

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

OA NO. 868/2019

IN THE MATTER OF

Shamsher Singh ... Applicant

VERSUS

State of Haryana ... Respondent

**ACTION TAKEN REPORT ON THE BEHALF OF
HARYANA STATE POLLUTION CONTROL BOARD**

MOST RESPECTFULLY SHOWETH:-

1. That the answering Board has filed its report dated 18.02.2020 apprising with the action taken by the Board against the unit i.e. M/s Balaji Rubber Industries. During course of hearing on 15.06.2020, it was also apprised that closure order has been stayed by the appellate Authority.
2. That after considering the facts of the case, the Hon'ble Tribunal observed that the State PCB should have pointed out facts or challenge the order by way of further appeal. Accordingly, appeal filed by the unit before the Appellate Authority was defended by the Board diligently. Finally, as per directions of Appellate Authority to decide the matter after hearing the appellant unit, the Chairman of HSPCB passed an order dated 09.09.2020 holding that closing down the process of the unit by sealing plant,

machinery and DG Set alongwith disconnection of electric supply is fully justified and thus requires no interference.

3. That the unit has been closed down and sealed on 21.09.2020 in compliance of the order of the Competent Authority.
4. That the Environmental compensation of Rs.25,25,000/- has been imposed on the unit as per Board Policy. Recovery of said amount is in process.
5. That recommendation for prosecution against the unit was sent to competent authority and same has been approved vide approval letter dated 15.10.2020.

This Report is submitted for kind consideration of this Hon'ble Tribunal. It is being undertaken to comply with the directions passed by this Hon'ble Tribunal.

Date: 19-10-20
Place: kaithal.


Regional Officer, 19/10/20
Kaithal Region


Anher A

Annexure-1/2

Tele No. 01664-256259

Regional Office



Haryana State Pollution Control Board,
SCF-32, Opp. Community Centre, Sector-13, HUDA, Bhiwani
Email-hspcbrojr@gmail.com



SPOT INSPECTION REPORT

C9

Name of the Unit : M/s Balaji Rubber Industries, Vill-IKKA, Jind

Date of Inspection: 29/01/2020

No.	SOP criteria	Status at site
1.	The feed to the pyrolysis reactor should be devoid of steel	Unit engaged in feeding of waste tyres without removal of steel wire from tyre
2.	After removal of steel wire the tyre can be put either in the form of crumbs or chips (which can be made simply by cutting without going for the shredded process)	Unit engaged in feeding of waste tyres without removal of steel wire from tyre
3.	The feeding arrangement of the rubber crumb to the reactor should be mechanized	feeding arrangement is not mechanized
4.	The initial heating of the reactor should be done by liquid fuel or gas.	Initial heating is done by wood & then liquid fuel & pyro gas.
5.	The flue gas should be released to the environment through a chimney of at least 30 meters height.	Unit has provided stack of height 30 meter for flue gas
6.	After initial heating, during the pyrolysis process, the pyro gas generated within the plant should be used as fuel	yes, unit has laid down the piping arrangement & using the pyro gas as fuel for heating in advanced stage
7.	Excess of pyro gas if any should be flared through properly designed flaring system of adequate capacity considering the emergency situation in which the entire gas may have to be flared	yes complying & separate stack/chimney of approx. 30 meter height is provided for flaring
8.	The flaring should be done at minimum height of 30 meters	yes provided
9.	Adequate instrumentation for measurement and control of temperature and pressure along with safety interlocks in case of increase of temperature or pressure to cut off heating of the reactor should be provided	yes provided adequate instrumentation for measurement of tem. & pressure along with safety interlocks to cut off heating of reactor with PLC provided. The safety interlock is inbuilt in the PLC panel
10.	Automatic control systems such as Programmed Logic Control (PLC) shall be adopted	yes provided
11.	In order to control fugitive emissions from the reactor during operation, proper sealing should be ensured	yes unit has provided rubber sealing/glan to control fugitive emissions & leakage working ensured by unit.

12.	The collection of the oil from the condensers should be in closed vessel and storage also should be in closed vessel and storage also should be in closed tanks with suitable events.	The Unit is maintaining the same in closed vessel for collection & storage of oil & no manual handling is done.
13.	There should be no manual handling of oil.	No manual handling is done
14.	Transfer of oil should be through pumps.	Transfer is through pump.
15.	At the end of the pyrolysis process there actor has to be cooled before the removal of carbon. During this process ,the reactor should be purged with nitrogen.	Yes, complying & unit has provided 2 No of nitrogen cylinders with having purging mechanism for cooling traps
16.	The removal of carbon should be started after the reactor's temperature has come down to below 50 degree Celsius	yes, complying
17.	The removal of carbon should be mechanized system and it should ensured that no spillage takes place during the collection of the carbon in the bags.	complying & unit has provided 2 No of converging MCS (electrically operated to avoid spillage of carbon black.
18.	Adequate number of sensors along with alarm system should be provided at suitable locations throughout the plant to detect any leakage of flammable vapors from the system.	No such alarm/ devices provided for detection of such flammable vapours.
19.	Adequate fire fighting system like sprinkles and fire hydrant with necessary pumping system and water storage should be Provided.	unit has provided 6 No. of fire extinguisher & No of sand buckets as fire hydrant & expiry of fire extinguisher is due. unit has laid down the water fire sprinkler & water storage tank of 70kl.
20.	The plot size should be adequate for storage of crumb or cut tyres, oil and carbon black in addition to the pyrolysis plant.	yes plot size is adequate
21.	Accessories as well as enough space for movement of fire tender in case of any emergency.	yes enough space for movement of fire tenders provided.
22.	A minimum indicative size of small plant is about 3000 square meters.	yes area of plant is more than 3000 sq. meter. based on existing
23.	The plant shall possess clearance certificates issued by the concerned departments.	unit has obtained CTE from respective deptt.
24.	The carbon black and oil obtained from the process should be supplied only to actual users/processors.	The unit is having no details of actual users & engaged in disposal of carbon black & fuel oil as product through local trader/ dealer.
25.	The waste water generated in the process from condensers or any scrubbers should be properly treated in an effluent treatment plant and the sludge generated should be sent to TSDF.	unit has installed ETP & submitted agreement acknowledge letter from CEPIL for disposal of Hg. waste generated.

For Balaji Rubber Industries

Representative of the Unit *Subrah*
Partnar

Arjun
Concerned Field officer

[Signature]
Regional officer



HARYANA STATE POLLUTION CONTROL BOARD
C-11, SECTOR-6, PANCHKULA
Ph. 0172-2577870-73
E-mail-see2hspcb@gmail.com

No. HSPCB/PC/2020/

Dated:-

To

The Appellate Authority,
Environment Department, Haryana,
Chandigarh.

Subject:- Appeal No. 04 of 2020 titled as M/s Balaji Rubber Industries, Hansi Road, Village Ikkas, District Jind Vs. Haryana State Pollution Control Board through its Chairman and Regional Officer, Bhiwani.

Kindly refer to your letter dated 07.08.2020 on the subject noted above.

In this connection, it is intimated that the Competent Authority of the Board has passed the speaking order on 09.09.2020 in the above said matter as directed by Hon'ble Appellate Authority vide letter referred above. A copy of speaking order dated 09.09.2020 is enclosed herewith for your kind information and further necessary action please.

DA/- As above.

1
Sr. Environmental Engineer (Pub. Cell)
For HSPCB

Dated:- 10-09-2020

Endst. No. HSPCB/PC/2020/1305

A copy of the above alongwith copy of speaking order is forwarded to the following for information and further necessary action please:-

1. Regional Officer, HSPCB, Regional Office, Kaithal.
2. M/s Balaji Rubber Industries, Hansi Road, Village Ikkas, District Jind.

Sr. Environmental Engineer (Pub. Cell)
For HSPCB

Haryana State Pollution Control Board
C-11, Sector-6, Panchkula

Order

Whereas, M/s Balaji Rubber Industries, Hansi Road, Vill. Ikkas, Distt. Jind is a pyrolysis plant covered under orange category of consent management of the Board. In compliance of the directions dated 30.10.2019 of Hon'ble National Green Tribunal passed in O.A no 868 of 2016 litted as Shamsher Singh V/s State of Haryana, the above said unit was inspected by the concerned filed officer on 29.01.2020 and Show Cause Notice bearing no. HSPCB/BMW/2020/20337 dated 29.01.2020 was issued giving 07 days time for reply. The deficiencies observed during the inspection are as follows:-

1. Waste tyres being fed manually without removal of wire.
2. Feeding of waste tyres to reactor is not mechanized.
3. Wood was being used for initial heating.
4. Not provided adequate no. of sensors with alarms, to detect leakage of flammable vapours.
5. Not provided details of authorized processors to whom carbon black and oil is sold.
6. Not provided agreement with GEPIL to dispose off sludge generation.

The samples of ETP and air emission were also collected on day of inspection i.e. 29.01.2020. The parameters of sample regarding S.S, BOD and SPM got analyzed and found exceeding the prescribed limits. The unit was discharging the effluent and air emission beyond the prescribed standard and also found violating the SOP guideline issued by MOEF&CC. Another Show Cause Notice dated 12.02.2020 in continuity of reference of inspection dated 29.01.2020 was issued to the unit for violation, on account of results of samples collected during inspection. The unit failed to submit the reply of show cause notices within stipulated time period.

Therefore, Regional Officer recommended for closure of the unit to head office on 15.02.2020 under section 33-A of Water (Prevention and control of Pollution) Act, 1974 and under section 31-A of Air (Prevention and control of Pollution) Act, 1981. Therefore, after considering the facts and recommendation of Regional Officer, Competent Authority passed closure order against the above said unit on 17.02.2020.

Thereafter, Appellant unit preferred an appeal before the Appellate Authority against the closure order dated 17.02.2020 passed by Chairman, HSPCB and Hon'ble

Authority disposed off the above said appeal with the direction to respondent no. 1. i.e. (Chairman, Haryana State Pollution Control Board) to decide the matter after hearing the appellant unit and taking into consideration the ground raised in present appeal.

In compliance of the directions of the Appellate Authority, an opportunity of hearing was granted to the appellant unit on 11.08.2020. During the course of hearing appellant unit requested that he wants to submit the written response. Accordingly, unit submitted the response on 31.08.2020, wherein, unit submitted that the closure order dated 17.02.2020 was passed without providing an opportunity of re-sampling as per the provisions of re-sampling policy of the Board dated 24.02.2016 and requested to pass an appropriate order and cancel the Show Cause Notice dated 12.02.2020.

Whereas, as per the latest policy issued vide office order dated 25.02.2019, the unit's having structurally inadequate pollution control devices and found non complying the standards prescribed for discharge of pollutants and /or closed by the Board due to non compliance of prescribed standards, shall not be allowed to operate and shall not be given time for modification/upgradation of pollution control devices with curtailment of production proportionate to the existing capacity of pollution control devices and closure order issued against such non complying units under Water Act, 1974/ Air Act, 1981, shall not be suspended till such units provided the structurally adequate pollution control devices for making the compliance by making the required rectification and modification/upgradation in their existing pollution control devices to comply with the norms stipulated to them for discharge of pollutants even after they have deposited the performance security and under taking in this regard to the Board.

Having examined throughly the documents submitted by the applicant unit and contention made in appeal and careful consideration of averments in the light of facts and law, it is found that the unit violated the provisions of Water (Prevention and control of Pollution) Act and 1974, Air (Prevention and control of Pollution) Act, 1981 and also found violating the SOP guidelines issued by MOEF&CC. The unit was discharging the effluent and air emission beyond the prescribed standard and was degrading the environment, which is dangerous to human health.

In these facts and circumstances, I am of the considered view that closing down order dated 17.02.2020 of the process of the said unit by sealing plant, machinery and D.G. set alongwith disconnection of electric supply is fully justified and thus requires no interference.

Dated 09/09/20
Place Panchkula



Chairman

Haryana State Pollution Control Board
C-11, Sector-6, Panchkula



Regional Office

Haryana State Pollution Control Board,

SCO 161 - P, 162, 163 SECOND FLOOR SECTOR 20, HUDA KAITHAL

Email-hspcbrokai@gmail.com



No. HSPCB/KAI/2020/ 1975

Dated: 07/10/2020

To

The Chairman,
Haryana State Pollution Control Board,
Panchkula.

Sub: Compliance of closure direction u/s 33-A & 31-A of Water (Prevention & Control of Pollution) Act 1974 and u/s 33-A & 31-A of Air (Prevention & Control of Pollution) Act of M/s Balaji Rubber Industries, Vill- Ikkas, Hansi Road, Jind.

Ref: Head Office Letter No. HSPCB/PC/2020/1305 Dated 10.09.2020.

In this connection, it is submitted that in compliance of the orders passed by Board, HSPCB, Panchkula referred above, the subject cited unit has been closed on 21.09.2020. The compliance report of closure orders of the said unit is enclosed herewith.

This is submitted for your kind information and further necessary action please.

DA/As above.


Regional Officer,
Kaithal Region

(M)

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Regional Office

Haryana State Pollution Control Board,

SCO 161 - P, 162, 163 SECOND FLOOR SECTOR 20, HUDA KAITHAL

Email-hspcbrokai@gmail.com



No. HSPCB/KAI/2020/

Dated:

Compliance Report of Closure Order

In compliance of the orders passed by **The Chairman, Haryana State Pollution Control Board, Panchkula** vide H.O letter No. HSPCB/PC/2020/1305 dated 10/09/2020 under Section 33-A of Water Act, 1974 & under section 31-A of Air (Prevention and Control of Pollution) Act, 1981, Against

M/s. Balaji Rubber Industries, Hansi Road, Vill - Ikkas
Distt - Jind

....., has been visited on 21/09/2020 to close down the above said unit by the following Officer:

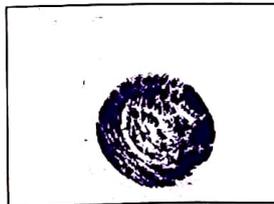
1. Manish Yadav, AEE
2.

The representative of the unit Sh. Krishan Kumar (Partner) who is present in person at site, has been intimated about the above said orders and copy of the closure order has been delivered to him. After giving a time for completion of running process the unit has been closed by sealing its plant and machinery and D.G Set as per detail given below:-

1. 2 No. reactor motor belts
2.
3.
4.

Sh. Krishan Kumar (Partner) The representative of the unit who was present at the time of sealing and closing down the unit has not shown any stay orders of any court of Law in this regard. However the industry remains in the possession of its owners. They will be themselves responsible for watch and ward of the industry.

Krishan Kumar
Sig. of Representative of the unit



Manish Yadav
Sig. of Officer of the
HSPCB

(IMPRESSION OF SEAL USED)

DBO
Letter prepared left
Ment



HSPCB

HARYANA STATE POLLUTION CONTROL BOARD
C-1, PANCHKULA
Ph-2577870-73
Email: hspcbhq2@gmail.com



Sh. Vikas Hooda
- Ask the unit to deposit due EC amount (invd).

18/06/20

Order

AEE-I, AEE-II, JEE/Sc-'B'
Asstt. Clerk, DEO-I/DEO-II, E.E.

Whereas, Hon'ble National Green Tribunal has issued directions to impose the penalty on the non-complying polluting units and to levy compensation on the Principles "Polluter Pays" to recover the Environment compensation for the restoration of the Environment damages caused

Whereas, the Hon'ble NGT in the matter of Paryavaran Surksha Samiti & Ors Vs Union of India & Parveen Kakkar & Ors Vs MOEF & Ors it was held that "It is needless to say that it will be open to the SPCBs/Committees and CPCB to take coercive measure including recovery of compensation for the damage to the environment on "Polluter Pays" as well as also to direct taking of such precautionary measure as may be "

Whereas in 63rd conference of Chairman and Member Secretary of PCBs/Committees held on 18.03.2019 it was decided that SPCBs/PCCs may frame their guidelines on environmental compensation based on CPCB's report circulated in the agenda of the said meeting and to provide their inputs environmental compensation report.

Whereas the matter regarding levy of compensation on the polluting units was examined by the technical committee of the Board which recommended that the report of in-house committee of CPCB on methodology and guideline for assessing the environment compensation and utilizing of the same as provided in the agenda note of the 63rd conference of Chairman and Member Secretary of PCBs/Committees held on 18.03.2019.

Whereas, the Board has decided to adopt the methodology suggested by CPCB for assessment, imposing, collection and utilization environment compensation from the polluting units in the state of Haryana vide orders dated 29.04.2019.

Whereas, the Board constituted environment assessment compensation committee on 09.06.2020 to assess the environment compensation of the units found operating in violation of the provisions of the environmental acts

Whereas, the Regional Officer, Bhiwani vide his letter No. HSPCB/BII/2020/20690 dated 18.02.2020 informed that the unit M/s Balaji Rubber Industries, Village-Ikkas, Hansi Road, Jind was inspected on 29.01.2020 w.r.t. OA No. 868/2019, and sample was collected. As per Analysis Report No. 545, dated 06.02.2020, the sample was found exceeding discharge standards as per EP Rules, 1986. So, the unit is liable to pay Environmental Compensation as per policy of the Board dated 29.04.2019 and 20.12.2020.

Whereas, the environment compensation assessment committee examined the case of the unit M/s Balaji Rubber Industries, Village-Ikkas, Hansi Road, Jind in its meeting held on 09.06.2020 and after deliberations submitted its report that environment compensation of Rs. 25,25,000/- (Rupees Twenty Five Lakh Twenty Five Thousand Only) be levied on the unit for the damage caused to the environment by discharging the environmental pollutants in excess of the standards prescribed under EP Rules, 1986.

Whereas, after consideration of the minutes of the meeting of the environment assessment committee, Environment compensation of Rs. 25,25,000/- (Rupees Twenty Five Lakh Twenty Five Thousand Only) is levied on the unit M/s Balaji Rubber Industries, Village-Ikkas, Hansi Road, Jind on account of the damage caused by the unit for discharging the environmental pollutants in excess of the standards prescribed under EP Rules, 1986.

M/s Balaji Rubber Industries, Village-Ikkas, Hansi Road, Jind is hereby directed to deposit Rs. 25,25,000/- (Rupees Twenty Five Lakh Twenty Five Thousand Only) with the Haryana State Pollution Control Board as Environment compensation within 15 days in INDUSIND Bank, Sector-9, Panchkula, Saving Bank account No. 100053543757, IFSC Code INDB0000164, to avoid further legal action.

Dated Panchkula the,
15th June, 2020

Ashok Kheterpai
Chairman, HSPCB

Endst. No. HSPCB/PC/2020/ .738

Dated: 17-06-2020

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

1. M/s Balaji Rubber Industries, Village-Ikkas, Hansi Road, Jind.
2. PS to Chairman HSPCB.
3. PA to Member Secretary, HSPCB.
4. Sr. Accounts Officer, HSPCB.
5. Regional Officer, Bhiwani, HSPCB.

PTMS

26508


Sr. Environmental Engineer-II (HQ)
For Chairman



HARYANA STATE POLLUTION CONTROL BOARD

C-11 Sector-6, Panchkula

Ph - 0172-577870-73, Fax No. 2581201

E-mail- see2hspcb@gmail.com Website: hspcb.gov.in

Approval for Prosecution

E.E.

Whereas, M/s Balaji Rubber Industries, Village Ikkas, Hansi Road, Jind is a pyrolysis plant and was inspected by field officer, Haryana State Pollution Control Board on dated 29.01.2020. During inspection, it was found non compliant w.r.t. SOP guidelines issued for pyrolysis plants and as per Analysis Report no. 545 dated 06.02.2020 parameters were found exceeding the prescribed limits, which is a gross violation under Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981.

Whereas, Regional Officer, Kaithal Region of the Board has recommended vide his letter No. HSPCB/KAI/2020/1998 dated 12.10.2020 to accord the approval for filing the prosecution case in the Special Environment Court, Kurukshetra under section 43/44/45A for violation of section 24/25 of Water (Prevention & Control of Pollution) Act, 1974 and under section 37/38/39 for violation of section 21/22 of Air (Prevention & Control of Pollution) Act, 1981 through Sh. Manish Yadav, Assistant Environmental Engineer, concerned area incharge, against the above said unit and its Directors/Partners/Proprietor and other persons responsible for its day to day activities, for the above said violations committed by the unit.

Whereas, the Board vide resolution No. 150.11(S) has authorized the Concerned Area Incharge to file prosecution case against such units and their responsible persons which violates the provisions of Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 subject to the approval of the Chairman of the Board.

Whereas, facts of the case and recommendation of Regional Officer, Kaithal has been examined and it has been found that the unit has committed the offence under section 43/44/45A for violation of section 24/25 of Water (Prevention & Control of Pollution) Act, 1974 and under section 37/38/39 for violation of section 21/22 of Air (Prevention & Control of Pollution) Act, 1981 as mentioned above.

Therefore, in view of above and in exercise of the powers delegated by the Board vide Board's resolution No. 150.11 (S), I, Ashok Kheterpal, Chairman, Haryana State Pollution Control Board being Competent Authority, hereby accord the approval to Sh. Manish Yadav, Assistant Environmental Engineer, the concerned area incharge to file prosecution case on behalf of the Board in Special Environment Court, Kurukshetra under section 43/44/45A for violation of section 24/25 of Water (Prevention & Control of Pollution) Act, 1974 and under section 37/38/39 for violation of section 21/22 of Air (Prevention & Control of Pollution) Act, 1981 as mentioned above, against the above said unit M/s Balaji Rubber Industries, Village Ikkas, Hansi Road, Jind and its following Directors/Partners/ Proprietor and other persons responsible for its day to day activities:-

1. Sh. Subhash S/o Sh. Jeevan Singh, R/o VPO- Ramrai, Jind.
2. Sh. Krishan S/o Nafe Singh, Village-Ikkas, Jind.
3. Smt. Rakesh Kumari, W/o Sh. Vijay Kumar, R/o H.No 641/15, Jawahar Nagar, Hansi, District Hisar.
4. Smt. Rekha W/o Sh. Raj Kumar, R/o H. No 2285, Sector-14, Hisar.
5. Smt. Satyawanti W/o Sh. Charanjit, R/o H. No. 223C/7, Kasban Mohalla, Hansi, District Hisar.

Dated Panchkula, the 14th October, 2020

Ashok Kheterpal Chairman

Endst. No. HSPCB/PC/2020/ 1521

Dated:- 15-10-2020

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

1. The Regional Officer, Haryana State Pollution Control Board, Kaithal for information and further necessary action w.r.t. his letter no. HSPCB/KAI/2020/1998 dated 12.10.2020. He is directed to ensure the compliance of comprehensive policy/procedure issued vide Head Office letter dated 29.07.2019 for filing prosecution cases and will further ensure that the concerned officer shall file prosecution case against the above said unit & its responsible persons in the Special Environment Court, Kurukshetra after getting the same vetted and approved from Head Office.
2. Sh. Manish Yadav, Assistant Environmental Engineer, Haryana State Pollution Control Board, Bhiwani for immediate compliance and report.
3. The District Attorney, Haryana State Pollution Control Board, Panchkula.

FTMS 50126

Sr. Environmental Engineer (Pub. Cell) For Chairman