ferozepur

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27. The industry shall put up display Board in the prescribed format giving details about pollution load right next to their address at the main gate.
28. The industry shall submit environmental statement by 30th September every year as required under the Environment (Protection) Act, 1986.
29. The industry will remove all the incomplections and that the entire system in line, before the commissioning of the plant, as per the assurance given by it vide its letter dated 27.7.2007.
30. The industry shall comply with all the conditions of environmental clearance granted by the Ministry of Environment & Forests, under the EIA notification, before the commissioning of the industry.
31. The Board reserves the right to revoke this consent to operate at any time, in case the industry is found violating any of the conditions of the consent and/or the provisions of Air (Prevention & Control of Pollution) Act, 1981 as amended from time to time.


10/8/07
Environmental Engineer (L)
Head Office, Patiala

 PUNJAB POLLUTION CONTROL BOARD VATAVARAN BHAWAN, PATIALA	
Ph: 2215793, 2215802	FAX: 0175- 2215636, 2215802
PBX: 2227925, 2200282, 2200557, 2200897	Web: www.ppcb.gov.in
email address : msppcb_pta@yahoo.co.in	

No :HO/FDK/WPC/2007/F-2249

Date of issue : 10.08.2007

Date of expiry : 10.02.2008

Name of the Occupier : *Sh. Deiiip Malhotra, CMD*

Scale of the Industry : *Large*

Gross Capital Investment : *Rs.22.88 Crores as on 30.4.2007*

Consent Fee Details : *Rs.30,000/ vide R.No.43/2341 Dtd 15.5.2007.*

Subject: Consent u/s 25/26 of the Water (Prevention & Control of Pollution) Act, 1974 for discharge of effluent (s) arising out of premises of M/s Malbros International (P) Ltd., Near Zira Sugar Mills, Talwandi Road, Village Mansoorwal Kalan, Tehsil Zira, District Ferozepur.

Reference to your application for consent of the Board to operate outlet to discharge the effluent(s) u/s 25/26 of the Water (Prevention & Control of Pollution) Act, 1974.

You are hereby authorised to discharge the effluent (s) arising out of your premises subject to the following conditions:-

1. The consent is valid only for the manufacturing of Extra Neutral Alcohol/Rectified Spirits & Liquor @ 50 KL/day by using grains as raw material.
2. The consent is issued for the discharge of effluents as per details given below from the premises of the industry through the out-let (s) authorised by the Board:-

Sr. No.	Description	Quantity	Mode of final disposal
(i)	Trade effluent	429 KLD	29 KLD to be used onto land for irrigation and 400 KLD will be used as make up water in cooling tower.
(ii)	Domestic Effluent	5.0 KLD	Onto land for irrigation.

3. The spent wash generation shall not exceed 8.7-9 litre / lit of alcohol production, of which about 3 1/1 shall be recycled back to the liquefaction/fermentation sections and remaining 5.7-6.0 1/1 of spent wash shall be sent to the evaporation plant. The syrup obtained from concentration of the solid in the evaporation plant shall be mixed with wet cake to be used as cattle feed.
4. This consent is not valid for getting power load from the Punjab State Electricity Board or for getting loan from the financial institutions.
5. The effluent discharged through the authorised outlet shall conform to the standards prescribed by the Board as amended from time to time.
6. The industry shall regularly operate and maintain the effluent treatment plant to ensure that the treated trade effluent conforms to the standards laid down by the Board for such type of industries/discharges.
7. The industry shall submit the detailed performance study of its effluent treatment plant and recirculation system, within a period of two months from the date of commissioning of the unit so as to consider further extension in validity of this consent.
8. The entire cooling water used by the industry shall be recirculated. The industry shall not discharge any cooling water without the prior written permission of the Board.

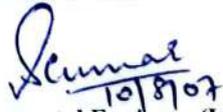
9. ✓ The entire responsibility of treating the effluents with the changed treatment scheme, lies with the industry so as to achieve the prescribed standards and to use the treated effluent for cooling purpose, as per the proposal submitted by it.
10. ✓ The industry shall upgrade its existing treatment facility/arrangement/devices such that the treated effluent conforms to standards prescribed in condition No.3.
11. i) The industry shall apply for renewal of consent atleast two months before expiry of the consent.
 - ii) The issuance of this consent does not convey any property right in either real or personal property, or any exclusive privileges, nor it authorises any injury to private property or any invasion of personal rights, nor any infringement of Central, State or Local Laws or Regulations.
 - iii) The consent does not authorise or approve the construction of any physical structures or facilities for undertaking of any work in any natural water course.
 - iv) Nothing in this consent shall be deemed to preclude the institution of any legal action nor relieve the applicant from any responsibilities, liabilities or penalties to which the applicant is or may be subjected under this or any other Act.
 - v) During the period beginning from the date of issuance and the date of expiration of this consent, the applicant shall not discharge floating solids or visible foam.
12. The industry shall discharge domestic effluent onto land for plantation after treating it in a septic tank.
13. Any amendments/revisions made by the Board in the tolerance limits for discharges shall be applicable to the industry from the date of such amendments/revisions.
14. The authorised outlet and mode of disposal shall not be changed without the prior written permission of the Board. The industry shall not use any unauthorised out-let (s) for discharging effluents from its premises.
15. The industry shall not change or alter the manufacturing process (es)/raw material so as to change the quality and/or quantity of the effluents generated, without the written permission of the Board.
16. Any upset conditions in the plant/plants of the factory, which is likely to result in increased effluent and/or result in violation of the standards laid down by the Board shall be reported to the Environmental Engineer, Punjab Pollution Control Board, Regional Office, Faridkot through fax under intimation to the Board failing which any stoppage and upset conditions that come to the notice of the Board/its officers, will be deemed to be intentional violation of the conditions of consent.
17. All under ground water retaining structures shall be lined with an impervious layer so as to avoid seepage and contamination of sub-soil/water.
18. The industry shall provide terminal manhole(s) at the end of each collection system and a manhole upstream of final outlet (s) out of the premises of the industry for measurement of flow and for taking samples.
19. ✓ The responsibility to monitor the effluent discharged from the authorised outlet and to maintain a record of the same rests with the industry. The Board shall only test check the accuracy of these reports for which the industry shall deposit the samples collection and testing fee with the Board as and when required.

20. (a) The industry shall, for the purpose of measuring and recording of quantity of water consumed and waste water discharge/recirculated, affix meters of such standards at such places as approved by the Environmental Engineer, Punjab Pollution Control Board, Regional Office, Faridkot.
- (b) The industry shall install online monitors for continuous monitoring of pH, conductivity, D.O. and BOD and maintain record of the same.
21. Solids, sludges, dirt silt or other pollutants separated from or resulting from treatment of in take of supply water prior to use by the applicant shall be disposed off in such a manner so as to prevent any pollutant from such materials from entering any such water. Any live fish, shell fish or animals collected or trapped as a result of intake water screening or treatment may be returned to water body habitat.
22. The diversion or bye pass of any discharge from facilities utilized by the applicant to maintain compliance with the terms and conditions of this consent is prohibited except.
- (i) Where unavoidable to prevent loss of life or some property damage or
- (ii) Where excessive storm drainage or run off would damage facilities necessary for compliance with terms and conditions of this consent. The applicant shall immediately notify the consent issuing authority in writing of each such diversion or bye-pass in accordance with the procedure specified above.
23. Solids, sludges, filter backwash or other pollutant removed from or resulting from treatment or control of waste waters shall be disposed off in such a manner as to prevent from any pollutants from such materials from entering natural water.
24. The industry shall ensure that no water pollution problem is created in the area due discharge of effluents from its industrial premises.
25. The industry shall make proper disposal of the effluent so as to ensure that no stagnation occurs inside and outside the industrial premises during rainy season and no demand period.
26. The industry shall submit a detailed plan showing there in the distribution system for conveying waste-waters for application on land for irrigation alongwith the crop pattern to be grown in field throughout the year.
27. The industry shall plant minimum of three suitable varieties of trees at the density of not less than 1000 trees per hectare all along the boundary of the industrial premises.
28. The industry shall ensure that the effluent discharged by it is toxicity free.
29. The industry shall not irrigate the vegetable crops with the treated effluents which are used/consumed as raw.
30. The industry shall construct proper outlet (s) in the receiving body to the satisfaction of the Board to ensure adequate dispersion of effluent.
31. The industry shall make necessary and adequate arrangements to hold back the effluent in case of failure of re-circulation system/effluent treatment plant and during the no demand period.
32. The industry will install the separate energy meter for running effluent treatment plant/recirculation system and monthly report be sent to the Board by the fifth of the following month.

M/s Malbros International (P) Ltd.,
Near Zira Sugar Mills, Talwandi Road, Village Mansoorwal Kalan, Zira, Ferozepur

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33. The pollution control devices shall be interlocked with the manufacturing process of the industry.
34. The industry shall get performance study of effluent treatment plant carried out atleast twice every year from a recognised laboratory/Board's Lab and submit report to the Board.
35. The industry shall maintain the following record to the satisfaction of the Board:-
 - (i) Log Books for running of effluent treatment plant or pumps/ motors used for running of the same.
 - (ii) Register showing the results of various test conducted by the industry for monitoring of effluent of the industry.
 - (iii) Register showing the record of chemicals to be used for the treatment of effluent in the effluent treatment plant.
36. The industry shall obtain permission from the Central Ground Water Board, for extracting the ground water.
37. The industry shall put up display Board in the prescribed format giving details about pollution load right next to their address at the main gate.
38. The industry shall submit environmental statement by 30th September every year as required under the Environment (Protection) Act, 1986.
39. The industry will remove all the incomplections and put the entire system in line, before the commissioning of the plant, as per the assurance given by it, vide its letter dated 27.7.2007.
40. The industry shall use only fresh bottles for filling the IMFL.
41. The industry shall comply with all the conditions of environmental clearance granted by the Ministry of Environment & Forests, under the EIA notification, before the commissioning of the industry.
42. The Board reserves the right to revoke this consent to operate at any time, in case the industry is found violating any of the conditions of the consent and/or the provisions of Water (Prevention & Control of Pollution) Act, 1974 as amended from time to time.


10/8/07
Environmental Engineer (L)
Head Office, Patiala

2887
Email

Annexure-4
KAMLESH SINGH

Fwd: EMP of M/s. Malbros International Pvt. Ltd

From : Narender Sharma <narendersharma.cpcb@gov.in> Tue, Nov 21, 2023 06:40 PM
Subject : Fwd: EMP of M/s. Malbros International Pvt. Ltd 2 attachments
To : KAMLESH SINGH <kamleshsingh.cpcb@gov.in>

From: "Dr. Vimal Kumar Hatwal" <vk.hatwal@gov.in>
To: "MS, CPCB" <mscb.cpcb@nic.in>, "Narender Sharma" <narendersharma.cpcb@gov.in>
Sent: Tuesday, November 21, 2023 6:10:38 PM
Subject: EMP of M/s. Malbros International Pvt. Ltd

Dear Sir,

As desired please find Environmental Management Plan for the proposal "Proposed installation of Unit II – Grain Based Ethanol / ENA / RS / Industrial Alcohol Plant {500 KLPD (2 x 250 KLPD)} & Co-generation Power Plant {40 MW (2 x 20 MW)} in Existing Distillery Plant at Village - Mansoorwal, Tehsil - Zira, District - Ferozepur (Punjab) by M/s. Malbros International Private Limited"

With Regards,

Vimal Kumar Hatwal, PhD
Scientist E/Additional Director [IA (Industry-2)]
Ministry of Environment, Forest and Climate Change
Government of India
Indira Paryavaran Bhawan, Jorbagh Road, New Delhi - 110003



2888



Malbros.pdf

13 MB



EC_15.01.2018.pdf

53 KB

Item No.03

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.**

(Through Physical Hearing with Hybrid V.C. Option)

Original Application No.606/2022
(I.A No. 262/2022, I.A No. 737/2023 & I.A No. 738/2023)

Public Action Committee & Ors.

...Applicants

Versus

State of Punjab & Ors.

...Respondents

Date of hearing: 26.09.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: Mr. Kapil Dev, Mr. Kuldeep Singh Khaira and Mr. Jaskirat Singh Applicants in Person.

Respondent: Ms.Harithi Kambiri, Advocate for Naginder Benipal, Advocate for Respondents No. 1 to 3.

Mr. Balendu Shekhar Adv and Ms. Tanisha Samanta Advocates for R-5 CPCB.

Mr. ADN Rao Sr. Advocate with Mr. Sandesh Kumar Advocate for Respondent No. 7.

Mr. Rahul Tewari, Secretary to Government of Punjab, Department of Science, Technology and Environment.

Mr. Manish Kumar, Director, Directorate of Environment and Climate change, Punjab.

Mr. Gurindar Singh Majithia, Member Secretary, Punjab Pollution Control Board and Er. Daljit Singh, Environmental Engineer, Regional office, Faridkot,

**Application under Section 14 of the National Green Tribunal Act, 2010,
Article 51A and Article 21 of Constitution of India, Environment
(Protection) Act, 1974.**

ORDER

1. The applicants have filed the present application seeking *inter alia* the reliefs of sealing the industry, namely- M/s Malbros International Pvt. Ltd. (Distillery), situated at Zira (Punjab) for their illegal acts of contaminating soil as well as Ground Water Table and quality in radius of around 4 Km by dumping the effluent after excavating the top earth surface of its adjoining plot as well as by discharging the same into Earth by method of deep reverse boring. Prayer has also been made for imposition of environmental compensation of Rs. 100 crores on the Project Proponent.
2. Vide order dated 30.08.2022, this Tribunal constituted a Joint Committee comprising of CPCB, State PCB, State Ground Water Board and Deputy Commissioner, Ferozpur and directed the same to submit report within one month.
3. Status report was submitted by Environmental Engineer, Regional Office, PPCB, Faridkot vide letter dated 21.10.2022 sent through email dated 21.10.2022.
4. In the status report the Joint Committee inter-alia mentioned that the Government agencies as well as the NGT Monitoring Committee have already carried out monitoring on the observations of the Public Action Committee and the industry is lying closed w.e.f 24.07.2022, so no useful purpose will be served by repeating the exercise already conducted by NGT Monitoring Committee. However, the Joint Committee shall carry out visit to the site in case this Tribunal considers so in view of the facts explained in the status report or as and when the industry re-commissions/resume its operations.
5. Vide order dated 08.12.2022 notices were ordered to be issued to respondents requiring them to file their reply/response and personal appearance of the Officers duly authorized by the Chief Secretary, Government of Punjab, the Principal Secretary, Department of Industries,

Government of Punjab, CPCB, PSPCB, and the District Magistrate, Ferozpur was ordered.

6. Pursuant to notice replies have been filed by respondent no. 2-PPCB vide email dated 18.02.2023 and by respondent no. 7-Project Proponent vide email dated 21.02.2023. Rejoinder to the reply filed by respondent no. 7-Project Proponent has been filed by the applicant vide email dated 25.09.2023.

7. The applicants filed Interim Application registered as I.A No. 262/2022 for abolishing the Joint Committee constituted vide orders dated 30.08.2022 and formulation of new Committee comprising of Members (outside Punjab and Chandigarh) with some independent expert like Prof. C. R. Babu with nodal officer from Central Pollution Control Board (CPCB) and the Joint Committee may be directed to join the applicants at the time of visits of the premises and affected areas and besides seeking samples by themselves, samples may be taken on the suggestion of applicants also.

8. Reply to I.A No. 262/2022 (filed in the present case by the applicants) has been filed by respondent no. 5-CPCB vide email dated 19.08.2023.

9. In its reply filed to I.A No. 262/2022 respondent no. 5-CPCB has mentioned that CPCB received a VIP reference forwarded by the MoEF & CC regarding complaint against acute pollution of ground water caused by M/s Malbros International Pvt. Ltd. (Distillery) whereupon a team of CPCB visited on 28.12.2022 and thereafter on 22.02.2023 and 24.02.2023 and on the basis of inspection report dated 13.04.2023 issued directions vide letter dated 17.05.2023 to PPCB under section 18 (1)(b) of the Water (Prevention and Control of Pollution) Act, 1974. The relevant part of the inspection report dated 13.04.2023 regarding conclusion and further course of action is reproduced as under:-

“2.5. Conclusion and Further Course of Action:

The following conclusion may be drawn based on the field investigations, observations, monitoring and evaluation of gathered data:

- i. Ground water level ranges from 28.44 to 32.07 m bgl (below ground level) in the study area in the monitored tube-wells and the slope of water table is towards NNW from the factory area.*
- ii. It was alleged that "The distillery has drilled 25 deep tube-wells in their Compound and dumping toxic water in them leading to high pollution in ground water in radius of 15 Kms, polluting drinking & irrigation water of over dozen villages". **In this regard, CPCB Team physically verified 10 Bore-wells and 06 Piezometers installed in the premises of the Industry. The representatives of the industry informed that they have obtained permission for 04 bore-wells and 02 piezometers from CGWB/PWRDA, however no details were provided. The industry was also asked to provide the date of installation and the assembly drawing of the bore-wells/piezometers installed in the premises, to know the depth of the bore-well and the zone tapped, but the details are still awaited despite follow up with PPCB and the Industry.***
- iii. **The existence of such a large number of bore-wells without obtaining permission of CGWB and/or PWRDA in the premises of an industry, claiming to Zero Liquid Discharge is an area of further investigation.***
- iv. Further, two bore-wells inside the premises were found to be installed at a distance of few meter from each other, sealed and buried in the soil, despite the fact the 200 mtr distance between two bore-wells is required as per guidelines.*
- v. In view of the fact that most of ground water structures identified by CPCB team have been installed by the Industry without obtaining permission from CGWB/PWRDA, **the possibility of having more such structures installed illegally without obtaining permission as apprehended in the letter of Hon'ble Member of Parliament (Lok Sabha), can not be ruled out** and thus needs further investigation by involving local revenue department, to know the details of the borewells existing at the time of acquiring the land from the local farmers, by the Industry.*
- vi. **Out of 29 bore-well monitored, 12 bore-wells were yielding water with unpleasant odour, whereas 05***

Bore-wells were yielding water with unpleasant odour and Grey/blackish colour, which is also evident and confirmed from the high instrumental analysis values for colour and turbidity.

- vii. **The evaluation of data with regard to analysis results of ground water samples for general parameters, revealed that water from none of the 29 bore-wells monitored by CPCB Teams comply with the acceptable and permissible limits for one or more parameters, thereby rendering the water unfit for drinking. TDS, Boron and Sulphate were found be present in very high concentration and beyond acceptable and permissible limits in many samples. While high TDS and sulphate concentration may be an outcome of the industrial activity, however, the exceedance of Boron may not be attributed to the industry under reference.**
- viii. **The ground water was found to be affected with high concentration of metals and heavy metals (Toxic Elements) in three villages namely Mansoorwal, Mahianwala Kalan and Ratol Rohi and this finding is in line with the slop of water table in the area, as determined by the CGWB team.**
- ix. *The presence of cyanide in the borewell located at Village Ratol Rohl at a concentration of 0.2 mg/l, which is four times higher than the acceptable limit of 0.05 mg/l, as specified in IS 10500: 2012 is an area of concern. Further investigation to pin points the source of this contamination is required in the interest of public health. The same borewell was also found to be having high concentration of Arsenic and very high concentration of lead, as well.*
- x. *One borewell with 250 ft depth monitored at Village Mahianwala was found be having high concentration of Selenium, Manganese and Iron exceeding the acceptable & permissible limits, while the other borewell with approx. 500 ft depth was found to be having high concentration of iron and manganese exceeding both acceptable and permissible limits.*
- xi. *The evaluation of the analysis reports w.r.t. monitoring of 02 borewells located in the premises revealed that metals and toxic metals namely Arsenic, Chromium, Copper, Iron, Manganese, Nickel, Lead and Selenium, are present in very high concentration.*
- xii. *The concentration of COD and Colour was also very high in these two bore-wells located in the premises of the Industry. The water from both the borewell was having black colour and foul odour, as observed during sampling. In these borewells, concentration of Arsenic was found to be 2-3 time higher than permissible limits. Similarly,*

concentration of Chromium, Iron, Manganese, Nickel and Lead were found to be higher by 6-7 times, 650-800 times, 32-37 times, 10-11 times and 8-13 times respectively in comparison to permissible limits specified in IS 10500:2012.

- xiii. Despite the fact that these two borewells were in operational condition, motor, electrical and mechanical connections of one borewells was disconnected, while the other bore-well was sealed and buried in the soil.*
- xiv. Since, the samples drawn from the piezometers and 03 bore-wells located in the premises of the Industry were found to be free from heavy metal contamination and whereas two bore-wells installed in the same premises are contaminated with high concentration of heavy metals, COD and Colour; it indicates injection of contaminated waste water through reverse boring/pumping into a particular zone tapped in these two bore-wells. However, further investigation is required in this regard, to establish the contaminated zone and take remedial action.*
- xv. The sample of the soil contaminated with the sludge was found to be exceeding the Soil Criteria of CCME Canadian Environmental Quality Guidelines fir the Protection of Environment and Human Health, for Soil Type (Industry) with regard to Zinc (396.84 mg > 361 mg/Kg), while other elements were within limits. However, further investigation is required to find the contamination at deeper levels and also outside the premises, where photographic and videographic evidences are available, in the interest of public.*
- xvi. Local administration is required to take necessary action to red mark the contaminated bore-wells, to avoid use of contaminated ground water as drinking water, irrespective of the source of contamination, in the interest of public health.*
- xvii. Bio-magnification studies are required to know the effect of contaminated water on the crops and accumulation of contaminants in the agro crops and the health risk associated with it, so as to ensure corrective action on the basis of the outcome of the study, if required.*
- xviii. CPCB had requested further details (Annexure-1) from MA Malbros International Pvt. Ltd, for comparing the outcome with the base-line data, correlation and decide further course of investigation and remediation, which are still awaited despite follow up with PPCB and the Industry **(Annexure-2)**”*

10. In view of the observations made in the inspection report and in exercise of the powers conferred under section 18 (1) (b) of the Water (Prevention and Control of Pollution) Act, 1974 following directions have been issued by CPCB to the PPCB:-

“1. Punjab Pollution Control Board (PPCB) considering the violations reported in the CPCB inspection report (Annexure-1) shall issue appropriate direction to the Unit [M/s Malbros International Pvt. Ltd., (Malbros Distillery), Village-Mansoorwal, Zira, Ferozepur, Punjab] with respect to necessary remedial measures for the decontamination of the affected site and compliance with the violations observed in the inspection report.

2. PPCB shall undertake detailed environmental site assessment, as per the CPCB guidelines, by engaging a professional agency/institute having expertise in assessment and remediation of contaminated groundwater & soil and submit the report within 60 days.

3. Based on the detailed site assessment, PPCB shall ensure that the Unit submit a DPR for remediation of groundwater contaminated area in around the premises, and execute the work in the supervision of PPCB in a time bound manner. The Unit bear all the remediation expanses,

4 PPCB shall impose EC (environmental compensation) or initiate legal action for causing injury to the surrounding environment and contamination of groundwater as may be applicable,

5 PPCB shall issue appropriate direction to the water supply department to analyze the parameters for Drinking Water Quality Standards in water of bore-wells installed in the affected area. Depending upon the compliance with the Drinking Water Quality Standards, the use of water from the bore-wells may be prohibited/permitted, as per the case and shall ensure that the Unit provide alternative sources of safe drinking water to the affected villages.

6. PPCB shall Issue direction to local authorities & groundwater Department to seal the unauthorized bore-wells.

7 PPCB shall ensure regular monitoring of the groundwater quality in the area and shall ensure no further spread of contamination.”

11. Respondent no. 7 has filed (i) I.A No. 737/2023 for seeking directions declaring the report dated 13.04.2023 and letter dated 17.05.2023 issued by respondent no. 5-CPCB as null and void with consequential relief of striking

off the reply affidavit dated 19.05.2023 filed by respondent no. 5 in reply to I.A No. 262/2022 and declare all subsequent action of PPCB in declining to renew the grant of consents to operate to the respondent no. 7 as null and void; and (ii) I.A No. 738/2023 for exemption from filing original/certified/translation of vernacular documents and typed copies of the dim annexure filed alongwith the application; and (iii) I.A No. 749/2023 for recall of ex-parte orders dated 30.08.2022 and 08.12.2022, for dismissal of O.A No. 606/2022 and declaring CM tweet, CPCB report dated 13.04.2023, directions dated 17.05.2023, refusal of consent by PPCB in July, 2023 and criminal complaint and all consequent actions as being arbitrary and illegal.

12. I.A No. 749/2023 was filed by Ms. Preeti Goel and Mr. Hardik Bedi, Advocates but subsequently Ms. Preeti Goel, Advocate has sent written communication withdrawing from the case.

13. The applicants have submitted that copies of the interim applications have not been supplied to them.

14. Respondent no. 7 is directed to supply the copies of the interim applications to the applicants and other respondents within two weeks.

15. Replies to the interim applications may be filed by the applicants/other respondents, if so desired, within one month by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

16. In compliance of order dated 08.12.2022 Mr. Rahul Tewari, Secretary to Government of Punjab, Department of Science, Technology and Environment, Mr. Manish Kumar, Director, Directorate of Environment and Climate change, Punjab, Mr. Gurindar Singh Majithia, Member Secretary, Punjab Pollution Control Board have appeared through VC and we have interacted with them. In the course of interaction Mr. Gurindar Singh Majithia, Member Secretary,

Punjab Pollution Control Board has intimated that consents to operate granted to the respondent no. 7 have been revoked/declined and Mr. Rahul Tewari, Secretary to Government of Punjab, Department of Science, Technology and Environment has intimated that steps are being taken for carrying out the proper study by NEERI and other agencies for remedial action.

17. Without commenting on merits of CPCB report dated 13.04.2023 and directions issued by CPCB but taking into consideration the observations made regarding contamination of ground water and also reports regarding water of 29 tube wells being unfit for drinking, we consider it to appropriate to direct official respondents to find out other sources/causes of contamination of ground water, take remedial measures and to ensure supply of safe and clean drinking water to the residents of the locality. Action Taken Report be filed with giving details regarding baseline data of groundwater quality before and after operation of the respondent no. 7-Distillery unit and remedial action taken. Action Taken Report be filed on or before 20.11.2023 by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

18. In view of the serious allegation regarding contamination of ground water by respondent no. 7-Distillery unit, we consider it appropriate to direct the official respondents to ensure that other distillery units in the State of Punjab are periodically monitored to guard against contamination of ground water. Accordingly, PPCB is directed to inspect other distilleries in the State of Punjab and submit reports regarding quality of water in the surrounding areas before and after establishment of distilleries. The reports be filed on or before 20.11.2023 by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF and be also uploaded by PPCB on its website.

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19. List for further consideration on 24.11.2023.

20. A copy of this order be sent to official respondents by email for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

September 26th 2023
AG