

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE, PUNE**

I.A. No. 79/2020 & I.A. No. 84/2020

**in
Appeal No. 39/2019 (WZ)**

In the Matter of:

Vikas Sahakari Sakhar Karkhana Ltd.

Appellant

Versus

The Member Secretary, Central Pollution

Respondent

Control Board & ors.

INDEX

Sr. No.	Particulars	Page No.
1.	Counter Affidavit on behalf of Central Pollution Control Board i.e. Respondent No.1 in the above matter	01 – 03
2.	Annexure- I Copy of Closure direction dated 15.04.2019 issued under Section 5 of Environment (Protection) Act,1986	04 – 06
3.	Annexure - II Copy of letter dated 26.06.2019 issued to the unit	07
4.	Annexure- III Copy of letter dated 26.06.2020 issued to the unit	08



P.K.Mishra
Scientist 'E'
Central Pollution Control Board
East Arjun Nagar, Delhi-110032

Dated: 25.09.2020

Place: Delhi

Environment (Protection) Act, 1986 for non-compliance of the discharge standards and other observed shortcomings posing serious threat to the environment and ground water quality. The Copy of Closure direction dated 15.04.2019 issued under Section 5 of Environment (Protection) Act,1986 is annexed as **Annexure-I**.

In response of the aforesaid closure direction of CPCB, the unit reported its compliance to the direction vide its reply letter dated 23.05.2019, which after examination was found incomplete compliance of the closure directions issued by CPCB. A letter dated 26.06.2019 was issued to the unit for submission of complete compliance of closure directions along with required documents for consideration of revocation. As no reply was received from the unit, again an email dated 20.12.2019 was sent to the unit as reminder for submitting the required documents and again no reply was received from the unit. The copy of letter dated 26.06.2019 issued to the unit is annexed as **Annexure-II**.

Thereafter, once again a letter dated 26.06.2020 was issued to the unit for submitting the requisite documents and the compliance statement with documentary/photographic evidence to this office. The unit replied on 14.07.2020 and after required examination of submitted reply letter along with supporting documents and photographic evidences; an e-inspection by the CPCB team including officials already involved in the earlier physical inspection, was carried on 07.09.2020 for required compliance verification.

The copy of letter dated 26.06.2020 issued to the unit is annexed to **Annexure-III**.

4. That the averments made under para 8 needs no comments from this Answering Respondent.
5. That in reply to averment made in para 9, the answering Respondent No.1, submits that, CPCB constituted a three member Committee vide office order dated 03.10.2017 having representative(s) from CPCB and MOEF&CC for examination and recommendation of the revocation of closure directions issued by CPCB. The revocation request of the petitioner unit, compliance statement along with submitted documents and e-inspection report shall be placed in next Revocation Committee meeting for required review and recommendations regarding revocation of closure direction.
6. That the averments made under paras 10 & 11 needs no comments from this Answering Respondent.
7. That in view of the above submissions, it is respectfully submitted that CPCB shall abide by any order or directions passed by this Hon'ble Tribunal.



DEPONENT

VERIFICATION

It is verified that the content of this Affidavit is based on official record and information available in the office are true and correct. Nothing has been concealed therein.

Signed and verified on this 25th day of September, 2020 at New Delhi.



DEPONENT

ANNEXURE - I

BY REGISTERED AD

No. B-873(S)/IPC-III/2019-20/ 30

April 15, 2019

To

M/s Vikas Sahakari Sakhar Karkhana Ltd.
Vaishali nagar, Nivli, Ta & Dist.: Latur,
Maharashtra

DIRECION UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986

WHEREAS, the Central Government has notified the standards for discharge of environmental pollutants from various categories of industries under the Environment (Protection) Act, 1986 and the rules framed there under; and

WHEREAS, the Ministry of Environment & Forests, Govt. of India, vide notification S.O.157(E) of 27.02.1996 has delegated powers vested under Section 5 of the Environment (Protection) Act, 1986 (29 of 1986) to the Chairman, Central Pollution Control Board (CPCB), to issue direction to any industry, Municipal Corporation, Municipal Council, Cantonment Board to any local or other Authority for the violation of emission and effluent standards notified under the Environment (Protection) Rules, 1986; and

WHEREAS, it is obligatory on the part of industries to install effluent treatment plants (ETPs) to comply with the effluent discharge standards as notified under the Environment (Protection) Act, 1986 and the Rules framed thereunder and also to meet the consent conditions granted by State Pollution Control Board (SPCBs) / Pollution Control Committees (PCCs); and

WHEREAS, the inspection of M/s Vikas Sahakari Sakhar Karkhana Ltd. (Sugar & Co- gen), Vaishali nagar, Nivli, Ta & Dist.: Latur, Maharashtra (hereinafter referred as 'the Unit') was carried out on 14.03.2019 by the team from CPCB, Regional Directorate (West) under OCEMS surveillance programme. Following major observations were made during the visit:

1. The unit is a 'Sugar Mill' having production capacity of 11454MT/M. Unit was found operational on the day of inspection.
2. ETP of the unit was operational at the time of inspection. ETP comprises of Bagasse removal chamber → O&G Chamber and grit removal → Equalization Tank & Buffer Tank → Neutralisation Tank → Primary clarifier (non-operational) → Aeration Tank (Diffused aeration) → Secondary Clarifier (called as settling Tank) → Treated effluent holding Tank → dual media filter
3. Unit is having valid Consent under Water & Air Acts from MPCB.
4. Dual media filter was not working due to pump failure.
5. It was found that Spray pond overflow is being discharged outside the industry premises through earthen drain without any treatment.
6. Overflow from Molasses tank was observed.
7. Sludge and press mud mixture was observed to be stored openly at several places within the premises.
8. Fly ash management was found lying at several places within the premises.
9. Poor housekeeping was observed in process area and ETP area.
10. Unit has installed OCEMS & same was found operational at the time of visit.
11. Grab samples were collected from inlet and outlet of ETP. The analysis results are given in table below:

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Sampling locations	Parameters				
	pH	O&G	TSS (mg/l)	BOD (mg/l)	COD (mg/l)
Inlet of ETP	3.32	-	1814	13941	35359
Outlet of ETP	6.99	1.4	410	273	1283
Standards prescribed by MPCB	5.5-9.0	10	100	100	250

The unit was observed **non-complying** with respect to the parameter TSS, BOD and COD.

WHEREAS, the observations as listed above substantiate that the unit is a serious defaulter. The unit has been seriously violating the norms prescribed for on land discharge and thus poses serious threat to the environment & ground water quality; and;

WHEREAS, as per the sub rule (5) of the Rule 4 of the Environment (Protection) Rules, 1986, it is not expedient to provide opportunity to file objection against the proposed direction in view of the likelihood of a grave injury to the environment and CPCB considers that the act of the unit, as described in above paragraphs, causes grave injury to the environment.

NOW, THEREFORE, in view of the above, and exercising the powers delegated to the Chairman, Central Pollution Control Board (CPCB) under section 5 of the Environment (Protection) Act, 1986, **M/s Vikas Sahakari Sakhar Karkhana Ltd. (Sugar & Co- gen), Vaishali nagar, Nivli, Ta & Dist.: Latur, Maharashtra** is hereby directed to **"close down all its manufacturing operations and not to restart manufacturing"** till it complies with the following directions and obtains permission from CPCB;

1. The unit should immediately discontinue discharge of effluent not conforming to the notified standards to the ground/irrigation.
2. Unit shall immediately stop discharge of spray pond overflow outside the premises. Entire effluent generated in Sugar Mill shall be channelled to ETP. In no case the effluent should be discharged outside the premises without proper treatment.
3. The unit should ensure operation & maintenance of the ETP so that to achieve the prescribed norms & submit ETP sample analysis report from EPA approval lab.
4. The unit shall install flow meter at all water abstraction points for measuring water consumption & maintain log book for the same.
5. The unit shall maintain the record of operation & maintenance of ETP w.r.t. effluent treated, energy & chemical consumption.
6. The unit shall carry out adequacy assessment of ETP through reputed organisation/institute preferably IIT/VSI/NEERI/NSI & accordingly upgrade its ETP so as to meet the prescribed discharge standards by MPCB.
7. The unit shall prepare and submit a comprehensive irrigation management plan for utilisation of treated effluent from ETP in accordance with the notified treated irrigation protocol for Sugar industries and ensure compliance of treated effluent loading rate for irrigation.
8. The unit shall ensure periodic calibration of the analyzers as per Standard Operating Procedure/recommendations of the supplier and submit the calibration results.

9. Unit shall ensure to engage skilled manpower for operation & maintenance of ETP.
10. Improve housekeeping within the plant and dispose stored fly ash for reutilization.

In case of default in compliance with the above directions, CPCB will be constrained to initiate action against the Unit, in accordance with the provisions of the Environment (Protection) Act, 1986, without giving any further notice.

(S. P. SINGH PARIHAR)
CHAIRMAN

Copy to:

- 1) **The Member Secretary,** : For ensuring compliance of directions please.
Maharashtra Pollution Control Board
2nd, 3rd & 4th Floor, Opp. Cine Planet,
Near Sion Circle, Sion (E), Mumbai- 400022
- 2) **The Regional Director,** : For follow up and ensuring compliance of
CPCB Regional Directorate,
Parivesh Bhawan,
Opp. Ward No. 10 VMC Office Subhanpura,
Vadodara-390 023
the directions, please
- 3) **The District Magistrate,** : For information and n.a please
Collectorate office, Dist- Latur,
Maharashtra
- 4) **The Superintendent Engineer,** : With a direction to disconnect the power
Maharashtra State Electricity Distribution,
Dist- Latur, Maharashtra
supply to the industrial unit
- 5) **The In-charge, (CP Division),** : For information, pl.
Ministry of Environment, Forests & CC,
Prithvi Block, Indira Paryavaran Bhawan,
Jorbagh Road, New Delhi - 110 003
- 6) ✓ The Div. Head, IT Division, CPCB Delhi : To upload direction at CPCB Website, pl.
- 7) The Div. Head, IPC-VI, Division, CPCB Delhi : For information, pl.
- 8) The Div. Head, IPC-III Division, CPCB Delhi : For records purpose.

(A SUDHAKAR)
MEMBER SECRETARY

ANNEXURE-II

Speed Post

No.B-873(S)/IPC-III/2019-20/NSIC

June 26, 2019

To

M/s Vikas Sahakari Sakhar Karkhana Ltd.
Vaishali nagar, Nivli, Ta & Dist.: Latur,
Maharashtra

**Sub: Closure direction u/s 5 of the E (P) Act, 1986 issued to unit dt. 15.04.2019 -
Regarding**

Sir,

This has reference to closure direction dated 15.04.2019 issued to M/s Vikas Sahakari Sakhar Karkhana Ltd. Vaishali nagar, Nivli, Ta & Dist.: Latur, Maharashtra and your office reply letter dated 23.05.2019 on our said directions. However, it is observed that replies provided are incomplete and not affirmative enough as only it is committed that compliance will be done prior to next crushing season (2019-20).

In this context, it is to inform that your request for revocation can be considered only after submission of complete compliance of closure directions and submission of compliance statement with photographs, along with following documents to this office:

- Self-Certificate on original company letterhead with date and seal (format attached).
- Completion report on required upgradation of ETP as suggested by VSI in adequacy assessment report of ETP.

This issue with the approval of Member Secretary, CPCB.

Yours faithfully,

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
केन्द्रीय प्रदूषण नियंत्रण बोर्ड
केन्द्रीय प्रदूषण नियंत्रण बोर्ड
केन्द्रीय प्रदूषण नियंत्रण बोर्ड
27/06/19

for (P.K. Mishra)
Additional Director
& Divisional Head; IPC-III

ANNEXURE-III

Speed Post

Reminder - I

No. B-873(S)/IPC-III/2020-21/
1690

June 26, 2020

To

M/s Vikas Sahakari Sakhar Karkhana Ltd.
Vaishali nagar, Nivli, Ta & Dist.: Latur,
Maharashtra

Sub: Closure direction dt. 15.04.2019 u/s 5 of the E (P) Act, 1986 - regarding

Sir,

This has reference to our office letter of even no. dated 26.06.2019 (copy enclosed) and e-mail dated 20.12.2019 regarding submission of requisite documents and compliance statement with documentary/photographic evidence to this office at the earliest. Till date no complete reply has been submitted from your side.

Hence, in view of above you are requested to submit the requisite documents as mentioned in our earlier letter i.e. 1). Self-Certificate on original company letterhead with date and seal (format attached). 2). Completion report on required upgradation of ETP as suggested by VSI in adequacy assessment report of ETP to this office at the earliest.

Yours faithfully,

Encl.: As above

for *[Signature]* 26/06/2020 o/c
(P.K. Mishra)
Additional Director
& Divisional Head; IPC-III

Copy to:

Bharti Law Chambers
Advocate and Legal Consultants
Bharti House
C-77 Neeti Bagh, New Delhi-110049

: For information please

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
निर्गत..... *[Signature]*
दिनांक..... 01.07.20

8

for *[Signature]* 26/06/2020 o/c
(P.R. Mishra)