

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

SOUTH ZONE, CHENNAI

Appeal No. 37/2024

BETWEEN

Vinir Engineering Pvt Ltd

Appellant

AND

Karnataka State Pollution Control Board

Respondent

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Date: 13.05.2024

Advocate for Respondents

Place: Bangalore

A. Mahesh Chowdhary

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTH ZONE, CHENNAI
Appeal No. 37/2024**

BETWEEN

Vinir Engineering Pvt Ltd

Appellant

AND

Karnataka State Pollution Control Board

Respondent

**STATEMENT OF OBJECTIONS ON BEHALF OF THE RESPONDENT
BOARD**

1. The Respondent Board denies and disputes all the averments, contentions and allegations raised by the Appellant, in the present Appeal and except what has been specifically admitted herein under, in writing, any omission on the part of the Respondent to deal with any specific averment, contention or allegation of the Appellant should not be construed as an admission on the part of the Respondent Board.
2. It is submitted that instead of para wise reply to the averments in the Appeal, it is prayed that, allow the instant objections constituting an overall response to the Appeal filed by the Appellant herein. Therefore, it is humbly prayed to read the same in totality for assessing the facts and nature of the case.
3. At the outset, Respondent submits that the above-mentioned Appeal is liable to be dismissed in limine as being misconceived and not maintainable in law and fact.
4. It is relevant to state that the present Appeal is filed by the Appellant being aggrieved by the order dated 05.01.2024 (Annexure 11) wherein an



environmental compensation of Rs 2,33,43.750/- has been levied upon the Appellant by the Respondent Board.

5. It is relevant to state that the Appellant's industry is a Large Orange Category Industry engaged in the business of manufacturing die forgings and machine components. Initially, the Appellant industry was granted a combined consent order both under the Water Act and Air Act valid from 03.12.2016 to 30.09.2021.

Closure Directions were issued against the Appellant Industry

6. It is necessary to state that during the course of its operation, on 21.07.2018 a complaint was lodged against the Appellant industry by the adjacent industry namely M/s Suprajit Engineering Industry regarding the issues of sound and vibrations. In response to this complaint, the Respondent Board inspected the premises of the Appellant industry, leading to the issuance of a notice of proposed direction to the Appellant industry on 20.01.2018. A copy of the Notice of Proposed Directions (NPD) dated 20.01.2018 has been enclosed as **Annexure R1** for the kind perusal of this Hon'ble Court.
7. On 13.03.2018, both the aforementioned industries were called upon for a personal hearing, during which directions were issued to the Appellant industry. These directions mandated compliance with noise level regulations and the construction of vibration-proof foundations utilizing the latest technology. The Respondent Board instructed the Appellant industry to provide a compliance report within two months. However, the Appellant industry failed to submit a compliance report.
8. Consequently, on 16.07.2018, the Respondent Board received another letter from the CPCB, accompanied by a complaint filed by the General Manager of M/s Suprajit Engineering Ltd. The complaint highlighted damages to the building and threats to human life resulting from ground vibrations caused by the Appellant Industry.



9. In pursuance of the CPCB letter mentioned above, the Regional Officer of the Respondent Board was directed to inspect the industry premises and verify the grievance made in the complaint. Accordingly, on 18.12.2018, the Regional Officer submitted a report observing that despite efforts taken by the Appellant industry to reduce noise and vibration, the sound levels are exceeding near the compound walls and vibrations were observed in the Appellant industry as well as in the premises of the complainant.
10. The Regional Officer of the Respondent Board additionally reported that the measures taken by the Appellant industry to mitigate sound and vibrations were deemed insufficient. Subsequently, considering that ample opportunities had already been provided to the Appellant Industry to rectify the violation, and in light of their non-compliance, a closure order under Section 31(A) of the Air Act was issued against the Appellant Industry. A copy of the closure order dated 19.12.2018 has been enclosed as **Annexure R2** for the kind perusal of this Hon'ble Court.

The Hon'ble High Court's directed Respondent Board to reconsider the closure action issued against the Appellant.

11. The Appellant Industry being aggrieved by the afore-said closure order had approached the Hon'ble High Court of Karnataka through WP No. 58181/2018. On 13.02.2018, the Hon'ble High Court vide Annexure 13 quashed the closure order as no opportunity was provided to the Appellant. The Hon'ble High Court directed the Respondent Board to reconsider the matter afresh, ensuring that the Appellant is given a fair hearing, and to issue appropriate orders accordingly.
12. In pursuance of the order passed by the Hon'ble High Court, the Respondent Board received the written statement by both the appellant and the complainant industry and accordingly on 04.04.2019 a personal hearing was conducted



wherein directions were issued to the Regional officer to conduct the noise monitoring in the premises of the Appellant Industry. On 24.04.2019, an inspection was carried out monitoring the sound and vibration of the Appellant industry for 48 hours wherein the noise levels were found to be marginally fluctuating.

13. On 27.05.2019, an order came to be passed by the Respondent Board wherein consent was granted to the Appellant industry to operate the unit, however the consent was subject to the compliance that the Appellant industry must take all requisite noise pollution control measures and reduce the noise level within the stipulated norms i.e. Day time db(A) Leq & Night Time 70 dB (A) Leq. A copy of the order passed by the Respondent Board dated 27.05.2019 has been enclosed as **Annexure R3** for the kind perusal of this Hon'ble Court.
14. Therefore, the above action by the Respondent Board makes it clear that, Appellant was causing pollution and was given opportunity for rectification of the same.

Genesis of Environmental Compensation levied upon the Appellant Industry

15. It is necessary to state that on 10.07/2019 the Hon'ble NGT in OA No. 1038/2018 vide Annexure 2 had directed the Pollution Control Boards to take steps to prohibit the operation of polluting activities in the critically and severely polluted areas. The Hon'ble NGT had further directed to make an assessment of compensation to be recovered from the polluting units taking the last 5 years into account. The order also specified no opportunity is required to be given in case of levying the interim environment compensation.
16. In compliance with the order of the Hon'ble NGT, the Respondent Board recorded the Appellant Industry's violations spanning the preceding five years,



wherein instances of non-compliance were evident. Subsequently, pursuant to the criteria delineated by the Hon'ble NGT, an interim compensation amounting to Rs 1 Crore was imposed upon the Appellant (Large Industry on 31.01.2020 vide Annexure 1.

17. It is necessary to state that subsequent to the issuance of the afore-said interim environmental compensation, on 13.07.2023, vide Annexure 5 a demand notice was issued by the Respondent Board levying the environment compensation of Rs 97,31,250/-. It is imperative to state that the afore-said demand suffered from an error wherein the number of days of violations were wrongfully recorded.
18. The aforementioned demand notice was rectified in the challenged demand notice issued on 05.01.2024, as detailed in Annexure 11. Relying on the directives of the Hon'ble NGT and in the interest of environmental preservation, the Respondent imposed the final environmental compensation upon the Appellant industry, amounting to Rs 2,33,43,750/-. The previously recorded duration of violations, from 23.10.2017 to 05.10.2018, was corrected to span from 23.10.2017 to 31.01.2020. Consequently, the final environmental compensation was revised to Rs 2,33,43,750, as opposed to Rs 97,31,250/-.
19. The environmental compensation value mentioned above has been calculated after careful consideration of the duration of the appellant industry's violations. It is crucial to emphasize that mere compliance with the law at a later stage does not absolve industries from the responsibility of adhering to the principle of 'polluter pays'

Impugned order is valid in the eyes of the law

20. Before dwelling into the validity of the impugned order, it is imperative to highlight that the combined consent of the Appellant Industry was renewed in



the year 2021 valid from the period 01.10.2021 to 30.09.2031. (Annexure 4). The consent of the Appellant Industry was mainly renewed with the additional condition as follows:

“i. The Industry shall pay the EC of Rs 1,00,00,000 (Rupees One Crore) as per the directions/orders of the Board.”

21. It is necessary to state that the afore-said consent mentioned was well within the knowledge of the Appellant Industry, and despite consent being granted on the afore-said condition to pay the interim EC, the Appellant industry has failed to do so. Hence, the violation of the Appellant industry was recorded to be extending till 31.01.2020 (Date on which interim compensation was levied upon)
22. Respondent Board after the issuance of notice of interim compensation dated 31.01.2020 has issued the following demand notices to the Appellant :
 - i. Demand notice dated 13.07.2023 (Annexure 5)
 - ii. Demand Notice dated 13.10.2023 (Annexure 8)
 - iii. Reminder Notice dated 23.11.2023 (Annexure 9)
 - iv. Impugned and rectified demand notice dates 05.01.2024 (Annexure 11)
23. It is necessary to state that the afore-said notices have been replied to by the Appellant Industry wherein instead of accepting its past violations, the Appellant Industry has conveniently taken the view that renewal of CFO amounts to no default being committed by the industry. It is imperative to state that CFO was granted to the Appellant industry upon the condition that the EC has to be paid by the Appellant industry in accordance with law.
24. It is trite in law that mere compliance at a later stage does not allow the pollutant industry to evade from its liability and does not absolve industries from the responsibility of adhering to the principle of 'polluter pays'. The impugned



environmental compensation value has been calculated after careful consideration of the duration of the appellant industry's violations.

25. Further, the averments made by the Appellant that no opportunity was provided to the Appellant Industry is false and denied, it is relevant to state that a bare perusal of the Impugned order shows while issuing the impugned notice, both letters of the Appellant Industry dates 14.08.2023 (Annexure 6) and 25.11.2023 (Annexure 10) have been considered by the Respondent Board and hence, reasonable opportunity has been provided before passing the impugned order.
26. The entire stance taken by the Appellant that the area of the Appellant Industry does not fall under the list of CEPI Score of 100 polluted industrial area (prepared in 2018) and hence, should not be assessed for Environmental Compensation is false and erroneous. In terms of the order of the Hon'ble NGT in OA No. 1038/2018, it is the responsibility of the State Pollution Control Board to prohibit the operation and assess the compensation to be recovered from the polluting units located in any Critically Polluted areas and severely polluted areas. Hence, the jurisdiction of the Respondent Board to regulate the polluting industry is not limited to CEPI Score list prepared for reference in 2018.
27. The rationale behind imposing environmental compensation on the Polluters is that the law violating he provisions of law needs to be punished. The main aim should not only be development but there must be punishment and recovery for restoration. Keeping this in mind the Hon'ble National Green Tribunal decided to impose the environmental compensation on the Polluters.
28. It is significant to state that reversing the imbalance caused to the ecology is part and parcel of the industrial process. Thus, the financial responsibility of taking prevention and controlling measures for the pollution caused should rest upon the industry which caused pollution. The principle of polluter pays has time and again been also upheld by the Hon'ble Apex Court and High Court in a plethora of



judgements such as *Indian Council for Environment Legal v Union of India, 1996 SCC (3) 212, M.C Mehta v Kamal Nath (2000) 6 SCC 213 etc.*

29. The Respondents maintain that the Appellant had a fair opportunity to present its case and submit supporting documents through the replies submitted to the demand notices. The issuance of the impugned demand notice is not arbitrary; rather, it is a culmination of a comprehensive review of the Appellant's responses, evidence, and the severity of the alleged violations. The quantum of compensation is calculated in consideration of the environmental impact caused by Appellant, and the imposition is seen as a means to rectify and offset any harm caused to the environment.
30. It is most respectfully submitted that, at no point of time, Appellant's were denied opportunity to defend their activities of causing pollution. On other hand, as demonstrated by the annexures enclosed to this objections, multiple opportunities were provided to the Appellant. It is based on this act of Appellant causing pollution, has this environmental compensation been imposed.
31. The violations committed by the Appellant are an admitted fact and hence warrant no interference by this Hon'ble Tribunal as the prayer made by the Appellant is based on suppression of facts and liable to be dismissed for not being maintainable either in law or in facts.
32. In light of the aforesaid, it is relevant to state that the impugned environmental compensation levied by the Respondent Board upon the Appellant industry amounting to Rs 2,33,43,750 vide Annexure 11 is valid and legal.
33. The present appeal is filed by the Appellant only to escape from its liability by misleading this Hon'ble Court and hence, requires to be dismissed for not being maintainable either in law or in facts

Place

Date



Advocate for Respondent Board\

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTH ZONE, CHENNAI**

Appeal No. 37/2024

BETWEEN

M/s Vinir Engineering Pvt Ltd

Appellant

AND

Karnataka State Pollution Control Board

Respondent

AFFIDAVIT

I, Dr. H. R. Puttaraju son of H . S. Ramegowda aged about 54 years, currently posted as Regional Officer, Sarjapura , Karnataka State Pollution Control Board (KSPCB), " Nisarga Bhavan", # 7th D Main Road , Thimmaiaha Road Basveshwaranagara, Shiva nagara Bangalore 560010, Karnataka, do hereby solemnly affirm and state as follows:

1. I am the authorised representative of the Respondent Board in the instant petition. We are well conversant with the facts of the case; I swear to this Affidavit.
2. I hereby state that the facts contained in Para no. 1 to 33 in the petition accompanying this Affidavit are true to best of my knowledge.
3. I state that the Annexure R-1 to R-3 to produced, include certified copies and true copies of the originals.

We swear that the contents made out in the above paragraph 1 to 33 are true and correct to the best of my knowledge, information, and belief.

Place: Bangalore.

Date: 13/5/2024

Identified by Me.

Advocate

Praveer
DEPONENT

Book..... 3 Page. 61
Reg. No. 1397 Date. 13/5/2024



SWORN TO BEFORE ME
13/5/2024
CHANDRASHEKARIAH. S
Advocate & Notary
97, Ramegowda Nilays,
d Cross, Muthurayaswamy Extension,
Sunkadakatte, Bangalore - 560 091.



ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ
Karnataka State Pollution Control Board

ANNEXURE R1

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

// BY RPAD /

DATED:

NO. PCB/141/CMP-17/2016-17/ 736

20 JAN 2018

NOTICE OF PROPOSED DIRECTIONS UNDER SECTION 31(A) OF THE AIR (PREVENTION & CONTROL OF POLLUTION) ACT, 1981 READ WITH RULE 20(A) OF KARNATAKA AIR (PREVENTION & CONTROL OF POLLUTION) RULES, 1983.

Sub: Non-compliance with the Provisions of Air (Prevention & Control of Pollution) Act 1981, by M/s Vinir Engineering Pvt. Ltd, Plot No. 102- ,BommasandraIndustrial area, Anekal Taluk Bengaluru Urban District-560099. - reg.

Ref: 1. Inspection of the Regional officer, Sarjapur, No.856, dated 20.11.2017.
2. Proceedings of the Personal hearing held on 28.12.2017.

Preamble:

The M/s. Vinir Engineering Pvt. Ltd and M/s. Suprajit Engineering industries were inspected on 23.10.2017 and 15.11.2017 as per the Board office memo No. 3387, dated: 18.09.2017, in view of the complaint by M/s. Suprajit Engineering , against M/s. Vinir Engineering Pvt ltd regarding noise pollution and vibration due to the operation of M/s. Vinir Engineering Pvt Ltd.

Based on the complaint filed by M/s. Suprajit Engineering at Hebbagodi police station, the Police inspector, Hebbagodi has addressed a letter to the Board to take necessary action against industry. In this regard, above mentioned both the industries were inspected by Regional officer on 23.10.2017 and 15.11.2017 and observed the following:-

1. Both the industries are operating at the time of inspection and engaged in the manufacture routine consented products.
2. M/s. Vinir Engineering is an engineering industry carrying out mainly forging operation using hammers for the manufacture of closed die forging/open die forging components and CNC machine parts, where as M/s. Suprajith Engineering is also an engineering industry manufacturing automotive cables and components and the main activity involves cable coiling over the HDPE tubing, coating, outer cutting, end crimping, assembly and dispatch and this industry is not significant from Air and Water Pollution point of view.

3. M/s. Vinir Engineering is having 2 Tones capacity drop hammer and 2 no's 5 Tones capacity forging hammers which are the major sources of sound pollution and vibrations in and around the industry as well as at M/s Suprajith Engineering.
4. Due to the operation of forging/Hammering activity it was noticed that, there is a vibration in the industry as well as at M/s Suprajith Engineering.
5. Sound levels measures near the compound was between both the industries were in the range of 95 dB (A) leq, which are exceeding the limits prescribed by the Board during day time.
6. M/s. Suprajith Engineering building was inspected and observed that, there are cracks in the building walls and vibrations were noticed. It is evident that, due to heavy power press hammering operation by M/s Vinir Engineering, cracks were found in columns, ceilings and walls of the building.
7. The two forging hammers each of capacity 2.5 Tones installed during the year 2005-2006 towards M/s. Suprajith Engineering side are the major sources of sound and vibrations, due to which, it felt that heavy vibration was noticed, which may cause dangerous to the building and to the workers working in the industry. However, the intensity and impact of vibration cannot be assessed.
8. M/s. Vinir Engineering Ltd has not taken any measures to control vibrations and sound levels generated due to hammering operations.

In view of the above, both the industries are operating in a designated industrial area adjacent to each other with valid consent for the Board and carrying out their regular productions. The Board is not the prescribed authority to assess the level of vibration and damage caused to the building of M/s. Suprajith Engineering. However, the sound levels are exceeding the limits prescribed by Board. Hence, RO recommended to call both the industry for Personal Hearing to take further decision on the issue. Accordingly, the complainants and factory authorities were called for the Personal Hearing on 18.12.2017 to resolve the issue.

In the Personal hearing, the Presiding Officer directed to issue Notice of Proposed Directions with Personal hearing to the M/s Vinir Engineering Pvt. Ltd in view of non compliance to the Board directions and complaint from the M/s. Suprajith Engineering regarding noise pollution caused from the M/s Vinir Engineering Pvt. But no representatives attended the hearing on the said date. Hence you are hereby once again informed to attend the personal hearing before the, Hon'ble Chairman on 18.12.2017 as an opportunity of being heard before initiating further action.

Further, you are hereby called upon to Show-cause within 7 days from the receipt of this Notice of proposed directions to file your objections if any to the designated officer as to why this Board should not proceed with further action against the industry by exercising the power vested with it under Section 31(A) of the Air (Prevention & Control of Pollution) Act, 1981, and read with the Rule 20(A) of the Air (Prevention & Control of Pollution) Rules, 1983, and why not direct,

1. M/s. Vinir Engineering Pvt. Ltd, Plot No. 102-104, Bommasandra Industrial area, Anekal Taluk Bengaluru Urban District-560099 to stop the operation of the industry forthwith and until further orders.

2. **The Managing Director**, BESCOM, K.R Circle, to issue necessary directions to the concerned Executive Engineer/Assistant Executive Engineer, to stop/cut off power supply to the above industry forthwith and until further orders.
3. **The Chairman**, BWSSB, Kaveri bhavan, K.G.Road, Bangalore, to issue necessary directions to the concerned Executive Engineer/Assistant Executive Engineer, BWSSB to stop/cut off water supply to the above said industry forthwith and until further orders.
4. **The Deputy Commissioner**, Bangalore Urban District, Bangalore to seize the unit forthwith and until further orders.

FOR AND ON BEHALF OF THE
KARNATAKA STATE POLLUTION
CONTROL BOARD

Sd/-
CHAIRMAN

To,

The Proprietor,

1. **M/s. Vinir Engineering Pvt. Ltd**,
Plot No. 102-104,
Bommasandra Industrial area,
Anekal Taluk,
Bengaluru Urban District-560099.

2. **The Managing Director**,
BESCOM,
K.R Circle,
Bengaluru
3. **The Chairman**,
BWSSB,
Kaveri bhavan,
K.G.Road,
Bengaluru
4. **The Deputy Commissioner**,
Bangalore Urban District,
Bengaluru

Copy to;

- 1) Environmental Officer, Regional office, Sarjapura to inform the industry authorities to attend the personal hearing on the said date.
- 2) M/s. Suprajit Engineering, Plot No. 101, Bommasandra Industrial area, Anekal Taluk Bengaluru Urban District-560099 for information.
- 3) Regional Senior Environmental Officer, Bangalore South for information.
- 4) Case file.
- 5) Master file.

P. Subudra M.S.
Senior Environmental Officer
Complaint and Enforcement Cell



ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ
Karnataka State Pollution Control Board

ANNEXURE R2

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

//BY RPAD//

NO: PCB/CEO(BNG-NEIA)/VINIR/CLOSURE-AIR ACT/2018-19/ \ DT: 19 DEC 2018

Closure Directions under Section 31 (A) of the Air (Prevention and Control Pollution) Act, 1981, read with Rule 20 (A) of Karnataka Air (Prevention and Control of Pollution) Rules 1983.

Sub: Non-compliance under the Provisions of the Air (Prevention & Control of Pollution) Act, 1981 by M/s. Vinir Engineering Pvt Ltd, Plot No. 102-104, Bommasandra Industrial Area, Anekal Taluk, Bangalore Urban District.- reg.

Ref :

1. Complaint letter along with CPCB letter, vide No. B-12015/60(495)/2018-AS/7252, Dt : 16.07.2018 received at B.O on 21.07.2018.
2. B.O memo to RO, vide No. 2337, Dt: 03.08.2018.
3. 'Presentation Form' submitted by Sri. M. Shivaprakash - Advocate regarding complaint made by M/s Suprajit Engineering Ltd against Vinir Engineering vide No. PCB/SEO/CMP-ENF/2018-19/464 received at BNG (NEIA) section on 15.12.2018.
4. B.O reminder memo to RO, vide No. 4796, Dt: 17.12.2018.
5. RO-Sarjapura inspection report submitted to B.O, vide No. 749, Dt: 18.12.2018.

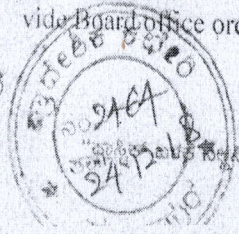
PREAMBLE:

M/s Vinir Engineering Pvt Ltd is an existing Large Orange category industry located at Plot No.102-104, Bommasandra Industrial Area and engaged in the activity of Closed die forging/open die forging and CNC machined parts and Assemblies of capacity 800 MT/month and the industry is regularly obtaining consent of the Board under Water and Air Acts.

The present validity of the consent is upto 30.09.2021. The industry is having 3 no's Shot Blasting Machines, 3 No's DG Set and 2 No's oil fired heating furnaces and 2 No's heat treatment furnaces as an Air Pollution Sources. Apart from this, the industry also have 2 No's Power Press/hammers to carry out forging activity, which is the major activity of the industry and carrying out its operation since 1986.

M/s. Suprajit Engineering industry, an adjacent industry has filed complaint against M/s.Vinir Engineering Pvt Ltd regarding sound and vibration.

Based on the complaint filed, the RO, Sarjapura has inspected both the industries on 23.10.2017 & 15.11.2017 and submitted detailed inspection report to Board office. Then, the I/A's of M/s Vinir Engineering Pvt Ltd were called for personal hearing on 18.12.2017 at Board office & as per the decision of the personal hearing, 'Notice of proposed direction' was issued to industry vide Board office order No.736 Dated 20.01.2018.



18
11
"ಪರಿಸರ ಹಾನಿ ತಪ್ಪಿಸಿ"
AVOID USE OF PLASTICS- BE 'ECO' FRIENDLY

Further, once again both the industries were called for the Personal Hearing on 12.03.2018 before the Chief Environmental Officer – 1 in view of the persistent complaint made by M/s Suprajit Engineering Ltd. After detailed deliberation, the presiding officer has directed as follows:-

1. It is but natural that, the Forging unit will cause sound and vibration during operation. This kind of unit cannot be constructed very close to the periphery of the site which could cause sound and vibrate to the immediate vicinity. Suitable distance shall be allowed for the periphery of the site to avoid Noise/Vibration not to carry to the adjacent area. Since, the unit is established, F/A shall construct vibration proof foundation with latest technology with consultant with IISc along with Noise reduction measures. Proposals for the same shall submit within 30 days.
2. The complainant (M/s Suprajit Engineering Ltd) was advised to file complaint to a competent authority if he feels to do so with the Department of Factories, Boiler and Industrial safety measures.
3. The RO to monitor Noise levels at different locations and report on the compliance within 2 months.

The B.O has received the letter from CPCB dt 16.07.2018 along with the complaint letter given by the Sri. Eshwaran, Sr.G.M of Suprajit Engineering Limited, Bangalore Dt: 26.05.2018 regarding damages to their building, threat and endangering of human life caused due to ground vibration by neighboring unit of M/s. Vinir Engineering Pvt Ltd vide Ref (1).

Hence, a memo was issued to RO-Sarjapura on 03.08.2018 vide Ref (2) informing to inspect the industry and verify the grievance made in the complaint and report to B.O with specific remarks so as to give a reply to CPCB.

The Board has received the 'Presentation Form' filed by Sri. M. Shivaprakash, K. Ravishankar, Advocates regarding complaint made by M/s. Suprajit Engineering Ltd., against above industry, vide Ref (3). Hence, a reminder memo was issued to RO-Sarjapura on 17.12.2018 vide Ref (4) informing to inspect the industry immediately and to verify the grievance made in the complaint and submit report to B.O with specific remarks to Board.

In response, the RO has submitted report to Board on 18.12.2018 vide Ref (5). He has reported the following observations:-

1. The industry was operating at the time of inspection and engaged in the Closed die forging /open die forging activity with CNC machined parts and Assemblies.
2. Due to the operation of the Forging and Hammering activity, it was noticed that, there is a vibration in the industry as well as at M/s Suprajit Engineering Ltd.
3. M/s Vinir Engineering authorities have informed that, they have installed additional special anti vibration rubber padded sheets manufactured with latest technology under the hammers to reduce vibration levels.
4. The industry has covered the open area of the shed towards M/s Suprajit Engineering Ltd.
5. The F/A's M/s Vinir Engineering Pvt Ltd informed that, they are in the process of consulting the IISc professors to construct vibration proof foundation with latest technology to control vibration and also to control noise reduction measures.
6. The noise level monitored during inspection at the boundary of the industry near the compound wall of both the industries were in the range of 70 to 75 dB(A) leq.

The industry M/s Vinir Engineering has taken steps to reduce noise and vibration, despite the sound levels are exceeding near the compound wall and still vibrations was observed in the complainant M/s Suprajit Engineering Ltd industry premises.

The RO further reported that present action taken to control sound and vibrations are not adequate. The industry M/s Vinir Engineering Pvt Ltd is required to take some more control measures to mitigate Sound and Vibrations as per the decision of the personal hearing in consultation with IISc. The complainant industry M/s Suprajit Engineering Ltd is regularly complaining on Sound and Vibration caused by M/s Vinir Engineering Pvt Ltd and requesting the Board to initiate action against the industry M/s Vinir Engineering Pvt Ltd. Hence RO has recommended to initiate further course of action against M/s. Vinir Engineering Pvt Ltd.,

In view of above, since already sufficient opportunities of hearing have been given, the following order is issued without giving any further opportunity of hearing.

ORDER

In the circumstances explained above and in exercise of the powers conferred under **Section 31 (A) of the Air (Prevention and Control Pollution) Act, 1981 read with Rule 20 of Karnataka Air (Prevention and Control of Pollution) Rules, 1983**, the Board hereby issues the following directions to;

1. The Occupier, M/s. **Vinir Engineering Pvt Ltd, Plot No. 102-104, Bommasandra Industrial Area, Anekal Taluk, Bangalore Urban District** to close the operation of the industry forthwith & until further order.
2. The Managing Director, 'BESCOM', Near K.R. Circle, Nrupathunga Road, Bangalore, to issue necessary directions to the concerned Executive Engineer and Assistant Executive Engineer to stop/cut off power supply to the above said industry forthwith.
3. The Executive Member, KIADB, Bangalore to issue necessary directions to the concerned Officer to stop/cut off water supply to the above said industry forthwith.
4. The Deputy Commissioner, Bangalore Urban District, Bangalore to seize the unit forthwith until further orders.

**FOR AND BEHALF OF THE
KARNATAKA STATE POLLUTION CONTROL BOARD,
BANGALORE
Sd/-
CHAIRMAN**

To,

1. The Occupier,
M/s. Vinir Engineering Pvt Ltd,
Plot No. 102-104, Bommasandra Industrial Area,
Anekal Taluk, Bangalore Urban District.
2. The Managing Director, 'BESCOM',
Near K.R. Circle, Nrupathunga Road,
Bangalore.

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☎ 25581383, 25589112
 25588151, 25588270
 25588142, 25586520

ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ
Karnataka State Pollution Control Board

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

NO.KSPCB/CEO(BNG-NEIA)/Vinir Engineering/2018-19/ 1336

27 MAY 2019
 Dt:

Sub: Complaint filed against M/s Vinir Engineering Pvt Ltd by adjacent industry M/s. Suprajit Engineering Ltd -----

- Ref: 1. Orders of Hon'ble High Court in W.P No. 58181/2018, Dt: 13.02.2019.
 2. PH held on 21.02.2019 & its proceedings Dt: 5.03.2019.
 3. Vinir Engineering Pvt Ltd submitted written statement to Board Dt : 26.02.2019.
 4. Suprajit Engineering Ltd submitted written statement to Board Dt: 26.02.2019.
 5. B.O PH letter No. 6618, Dt : 15.03.2019.
 6. Suprajit Engineering submitted letter Dt: 19.03.2019 to Board.
 7. Suprajit Engineering submitted letter Dt: 25.03.2019 to Board.
 8. Personal hearing held on 4.04.2019 & its proceedings Dt: 12.04.2019.
 9. RO, Sarjapura inspection to industry on 24.04.2019 & conducted noise monitoring.

As per the Hon'ble High Court order dt: 13.02.2019, both the industry authorities of M/s. Vinir Engineering Pvt Ltd & M/s. Suprajit Engineering have appeared before the KSPCB on 21.02.2019. The Advocates representing both the industries have presented their grievances before the Presiding Officer.

After hearing, the Presiding Officer has directed both the industry authorities to submit their written statement along with the relevant documents relating to the pollution aspects under the Water and Air Acts by 26.02.2019. The details submitted will be verified & appropriate orders will be passed.

In response to above directions, both the I/a's have submitted written statements along with relevant documents & photographs to Board on 25.02.2019.

Subsequently, the Board has conducted personal hearing on 4.04.2019 with the occupier of M/s Vinir Engineering Pvt Ltd & M/s. Suprajit Engineering Ltd along with their Advocates.

After hearing, the Presiding Officer has directed the Regional Officer, Sarjapura to conduct noise monitoring towards the compound wall of M/s. Suprajit Engineering during operation of M/s. Vinir Engineering Pvt Ltd & submit report to Board. After receipt of noise monitoring report, appropriate orders will be passed.

Accordingly, the Regional Officer, Sarjapura has inspected both the industries on 24.04.2019 & conducted noise monitoring as per the procedure. The RO has reported the following:

1. Both the industries were operating at the time of inspection and engaged in the routine products manufactured. M/s. Suprajit Engineering is engaged in the manufacture of Automotive cable and components and where as M/s. Vinir Engineering engaged in the activity of Closed Die Forging with CNC machining and Assemblies.

2. Both the industries representative were contacted and had a discussion about conducting sound pressure levels (Noise monitoring) as per the directions of the personal hearing.
3. Sri Eswaran, General Manager, M/s. suprajit Engineering and Sri Ram Pradeep, Chief Operating Officer & Narasimha Kerur, Genral Manager (finance) Accounts of M/s. Vinir Engineering Pvt Ltd were present at the time of inspection and both of them have agreed to carryout sound lvele monitoring on the common compound wall of M/s. Supraji Engineering and M/s. Vinir Engineering Pvt Ltd, which is located between both the industries.
4. The notice of intention to have sample analysed was served to M/s. Vinir Engineering Pvt Ltd and M/s. Suprajit Engineering to carryout sound pressure levels and the Noise level monitoring equipment of Serial No. CCA 100015 of model No. 1900 of QUEST Technologies was kept on the common compound wall at 2.41 PM on 24.04.2019. Both the representatives of the industries were present during carrying out sound level monitoring. M/s. Vinir Engineering was carrying out Forging activity using - No's of Hammers each of capacity 2.5 Tons.
5. The monitoring was carried out for continuous 48 Hours at the place on the common compound wall ie., from 2.41 PM of 24.04.2019 to 2.54 PM of 26.04.2019.
6. During the course of monitoring, the equipment battery replaced 4 times by switched off the equipment for a maximum time of 3 to 4 minutes.
7. On 26.04.2019, the monitoring of sound pressure levels was stopped at 2.54 PM and instrument was switched off. The mahazar was drawn on the same day on 26.04.2019 at 4.30 PM and taken the signatures of both the representatives of the industries.
8. The representatives of M/s. suprajit Engineering informed that, they are not much worried about sound levels instead they are facing severe vibrations from the activity of the industry shifted to other side of the industry, there may be chances of reduction in vibrations or M/s. Vinir Engineering Pvt Ltd has to implement the suggestions of the M/s. GERB vibrations Control systems Pvt Ltd then only the problem may resolve comprehensively and hence, they requested the Board to direct M/s. Vinir Engineering Pvt Ltd to implement the solutions of M/s. GERB vibrations Control systems to mitigate the vibrations during inspection.
9. The result of the sound pressure level monitoring carried out from 24.04.2019 to 26.04.2019 are as follows;

The Noise level monitoring reports indicates the following result:

DATE	Time	Noise Level Standards		Leq	L Max	L-Peak	L-10	L-90
		Day limits in dB(A) Leq	Night limits in dB(A) Leq					
24.04.2019	3 PM to 10 PM (DAY)	75	70	70.29	73.12	113.70	71.47	68.98
24.04.2019	10 PM 6 AM (NIGHT)	75	70	69.42	72.00	108.40	70.41	68.42
25.04.2019	6 AM to 10 PM (DAY)	75	70	70.70	73.62	105.30	71.94	69.37
25.04.2019	10 PM 6 AM (NIGHT)	75	70	71.10	73.50	103.00	72.27	69.69
26.04.2019	6 AM to 3 PM (DAY)	75	70	71.65	74.87	108.70	7.05	70.00

From the above 2 days - 48 hrs Noise level monitoring results, it is noticed that only one day on 25.04.2019, the 'Leq' during night time is marginally exceeding the norms,

Hence, the following order is issued:

ORDER

M/s. Vinir Engineering Pvt Ltd is hereby consented to operate the unit by taking all the requisite noise pollution control measures to reduce the noise levels within the stipulated norms i.e., Day time 75 dB(A) Leq & Night time 70 dB(A) Leq.

For and on Behalf of the
Karnataka State Pollution Control Board

CA 24/5/19
CHAIRMAN

To:
✓ The Occupier
M/s. Vinir Engineering Pvt Ltd,
Plot No.102-104, Bommasandra Industrial Area,
Bangalore - 560099.

[Statement of Objections : Reply] Appeal No. 37/2024 between Vinir Engineering Pvt Ltd v KSPCB

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Cc "Mahesh Chowdhary" <amc@precinctlegal.com>, "Krishika Vaishnav" <krishika@precinctlegal.com>

Sir,

Please find the enclosed a copy of the objections/reply filed by the Respondent Board.

Rashi Singh
Associate

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☺ **1 Attachment(s)** • [Download as Zip](#)



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