

**HP STATE POLLUTION CONTROL BOARD,  
BELOW BCS, PHASE-III, NEW SHIMLA**

No. HPPCB/ OA No. 801/2018 /-

16907

Dated: 18.1.2020

From: The Member Secretary

To

✓  
The Registrar General,  
Hon'ble National Green Tribunal, Copernicus Marg,  
New Delhi

**Subject:- Final Report of the Joint Committee in compliance to order dated 23-6-2021 passed by Hon'ble NGT in OA No. 801/2018 titled Jasmeet Singh V/s State of HP & others.**

Sir,

This has reference to order dated 23-06-2021 passed by Hon'ble NGT in the afore-cited matter wherein following directions have been passed :-

*".....7. Accordingly, let further remedial action be taken to enforce the environmental rule of law in the interest of protection of environment and public health and a report of status of compliance filed after inspection by a four Member joint Committee comprising a representative of MoEF&CC, CPCB, State PCB and District Magistrate, Solan by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. The State PCB will be the nodal agency for coordination and compliance. List for further consideration on 05.10.2021....."*

In compliance to afore-cited orders dated 23-6-2021, the Joint Committee conducted field visits and collected various samples and submitted its progress & supplementary reports dated 1-10-2021 and 23-11-2021 respectively to the Hon'ble Tribunal.

That now, the Joint Committee has submitted its final report in continuation to the previous two reports filed before the Hon'ble NGT, which is annexed as **Annexure R-A**. As per the Report, the CETP Baddi is complying with all the parameters including FDS. But a recent Bio assay test conducted by the joint committee showed non compliance. On this issue, the HPSPCB has issued notice to the CETP Baddi on 17-1-2022. Copy of the notice dated 17-1-2022 is annexed as **Annexure R-B**. The State Board will continue to take action as per norms in this matter.

It is submitted that the State Board will continue to monitor the CETP Baddi and ensure the compliance of environmental norms by it by taking regulatory action. It is also submitted that by & large the CETP has complied to norms. Further the major textile units pointed to during the hearings in this petition are complying and such issues of this matter are also sub-judice before the Hon'ble High Court of HP. Therefore, it is humbly prayed that

present Original Application may be disposed off in view of the compliance shown above and action being taken by the State Board.

The copy of Final Report submitted by the Joint Committee annexed as **Annexure-R-A** may kindly be placed on record please.

(Encl. As above)



**Apoorv Devgan (IAS)**  
**Member Secretary**  
**HPSPCB Shimla**

H.P. STATE POLLUTION CONTROL BOARD  
REGIONAL OFFICE, "HIMUDA COMPLEX" TOP FLOOR  
SAI ROAD PHASE-1 BADDI, DISTT SOLAN

No. PCB/Baddi/801 of 2018/2021-

3027

Dated: 13/1/2022

To

✓ The Member Secretary,  
H.P. State Pollution Control Board,  
Phase-III, New Shimla-171009.

**Subject:** Regarding Report of the joint committee in compliance of the direction of Hon'ble National Green Tribunal orders passed in OA No. 801/2018 titled jasmeet Singh Vs State of HP & Ors.

Sir,

This is in reference to the subject cited as above. In this regard, please find enclosed report of the Joint Committee in compliance of the direction of Hon'ble National Green Tribunal orders passed in OA No. 801/2018 titled Jasmeet Singh Vs State of HP & Ors..

This is submitted for the favour of information please.

Encl: As Above

Yours faithfully,

  
Chief Environmental Engineer,  
HPPCB, R.O. Baddi, H.P.

Copy to :

The Senior Law Officer, HP. State Pollution Control Board for information and further necessary action please.

  
Chief Environmental Engineer,  
HPPCB, R.O. Baddi, H.P.

**Final Report of the Joint Committee in compliance to NGT Orders dated 23.6.2021 in the matter of OA 801/2018; Jasmeet Singh v/s State of HP dated 23.06.2021.**

**1. Background**

The issue for consideration in the matter of OA 801/2018 titled Jasmeet Singh v/s State of HP is the remedial action against pollution of River Balad in Baddi industrial area in District Solan, on account of leakage from the Common Effluent Treatment Plant (CETP).

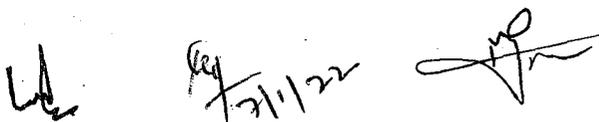
Hon'ble National Green Tribunal, after considering the various reports filed by HSPCB, passed the following order on dated 23/6/2021:

*"From the above, it is clear that violations are still continuing. Stay of order of closure and assessment of compensation for the past violations does not justify inaction for failure to take action for further violations after the order of stay and to initiate prosecution of the industrial units in question, including their Owners/Directors and the CETP operators. We also find that merely keeping an eye on units discharging more than 200 KLD is not enough. Violation by those discharging less than 200 KLD is not less serious violation nor less harmful for the environment and public health."*

***"Accordingly, let further remedial action be taken to enforce the environmental rule of law in the interest of protection of environment and public health and a report of status of compliance filed after inspection by a four Member joint Committee comprising a representative of MoEF&CC, CPCB, State PCB and District Magistrate, Solan."***

**2.0. Findings of the Joint Committee and Status of Compliance:**

In compliance of the directions of the Hon'ble NGT, HPPCB submitted report of the Joint Committee on 30/9/2021, followed by supplementary report on 23/11/2021. In continuation of the above reports, the final report/findings of the Joint Committee are submitted as follows:

Handwritten signatures and dates: a signature on the left, a date '21/1/22' in the middle, and another signature on the right.

- i. Total Number of Industrial units in BBN (Baddi, Barotiwala, Nalagarh) Area covered under Consent Mechanism are **2444 (Red Category 219, Orange 900 and Green category 1325)**
- ii. Out of 2444 industrial units in BBN Area, **1703 units** are located in Baddi Barotiwala area and remaining **741 units** are located in Nalagarh region.
- iii. Total number of **water polluting industries in BBN Area is 576.**
- iv. Out of total 576 water polluting industries, **456 industries** are located in Baddi area and **120 industries** are located in Nalagarh area. All these **456 industries** located in Baddi Barotiwala area, are connected to CETP either through pipe line or tankers. Further, out of these 456 Industries located in Baddi Barotiwala area, **376 industries** are operational and remaining **80** are temporarily closed.
- v. Out of 120 water polluting industries located in Nalagarh area, **24 industries** are connected to CETP, Baddi through tankers and remaining **96 water polluting industries** have installed their own ETP to treat the industrial effluent. As per information provided by HPPCB, **none of these units are discharging treated effluent into the water bodies.**
- vi. **All 456 industries of Baddi Barotiwala area were monitored** by HPPCB, during July to October, 2021 in this matter. Joint Committee also monitored randomly selected 13 No. Industries out of these 456 industries, during 1-2 November, 2021, for cross verification of the compliance (**Annexure-I**).
- vii. Out of these 456 industries monitored by the HPPCB and Joint Committee, **97 industries were found to be non-compliant w.r.t norms prescribed by HPPCB** for discharge at the inlet of CETP for further treatment. The list of **97 industries** not complying with the prescribed norms is attached as **Annexure-II**.
- viii. MoEF&CC has prescribed limits for the discharge parameters of CETP vide notification dated January 1, 2016, wherein, it is also mentioned that **"For each Common Effluent Treatment Plant (CETP), the State Board will prescribe Inlet**

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**Quality Standards for General Parameters, Ammonical Nitrogen and Heavy metals as per design of the Common Effluent Treatment Plant (CETP) and local needs & conditions” (Annexure-III).** Accordingly, in compliance of the MoEF&CC notification, CETP inlet norms have been prescribed vide notification dated 26/12/2019 issued by Govt. of HP (Department of Environment Science & Technology).

- ix. No action was taken by HPPCB against 97 Nos. industries having hydraulic loading less than 200 KLD, which were found to be not complying with the CETP inlet norms, since, the Baddi Barotiwala Nalagarh Industrial Association( BBHIA) has filed a petition in the High Court of Shimla ( CWP No. 4961 of 2021 ), wherein the CETP inlet norms as per notification dated 26/12/2019 issued by Govt. of HP (Department of Environment Science & Technology) in compliance of MoEF&CC Notification dated January 1, 2016, have been challenged, taking a plea that the environmental clearance has specified condition of treatment and inlet norms which may be specified by State Pollution Board for units discharging more than 200 KLD and direction has been issued to the State Pollution Control Board. Hon'ble High Court vide orders dated 01/09/2021 and 10/11/2021, had directed not to take coercive action against them. The copies of petition filed by the industries, Hon'ble High Court Order dated 1/09/2021, order dated 10/11/2021 and order dated 29/12/2021 and the reply filed by HPPCB before the Hon'ble High Court are enclosed as **Annexure IV**. The orders passed by Hon'ble High Court is as under:

*“...In the meanwhile, respondents are restrained from taking any coercive action against petitioners.....order dated 01-09-2021”*

*“...The order dated 01-09-2021 is clarified to the extent that the same shall only be applicable to those industries having less than 200 KLD hydraulic discharge.....order dated 10-11-2021”*

Now, the above matter is listed for hearing before the Hon'ble High Court on 12-04-2022”

- x. The analysis results of primary treated Category-I effluent (Discharged to CETP for further treatment) from M/s Vardhman Textiles Limited (Auro Textile-I, Auro Textile-

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- II & Auro Dyeing-I) is complying with CETP inlet norms w.r.t Category-I effluent. However, as per Environmental Clearance granted to CETP vide F. No. 10-53/2011-IA-III Dated 8.01.2013 (copy attached as **Annexure-V**), the member industries with hydraulic loading more than 200 KLD shall treat in the existing onsite ETPs (as these industries have already provided on site ETP consisting of Primary/Secondary and Tertiary Treatment System) to the level of treatment and standards prescribed in the consent orders issued by the State PCB before discharging into the CETP for further treatment.
- xi. M/s Vardhman Textiles Limited and M/s Winsome textiles Limited, have installed the tertiary treatment system only for treatment of Category-IV and it was verified by the Joint Committee. M/s Vardhman Textiles Limited and Winsome Textile Limited have discontinued discharging CAT-IV effluent to CETP Treatment in the RO and MEE seemed to help the CETP meet the discharge norms of FDS/TDS as indicated in the analysis results of the samples collected by HPPCB from the discharge point located at River Sirsa, since May 2021.
- xii. The Hon'ble High Court vide CWP No. 414 of 2021, 416 of 2021, 417 of 2021 and 418 of 2021 have stayed the action taken by the State Board under section 33 A of Water Act, 1974 against the above two units, for previous violations (**Annexure-VI**). Further, vide order dated 22/12/2021. Hon'ble High court has directed that "*no coercive action shall be taken against the petitioner pursuant to the notification dated 26/12/2019*" (whereby Govt. of HP, Deptt. of Env't., Sci, and Technology notified inlet quality standards in respect of CETP, Baddi). The Matter is now listed before the Hon'ble High Court of HP on 21/03/2022 (**Annexure-VII**).
- xiii. Baddi CETP was also monitored by the Joint Committee for compliance of prescribed norms. **CETP was found to be non-compliant w.r.t. Bio-assay Test (Zero % survival of fish in 100% sample after 96 hours against the standard of 90% survival of fish in 100% sample after 96 hours)**. Bio-assay test is an important parameter for determining the toxicity of waste water. **All other parameters including FDS were found to be within the prescribed limits and CETP was found to be compliant in this regard.** (Report annexed as **Annexure VIII**)

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Further, the joint committee was informed by the CETP Baddi that a funding support to the tune of Rs. 28 Crores from the Ministry of Commerce and Industry, Government of India, under "Trade Infrastructure for Export Scheme" has been sanctioned for their proposal on "3 MLD Effluent Refractory Management and TDS reduction in CETP". The Govt. of Himachal Pradesh has already sanctioned and partially released the funds, for this proposal. Further, CETP Baddi has invited tenders for design, supply, construction, installation, commissioning, testing and trial run of 3 MLD capacity for effluent refractory management and TDS/FDS Reduction at their existing 25 MLD capacity CETP & MLD STP located at Baddi, Distt. Solan (HP) and this project shall be completed within one year i.e. upto 31.10.2022, as informed to the Joint Committee by CETP, Baddi (**Annexure-IX**).

- xiv. The same Joint Committee has been constituted in the matter of OA No. 136 of 2020; Veteran form, has also conducted the monitoring of River Sirsa during Monsoon and post monsoon seasons. The Joint Monitoring conducted sampling of River Sirsa from following locations:

Sr. No.	Sampling Location	Pre-monsoon	Post-monsoon
		Class as be Designated Best Use	
1.	Point Upstream of CETP	B	B
2.	Point Downstream of CETP	B	D
3.	River Sirsa D/s Nalagarh Bridge	B	B

The analysis data shows that the water quality of river Sirsa before CETP and when it is leaving Himachal Pradesh Boundary at D/s Nalagarh Bridge falls under Class B in both samplings i.e. pre-monsoon and post-monsoon. However in the post-monsoon sampling there is deterioration in the water quality at location downstream of CETP. The analysis reports are annexed as **Annexure-X**

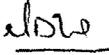
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xv. An email dated 8/11/2021 from Mr. R.N. Jindal, Executive Director, TSDF Facility, Nimbua Greenfield (Punjab) Limited was also received, giving comments on the HPPCB w.r.t inlet norms, compliance by CETP and the member industries (Annexure-XI). However, Joint Committee didn't find it appropriate to influence its report with his comments, since no such request was made by the Joint Committee for his comments and forwarded his mail to HPPCB, for reference and taking any action HPPCB deemed necessary.

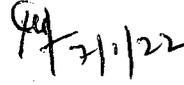
The above final report is being submitted by the Joint Committee for the consideration of Hon'ble National Green Tribunal. Further, the Joint Committee will abide by further directions of Hon'ble National Green Tribunal.



Ms Nisha Limba,  
MoEF&CC, IRO Shimla



P.C. Gupta,  
HPPCB, Baddi

 21/1/22

Dr. Narender Sharma  
CPCB, Chandigarh



Mahendra Pal Gurjar, IAS  
Distt. Admn, Solan

Dated: 07/01/2022



Analysed by Shriram Institute For Industrial Research						Annexure-1
Sr. no	Name and address	pH(6-9)	BOD(350m g/l)	FDS(2100m g/l)	COD(1000m g/l)	Remarks
1	Nectar Life sciences Ltd Formulation Plant Unit 6, Hill top, Vill Bhatolikalan	7.6	28	922	120	Within limit
2	Helios Pharmaceuticals Ltd Vill Malpur PO Bhud Tehsil Nalagarh Dist Solan HP	7.7	49	1180	180	Within limit
3	Venus Remedies Ltd., Hill Top Industrial Estate Jharmajri EPIP Phase-I Bhatolikalan Tehsil Baddi Distt Solan HP	7.8	2	912	12	Within limit
4	Nector life science unit VII, Hill top, Vill Bhatolikalan	7.3	92	5300	360	Within limit
5	Gopal Life Sciences Unit 2 Hill Top Ind Estate Near Export Zone Jharmajri Tehsil Baddi Distt Solan HP	6.6	7	1936	52	Below limit
6	MDC Pharmaceutical, Sai Road Baddi Distt. Solan HP.	7.2	58	830	240	Within limit
7	Aristo Pharmaceuticals Pvt Ltd Village Makhnumajra PO Bhud Teshil Baddi Distt Solan HP	7.4	24	1424	100	Within limit
8	Aristo Laboratories Pvt. Ltd. Vill. Makhnu Majra PO Bhud Teh Baddi Distt Solan HP	7.5	14	897	68	Within limit
9	FDC Ltd Village Bhud Tehsil Baddi Dist Solan HP	7.3	4	972	20	Within limit
10	Crius Life Sciences Pvt Ltd Malpur, Pargana Dharampur, Tehsil Baddi, District Solan-Malpur, Nalagarh, Solan Baddi. 173205	6.9	1544	1514	4320	Above limit
11	Cadila Healthcare Ltd Swaraj Majra, Juddi Kalan Post Baddi Tehsil Nalagarh Distt Solan HP	7.7	178	618	700	Within limit
12	Osper Formulations, Plot No 134-B EPIP Phase-I Jharmajri Tehsil Baddi Distt Solan HP	7.6	1	84	8	Within limit
13	Cipla Ltd Unit I Vill Upper Malpur P.O. Bhud Tehsil Baddi Distt Solan HP	7.2	165	954	680	Within limit

					<b>Annexure II</b>
<b>Sr.No</b>	<b>Name of Unit</b>	<b>Address of Unit</b>	<b>Sampling point</b>	<b>Date of collection</b>	<b>Remarks</b>
1	Huhtamaki PPL Ltd	Plot No. 9 Village Kunjhal, P.O. Barotiwala Tehsil Baddi Distt Solan H.P.	FOL of ETP	28.07.2021	<b>Above limit</b>
2	RM Chemicals (P) Ltd	EPIP-I, Jharmajri, Baddi	Fol of Etp (inlet to CETP)	29.07.2021	<b>Above limit</b>
3	Celebrity biopharma	Hill top vill panga jharmajri	FOL of ETP discharge to CETP	28.07.2021	<b>Above limit</b>
4	Metrocraft	Bhatolikalan Baddi	FOL of ETP discharge to CETP	29.07.2021	<b>Above limit</b>
5	Indoco Remedies Ltd.	Katha	Direct discharhe to CETP	29.07.2021	<b>Above limit</b>
6	Indoco Remedies Ltd. (Unit-III)	Katha	FOL of ETP discharge to CETP	29.07.2021	<b>Above limit</b>
7	Ivm Pharmacia	Plot No 5A Bhatolikalan	FOL of ETP discharge to CETP	29.07.2021	<b>Above limit</b>
8	Panam cylinders	Plot No 11 IA Bhatolikalan	Collection discharge to CETP	29.07.2021	<b>Above limit</b>
9	Bhandora organic products Ltd.	Plot no-26 Himuda Bhatolikalan Baddi.	FOL of ETP discharge to CETP	29.07.2021	<b>Above limit</b>
10	Acme life (tech llp)	Plot no 103-105 EPIP -1	FOL OF ETP (Inlet to CETP)	28.7.21	<b>Above limit</b>
11	Scott Edil pharmacia	Plo no 56 EPIP -1 Baddi	FOL OF ETP (discharge to CETP)	29.7.21	<b>Above limit</b>
12	Mile stone unit 8	jharmajri baddi	FOL OF ETP (discharge to CETP)	30.7.21	<b>Above limit</b>
13	Sanshul engineer	P.No 114 EPIP -I engineers	Collection tank to CETP	28.7.21	<b>Above limit</b>
14	Indogreen plastic technologies	Kh.no 12 Katha Baddi	FOL of ETP	29.7.21	<b>Above limit</b>
15	GII Industries	Plot no 8 EPIP-I Jharmajri Baddi	Caollection tank to CETP	28.7.21	<b>Above limit</b>
16	Curetech Skincare	Plot No -34 Phase-IV Bhatolikalan Baddi	final outlet of ETP	29.7.21	<b>Above limit</b>
17	Mediwell Biotech	Bhatolikalan Baddi	final outlet of ETP	29.7.21	<b>Above limit</b>
18	Kingston Aqua Industries	Plot -3 Himuda Flats Bhatolikalan	final outlet of ETP	29.7.21	<b>Above limit</b>
19	Temple packaging	bhatolikalan baddi	collectioun tank to cetp	28.7.21	<b>Above limit</b>
20	Amster lab unit-ii	Hill top bhatolikalan	FOL OF ETP (discharge to CETP)	28.7.21	<b>Above limit</b>
21	Saundrya prasadhan	Jharmajri baddi	FOL OF ETP (discharge to CETP)	28.7.21	<b>Above limit</b>
22	Yash appliances	Katha baddi	FOL OF ETP (discharge to CETP)	29.7.21	<b>Above limit</b>
23	GMH LABO	Bhatolikalsan baddi	FOL OF ETP (discharge to CETP)	29.7.21	<b>Above limit</b>
24	Acme life (tech llp)	LLP Jharmajri Baddi	FOL OF ETP (discharge to CETP)	20.7.21	<b>Above limit</b>
25	Sun Pharma	Hill top Bhatolikalan Baddi	FOL OF ETP (discharge to CETP)	20.7.21	<b>Above limit</b>
26	Nectar lifesciences ltd unit-II	Hill top Bhatolikalan Baddi	FOL OF ETP (discharge to CETP)	20.7.21	<b>Above limit</b>
27	Innova Captab ltd	Hill top Bhatolikalan Baddi	FOL OF ETP (discharge to CETP)	20.7.21	<b>Above limit</b>
28	Loreal india pvt ltd	EPIP Phase-I Jharmajri	FOL OF ETP (discharge to CETP)	20.7.21	<b>Above limit</b>
29	Elfin Drugs Pvt. Ltd	Village Bersam, Nalagarh	FOL of ETP cum STP.	21.7.2021	<b>Above limit</b>
30	Panacea Biotech	Village Bhud, Baddi,	FOL Discharge to CETP	21.7.2021	<b>Above limit</b>
31	Yash Appliances	Plot No 04 & 06, Behind Coca Cola, Katha, Baddi	FOL of ETP discharge to CETP	29.07.2021	<b>Above limit</b>
32	Signam Electrowave	Plot no 7 DIC IA abddi	FOL of ETP discharge to CETP	20.07.2021	<b>Above limit</b>
33	Jupiter Solar power Ltd.	katha Baddi	FOL of ETP discharge to CETP	20.07.2021	<b>Above limit</b>
34	life vision healthcare	Plot no140 EPI phase _I Jharmajri Baddi	FOL of ETP discharge to CETP	29.07.2021	<b>Above limit</b>
35	Xcell labs	146 EPIP phase-I Jharmajri Baddi	FOL of ETP discharge to CETP	29.07.2021	<b>Above limit</b>
36	Alpha products	Kh.No 171/1 bhatolikalan Baddi	FOL of ETP discharge to CETP	29.07.2021	<b>Above limit</b>
37	Unix biotech Pvt. Ltd	PI.No 27 EPIP Baddi	FOL of ETP discharge to CETP	29.07.2021	<b>Above limit</b>
38	Nihal Healthcare	Plot nO 33 EPIP Baddi	FOL of STP	29.07.2021	<b>Above limit</b>
39	Axiom Controls Ltd.	PI.no 2-III Epip Baddi	FOL of ETP	29.07.2021	<b>Above limit</b>

40	M/s Krypton Pharmaceutical	plot no 69,EPIP-I Jharmajri	FOL OF ETP (discharge to CETP)	29.7.21	Above limit
41	Aeon polymer	plot no -80,EPIP-I Jharmajri	FOL OF ETP (discharge to CETP)	29.7.21	Above limit
42	Manjushree Technopack Ltd	plot no -70,71,EPIP-I Jharmajri	storage tank to cetp	29.7.21	Above limit
43	Torque pharmaceutical pvt ltd	plot no -13B-14,EPIP-I	FOL OF ETP (discharge to CETP)	29.7.21	Above limit
44	Symbiotic Drugs & diabetic care p ltd	plot no -35,EPIP-I	FOL OF ETP (discharge to CETP)	29.7.21	Above limit
45	Indogreen plastic technologies	Kno 12 katha Baddi	FOL OF ETP (discharge to CETP)	29.7.21	Above limit
46	Kahna Biogenotic	plot no 1C EPIP-I jharmajri	FOL OF ETP (discharge to CETP)	29.7.21	Above limit
47	Radiant casting	plot no 288,EPIP-I Jharmajri	FOL OF ETP (discharge to CETP)	29.7.21	Above limit
48	Yash Appliances	Plot No 04 & 06, Behind Coca Cola, Katha, Baddi	FOL of ETP discharge to CETP	29.07.2021	Above limit
49	Volcano Electrical Industries	Plot No 37, Himuda IA Baddi	FOL of ETP discharge to CETP	29.07.2021	Above limit
50	Maneesh Pharmaceuticals	Balyana near Hill Top Barotiwala,	FOL of ETP discharge to CETP	30.07.2021	Above limit
51	Micro Turner Unit-II	Jharmajri Baddi	FOL of ETP discharge to CETP	29.07.2021	Above limit
52	Sarvotham care	Jharmajri baddi	FOL of ETP discharge to CETP	29.07.2021	Above limit
53	Ozone pharma	Katha baddi	FOL of ETP discharge to CETP	29.07.2021	Above limit
54	SSF Plastic india ltd.	Kh. 681/82 hadblast No-211 Katha	FOL of STP	29.07.2021	Above limit
55	Euphoria India Pharmaceutical	145 HPSIDC Baddi	Collection tank discharge to CETP	30.7.21	Above limit
56	RCI Industries & Ttechnologies	84 HPSIDC baddi	FOL OF ETP (discharge to CETP)	30.7.21	Above limit
57	Cure tech =Formulation	Judi kalan Baddi	FOL OF ETP (discharge to CETP)	30.7.21	Above limit
58	IVN HERBAL	Khasra no 63 judikalan Baddi	FOL OF ETP (discharge to CETP)	30.7.21	Above limit
59	Preet remedies	184 HPSIDC	FOL OF ETP (discharge to CETP)	30.7.21	Above limit
60	Marc laboratories	107 HPSIDC Baddi	FOL OF ETP (discharge to CETP)	30.7.21	Above limit
61	Cyper Pharma	Sai Road Baddi	Storage tank to CETP	31.7.21	Above limit
62	Lifecare Remedies (MPL pharma-iii)	IA Ext-II Baddi	Storage tank discharge to CETP	31.7.21	Above limit
63	AV Auto industries p ltd	Plot No 59-60 IA Baddi	FOL of ETP discharge to CETP	31.7.21	Above limit
64	Paclean Venture	175 DIC IA Baddi	FOL of ETP discharge to CETP	31.7.21	Above limit
65	Alaina Healthcare Pvt Ltd	Jharmajri, Baddi	FOL of ETP discharge to CETP by unit	31.07.2021	Above limit
66	Biogenetic Drugs Pvt Ltd.	Jharmajri, Baddi	FOL of ETP discharge to CETP by unit	31.07.2021	Above limit
67	SK Files & Tools	Village Bauranwala PO Barotiwala	FOL of ETP discharge to CETP	3.8.21	Above limit
68	Milestone gear unit-IV	Barotiwala Nalagarh	Discharge to CETP	3.8.21	Above limit
69	Haripur kradft company	Village bated barotiwala	Discharge to CETP	3.8.21	Above limit
70	Haripur paper company	villaged bated bnarotiwala	Discharge to CETP	3.8.21	above limit
71	Polestar power industries	Haripur road barotiwala	FOL of ETP discharge to CETP	3.8.21	above limit
72	YL Pharma	Katha Baddi	FOL of ETP discharge to CETP	3.8.21	Above limit
73	Luminous Power Technologies	Village Malpur Bhud Baddi	FOL OF STP (discharge to CETP)	2.8.21	Above limit
74	Health Biotech limited	Village Sandholi Baddi	FOL of ETP discharge to CETP	3.8.21	Above limit
75	Ancorotti Cosmetic india	Plot no 12 Katha Baddi	FOL of ETP discharge to CETP	2.8.21	Above limit
76	Helios Pharmaceutical	Malpur Bhud baddi	FOL of ETP discharge to CETP	2.8.21	Above limit
77	Reckitt benkiser healthcare	Village Sandholi Baddi	FOL of ETP cum STP discharge to cetp	2.8.21	Above limit
78	Pearl polymer Limited	Village Sandholi Baddi	FOL OF STP (discharge to CETP)	2.8.21	Above limit

79	Aishwariya Healthcare Ltd Unit-I	Vill Thana, Baddi	FOL of ETP discharge to CETP	31.07.2021	Above limit
80	BHC Ayurvedic Lab (P) Ltd (Pharma)	Unit-II (Fortscheitt Healthcare Ltd.) Vill Thana, Baddi	FOL of ETP discharge to CETP	31.07.2021	Above limit
81	Martin & Brown Bioscience	Malku Majra, Baddi	FOL of ETP discharge to CETP	31.07.2021	Above limit
82	MDC Pharmaceuticals Pvt. Ltd	Sai Road Baddi	FOL of ETP discharge to CETP	31.7.21	Above limit
83	Marigman Cosmetics	KH. no- 677 Sai Road	FOL of ETP discharge to CETP	31.07.21	Above limit
84	Pharmaniox Pharmaceuticals	Plot no-10 HPSIDC Ext. IA Baddi	FOL of ETP discharge to CETP	31.07.21	Above limit
85	Himachal Cosmetics Pvt.ltd.	Opp. Radha Sawami Satsant Kuruwana Baddi	collection taank discharge to CETP	31.07.21	Above limit
86	Shervotech pharmaceuticals	Plot. No-82/4 HPSIDC IABaddi	FOL of ETP Discharge to CETP	31.07.21	Above limit
87	Ozone Ayurvedies Unit-II	Plot No- 216 HPSIDC Ext. IA Baddi	FOL of ETP Discharge to CETP	31.07.21	Above limit
88	BRD medilabs Unit-Ii	Plot no-20 HPSIDC IA Baddi	FOL of ETP Discharge to CETP	31.07.21	Above limit
89	Aroma Aromatics & Flavours	Plot no-67-69 DIC baddi	FOL of ETP Discharge to CETP	31.07.21	Above limit
90	Forgo Pharmaceutical	Plot no 27 IA Barotiwala Baddi	Final outlet of ETP	7.8.21	Above limit
91	Richfeel Health & Beauty	Village Bhud Tehsil Baddi	Collection tank discharge to CETP	5.8.21	Above limit
92	Shri ramesh industry	Juddikalan Baddi	Discharge toi CETP	5.8.21	Above limit
93	Gupta property developers	Judikalan Baddi	Collection Tank direct discharge to CETP	5.8.21	Above limit
94	Zoya herboceutical	Village katha Baddi	Collection Tank to CETP	6.8.21	Above limit
95	Sabson fastner	Plot no 46 HPSIDC	Collection Tank to CETP	6.8.21	Above limit
96	Aspee spring limited	Village Kuranwala Mandhala Baddi	FOL of ETP discharge to CETP	6.8.21	Above limit
97	Aspee sons Village Kuranwala	Village Kuranwala Mandhala Baddi	Finaloutlet of ETP	6.8.21	Above limit

सा.का.नि. सं. 446(अ), तारीख 13 जून, 2011; सा.का.नि. सं. 152(अ), तारीख 16 मार्च, 2012; सा.का.नि. सं. 266(अ), तारीख 30 मार्च, 2012; सा.का.नि. सं. 277(अ), तारीख 31 मार्च, 2012; सा.का.नि. सं. 820(अ), तारीख 9 नवंबर, 2012; सा.का.नि. सं. 176(अ), तारीख 18 मार्च, 2013; सा.का.नि. सं. 535(अ), तारीख 7 अगस्त, 2013; सा.का.नि. सं. 771(अ), तारीख 11 दिसंबर, 2013; सा.का.नि. सं. 2(अ), तारीख 2 जनवरी, 2014; सा.का.नि. सं. 229(अ), तारीख 28 मार्च, 2014; सा.का.नि. सं. 232(अ), तारीख 31 मार्च, 2014; सा.का.नि. सं. 325(अ), तारीख 7 मई, 2014; सा.का.नि. सं. 612(अ), तारीख 25 अगस्त, 2014; सा.का.नि. सं. 789(अ), तारीख 11 नवंबर, 2014; और अंत में अधिसूचना का.आ. सं. 3305(अ), तारीख 7 दिसंबर, 2015 द्वारा संशोधन किए गए थे।

### MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

#### NOTIFICATION

New Delhi, the 1st January, 2016

**S.O. 4(E).**—In exercise of the powers conferred by sections 6 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby makes the following rules further to amend the Environment (Protection) Rules, 1986, namely:—

1. **Short title and Commencement.**—(1) These rules may be called the Environment (Protection) Amendment Rules, 2015.
  - (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Environment (Protection) Rules, 1986, in Schedule-I,—
  - (a) the serial number 41 and the entries relating thereto, shall be omitted;
  - (b) for serial number 55 and the entries relating thereto, the following serial number and entries shall be substituted, namely:—

S. No.	Industry	Parameter	Standards		
(1)	(2)	(3)	(4)		
“55.	<b>Common Effluent Treatment Plants (CETP)</b>				
	<b>A. Inlet Quality Standards</b>	For each Common Effluent Treatment Plant (CETP), the State Board will prescribe Inlet Quality Standards for General Parameters, Ammonical-Nitrogen and Heavy metals as per design of the Common Effluent Treatment Plant (CETP) and local needs & conditions.			
	<b>B: Treated Effluent Quality Standards</b>		Max. permissible values (in milligram/litre except for pH and Temperature)		
			Into inland surface water	On land for irrigation	Into sea
		<b>General Parameters</b>			
		pH	6 - 9	6 - 9	6 - 9
		Biological Oxygen Demand, BOD <sub>3</sub> , 27 °C	30	100	100
		Chemical Oxygen Demand (COD)	250	250	250 *
Total Suspended Solids (TSS)	100	100	100		
Fixed Dissolved Solids (FDS)	2100*	2100*	NS*		

<b>Specific parameters</b>			
Temperature, °C	Shall not exceed more than 5°C above ambient water temperature	Shall not exceed more than 5°C above ambient water temperature	Shall not exceed more than 5°C above ambient water temperature
Oil & Grease	10	10	10
Ammonical-Nitrogen	50	NS*	50
Total Kjeldahl Nitrogen (TKN)	50	NS*	50
Nitrate- Nitrogen	10	NS*	50
Phosphates, as P	5	NS*	NS*
Chlorides	1000	1000	NS*
Sulphates, as SO <sub>4</sub>	1000	1000	NS*
Flouride	2	2	15
Sulphides, as S	2	2	5
Phenolic compounds (as C <sub>6</sub> H <sub>5</sub> OH)	1	1	5
Total Res. Chlorine	1	1	1
Zinc	5	15	15
Iron	3	3	3
Copper	3	3	3
Trivalent Chromium	2	2	2
Manganese	2	NS*	2
Nickel	3	NS*	3
Arsenic	0.2	NS*	0.2
Cyanide, as CN	0.2	NS*	0.2
Vanadium	0.2	NS*	0.2
Lead	0.1	NS*	0.1
Hexavalent Chromium	0.1	NS*	0.1
Selenium	0.05	NS*	0.05
Cadmium	0.05	NS*	0.05
Mercury	0.01	NS*	0.01
Bio-assay test	As per industry-specific standards	As per industry-specific standards	As per industry-specific standards

\*NS-Not specified

**Notes:**

1. \*Discharge of treated effluent into sea shall be through proper marine outfall. The existing shore discharges shall be converted to marine outfalls. In cases where the marine outfall provides a minimum initial dilution of 150 times at the point of discharge and a minimum dilution of 1500 times at a point 100 m away from discharge point, then, the State Board may relax the Chemical Oxygen Demand (COD) limit:

<p>Provided that the maximum permissible value for Chemical Oxygen Demand (COD) in treated effluent shall be 500 milligram/litre.</p> <p>2. *Maximum permissible Fixed Dissolved Solids (FDS) contribution by constituent units of a Common Effluent Treatment Plant (CETP) shall be 1000 milligram/litre. In cases where Fixed Dissolved Solids (FDS) concentration in raw water used by the constituent units is already high (i.e. it is more than 1100 milligram/litre) then the maximum permissible value for Fixed Dissolved Solids (FDS) in treated effluent shall be accordingly modified by the State Board.</p> <p>3. In case of discharge of treated effluent on land for irrigation, the impact on soil and groundwater quality shall be monitored twice a year (pre- and post-monsoon) by Common Effluent Treatment Plants (CETP) management. For combined discharge of treated effluent and sewage on land for irrigation, the mixing ratio with sewage shall be prescribed by State Board.</p>	
4. Specific parameters for some important sectors, selected from sector-specific standards	
Sector	Specific Parameters
Textile	Bio-assay test, Total Chromium, Sulphide, Phenolic compounds
Electroplating Industries	Oil & Grease, Ammonia-Nitrogen, Nickel, Hexavalent Chromium, Total Chromium, Copper, Zinc, Lead, Iron, Cadmium, Cyanide, Fluorides, Sulphides, Phosphates, Sulphates,
Tanneries	Sulphides, Total Chromium, Oil & Grease, Chlorides
Dye & Dye Intermediate	Oil & Grease, Phenolic compounds, Cadmium, Copper, Manganese, Lead, Mercury, Nickel, Zinc, Hexavalent Chromium, Total Chromium, Bio-assay test, Chlorides, Sulphates,
Organic chemicals manufacturing industry	Oil & Grease, Bio-assay test, Nitrates, Arsenic, Hexavalent Chromium, Total Chromium, Lead, Cyanide, Zinc, Mercury, Copper, Nickel, Phenolic compounds, Sulphides
Pharmaceutical industry	Oil & Grease, Bio-assay test, Mercury, Arsenic, Hexavalent Chromium, Lead, Cyanide, Phenolic compounds, Sulphides, Phosphates."

[F. No. Q-15017/18/2014-CPW]

Dr. RASHID HASAN, Advisor

**Note-** The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* number S.O. 844(E), dated the 19th November, 1986 and subsequently amended *vide* the following notifications:—

S.O. 433(E), dated the 18<sup>th</sup> April 1987; G.S.R. 176(E) dated the 2<sup>nd</sup> April, 1996; G.S.R. 97(E), dated the 18<sup>th</sup> February, 2009; G.S.R. 149(E), dated the 4<sup>th</sup> March, 2009; G.S.R. 543(E), dated the 22<sup>nd</sup> July, 2009; G.S.R. 739(E), dated the 9<sup>th</sup> September, 2010; G.S.R. 809(E), dated the 4<sup>th</sup> October, 2010, G.S.R. 215(E), dated the 15<sup>th</sup> March, 2011; G.S.R. 221(E), dated the 18<sup>th</sup> March, 2011; G.S.R. 354(E), dated the 2<sup>nd</sup> May, 2011; G.S.R. 424(E), dated the 1<sup>st</sup> June, 2011; G.S.R. 446(E), dated the 13<sup>th</sup> June, 2011; G.S.R. 152(E), dated the 16<sup>th</sup> March, 2012; G.S.R. 266(E), dated the 30<sup>th</sup> March, 2012; and G.S.R. 277(E), dated the 31<sup>st</sup> March, 2012; and G.S.R. 820(E), dated the 9<sup>th</sup> November, 2012; G.S.R. 176(E), dated the 18<sup>th</sup> March, 2013; G.S.R. 535(E), dated the 7<sup>th</sup> August, 2013; G.S.R. 771(E), dated the 11<sup>th</sup> December, 2013; G.S.R. 2(E), dated the 2<sup>nd</sup> January, 2014; G.S.R. 229 (E), dated the 28<sup>th</sup> March, 2014; G.S.R. 232(E), dated the 31<sup>st</sup> March, 2014; G.S.R. 325(E), dated the 07<sup>th</sup> May, 2014, G.S.R. 612(E), dated the 25<sup>th</sup> August, 2014; G.S.R. 789(E), dated the 11th November, 2014 and lastly amended *vide* notification S.O. 3305(E), dated the 7th December, 2015.

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**IN THE HON'BLE HIGH COURT OF  
HIMACHAL PRADESH AT SHIMLA**

CWP NO. of 2021

In Re:-

1. BaddiBarotiwala Nalagarh Industries Association (BBNIA)  
With its registered office at,  
EPIP, Phase-I, Jhadmajri, Baddi,  
District Solan H.P. 1741003,  
through its Executive head Sh. Rajeev Satya  
and its duly Authorized Representative.

..... Petitioner

Versus

1. State of H.P. through Principal Secretary,  
Environment Science & Technology  
to the Government of H.P  
(also ex-officio Chairman of the  
H.P Pollution Control Board)  
Civil Secretariat, Shimla 171002.
2. Himachal Pradesh Pollution Control Board  
through its Member Secretary  
Him - Parivesh,  
Phase-III New Shimla- 171009.
3. The Member Secretary  
Himachal Pradesh Pollution Control Board  
Him -Parivesh,  
Phase-III New Shimla- 171009.
4. Municipal Council Baddi  
District Solan  
Through its Executive Officer.

...Respondents

**Civil Writ petition under Article 226 of the  
Constitution, for issuance of appropriate writ  
order or direction in favour of the petitioner and  
against the respondents to:-**

- (a) Issue a writ of certiorari to quash **Annexure P-13** i.e. the impugned notification No. STE-F(2)-1/2017 dated 26.12.2019, issued by the respondent No.1 in the absence of any jurisdiction/authority and against the mandate of the provisions of the Water(Prevention and Control of Pollution) Act 1974, with consequential benefits flowing there from in favour of the Petitioner Association and against the respondents;
- (b) In the alternative, in case prayer(a) does not find favour with this Hon'ble Court, then to Issue a writ of mandamus declaring that the notification of 26/12/2019 i.e **Annexure P-13**, is not applicable in the case of industries connected with the Common Effluent Treatment Plant and having hydraulic loading of less than 200 KLD, in terms of the Environmental Clearance granted by the Ministry of Environment and Forests i.e Annexure P-6 in consonance with the recommendations made by the Committee constituted on 25/8/2020, as reiterated by the respondent no.3 in terms of his letter of 18/9/2020 i.e Annexure P-15;
- (c) Issue a writ of mandamus directing the respondent No.4 to immediately and without any delay ensure that the domestic/ household sewerage connection to the CETP is in terms of notification of 27/10/2010 i.e Annexure P-3 is implemented;
- (d) Issue a writ of mandamus directing the respondent No.1 State to constitute the respondent No. 2 H.P Pollution Control Board strictly in accordance with the provisions of Section 4 of the Water

(Prevention and Control of Pollution) Act 1974 and the directions given by the Hon'ble Supreme Court of India in Techī Tagī Tara Vs. Rajender Singh Bhandari and others;

- (e) Call for the records of the case;
- (f) Allow any other relief deem fit by this Hon'ble Court in favour of the petitioner association and against the respondents in the peculiar facts and circumstances attaining to the present case;
- (g) Allow the cost of this petition in favour of the petitioner and against the respondents.

Shimla

Petitioner Association

Dated:28/8/2021

Through Advocate

Arjun Lall/ Sanjay Kumar *Sanjivani Sood,*

**MAY IT PLEASE YOUR LORDSHIPS:-**

1. That the Petitioner Association is registered as a society under the H.P. Societies Registration Act 2006. The name of the society is Baddi Barotiwala Nalagarh Industries Association ("hereinafter referred to as BBNIA") with its registered office at EPIP Jhadmajri Road, EPIP, phase-I Jhadmajri, Baddi, District Solan H.P.. The main object of the society is to promote the Industries in the Baddi Barotiwala, Nalagarh Industrial Areas of H.P., including the object to take up issue of interest of the industries with various authorities. The Petitioner Association also acts as an interface between the Government of H.P including the respondent No.2 i.e the H.P Pollution Control Board and its Member Industries, which are the registered members and constitute a part of the association i.e. (BBNIA). In terms of the resolution passed by the Executive Committee of the Association dated 9/8/2021, the Executive Head Sh Rajeev Lochan Satya has been authorized to institute, sign and verify and prosecute the present writ petition on behalf of the Petitioner Association and to agitate the cause of its Member Industries. Accordingly, the present writ petition is being filed by the Petitioner Association acting through its Executive Head Sh Rajeev Lochan Satya. The certificate of registration of the Petitioner Association and the resolution in favour of the aforesaid person are annexed hereto as Annexure P-1 colly. The Articles of Association and the Memorandum of Association of the Petitioner Association are annexed collectively as

Annexure P-2 Colly. Any company registered under the Companies Act 1956 or corporation, cooperative society partnership firm and a sole proprietorship concern having its office or place of business within the Baddi Barotiwala municipal or cantonment area, is eligible to become a member of the Association.

2. That the respondent no.1 is the Principal Secretary Environment, Science and Technology, Govt of H.P and in which capacity, he is also the ex-officio Chairman of the H.P Pollution Control Board i.e respondent no.2. The respondent no.2 is the H.P Pollution Control Board (hereinafter referred to as the Board), which is mandatorily required to be constituted strictly in terms of Section 4 of the Water (Prevention and Control of Pollution) Act 1974(hereinafter referred to as the Water Act). However, the said respondent no.2 Board is not presently constituted as per the mandate and requirement of law and the directions given by the Hon'ble Supreme Court of India in Techhi Tagi Tara vs Rajinder Singh Bhandari. Furthermore, the members of the respondent no.2 Board are required to be appointed in consonance with Section 4(a) to (f) of the Water Act. The members of the Board have not been appointed/ nominated to the respondent no.2 Board in accordance with the aforesaid provisions of the Act. Therefore, any action taken purported to be taken by the Board, including any recommendations made qua prescription/notification of the inlet quality norms, are illegal and not binding, being

against the well-established principle of "coram non judice".

3. That the respondent no.2 Board, is the H.P Pollution Control Board, is required to be established in terms of Section 4 of the Water Act of 1974. Presently no members as required in terms of Section 4(b) to (e) stand nominated to the respondent no.2 Board. The respondent no.3 is the Member Secretary of the respondent no.2 Board, who as per the mandate of Section 4 of the Water Act, looks after the day-to-day functioning of the respondent no.2 Board, which is required to act collectively in the matter of regulation of water pollution in the State of H.P.
4. That the Petitioner Association by means of the present writ petition, is espousing the cause of those Medium and Small and Micro Scale Industries registered under the MSME Act, which are Members Industries of the Petitioner Association and are having a hydraulic loading capacity of less than 200 KLD. The aforesaid Member Industries were mandatorily required to connect themselves to the Common Effluent Treatment Plant. They are approximately 100 in number, discharging effluent with FDS more than 2100 mg/l. They are aggrieved by the various acts of omission and commission attributable to the respondents No. 1 to 3 and more so the respondent no.2 Board, (the constitution of which is in complete violation of the provisions of the Water Act and the mandatory directions issued by the Hon'ble Supreme Court of India in **Techi Tagi Tara Vs**

**Rajender Singh Bhandari and others** as reported in 2018(11) SCC 734). The Hon'ble Apex Court while interpreting the provisions of Water Act, held that any appointment of the Chairman and the Member Secretary including the non-appointment of other members of the Pollution Board, in violation of Section 4 of the Water Act cannot be countenanced. Therefore, it is respectfully submitted that any act done by them would be void ab initio on the ground of being Coram Non Judice. In addition, thereto, the respondent no.1 has arbitrarily and without any authority of law and in contravention to the provisions of Section 17 of the Water Act, and on a purported recommendation of an improperly constituted respondent no.2 Board, issued a notification No. STE-F(2)-1/2017 of 26/12/2019 in partial modification of an earlier notification of 17/3/2018, whereby additional inlet quality norms for the Common Effluent Treatment Plant have been prescribed and which are now being sought to be enforced even against those MSME Member Industries having an hydraulic load of less than 200 KLD, against the terms of the Environmental Clearance granted at the time of setting up of the CETP.

5. That it is also humbly clarified at the very outset that the present Petitioner Association is entitled to invoke the writ of jurisdiction of this Hon'ble Court in terms of the liberty granted by the Hon'ble Apex Court in terms of its decision as rendered in *TechiTagi Tara Vs Rajender Singh Bhandari and others*. The Association has the necessary locus to espouse the cause of its Member

Industries collectively and in a representative capacity. Moreover the present issue relates to the functioning of the Common Effluent Treatment Plant (here in after referred to as the CETP), which was established under the orders of this Hon'ble High Court, as it was deemed expedient and absolutely essential and necessary to set up a common effluent treatment plant, with 25 MLD capacity (to be set up in two phases as detailed here in below).

6. That the CETP was to cater to the effluent treatment needs of over 450 Members Industries situated within the catchment area of the CETP in the Baddi Barotiwala Nalagarh Industries Area belt in District Solan, H.P. Out of the total cost project Rs 60.95 Crore funding up to 82% of the cost amounting to Rs 50.09 crores was contributed by the Central Government and H.P State Government and the balance 18% amounting to Rs. 10.86 Crore was contributed by the Member Industries of the petitioner Association and Baddi Infrastructure (SPV of BBNIA). The Member Industries were mandated to divert all of their industrial/ sewage effluent to the CETP and were instructed / directed hence obligated not to have any independent treatment facility of their own or disposed of any water effluent otherwise. The requirement of sending the discharge for treatment to the CETP was also made mandatory so to make the functioning of the CETP, more viable and efficient. In the aforesaid background the respondent No.1 state issued an order dated 27.10.2010, which mandatory required all

industries to be connected with the CETP as a condition precedent for grant of a consent to operate. The copy of the order dated 27.10.2010 as annexed hereto as **Annexure P-3**. The order specifically stipulates that all municipal sewerage and industrial effluent discharge in the Baddi, Barotiwala and Nalagarh areas, was to be treated and routed through the CETP alone.

7. That at this juncture, it would be pertinent to mention that Baddi Infrastructure, is a Special Purpose Vehicle (SPV) incorporated by the Petitioner Association under Section 25 of the Companies Act 1956, established the CETP. However, in terms of the orders passed by the Hon'ble High Court in CWPIIL 13 of 2006, it was directed to ensure that both the effluent generated by the industries as well as the sewage, should be treated by the CETP, proposed to be established. Copy of order of 20/8/2010 passed in CWPIIL 13 of 2006, is annexed hereto as **Annexure P-4**. Consequently, a Detailed Project Report (DPR) was prepared on 30/10/2010, copy of relevant portion/ portion qua treatment of TDS/ FDS whereof is annexed hereto as **Annexure P-5**(The petitioner undertakes to produce the entire DPR, if so directed by this Hon'ble Court). At this stage it would be pertinent to mention that in terms of the DPR, the CETP was proposed to be set up and it was to be executed in two phases. Wherein as per Phase-I thereof, no treatment facility for removal of TDS/ FDS effluent, had been catered/ provided for. The Phase-II of the execution of

the CETP which related to the establishment of Nano-filtration technology (for treatment of TDS/ FDS norms), was to be jointly funded by the respondent no.1, and pro-forma respondent No.4 in terms of the DPR.

8. That consequent to the decision of the respondents No. 1 and 2 to set up the CETP, Environmental Clearance for establishing and development of the purposed CETP was granted on 08.01.2013, copy whereof as annexed hereto as Annexure P-6. A perusal of the Environmental Clearance will show that the CETP was to cater to 1262 Industrial Units/ plots in the Industrial Area of Baddi Barotiwala. Most importantly, in terms of the Environment Clearance and more particularly Specific Condition No.8(v) thereof, Member Industries with Hydraulic loading of more than 200 KLD were alone required to treat effluent generated by them at their existing on-site effluent treatment plant, before sending the same to the CETP for further treatment. However, at the time of granting the consent to establish, only 428 industries were found to be suitably placed within the "command area" of the CETP, to be viable for sending the effluent generated by them, as the balance number of Industrial Units were not having any effluent to discharge to CETP.
9. That in order to ensure the optimal use and functioning of the CETP, a meeting was held on 03.04.2017 under the Chairmanship of respondent No. 1. Therein it was decided that in view of the installation and operation of the CETP, until and unless directed by the respondent

No. 2 Board, the Member Industries were only to operate their Primary Effluent Treatment Plant for providing limited primary treatment(which all member industries are providing), so long as they were connected with the CETP. Since as per the DPR, the CETP was to be established to cater to all kinds of effluent and incase all industries in terms of Annexure P-3 had been directed to be connected with the CETP, the requirement of specialized treating of the effluent at their respective Effluent Treatment Plants had been dispensed with. Copy of the minutes of meeting dated 03.04.2017 are annexed hereto as Annexure P-7. In terms thereof all the Member Industries of the Petitioner Association, more particularly those with a hydraulic loading of less than 200 KLD, which already connected to the CETP, entered into tripartite agreements with the operator of the CETP and Baddi Infrastructure. A copy of one of such tripartite agreement is annexed hereto as Annexure P-8.

10. That subsequently the issue relating to the functioning of the CETP was again taken up sou moto, by the Hon'ble High Court in terms of petition i.e CWPIL 11 of 2016. It was pointed out therein that though the CETP had been established, however it was not being optimally utilized. Against the carrying capacity of 25 MLD, only 13-16 MLD of effluent was being received by the CETP. Out of the 428 units within the "command area" only 351 Units were connectible to the CETP. Directions were given by this Hon'ble Court to the respondent no.3 to ensure that all the remaining units are immediately

connected with the CETP. Copy of order of 23/8/2017 passed in CWPII 11 of 2016 is annexed hereto as Annexure P-9.

11. That the conditions of the Environmental Clearance read in conjunction with the Minutes of Meeting already annexed hereinabove as Annexure P-7 will show that so long as the Member Industries (more particularly those with less than 200 KLD hydraulic discharge) were connected with the CETP and paying the requisite treatment charges/ fees as per the Tripartite Agreement, they were only required to provide basic primary treatment at their own effluent treatment plants. However, the said effluent treatment plants were and are not technologically set up to treat Total Dissolvable Solids/ Fixed Dissolvable Solids (hereinafter referred to as the TDS/ FDS norms), which have been introduced as an inlet quality norm, in terms of the impugned notification of 26/12/2019. In case all the Member Industries, majority of which are small time MSME industries, are compelled to adhere to the norms so introduced on 26/12/2019 and more so with respect to TDS/ FDS norms, the same would render the setting up of the CETP redundant and non-existent. Not only would the Member Industries be compelled to invest in upgradation of their own treatment Plants, they would have to continue to make payments for the treatment of the same already treated effluent to the CETP also.
12. That the Member Industries as per the Environmental Clearance and on payment of the necessary charges have

been sending their effluent for treatment to the CETP. It for this reason that the respondent no.2 Board never prescribed inlet quality norms for the CETP. As per the mandate of the respondents 1 and 2 read with the Environmental Clearance, the Member Industries with less than 200 KLD hydraulic effluent, were required to send their effluent for treatment to the CETP alone and for which regular charges are paid to the operator of the CETP i.e pro-forma respondent no.4.

13. That at this juncture it would be pertinent to bring to the notice of this Hon'ble Court that, keeping in mind the notification issued by the respondent no.1 i.e Annexure P-3 whereby all Industries were to be connected to the CETP. The CETP was designed in a manner so as to treat and deal with each type of effluent. For this purpose, the effluent was categorized into five different categories i.e Cat-I to Cat-V, and different pipelines were laid to receive the different category of effluent which are under:

Category	Sector of Industry	Units	Effluent discharge(MLD)
Cat-I	Food, paper and Textile	89	15.65
Cat-II	Soaps and detergents	112	2.0
Cat-III	Pharmaceuticals	213	2.9
Cat-IV	Dyeing	4	2.0
Cat-V	Electroplating, metalsurface finishing	31	0.042

However, in the first phase of the project, the CETP was set up to treat all parameters except TDS/ FDS. Treatment of TDS/FDS effluent was to be implemented only in Phase-II of the project, by establishing of a Nano Filtration unit. This would be evident from a perusal of the Detailed Project Report already annexed here in above.

14. That once the Member Industries, stood connected with the CETP, the respondent no.1 and 2 were jointly and severally responsible along with the CETP to ensure that the outlet discharge parameters as prescribed and notified under the Environment Protection rules were being met by the CETP. The respondents 1 and 2 were to ensure that the CETP was equipped and upgraded to deal with the validly prescribed norms.
15. That for the first time on 17/3/2018, the respondent no.1 prescribed inlet quality standards for the CETP on the recommendation of the respondent no.2 Board. Copy of the same is annexed hereto as Annexure P-10. However, as per the design of the CETP, the effluent was being treated by the CETP, there was no violation of the aforesaid notification and neither the member industries nor the CETP could be said to be polluting or discharging the treated effluent in violation of the prescribed norms.
16. That however, in the meantime, pursuant to certain directions issued by the Hon'ble National Green Tribunal, wherein the functioning of the CETP was questioned with respect to the high TDS levels at the point of outlet discharge of the CETP. In this regard the

Petitioner Association annexes herewith a copy of order of 27/9/2019 as **Annexure P-11**. In terms of the aforesaid order, a Joint Committee was directed to examine the performance status of the CETP and suggest remedial measures to increase the connectivity of effluent generating units to the CETP. The Joint Committee inspected the CETP and filed its status report of 16/11/2019, copy whereof is annexed hereto as **Annexure P-12**. Perusal thereof will show that certain textile units having a discharge of more than 200 KLD hydraulic loading were allegedly found to be responsible for high levels of TDS/ FDS. Remedial measures qua the textile units were suggested. Most importantly, it was suggested that the operator of the CETP must install activated carbon, pressure sand filters and ozonizer, as was already envisaged in the "Detailed Project Report".

17. That immediately thereafter the operator i.e Baddi Infrastructure took up the matter with the respondent no.3. A detailed Action Plan was submitted by Baddi Infrastructure, dealing specifically with the question of treatment of FDS levels generated by industries. A Detailed Project Report/ Action Plan has also been submitted to the Director of Industries for "3 MLD Refractory Management and TDS Reduction in CETP" which would require funding of Rs 28.52 crores. The same would have formed part of implementation of Phase-II of the establishment of CETP. The Petitioner Association has been informed that the matter has been

taken up with the State Govt and the Govt of India for financial assistance and sanction of Rs 20 crores by the Govt of India.

18. That pursuant to the Joint Inspection Committee report, the Respondent no.1 has issued the impugned notification on 26/12/2019, wherein the respondent no.1 without any Statutory Authority, jurisdiction and powers, has issued a fresh notification, wherein for the first time, inlet quality standards with respect to TDS/ FDS has been prescribed by the respondent no.1. the aforesaid notification is applicable across the Board to all industries, irrespective of the level of effluent being discharged by it, which factor was taken note of by the MOEF, at the time of grant of Environmental Clearance, as already stated supra. Copy of the impugned notification of 26/12/2019 is annexed hereto as **Annexure P-13**.
19. That thereafter the Petitioner Association has been continuously representing to the respondents 1 and 3 that the Member Industries, having a discharge of less than 200 KLD, in terms of the Environmental Clearance i.e Annexure P-5, deserve to be kept out of the purview of the impugned notification. Copy of one of such representation of 18/8/2020 is annexed hereto as **Annexure P-14**. The same was preferred in the month of August 2020 in view of the Covid-19 pandemic which paralyzed the Industrial sector. The respondent no.3 in terms of his letter of 18/9/2020, copy whereof is annexed hereto as **Annexure P-15**, informed the Petitioner Association qua the setting up of the Committee on

25/8/2020 to look into the representation made by the Petitioner Association. The recommendations of the Committee supported the contentions raised by the Petitioner Association. The respondent no.3 recommended to the respondent no.1 that the industries having a discharge of less than 200 KLD may comply with the norms prescribed in the notification of 17/3/2018, however the CETP was directed to install adequate treatment system to treat FDS levels(as per Phase II) within six months thereof.

20. That the respondent no.1 is response to Annexure P-15, while admitting therein that the notification of 26/12/2019, had been issued by the respondent no.1, stated that the same cannot be diluted till the time the CETP at Baddi, is upgraded. Copy of letter of 9<sup>th</sup> November 2020 issued by respondent no.1 is annexed hereto as Annexure P-16. The respondent no.3 in a volte-face change in his stand as stated in Annexure P-15, reiterated the decision taken by the respondent no.1 in terms of Annexure P-16. Copy of letter of 28/11/2020 of the respondent no.3 is annexed hereto as Annexure P-17. The respondent no.1 who has no authority under the Water Act, without even giving an opportunity of being heard to the Petitioner Association arbitrarily and illegally and without jurisdiction refused to accept the recommendations made by the respondent no.3 in terms of Annexure P-15. Thus also the impugned action is bad and is liable to be quashed and set aside.
21. That thereafter the matter with respect to the functioning

of the CETP was taken up by the Chief Secretary, wherein similar demands were raised by the representatives of the Petitioner Association. The meetings were held on 26/2/2021 and 4/8/2021 and copy of the minutes are annexed hereto as Annexure P-18 colly. However, despite raising the issue, no action has been taken till date. Rather the representatives of the Petitioner Association were informed that through the Member Secretary that the impugned illegal notification was to be adhered to, irrespective of the fact that incase the CETP is upgraded as already envisaged in the letters by the respondent no.1 and 3.

22. That in view of the aforestated facts, the present petitioner Association is aggrieved by the aforesaid notification which despite being sans jurisdiction and authority of the respondent no.1, is sought to be implemented and enforced against the industries which have a hydraulic discharge of less than 200 KLD also. The aforesaid action of the respondent no.1 is sought to be impugned by the present petitioner on the aforementioned, as well as the following grounds as detailed hereinbelow:

**GROUND OF CHALLENGE:**

- A. That the action of the respondent no.1 in issuing the impugned notification of 26/12/2019 i.e Annexure P-13 is beyond the jurisdiction and authority of the respondent no.1 and against the statutory mandate of the Water Act. A bare perusal of the provisions of the Water Act will show, that the respondent no.1 is not authorized to act

under the provisions of either the Water (Prevention and Control of Pollution) Act 1974 or the Environmental Protection Act or the rules framed thereunder. The statutory mandate has been specifically conferred only upon the respondent no.2 Board.

- B. That one of the essential functions statutorily prescribed for the respondent no.2 Board as stipulated in Section 17(g),(h),(k),(m) of the Water Act of 1974, is to lay down, modify and to annul effluent standards of discharge of sewage and trade effluents before the same are discharged in trade any system/Water body so as to be in consonance with and within the tolerance limits of pollution permissible. This is an essential function statutorily conferred on the respondent No.2 Board alone. Moreover, even as per Rule 3(2)(3)&(3A) of the Environment Protection rules, the power to prescribed stringent standards in addition to those as provided for in Schedule I-IV of the rules, has been specifically conferred on the State Board i.e respondent no.2 alone, which has to be duly constituted in consonance with the provision of Section 4 of the Water Act 1974. Therefore, it is only a duly and properly constituted Board alone under Section 4 of the Water Act 1974, which in exercise of its statutory powers as conferred under Section 17, alone is entitled to prescribed standards/parameters/norms which are required to be complied with by the Member Industries. Moreover, it is time honoured and settled principle of law that when a statute provides the exact manner and under what

circumstances and by which authority, a particular act is to be performed, it must be performed in the same manner prescribed or not at all. The said principle is applicable on all fours in the facts and circumstances attending to the present case.

- C. That the respondent no.1 has no jurisdiction under the provisions of the Water Act of 1974 to lay down any standards/ norms to be met by the industry. Such power cannot be exercised even on the alleged recommendations made by the respondent no.2 Board, as has been done in the present case. Even assuming for a moment, though without conceding, that such power does exist, since the respondent no.2 Board has not been constituted in terms of Section 4 of the Water Act of 1974, the directions/ recommendation would be non-est and void-ab intio, being in contradistinction to the principles of coram non judice.
- D. That in the absence of nomination of the other members of the respondent no.2 Board in terms of Section 4(b) to (e) of the Water Act of 1974 and more particularly clause(d) thereof, the interest of the industry which required mandatory representation on the respondent no.2, has not be provided for. In the absence of such nomination including that of the other members as required under the Act, and in the absence of proper consultation thereof, the impugned action of the respondent no.1 is illegal and detrimental to the interests

of the Member Industries, who are already facing severe financial crunch on account of Covid-19 pandemic.

- E. That in addition to Ground D hereinabove grave prejudice is being caused to the constituent members of the petitioner association, on account of the improper and illegal constitution of the respondent no.2 Board as per the mandate of Section 4 of the Water Act of 1974. In the absence of appointment of persons having special knowledge/ practical experience in respect of matters relating to environmental protection and being duly qualified in the field of environment having the understanding of the complexity of modern science and technology and technical persons possessing scientific knowledge on matters relating to pollution and its control thereof, knee-jerk actions are being resorted to by the respondents, as is evident from the impugned notification of 26/12/2019 i.e Annexure P-13, The same is against the orders/ notifications issued by the respondents themselves and the directions passed by the Hon'ble High Court of Himachal Pradesh, with respect to the functioning and optimal utilization of the CETP at Baddi.
- F. That in addition to the above, at present the respondent no.2 Board constitutes of only the Chairman i.e the Principal Secretary Environment, Science and Technology being the ex-officio Chairman and the Member Secretary, who cannot in law and as per Section 4 of the Water Act of 1974 be held to constitute the full Board. Hence any recommendations made by them as

stated in notification dated 17.03.2018 i.e Annexure P-9, which has now been partially modified in terms of the impugned notification of 26.12.2019 i.e Annexure P-13, cannot be sustained and deserves to be quashed on this ground alone. The directions passed by the Hon'ble Supreme Court of India in Techii Tara's case supra, is annexed for the ready perusal of this Hon'ble Court as Annexure P-19. It is humbly submitted that the respondent no.1 has only framed the rules for appointment of the Chairman, however no appointment in accordance with the rules has been made till date. No rules with respect to the appointment of Member Secretary have been framed by the respondent State till date.

- G. That most importantly it is further stated that in terms of Annexure P-3, apart from the Industrial Effluent, even municipal sewerage was mandatorily required to be sent to the CETP for treatment, for the reason that it would result in considerable dilution of the industrial effluent, strengthen the functioning of the CETP, thus ensuring compliance with the legally published norms/parameters. In this regard the petitioner association and even the operator of the CETP i.e Baddi Infrastructure, have been repeatedly requesting the respondent no.3 to ensure that sewage discharge of 5.5 MLD is received by the CETP, as currently only 7% of the total domestic sewerage is being received by the CETP. Therefore, against the sewerage discharge of 5500 KLD capacity at

CETP from the area under the Municipal Council Baddi, the current flow still remains only at 400 KLD, with a cumulative flow of 210 KLD since February 2020 i.e start of the STP at CETP. Thus, the inaction of the respondent State and the Board in ensuring due compliance with Annexure P-3, by issuing the impugned notification Annexure P-13, unnecessary burden is being passed onto the small scale industries, who despite making payment of heavy fees to the CETP, are now being forced to upgrade their own treatment plants involving heavy expenditure, to pre-treat the effluent for TDS/ FDS norms, which otherwise is to be treated at the CETP. Thus, the respondent no.1 by resorting to issuance of the impugned notification Annexure P-13, is acting contrary to its own order i.e Annexure P-3, Minutes of meeting of 3/4/2017 and above all the orders and directions issued by this Hon'ble Court. The respondents having failed to upgrade the CETP, in terms of the mandate of the Hon'ble Supreme Court of India, are clearly illegally shifting their responsibility of ensuring proper and optimal functioning of the CETP onto the small industries. In this regard even the respondent no.5 deserves to be directed to ensure strict compliance with the order of 27/10/2010 i.e Annexure P-3

- H. That by means of the impugned notification Annexure P-13, the Member Industries are being forced to illegally upgrade their existing effluent treatment plants at the cost of investments/ expenditure in order to treat TDS/

FDS parameter. This is contrary to the order passed by the respondents i.e Annexure P-3, which made it compulsory for all industries to be connected to the CETP and to pay high fees for treatment to the CETP operator. It is also against the orders passed by the Hon'ble High Court of Himachal Pradesh. Had the intent been that each industry is to treat and upgrade its own treatment plant at the cost of heavy investments, then in that case, the need to connect to the CETP would not have arisen. The Member Industries instead of making payments of fees to the CETP operator would have upgraded their own Effluent Treatment Plants. The respondent no.1 may kindly not be permitted to approbate and reprobate at the same time. Assuming for a moment that each of the Member Industry is held liable to treat the effluent to meet the prescribed norms as per Annexure P-13, in that case there would be no requirement to send the treated effluent already compliant with the prescribed norms, for further treatment to the CETP. The same would be an empty formality. Reason being that in case the already compliant treated effluent as received by the CETP is to be then merely discharged without any treatment by the CETP, the same would still comply with the discharge norms as prescribed under the Environment protection rules. The order of 27/10/2010 read alongwith the orders passed by this Hon'ble High Court with respect to mandatory treatment of effluent at the CETP, cannot in

any manner be reconciled with the impugned notification of 26/12/2019 i.e Annexure P-13.

- I. That the action of the respondents in not implementing the Phase-II of the CETP is in gross violation of Article 48-A of the Constitution of India, more so since the same formed part of the accepted Detailed Project Report. Though the CETP is compliant due to process of mass balancing however, Baddi infrastructure i.e. SPV has proposed to install the facility at CETP to handle any extreme situation for treatment of TDS/FDS for units with hydraulic load of less than 200 KLD. The respondent No.1 has issued in principal sanction to share the capital cost in the ratio of 80:20 and in turn they have requested Union government for support under TIES. The process has already been initiated by pro-forma respondent, SPV and is expected to be completed in 15-18 months' time. The members of the Petitioner Association are ready and willing to provide their share for the completion of phase-II of the CETP and in this regard Baddi Infra has already submitted a detailed Action Plan on 12/3/2021.
- J. That in terms of the orders passed by the respondent no.1 i.e Annexure P-3 and the directions given by the Hon'ble High Court of Himachal Pradesh, mandating the industries to be connected with the CETP, the present impugned notification of 26/12/2019, is repugnant to the same. The answering respondents instead of ensuring that the CETP is timely upgraded in order to effectively

treat the effluent being received by it, are now by prescribing the inlet quality norms in terms of Annexure P-13, forcing the small-scale industries to treat the effluent to the standards prescribed for the CETP. Meaning thereby that the effluent being received by the CETP should be treated to meet the discharge norms prescribed for the CETP under Schedule-I of the Environment Protection rules, 1986, thus rendering the CETP to act merely as a post office, since it would receive the already treated effluent and thereafter, even if it were to discharge the same without treating it, the effluent would still meet with the standards/ norms prescribed.

- K. That the respondent no.3 having recommended and in principle having accepted the stand of the Petitioner Association subject to condition of upgradation of the CETP in terms of Annexure P-15, was estopped in law from changing his stand pursuant to the decision taken by the respondent no.1 in terms of Annexure P-16. The respondent no.1 again has acted without any jurisdiction and authority. Despite having directed upgradation of the CETP to treat TDS/ FDS norms in November 2020, till date no effective steps have been taken to that effect.
23. That the Petitioner Association has no other equally efficacious or speedy remedy for redressal of its grievances, other than by way of filing the present Writ Petition. The entire action of the Respondents 1 to 3 is procedurally ultra vires, it is against the statutory

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provisions and Rules. It is also in total violation of the binding directions passed by the Hon'ble Apex Court. Further that the cause of action to challenge the validity of the impugned notification has accrued only now, since the respondents are now calling upon the industry to ensure adherence with the inlet quality norms so prescribed i.e Annexure P-13, by shifting the entire responsibility on to the Member Industries. The issues raised in the present petition with respect to the validity of the notification and the improper constitution of the respondent no.2 Board in conformity with the provisions of the Water Act of 1974, fall within the exclusive domain of the writ jurisdiction of this Hon'ble High Court, under Article 226 of the Constitution of India.

24. That the Petitioner Association has not filed any other similar Writ Petition in this Hon'ble Court or in the Hon'ble Supreme Court of India, pertaining to the matter in issue in the present Writ Petition. Moreover, no such Writ Petition is pending adjudication in any Court.
25. That this Hon'ble Court has the jurisdiction to entertain and adjudicate upon this Writ Petition, since the entire cause of action arose within the jurisdiction of this Hon'ble Court.

It is, therefore respectfully prayed that this Hon'ble Court may kindly be pleased to allow this Writ Petition and may further be pleased to issue an appropriate Writ,

Order or direction in favour of the Petitioner Company and against the Respondents, directing to :-

- (a) Issue a writ of certiorari to quash **Annexure P-13** i.e. the impugned notification No. STE-F(2)-1/2017 dated 26.12.2019, issued by the respondent No.1 in the absence of any jurisdiction/authority and against the mandate of the provisions of the Water(Prevention and Control of Pollution) Act 1974, with consequential benefits flowing there from in favour of the Petitioner Association and against the respondents;
- (b) In the alternative, in case prayer(a) does not find favour with this Hon'ble Court, then to Issue a writ of mandamus declaring that the notification of 26/12/2019 i.e **Annexure P-13**, is not applicable in the case of industries connected with the Common Effluent Treatment Plant and having hydraulic loading of less than 200 KLD, in terms of the Environmental Clearance granted by the Ministry of Environment and Forests i.e Annexure P-5 in consonance with the recommendations made by the Committee constituted on 25/8/2020, as reiterated by the respondent no.3 in terms of his letter of 18/9/2020 i.e Annexure P-15;
- (c) Issue a writ of mandamus directing the respondent No.4 to immediately and without any delay ensure that the domestic/ household sewerage connection to the CETP is in terms of notification of 27/10/2010 i.e Annexure P-3 is implemented;
- (d) Issue a writ of mandamus directing the respondent No.1 State to constitute the respondent No. 2 H.P Pollution

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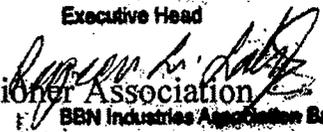
Control Board strictly in accordance with the provisions of Section 4 of the Water (Prevention and Control of Pollution) Act 1974 and the directions given by the Hon'ble Supreme Court of India in Techī Tagī Tara Vs Rajender Singh Bhandari and others;

- (e) Call for the records of the case;
- (f) Allow any other relief deem fit by this Hon'ble Court in favour of the petitioner association and against the respondents in the peculiar facts and circumstances attaining to the present case;
- (g) Allow the cost of this petition in favour of the petitioner and against the respondents.

Shimla

Dated:28/8/2021

Executive Head

  
Petitioner Association  
BBN Industries Association Baddi

Through Advocate

Arjun Lall/ Sanjeevni Sood

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**IN THE HON'BLE HIGH COURT OF  
HIMACHAL PRADESH AT SHIMLA**

CWP No. 4961/2021

**IN THE MATTER OF:-**

Baddi Barotiwala Nalagarh Industries Association  
(BBNIA)

.....Petitioner

Versus

State of HP &ors.

.....Respondents

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Reply handed  
over to  
Sh. V. B. Verma Adm  
on 23-10-2021

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**Respondent No. 2&3**

Place: Shimla  
Dated:- 22-10-2021

Through Counsel

**IN THE HON'BLE HIGH COURT OF  
HIMACHAL PRADESH AT SHIMLA**

**CWP No. 4961/2021**

**IN THE MATTER OF:-**

Baddi Barotiwala Nalagarh Industries Association (BBNIA) with its registered office at EPIP, Phase-I, Jhadmajri, Baddi, District Solan HP. 1741003, through its executive head Sh. Rajeev Satya and its duly Authorised Representative.

.....**Petitioner**

**Versus**

1. The State of HP through Principal Secretary, Environment Science & Technology to the Government of HP (also ex-Officio Chairman of the HP State Pollution Control Board) Civil Secretariat, Shimla 171002.
2. HP State Pollution Control Board through its Member Secretary, Him Parivesh Phase -III, New Shimla-171009.
3. The Member Secretary, Himachal Pradesh State Pollution Control Board Him Parivesh Phase -III, New Shimla-171009.
4. Municipal Council Baddi, District Solan through its Executive Officer.

.....**Respondents**

  
Member Secretary,  
HP State Pollution Control Board  
Shimla

**Reply to the petition on behalf of  
Respondents No.2 and 3.**

**May it please your Lordships:-**

**Preliminary Submissions:-**

1. That the Common Effluent Treatment Plant Baddi (CETP) through its operator i.e. Baddi Infrastructure has not been arrayed as party in this matter which is a necessary party for adjudication of this matter.
  
2. That the petitioners have obtained the interim order dated 1-9-2021 by misrepresenting before the Hon'ble Court wherein replying respondent has been restrained from taking coercive action against all the petitioner Industrial Association. It is submitted that in fact, present petition is confined only to those member industries (connected to CETP Baddi) which have effluent discharge of less than 200 KLD whereas petitioner is an Association of the Industries wherein both categories of the units are members (whether they are having discharge of more than 200 KLD or less than 200 KLD). Therefore, order dated 1-9-2021 is required to be modified and present petition deserves to be dismissed.

Member Secretary,  
HP State Pollution Control Board  
Shimla

**Reply on merits :-**

1. Contents of para 1 relate to petitioner's status as Society registered under the HP Societies Registration Act 2006, its objectives to promote industries in BBN area and authorisation of its Executive head to file present petition are a matter of record and need no reply.
  
2. In reply to para-2-3 it is submitted that Respondent No. 1 i.e. Additional Chief Secretary Environment, Science and Technology Government of HP is admittedly holding charge of Chairman of State Board. Rest of the contents of paras are wrongly portrayed and are denied. The State Board is duly constituted as per section 4 of the Water Act 1974 and as per Hon'ble Supreme Court's directions and presently the State Government vide notification dated 19-10-2020 has nominated members of the Board for a period of three years. Copy of notification dated 19-10-2020 is annexed as **Annexure R-2/1.**
  
- 4-6 In reply to para 4-6 it is submitted that a Common Effluent Treatment Plant (CETP) was established at Baddi by the Department of Industries, Government of HP which came into operation in the year 2015 for treatment of effluent generated by the industries falling in the catchment area of CETP. As per the State Government order dated 27-10-2010.

  
Member Secretary,  
HP State Pollution Control Board  
Shimla

all the industries located in the catchment area of the CETP were required to send their waste water to CETP for further treatment (copy at **Annexure-P-3**). In the meanwhile, Ministry of Environment, Forest and Climate Change, Government of India issued a notification dated 01-01-2016 (**Annexure R-2/2**) which stated that :- *“For each Common Effluent Treatment Plant (CETP), the State Board will prescribe inlet quality standards for General Parameters, Ammonical - Nitrogen and heavy metals as per design of the Common Effluent Treatment Plant (CETP) and local needs and conditions.”*

Subsequently, the Hon'ble Supreme Court of India vide order dated 22-2-2017 in WP No. 375/2012 titled Paryavaran Surksha Samiti v/s UOI, (copy annexed **Annexure-2/3**) made it mandatory for the all member industries connected to CETP to revive and operate their ETPs upto primary treatment level, before sending the effluent to CETP. In compliance to directions of the Hon'ble Supreme Court the respondent State Board published/issued public notice in news papers dated 7-4-2017 and 11-4-2017 (copy annexed as **Annexure-R-2/4**) informing all industries irrespective of their connectivity with CETP to make their primary effluent treatment plants fully operational within three months.

  
Member Secretary,  
HP State Pollution Control Board  
Shimla

As there were no inlet standards prescribed for the primary treatment of the industries hence in compliance to notification dated 1-1-2016 issued by Ministry of Environment, Forest and Climate Change, Government of India and Hon'ble Supreme Court orders dated 22-2-2017, the State Board initially proposed/prescribed and recommended to the State Government, the inlet quality standards for waste water after primary treatment which shall be entered into the CETP for final disposal/treatment. On the recommendations of the State Board, initially the Department of Environment S&T, Government of HP vide notification dated 17-3-2018 (**Annexure -P-10**) notified three inlet quality standards for members industries connected to CETP i.e. TSS, Oil and Grease and pH. Later on Hon'ble NGT took cognizance of the functioning of the CETP Baddi in OA No. 801/2018 and vide order dated 27-9-2019, constituted a joint committee of Central Pollution Control Board, HP State Pollution Control Board and District Magistrate Solan to examine the performance status of discharge of effluents by industries and efficacy of the CETP. The committee submitted its report on 16-11-2019 (**Annexure R-2/5**) which recommended that the State Board needs to review the notification dated 17-3-2018 and include other parameters like TDS, BOD, Chloride and Sulphide.

  
Member Secretary,  
HP State Pollution Control Board  
Shimla

Accordingly the State Board prepared and recommended to the State Government additional parameters for inlet quality standards of the member industries. On the recommendations of the State Board, the notification dated 26-12-2019 (**Annexure P-13**) was issued by the Department of Environment S&T, Government of HP as per design of CETP and local needs and conditions.

As regard to the judgment passed by Hon'ble Supreme Court of India in Civil Appeal No. 1359 / 2017 titled as Tech Tagi Tara vs Rajender Singh Bhandari and others, it is submitted that compliance to the directions passed in said judgment have been made by the State of HP and guidelines for the appointment of Chairman of the State Board have been prepared. Presently the State Board has been constituted by the State Government under section 4 of the Water Act 1974 vide notification dated 19-10-2020 for a period of three years. It is pertinent to submit here that in pending Contempt Petition (Civil) No. 655 of 2020 with regard to compliance to the judgment passed in Tech Tagi Tara vs Rajender Singh Bhandari case vide order dated 8-2-2021, Hon'ble Supreme Court observed that the State of HP has complied with the directions. Copy of order annexed as **Annexure R-2/6**. Hence there are no violations of the Water Act, 1974 or Hon'ble Supreme Courts directions as alleged.

  
Member Secretary,  
HP State Pollution Control Board  
Shimla

7. Contents of para 7 relate to establishment of Special Purpose Vehicle (SPV) namely Baddi Infrastructure for operation of CETP Baddi and order dated 20-8-2010 passed by the Hon'ble High Court of HP in CWPIIL 13/2006 which are a matter of record. As regard to the issue of setting up of CETP in two phases as per detailed project report the same pertain to the Baddi Infrastructure which needs to be arrayed as necessary party/respondent in this matter. The issue of funding of CETP also does not pertain to the replying respondent.
8. Contents of para 8 relate to Environment Clearance dated 8-1-2013 granted to the CETP Baddi by the Ministry of Environment, Forests and Climate Change, Government of India which is a matter of record. It is submitted that the petitioner is wrongly interpreting the conditions of Environment Clearance that only members industries having load of more than 200 KLD are required to treat effluent at their existing onsite effluent treatment plant before sending to CETP for further treatment. As already submitted in paras supra, Hon'ble Supreme Court of India vide judgment dated 22-2-2017 in WP No. 375/2012 had made it mandatory for all member industries connected to CETP to revive and operate their ETPs upto primary treatment level, before sending the effluent to CETP. Further inlet parameters need

  
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to be complied with by member industries as per notification 26-12-2019 (at **Annexure P-13**). It is further submitted that the Hon'ble NGT vide order dated 23-6-2021 (**Annexure R-2/7**) in OA No. 801/2021 directed the HPSPCB that "...We also find that merely keeping an eye on units discharging more than 200 KLD is not enough. Violation by those discharging less than 200 KLD is not less serious violation nor less harmful for the environment and public health....". Therefore, in view of the above position it is not possible to exempt the units having discharge less than 200 KLD from applicability of notification dated 26-12-2019.

9. In reply to para -9 it is submitted that neither the State Board nor the State Government ever issued any direction or letter of exemption to any member industry from the requirement of primary treatment but rather issued public notices in daily news papers dated 7-4-2017 and 11-4-2017 informing all the member industries of CETP to make their primary effluent treatment plants fully operational within three months. Moreover the terms and conditions of tripartite agreement referred to by the petitioner (at **Anexure-P-8**) also do not in specific terms say so and the State Board is not a party to it.

  
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10. Contents of para 10 relate to suo-moto cognizance taken by the Hon'ble High Court of HP on the issue of connectivity of member industries with the CETP in CWPII No. 11/2016 which are a matter of record.

11-12. Contents of pars 11-12 are denied as stated. The petitioner is giving an incorrect presentation of conditions of Environment Clearance and minutes of meeting dated 3-4-2017. As the CETP was consistently found violating the outlet discharge norms, notified by MoEF & CC vide notification dated 1-1-2016 for Fixed Dissolved Solids standards in the absence of advance treatment system, it is a must for individual units to treat their effluent at their own ETPs before sending the same to the CETP. Moreover, as already submitted in para supra as per directions of the Hon'ble Supreme Court of India dated 22-2-2017 passed in WP No. 375/2012, directions of the Hon'ble NGT dated 23-6-2021 passed in OA No. 801/2018 and in compliance to MoEF &CC, Government of India's notification prescribing inlet quality standards, all member industries are required to adhere to the prescribed inlet quality standards as notified in notification dated 26-12-2019.

13-14 Contents of para 13-14 relate to design and conditions of CETP to treat category I to category IV type of effluents

  
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which are a matter of record. On the issue of establishment of second phase of project by the CETP Baddi, the State Board had issued notices on 31-8-2019, 28-12-2020 and 19-4-2021 (copies annexed as **Annexure R-2/8**). The petitioner has wrongly mentioned that order dated 27-10-2010 (**Annexure P-3**) was issued by the respondent No. 1 i.e. Department of Environment S&T. In fact it was issued by the Department of Industries and not by the respondent No.1.

15. Contents of para 15 relate to inlet quality norms notified by the Government of HP on the recommendation of respondent Board which are matter of record. The petitioner has made wrong claims. It is denied that there was no violation of the norms notified and it is also denied that neither the CETP nor member industries can be said to be polluting or discharging effluent in violation of norms. Presently the CETP has not provided advance treatment system to treat the Fixed Dissolved Solids (FDS) which can help it to achieve its outlet parameters as per MoEF&CC notification dated 01.01.2016. All the member industries as per directions of the Hon'ble Supreme Court of India and Hon'ble NGT are required to comply with inlet parameters before sending their effluent to CETP. Further, it is submitted that the CETP was found consistently non-

compliant to the prescribed norms, as per sampling results details of CETP outlet discharge given at **Annexure R-2/9**, therefore Environmental Compensation of Rs. One crore eighty seven lakhs ninety thousand was levied on the CETP by the State Board on 15-10-2019 and 18-10-2019 (Copies annexed as **Annexure R-2/10**). A Criminal Complaint No. 148/2 of 2019 was also filed against the operators of the CETP before the Ld. Judicial Magistrate First Class, Nalagarh Distt Solan HP.

- 16 Contents of para 16 relate to order dated 27-9-2019 passed by the Hon'ble NGT in OA No. 801/2018 (**Annexure P-11**) and the report filed by the joint committee dated 16-11-2019 (**Annexure P-12**) which are a matter of record. However, it is submitted that vide report dated 16-11-2019 (**Annexure P-12**) the joint committee recommended that the State Board needs to review the notification dated 17-3-2018 and include other parameters like TDS, BOD, Chloride and Sulphide. Accordingly on the recommendations of the State Board, the notification dated 26-12-2019 was issued by Government of HP. With regard to the issue of providing advance treatment system by the CETP, the State Board has issued notices to the CETP Baddi on 31-8-2019, 28-12-2020 and 19-4-2021 (**Annexure R-2/8**). In addition continuous follow up was also done and the State Board also took up

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this matter with State Government in meetings under the Chairmanship of Chief Secretary Government of HP held on 26-2-2021 and 4-8-2021 (**Annexure P-18**) wherein it was directed that until CETP upgrades its existing treatment system and consistently complies with the norms for outlet discharge norms, the industries with hydraulic loading of less than 200 KLD cannot be exempted for the inlet parameters. As the CETP was constantly violating the norms with regard to FDS parameter, therefore it was decided that the issue will be considered once the CETP ensures consistent compliance in terms of providing adequate treatment as the compliance by the CETP currently is on the basis of mass balancing which is only a short term measure undertaken by the CETP. It is further submitted that with regard to the textile units discharging more than 200 KLD effluent i.e. M/s Vardhman Textile and M/s Winsome Textile, it is submitted that M/s Vardhman Textile has only recently installed their Reverse Osmosis system and is presently not sending its category-IV effluent to the CETP. Although, M/s Winsome Textile has also installed the Reverse Osmosis systems pursuant to the directions of the Hon'ble NGT in OA No. 801/2018 for control of FDS and directions of the State Board and the State Government, however it is still under trial.

  
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17. Contents of para 17 relate to submission of detail project report (DPR) to the Director Industries regarding installation of 3 MLD Refractory management and TDS Reduction in CETP which are matter record. In this regard as per information received from the Department of Industries approval for setting up of Refractory management and TDS Reduction in CETP has been accorded by the Ministry of Commerce and Industry, Government of India in 14<sup>th</sup> meeting of empowered committee of Trade Infrastructure and Import Scheme (TIES) on 2<sup>nd</sup> August 2021. Copy of minutes of meeting are annexed as **Annexure R-2/11**.
18. Contents of para 18 relate to notification dated 26-12-2019 issued by the Department of Environment S&T, Government of HP which are a matter of record. However it is denied that such notification was issued without any statutory authority, jurisdiction and powers. The said notification was issued by the Respondent No.1, pursuant to judgment of the Hon'ble Supreme Court and orders passed by the Hon'ble NGT on the recommendation of the respondent Board.
- 19-21. In reply to para 19-21 it is submitted that the matter regarding exemption from State Government notification dated 26-12-2019 for units having less than 200 KLD load,

  
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was taken up with the State Government. However, as the CETP was constantly violating the norms with respect to FDS parameter, therefore it was decided that the issue will be considered once the CETP ensures the compliance. Copy of communication received from the State Government is already annexed at **Annexure P-16** of the CWP and copies of minutes of meetings held under Chairmanship of Chief Secretary Government of HP are annexed at **Annexure P-18 Colly.**

22. Contents of para 22 are denied as stated. The grounds taken up stand controverted and the petitioner association has no cause of action and is not entitled to any relief and the petition deserves to be dismissed.

22(A) Contents of para 22(A) are denied as stated. It is submitted that under section-18(b) of Water Act 1974, the State Government is empowered to issue directions or such notification. State Government is also empowered to frame Rules under section 64 of the Water Act, 1974 to carry out the purposes of the Act.

22(B-D) Contents of para 22(B-D), to the extent of the State Board's functions under section 17 of the Water Act 1974, are a matter of record. However under Rule-3(2), (3) and (3A) of Environment Protection Rules 1986, the State Board can

  
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also specify more stringent standards, than the standards provided in Schedule I-IV of the Environment Protection Rules, 1986. It is denied that respondent No. 1 has issued the notification dated 26-12-2019 without any jurisdiction under the Water Act 1974. As already submitted in paras supra it is also denied that the State Board has not been constituted under section 4 of the Water Act 1974.

22(E) Contents of para 22(E) are denied as stated. As already submitted in paras supra the Board has been duly constituted by the State Government vide notification dated 19-10-2020. However it is further submitted that constitution of the State Board and appointment of its members is the prerogative of the State Government which is empowered to do so under section 4 of the Water Act 1974.

22(F) In reply to para 22(F) it is submitted that as per judgment dated 22-9-2017 passed by Hon'ble Supreme Court of India (**Annexure P-19**) the guidelines have been framed by the State of HP regarding appointment of Chairman of the State Board. According to these guidelines the Secretary (Environment) to the Government of HP will be ex-officio Chairman of the State Board till a person is selected for nomination/appointment as Chairman of the State Board or

  
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the post falls vacant due to any other reason. Copy of guidelines dated 23-01-2019 annexed as **Annexure R-2/12**.

22(G) Contents of para 22(G) are denied. It is submitted that connectivity issue of sewerage line with CETP needs action from the Jal Shakti Department and Municipal Council Baddi, although the State Board is regularly taking up this issue with these concerned departments. However, as already submitted in paras supra, as per directions of the Hon'ble Supreme Court of India, all industries are required to comply with inlet parameters before disposing its effluent to the CETP.

22(H) In reply to para 22(H) it is submitted that as the CETP is not meeting the norms with regard to FDS and the Hon'ble NGT has taken cognizance of the issue and as per directions of Hon'ble Supreme Court of India, petitioner industries are required to comply with inlet parameters before discharging its effluent to the CETP for treatment of other parameters.

22(I) Contents of para 22(I) are wrong and denied as stated. Not only the CETP is to be compliant, but the member industries are also required to be compliant to the prescribed environmental norms. Contents of the para relating to implementation of phase-II project of CETP Baddi calls for reply of M/s Baddi Infrastructure. As already submitted in

  
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paras supra the State Board has issued notices to the CETP Baddi for providing advance treatment, as it was consistently non-complying to the FDS parameter. Further, as per information from Industries Department the proposal for providing advance treatment facility for improvement in the functioning of the CETP Baddi was submitted to Department of Commerce, Govt. of India for funding the project under Trade Infrastructure for Govt. of India Expert Scheme, wherein the proposal has been approved.

22(J) Contents of para 22(J) stand controverted in view of the submissions made in paras supra. It is not the SPCB but the CETP owner/management (a special purpose vehicle created by the Department of Industries) which is responsible for making upgradations to effectively treat the effluent for which notices were duly issued by the State Board as a regulator. Further, as per directions of Hon'ble Supreme Court of India, all industries are required to comply with inlet parameters before disposing its effluent to the CETP. It is submitted that notification dated 26.12.2019 was issued by the Govt. in compliance to MoEF& CC's notification dated 01-01-2016. It is also denied that the CETP is to act merely as post office, as the inlet quality standards notified for industries discharging to CETP are higher compared to

  
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the outlet discharge norms prescribed for the CETP and by way of treatment, the standards are required to be achieved by the CETP. The comparison of some of these parameters are as below:-

Parameter	Inlet quality norms prescribed for CETP on 26-12-2019 to be followed by member industries.	Outlet discharge norms prescribed for CETP by MoEF &CC on 01-01-2016.
BOD	350	30
COD	1000	250
Lead	1	0.1
TSS	250	100
Oil & Grease	15	10
Sulphide	5	2

The CETP has achieved compliance to outlet norms only recently in May 2021 after constant follow up by the State Board.

22(K) In reply to para 22(K) as already submitted, State Board has issued notices to the CETP for installation of advance treatment system from time to time as it was non-complying

  
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to the norms in respect of MoEF &CC notification dated 1-1-2016. With regard to the matter of member industries discharging less than 200 KLD, the matter was taken up with State Government. The State Government has conveyed vide communication dated 9-11-2020 (**Annexure P-16**) that as the CETP was constantly violating the norms with regard to FDS parameter therefore once CETP Baddi upgrades and provides adequate treatment the issue can be considered. The matter was also discussed in the meeting under chairmanship of Chief Secretary Government of HP on 26-2-2021 and 4-8-2021 (**Annexure P-18**). However as the CETP was constantly violating the norms with regard to FDS parameter, therefore it was decided that the issue will be considered once the CETP ensures compliance to effluent norms.

23-25 Contents of paras 23-25 are denied as stated. It submitted that impugned order passed by the respondent Board is appealable before the Hon'ble National Green Tribunal under section 16 of NGT Act 2010.

**Prayer:-**

In view of the detailed submissions made hereinabove and facts and circumstances of the case, it is therefore prayed that the aforesaid petition may kindly be dismissed qua the

  
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replying respondent. Any other order which this Hon'ble Court deems fit, may kindly be passed in the interest of justice.

**Respondent No.2&3**  
Member Secretary,  
HP State Pollution Control Board  
Shimla

Date:  
Place: - Shimla

Through Counsel

**IN THE HON'BLE HIGH COURT OF  
HIMACHAL PRADESH AT SHIMLA**

CWP No. 4961/2021

**IN THE MATTER OF:-**

Baddi Barotiwala Nalagarh Industries Association  
(BBNIA)

.....**Petitioner**

Versus

State of HP &ors.

.....**Respondents**

**AFFIDAVIT**

I, Apoorv Devgan, son of late Sh. Bharat Bhushan, aged 33 years, presently working as Member Secretary, H.P. State Pollution Control Board, Him Parivesh, Phase-III, BCS, New Shimla, Himachal Pradesh, do hereby solemnly declare and affirm on oath as under: -

1. That the accompanying reply has been drafted at my instance and under my instructions.
2. That the contents of preliminary submissions para 1-2 and reply paras 1-25 are true and correct to the best of my knowledge, derived from official record, no part of it is false and nothing material has been concealed therefrom.

  
Member Secretary,  
HP State Pollution Control Board  
Shimla

3. I further affirm that the contents this affidavit of mine are true and correct to my knowledge and belief, no part of it is false and nothing material has been concealed therefrom.

Verified at Shimla on \_\_\_ day of October, 2021.

**DEPONENT**

Member Secretary,  
HP State Pollution Control Board  
Shimla

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- 23 - ANNEXURE-R-2/1

Government of Himachal Pradesh  
Department of Environment, Science & Technology

No. STE-A(1)-4/2001-I-L

Dated Shimla-2, the

19 October, 2020.

**NOTIFICATION**

In supersession to this Department's Notification of even No. dated 3<sup>rd</sup> July, 2017, the Governor, Himachal Pradesh, in exercise of the powers conferred under clause (b) and clause (c) of sub-section (2) of Section 4 of the Water (Prevention and Control of Pollution) Act, 1974, is pleased to nominate the following official Members to the Board of Directors of H.P. State Pollution Control Board for a period of three years, with immediate effect.

- |  |        |
|--|--------|
| 1. The Additional Chief Secretary (Industries) to the Govt. of H.P.  | Member |
| 2. The Additional Chief Secretary (MPP & POWER) to the Govt. of H.P. | Member |
| 3. The Additional Chief Secretary (Finance) to the Govt. of H.P.     | Member |
| 4. The Secretary (Env., S&T) to the Govt. of H.P.                    | Member |
| 5. The Secretary (Urban Development) to the Govt. of H.P.            | Member |
| 6. The Managing Director, HP Road Transport Corporation, Shimla.     | Member |
| 7. The Chief Executive Officer, HIMURJA, Shimla.                     | Member |

By Order

Rajneesh  
Secretary (Env., Sci. & Tech.)  
to the Government of Himachal Pradesh.

Endst. No. STE-A (1)-4/2001-I-L

Dated: Shimla-2, the 19 October, 2020.

Copy forwarded for information to:

1. The Secretary to the Governor, HP, Shimla-2
2. All the Administrative Secretary to the Govt. of H.P., Shimla-2.
3. The Pr. Secretary to the Chief Minister, H.P.
4. The Director, Environment, Science & Technology, Shimla.
5. The Member Secretary, H.P. State Pollution Control Board, Him Parivesh, New Shimla-9.
6. The Dy. Secretary to the Chief Minister, Himachal Pradesh.
7. The P.S. to the Chief Secretary to the Govt. of H.P., Shimla-2
8. All the Official members of the Board of Directors of the H.P. State Pollution Control Board, Shimla-9.
9. The Controller, Printing & Stationary, HP Govt. Press, Shimla-3 for publishing in the Rajpatra.
10. Guard File

  
(Satpal Dhillon) 19-10-2020  
Jr. Secretary (EST) to the  
Govt. of Himachal Pradesh

सा.का.नि. सं. 446(अ), तारीख 13 जून, 2011; सा.का.नि. सं. 152(अ), तारीख 16 मार्च, 2012; सा.का.नि. सं. 266(अ), तारीख 30 मार्च, 2012; सा.का.नि. सं. 277(अ), तारीख 31 मार्च, 2012; सा.का.नि. सं. 820(अ), तारीख 9 नवंबर, 2012; सा.का.नि. सं. 176(अ), तारीख 18 मार्च, 2013; सा.का.नि. सं. 535(अ), तारीख 7 अगस्त, 2013; सा.का.नि. सं. 771(अ), तारीख 11 दिसंबर, 2013; सा.का.नि. सं. 2(अ), तारीख 2 जनवरी, 2014; सा.का.नि. सं. 229(अ), तारीख 28 मार्च, 2014; सा.का.नि. सं. 232(अ), तारीख 31 मार्च, 2014; सा.का.नि. सं. 325(अ), तारीख 7 मई, 2014; सा.का.नि. सं. 612(अ), तारीख 25 अगस्त, 2014; सा.का.नि. सं. 789(अ), तारीख 11 नवंबर, 2014; और अंत में अधिसूचना का.आ. सं. 3305(अ), तारीख 7 दिसंबर, 2015 द्वारा संशोधन किए गए थे।

**MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE  
NOTIFICATION**

New Delhi, the 1st January, 2016

**S.O. 4(E).**—In exercise of the powers conferred by sections 6 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby makes the following rules further to amend the Environment (Protection) Rules, 1986, namely:—

1. **Short title and Commencement.**—(1) These rules may be called the Environment (Protection) Amendment Rules, 2015.  
(2) They shall come into force on the date of their publication in the Official Gazette.
2. **In the Environment (Protection) Rules, 1986, in Schedule-I,—**
  - (a) the serial number 41 and the entries relating thereto, shall be omitted;
  - (b) for serial number 55 and the entries relating thereto, the following serial number and entries shall be substituted, namely:—

S. No.	Industry	Parameter	Standards		
(1)	(2)	(3)	(4)		
55.	Common Effluent Treatment Plants (CETP)	A. Inlet Quality Standards	For each Common Effluent Treatment Plant (CETP), the State Board will prescribe Inlet Quality Standards for General Parameters, Ammonical-Nitrogen and Heavy metals as per design of the Common Effluent Treatment Plant (CETP) and local needs & conditions.		
		B. Treated Effluent Quality Standards	Max. permissible values (in milligram/litre except for pH and Temperature)		
		Into inland surface water	On land for irrigation	Into sea	
	<b>General Parameters</b>				
	pH	6-9	6-9	6-9	
	Biological Oxygen Demand, BOD <sub>5</sub> , 27 °C	30	100	100	
	Chemical Oxygen Demand (COD)	250	250	250*	
	Total Suspended Solids (TSS)	100	100	100	
	Fixed Dissolved Solids (FDS)	2100**	2100**	NS*	

Specific parameters			
Temperature, °C	Shall not exceed more than 5°C above ambient water temperature	Shall not exceed more than 5°C above ambient water temperature	Shall not exceed more than 5°C above ambient water temperature
Oil & Grease	10	10	10
Ammonical-Nitrogen	50	NS*	50
Total Kjeldahl Nitrogen (TKN)	50	NS*	50
Nitrate-Nitrogen	10	NS*	50
Phosphates, as P	5	NS*	NS*
Chlorides	1000	1000	NS*
Sulphates, as SO <sub>4</sub>	1000	1000	NS*
Flouride	2	2	15
Sulphides, as S	2	2	5
Phenolic compounds (as C <sub>6</sub> H <sub>5</sub> OH)	1	1	5
Total Res. Chlorine	1	1	1
Zinc	5	15	15
Iron	3	3	3
Copper	3	3	3
Trivalent Chromium	2	2	2
Manganese	2	NS*	2
Nickel	3	NS*	3
Arsenic	0.2	NS*	0.2
Cyanide, as CN	0.2	NS*	0.2
Vanadium	0.2	NS*	0.2
Lead	0.1	NS*	0.1
Hexavalent Chromium	0.1	NS*	0.1
Selenium	0.05	NS*	0.05
Cadmium	0.05	NS*	0.05
Mercury	0.01	NS*	0.01
Bio-assay test	As per industry-specific standards	As per industry-specific standards	As per industry-specific standards

\*NS-Not specified

**Notes:**

1. Discharge of treated effluent into sea shall be through proper marine outfall. The existing shore discharges shall be converted to marine outfalls. In cases where the marine outfall provides a minimum initial dilution of 150 times at the point of discharge and a minimum dilution of 1500 times at a point 100 m away from discharge point, then, the State Board may relax the Chemical Oxygen Demand (COD) limit:

Provided that the maximum permissible value for Chemical Oxygen Demand (COD) in treated effluent shall be 500 milligram/litre.

- Maximum permissible Fixed Dissolved Solids (FDS) contribution by constituent units of a Common Effluent Treatment Plant (CETP) shall be 1000 milligram/litre. In cases where Fixed Dissolved Solids (FDS) concentration in raw water used by the constituent units is already high (i.e. it is more than 1100 milligram/litre) then the maximum permissible value for Fixed Dissolved Solids (FDS) in treated effluent shall be accordingly modified by the State Board.
- In case of discharge of treated effluent on land for irrigation, the impact on soil and groundwater quality shall be monitored twice a year (pre- and post-monsoon) by Common Effluent Treatment Plants (CETP) management. For combined discharge of treated effluent and sewage on land for irrigation, the mixing ratio with sewage shall be prescribed by State Board.

4. Specific parameters for some important sectors, selected from sector-specific standards

Sector	Specific Parameters
Textile	Bio-assay test, Total Chromium, Sulphide, Phenolic compounds
Electroplating Industries	Oil & Grease, Ammonia-Nitrogen, Nickel, Hexavalent Chromium, Total Chromium, Copper, Zinc, Lead, Iron, Cadmium, Cyanide, Fluorides, Sulphides, Phosphates, Sulphates,
Tanneries	Sulphides, Total Chromium, Oil & Grease, Chlorides
Dye & Dye Intermediate	Oil & Grease, Phenolic compounds, Cadmium, Copper, Manganese, Lead, Mercury, Nickel, Zinc, Hexavalent Chromium, Total Chromium, Bio-assay test, Chlorides, Sulphates,
Organic chemicals manufacturing industry	Oil & Grease, Bio-assay test, Nitrates, Arsenic, Hexavalent Chromium, Total Chromium, Lead, Cyanide, Zinc, Mercury, Copper, Nickel, Phenolic compounds, Sulphides
Pharmaceutical industry	Oil & Grease, Bio-assay test, Mercury, Arsenic, Hexavalent Chromium, Lead, Cyanide, Phenolic compounds, Sulphides, Phosphates."

[F. No. Q-15017/18/2014-CPW]

Dr. RASHID HASAN, Advisor

Note- The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number S.O. 844(E), dated the 19th November, 1986 and subsequently amended vide the following notifications:—

S.O. 433(E), dated the 18<sup>th</sup> April 1987; G.S.R. 176(E) dated the 2<sup>nd</sup> April, 1996; G.S.R. 97(E), dated the 18<sup>th</sup> February, 2009; G.S.R. 149(E), dated the 4<sup>th</sup> March, 2009; G.S.R. 543(E), dated the 22<sup>nd</sup> July, 2009; G.S.R. 739(E), dated the 9<sup>th</sup> September, 2010; G.S.R. 809(E), dated the 4<sup>th</sup> October, 2010; G.S.R. 215(E), dated the 15<sup>th</sup> March, 2011; G.S.R. 221(E), dated the 18<sup>th</sup> March, 2011; G.S.R. 354(E), dated the 2<sup>nd</sup> May, 2011; G.S.R. 424(E), dated the 1<sup>st</sup> June, 2011; G.S.R. 446(E), dated the 13<sup>th</sup> June, 2011; G.S.R. 152(E), dated the 16<sup>th</sup> March, 2012; G.S.R. 266(E), dated the 30<sup>th</sup> March, 2012; and G.S.R. 277(E), dated the 31<sup>st</sup> March, 2012; and G.S.R. 820(E), dated the 9<sup>th</sup> November, 2012; G.S.R. 176(E), dated the 18<sup>th</sup> March, 2013; G.S.R. 535(E), dated the 7<sup>th</sup> August, 2013; G.S.R. 771(E), dated the 11<sup>th</sup> December, 2013; G.S.R. 2(E), dated the 2<sup>nd</sup> January, 2014; G.S.R. 229 (E), dated the 28<sup>th</sup> March, 2014; G.S.R. 232(E), dated the 31<sup>st</sup> March, 2014; G.S.R. 325(E), dated the 07<sup>th</sup> May, 2014; G.S.R. 612(E), dated the 25<sup>th</sup> August, 2014; G.S.R. 789(E), dated the 11th November, 2014 and lastly amended vide notification S.O. 3305(E), dated the 7th December, 2015.

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION  
WRIT PETITION (C) NO. 375 OF 2012

Paryavaran Suraksha Samiti and another .. Petitioners  
versus  
Union of India and others .. Respondents

J U D G M E N T

JAGDISH SINGH KHEHAR, CJI

The petitioners have approached this Court, seeking a writ in the nature of mandamus, for a direction to the respondents, (which includes the Union Government, all the State Governments and the Union Territories) to ensure, that no industry which requires "consent to operate" from the concerned Pollution Control Board, is permitted to function, unless it has a functional effluent treatment plant, which is capable to meet the prescribed norms for removing the pollutants from the effluent, before it is discharged.

2. The Union of India, and the State Governments (including the Union Territories) have filed counter affidavits, expressing their individual positions. During the course of hearing, learned counsel representing the respondents, also made some suggestions,

Signature of  
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PARVEEN KHAN  
Date: 2012.03.01  
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Res: 40 ch could be highly beneficial, in carrying forward the process removing pollutants, from the discharged effluent, in a systematic and co-ordinated manner.

3. During the course of hearing, it was not disputed between

the rival parties, that the initiation of the process has to be at the individual level of the industry itself. It was suggested that each industry which requires "consent to operate" from the concerned Pollution Control Board, should be mandated to set up a functional primary effluent treatment plant. We are informed, that only when such an effluent treatment plant has been set up, the concerned Pollution Control Board grants a "no objection" to the industry, and accordingly "consent to operate", so as to allow the industry to become functional. It is therefore apparent, that all running industrial units, which require "consent to operate" from the concerned Pollution Control Board, have a functional primary effluent treatment plant, in place.

4. The question that arises for our consideration is, whether the same is maintained in good order, after the industry itself has become functional. The industry requiring "consent to operate", can be permitted to run, only if its primary effluent treatment plant, is functional. We therefore consider it just and appropriate, to direct the concerned State Pollution Control Boards, to issue notices to all industrial units, which require "consent to operate", by way of a common advertisement, requiring them to make their primary effluent treatment plants fully operational, within three months from today. On the expiry of the notice period of three months, the concerned State Pollution Control Board(s) are mandated to carry out inspections, to verify, whether or not, each industrial unit requiring "consent to operate", has a functional primary effluent treatment plant. Such of the industrial units, which have not been able to make their

primary effluent treatment plant <sup>29-</sup> fully operational, within the notice period, shall be restrained from any further industrial activity. This direction may be implemented by requiring the concerned electricity supply and distribution agency, to disconnect the electricity connection of the defaulting industry. We therefore hereby further direct, that in case the concerned State Pollution Control Boards make a recommendation to the concerned electrical supply and distribution agency/company, to disconnect electricity supply to an industry, for the reason that its primary effluent treatment plant is not functional, it shall honour such recommendation, and shall disconnect the electricity supply to such defaulting industrial concern, forthwith.

5. Such an industrial concern, which has been disabled from carrying on its industrial activities, as has been indicated in the foregoing paragraph, is granted liberty to make its primary effluent treatment plant functional to the required capacity, and thereupon, seek a fresh "consent to operate" from the concerned Pollution Control Board. Only after the receipt of such fresh "consent to operate", the industrial activities of the disabled industry, can be permitted to be resumed. In carrying out the above exercise, we consider it just and appropriate to require, the Pollution Control Boards to carry out inspections, by prioritizing inspections of severely and critically polluted industries, so that visible results emerge at the earliest.

6. Liberty is hereby granted to private individual(s) and organizations, to address complaints to the concerned Pollution Control Board, if any industry is in default. On the receipt of any

such complaint, the concerned Pollution Control Board, shall be obliged to verify the same, and take such action against the defaulting industry, as may be permissible in law. Such action, would be in addition to the discontinuation of industrial activity forthwith, in the manner directed hereinabove (but only after verification).

7. Having effectuated the directions recorded in the foregoing paragraphs, the next step would be, to set up common effluent treatment plants. We are informed, that for the aforesaid purpose, the financial contribution of the Central Government is to the extent of 50 per cent, that of the concerned State Government (including the concerned Union Territory) is 25 per cent. The balance 25 per cent, is to be arranged by way of loans from banks. The above loans, are to be repaid, by the industrial areas, and/or industrial clusters. We are also informed, that the setting up of a common effluent treatment plant, would ordinarily take approximately two years (in cases where the process has yet to be commenced). The reason for the above prolonged period, for setting up "common effluent treatment plants", according to learned counsel, is not only financial, but also, the requirement of land acquisition, for the same.

8. In view of the fact, that the financial position has been taken care of, as has been expressed above, we are of the view, that the setting up of "common effluent treatment plants", should be taken up as an urgent mission. With reference to common effluent treatment plants, which are already under implementation, we hope and expect, that they would be completed within the time

lines already postulated. With reference to common effluent treatment plants, which are yet to be set up, we consider it just and appropriate to direct, the concerned State Governments (including, the concerned Union Territories) to complete the same within a period of three years, from today. We are also of the view, that while acquiring land for the 'common effluent treatment plants', the concerned State Governments (including, the concerned Union Territories) will acquire such additional land, as may be required for setting up "zero liquid discharge plants", if and when required in the future.

9. During the course of hearing, we were informed by learned counsel, that the running of 'common effluent treatment plants', which are in place, is also a matter of serious concern. In this behalf, it was submitted, that some of the common effluent treatment plants are dis-functional, because of lack of finances, whilst some others are dis-functional, because of the requirement of repairs, which have not been carried out, again because of lack of financial resources.

10. Given the responsibility vested in Municipalities under Article 243W of the Constitution, as also, in item 6 of the 12<sup>th</sup> Schedule, wherein the aforesaid obligation, pointedly extends to "public health, sanitation conservancy and solid waste management", we are of the view, that the onus to operate the existing common effluent treatment plants, rests on municipalities (and/or local bodies). Given the aforesaid responsibility, the concerned municipalities (and/or local bodies), cannot be permitted to shy away, from discharging this onerous duty. In case there are further

financial constraints, the remedy lies in Articles 243X and 243Y of the Constitution. It will be open to the concerned municipalities (and/or local bodies), to evolve norms to recover funds, for the purpose of generating finances to install and run, all the "common effluent treatment plants", within the purview of the provisions referred to hereinabove. Needless to mention, that such norms as may be evolved for generating financial resources, may include all or any, of the commercial, industrial and domestic beneficiaries, of the facility. The process of evolving the above norms, shall be supervised by the concerned State Government (Union Territory), through the Secretaries, Urban Development and Local Bodies respectively, (depending on the location of the respective common effluent treatment plant). The norms for generating funds, for setting up and/or operating the 'common effluent treatment plant' shall be finalized, on or before 31.03.2017, so as to be implemented with effect from the next financial year. In case, such norms are not in place, before the commencement of the next financial year, the concerned State Governments (or the Union Territories), shall cater to the financial requirements, of running the "common effluent treatment plants", which are presently dis-functional, from their own financial resources.

11. Just in the manner suggested hereinabove, for the purpose of setting up of "common effluent treatment plants", the concerned State Governments (including, the concerned Union Territories) will prioritize such cities, towns and villages, which discharge industrial pollutants and sewer, directly into rivers and water bodies.

12. We are of the view, that in the manner suggested above, the malady of sewer treatment, should also be dealt with simultaneously. We therefore hereby direct, that 'sewage treatment plants' shall also be set up and made functional, within the time lines and the format, expressed hereinabove.

13. We are of the view, that mere directions are inconsequential, unless a rigid implementation mechanism is laid down. We therefore hereby provide, that the directions pertaining to continuation of industrial activity only when there is in place a functional "primary effluent treatment plants", and the setting up of functional "common effluent treatment plants" within the time lines, expressed above, shall be of the Member Secretaries of the concerned Pollution Control Boards. The Secretary of the Department of Environment, of the concerned State Government (and the concerned Union Territory), shall be answerable in case of default. The concerned Secretaries to the Government shall be responsible of monitoring the progress, and issuing necessary directions to the concerned Pollution Control Board, as may be required, for the implementation of the above directions. They shall be also responsible for collecting and maintaining records of data, in respect of the directions contained in this order. The said data shall be furnished to the Central Ground Water Authority, which shall evaluate the data, and shall furnish the same to the Bench of the jurisdictional National Green Tribunal.

14. To supervise complaints of non-implementation of the instant directions, the concerned Benches of the National Green Tribunal, will maintain running and numbered case files, by

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dividing the jurisdictional area into units. The above mentioned case files, will be listed periodically. The concerned Pollution Control Board is also hereby directed, to initiate such civil or criminal action, as may be permissible in law, against all or any of the defaulters.

15. Liberty is granted to private individuals, and organizations, to approach the concerned Bench of the jurisdictional National Green Tribunal, for appropriate orders, by pointing out deficiencies, in implementation of the above directions.

16. It however needs to be clarified, that the instant directions and time lines, shall not in any way dilute any time lines and directions issued by Courts or Benches of the National Green Tribunal, hitherto before, wherein the postulated time lines would expire before the ones expressed through the directions recorded above. It is clarified, that the time lines, expressed hereinabove will be relevant, only in situations where there are no prevalent time line(s), and also, where a longer period, has been provided for.

17. It would be in the interest of implementation of the objective sought to be achieved, to also require each concerned State (and each, concerned Union Territory) to make provision for "online, real time, continuous monitoring system" to display emission levels, in the public domain, on the portal of the concerned State Pollution Control Board. We are informed, that at least three State Governments have already adopted the aforesaid

measures. Such measures shall be put in place by all the concerned State Governments (including, the concerned Union Territories), within six months from today.

18. The instant writ petition stands disposed of, in the aforesaid terms.

.....CJI  
[JAGDISH SINGH KHEHAR]

.....J.  
[Dr. D.Y. CHANDRACHUD]

NEW DELHI;  
FEBRUARY 22, 2017.

.....J.  
[SANJAY KISHAN KAUL]

**H.P. STATE POLLUTION CONTROL BOARD**

HIM PARIVESH PHASE III, NEW SHIMLA-171008

Phone No. 0177-2673766 Fax: 0177-2673018

**NOTICE**

(To All Industries/Organizations/Municipal Local Bodies/HPSEBL)

Whereas Hon'ble Supreme Court of India vide judgement dated 22.02.2017 passed in Writ Petition (C) No. 375 of 2012 dated 22.02.2017 has passed orders regarding the establishment of Primary Effluent Treatment Plant, Common Effluent Treatment Plant and Sewage Treatment Plant. Relevant contents of the said judgement are reproduced below:

"4. .... The industry requiring 'consent to operate' can be permitted to run, only if its primary effluent treatment plant is functional. We therefore consider it just and appropriate, to direct the concerned State Pollution Control Boards to issue notices to all industrial units, which require 'consent to operate', by way of a common government, requiring them to make their primary effluent treatment plants fully operational, within three months from today. On the expiry of the notice period of three months, the concerned State Pollution Control Board(s) are mandated to carry out inspections, to verify, whether or not, each industrial unit requiring 'consent to operate', has a functional primary effluent treatment plant. Such of the industrial units which have not been able to make their primary effluent treatment plant fully operational, within the notice period, shall be restrained from any further industrial activity. This direction may be implemented by requiring the concerned electricity supply and distribution agency to disconnect the electricity connection of the defaulting industry. We therefore hereby further direct, that in case the concerned State Pollution Control Boards make a recommendation to the concerned electrical supply and distribution agency, to disconnect electricity supply to an industry, for the reason that its primary effluent treatment plant is not functional, it shall honour such recommendation, and shall disconnect the electricity supply to such defaulting industrial concern forthwith.

In view of above, all the industries concerned falling under the ambit of Water Act, 1974 whether existing/operating with 'Consent to operate', and/or whether a new industry intending to establish itself after obtaining 'Consent to Establish' from the HP State Pollution Control Board will have to necessarily have primary effluent treatment plant within the industry, which is functional.

In terms of the directions contained in the judgement of the Hon'ble Supreme Court cited supra, the HP State Pollution Control Board hereby issues caution notice to all industries/industrial units which have obtained the 'Consent to operate' or would require 'Consent to Operate' from the Board to ensure that these industrial units make their primary effluent treatment plants fully operational within three months from 22.02.2017 i.e. on or before 22.05.2017. Thereafter the Board will carry out mandatory inspections to verify all the industrial units requiring 'Consent to Operate' including all the industrial units which are already operating with consent to operate obtained from the Board to find out whether such industrial units has a functional primary effluent treatment plant.

Please note that if any such industrial unit(s) are found having no effluent treatment plant or which are not fully operational, the same will be restrained from carry out any further industrial activity.

This is for the general information of all industrial units as directed by the Hon'ble Supreme Court of India in the judgement referred to above.

The Hon'ble Supreme Court of India in the aforesaid judgement has further held at paragraph 8 as under:  
"8. In view of the fact, that the financial position has been taken care of, as has been expressed above, we are of the view that the setting up of 'common effluent treatment plants' should be taken up as an urgent matter. With reference to common effluent treatment plants, which are already under implementation, we hope and expect, that they would be completed within the time lines already postulated. With reference to common effluent treatment plants, which are yet to be set up, we consider it just and appropriate to direct, the concerned State Governments (including, the concerned Union Territories), to complete the same within a period of three years, from today. We are also of the view, that while acquiring land for the 'common effluent treatment plants', the concerned State Governments (including, the concerned Union Territories) will acquire such additional land, as may be required for setting up 'zero liquid discharge plants', if and when required in the future.

Under paragraph 10 of the said judgement, the Hon'ble Supreme Court has further categorically ordered that the ones to operate the existing common effluent treatment plants, rests on the Municipalities (and/or local bodies).

At paragraph 12 of the said judgement, the Hon'ble Supreme Court of India has observed as under:  
"12. We are of the view, that in the manner suggested above, the matter of sewer treatment, should also be dealt with simultaneously. We therefore hereby direct, that 'sewage treatment plants' shall also be set up and made functional, within the time lines and the format, expressed herein above."

In view of the foregoing, the concerned authorities are hereby required to take necessary steps to forthwith implement the order of the Hon'ble Supreme Court as laid down by the Hon'ble Supreme Court in the judgement cited supra.

All concerned through this Notice of the Board shall comply with directions of the Hon'ble Supreme Court within stipulated time limit.

THC/23

Member Secretary

The Tribune dated 7-4-2017



**हिमाचल प्रदेश राज्य प्रदूषण नियंत्रण बोर्ड**  
**हिम परिवेश, चरण-3, न्यू शिमला-171009**  
**दूरभाष: 0177-2673766 फैक्स: 0177-2673018**

## नोटिस

**(सभी उद्योगों/संगठनों/शहरी स्थानीय निकायों/हिमाचल प्रदेश राज्य विद्युत् परिषद् लिमिटेड)**

भारत के माननीय सर्वोच्च न्यायालय द्वारा दिनांक 22.02.2017 को, डक्यूं0 पी0 (सी) 375धु2012 में प्राथमिक प्रवाह उपचार संयंत्र, संयुक्त प्रवाह उपचार संयंत्र (सी0 डी0 पी0) तथा सीवेज उपचार संयंत्र (एस0 डी0 पी0) के संबंध में आदेश पारित किए गए। उपरोक्त निर्णय के प्राथमिक तथ्यों को गहा पुनः प्रस्तुत किया जा रहा है:-

4..... कोई भी उद्योग यदि 'ऑपरेंट करने की सहमति' चाहता हो, उसे ऐसा करने की तभी अनुमति दी जा सकती है जब उक्त प्राथमिक प्रवाह उपचार संयंत्र क्रियाशील हो। इसलिए हम यह न्यायोचित मानते हैं कि संबंधित राज्य प्रदूषण नियंत्रण बोर्ड, ऐसी सभी औद्योगिक इकाइयों को जिन्हें 'ऑपरेंट करने की सहमति' की आवश्यकता है। आज से तीन माह के भीतर, अपने प्राथमिक प्रवाह उपचार संयंत्र को पूरी तरह क्रियाशील बनाने के लिए एक संयुक्त विज्ञापन द्वारा सूचित करें। तीन माह की नोटिस अवधि के समाप्त होने के उपरांत संबंधित राज्य प्रदूषण नियंत्रण बोर्ड को यह अधिकार होगा कि वह निरीक्षण कर सत्यापित करे कि ऐसी प्रत्येक औद्योगिक इकाई जिन्हें 'ऑपरेंट करने की सहमति' की आवश्यकता है, के पास प्राथमिक प्रवाह उपचार संयंत्र पूरी तरह क्रियाशील है। ऐसी इकाइयों को किसी भी प्रकार की औद्योगिक गतिविधि करने से बंधित कर दिया जाएगा, जो निर्धारित नोटिस अवधि में प्राथमिक प्रवाह उपचार संयंत्र को क्रियाशील करने में असमर्थ रहेंगी। इस निर्देश को लागू करने के लिए संबंधित विद्युत् आपूर्ति तथा वितरण एजेंसी को दोषी उद्योग का बिजली कनेक्शन काटने का अधिकार होगा। हम इसलिए आगे यह भी निर्देश देते हैं कि यदि संबंधित राज्य प्रदूषण नियंत्रण बोर्ड संबंधित विद्युत् आपूर्ति एवं वितरण एजेंसी/कम्पनी को ऐसे उद्योगों की बिजली को आपूर्ति काटने की सिफारिश करे, जो ऐसा संयंत्र क्रियाशील न कर पाए हों, तो उन्हें ऐसी सिफारिश का सम्मान करना होगा और दोषी इकाइयों की बिजली आपूर्ति तत्काल बन्द करनी होगी।

उपरोक्त तथ्यों के दृष्टिगत सभी संबंधित उद्योग जो जल अधिनियम, 1974 के अंतर्गत आते हैं, चाहें वे जोड़वा इकाई हो अथवा 'ऑपरेंट करने की सहमति' के धरण में हो या नए उद्योग जो हिमाचल प्रदेश राज्य प्रदूषण नियंत्रण बोर्ड से स्थापित करने की सहमति लेने के उपरांत स्थापित होना चाहते हैं, को प्राथमिक प्रवाह उपचार संयंत्र अनिवार्य रूप से स्थापित करना होगा।

माननीय सर्वोच्च न्यायालय द्वारा दिए गए अपने निर्णय में निहित दिशा-निर्देशों को अनुपालन करते हुए, हि.प्र. राज्य प्रदूषण नियंत्रण बोर्ड, अब ऐसे सभी उद्योगों/औद्योगिक इकाइयों को एहतिवती नोटिस जारी करता है, जिन्होंने 'ऑपरेंट करने की सहमति' प्राप्त कर ली है अथवा जिन्हें अभी वह अनुमति प्राप्त करनी है, वे 22.02.2017 से तीन माह के भीतर अर्थात् 22.05.2017 तक अपना प्राथमिक प्रवाह उपचार संयंत्र पूरी तरह क्रियाशील कर लें। इसके उपरांत बोर्ड अनिवार्य रूप से निरीक्षण करेगा कि ऐसे सभी उद्योग जिन्हें 'ऑपरेंट करने की सहमति' की आवश्यकता है अथवा ऐसे सभी उद्योगों भी, जो बोर्ड से 'ऑपरेंट करने की सहमति' पहले ही प्राप्त कर चुके हैं कि क्या वास्तव में उनके पास क्रियाशील प्राथमिक प्रवाह उपचार संयंत्र है या नहीं।

कृपया नोट करें कि यदि किसी औद्योगिक इकाई के पास कचरा प्रबंधन संयंत्र नहीं है अथवा वे पूरी तरह क्रियाशील नहीं है तो उन्हें औद्योगिक गतिविधियां चलाने से रोक दिया जाएगा।

माननीय सर्वोच्च न्यायालय द्वारा इस संबंध में दिए गए निर्णय के अनुसार जारी इन दिशा-निर्देशों को सभी औद्योगिक इकाइयों इस एक संयुक्त सूचना के रूप में समझे।

माननीय सर्वोच्च न्यायालय ने उपरोक्त निर्णय में पैरा नम्बर-8 में यह भी कहा है:-

8- इसके दृष्टिगत, वित्तीय स्थिति को भी ध्यान में रखा गया है, जैसा कि उपरोक्त विमर्श किया जा चुका है, हमारा यह मत है कि 'संयुक्त प्रवाह उपचार संयंत्रों की स्थापना को एक अनिवार्य मिशन के रूप में लिया जाए। जहाँ तक पहले ही कार्यान्वित किए जा रहे ऐसे कचरा प्रबंधन संयंत्रों का प्रश्न है, हमें आशा है कि वे निर्धारित समयअधि के भीतर पूरे कर लिए जाएंगे। जहाँ तक अभी स्थापित किए जाने वाले संयुक्त प्रवाह उपचार संयंत्रों का प्रश्न है, हम यह उचित समझते हैं कि संबंधित राज्य सरकारों (संबंधित केन्द्र शासित प्रदेशों सहित) को निर्देश दिए जाए कि वे आज से तीन वर्ष के भीतर इन्हें पूरा करें। हमारा यह भी मत है कि संयुक्त प्रवाह उपचार संयंत्रों के लिए भूमि अधिग्रहित करते समय संबंधित राज्य सरकारें (संबंधित केन्द्र शासित प्रदेश सहित) ऐसी अतिरिक्त भूमि को अधिग्रहित करें, जो भविष्य की आवश्यकता अनुसार ज़ारो लिक्विड डिस्चार्ज संयंत्र (जिड0 एस0 डी0) को स्थापना के लिए भी पर्याप्त हो।

माननीय सर्वोच्च न्यायालय के उपरोक्त निर्णय के पैरा नं-10 के अनुसार स्पष्ट रूप से यह भी निर्देश दिए गए हैं कि मौजूदा संयुक्त प्रवाह उपचार संयंत्रों को संचालित करने की जिम्मेदारी संबंधित नगरपालिकाओं (स्थानीय निकायों) की होगी।

माननीय सर्वोच्च न्यायालय के उपरोक्त निर्णय के पैरा-12 में यह भी कहा गया है

12- हमारा यह मत है जैसा कि उपरोक्त सूझावों में भी कहा गया है कि मूल उपचार से उत्पन्न होने वाले सम्भावित दुष्प्रभावों से भी साथ-साथ निपटने की दिशा में कदम बढ़ाए जाएं। अतः हम यह निर्देश देते हैं कि 'मूल उपचार संयंत्र उपरोक्त दशाएँ गए निर्धारित समय सीमा एवं मानकों के अनुसार स्थापित एवं क्रियाशील किए जाएं।'

उपरोक्त तथ्यों के दृष्टिगत संबंधित प्राधिकरणों को माननीय सर्वोच्च न्यायालय द्वारा दिए गए उपरोक्त निर्णय को लागू करने के लिए आवश्यक कदम उठाने होंगे ताकि माननीय सर्वोच्च न्यायालय के आदेशों को गालना हो सके।

सदस्य सचिव



**H.P. STATE POLLUTION CONTROL BOARD**  
**HIM PARIVESH, PHASE-III NEW SHIMLA-171009**  
Phone. No 0177- 2673766 Fax-0177-2673018

**NOTICE**

**(To All Industries /Organizations/Municipal Local Bodies  
/HPSEBL)**

Whereas Hon'ble Supreme Court of India vide judgment dated 22-02-2017 passed in Writ Petition (C) No. 375 of 2012 dated 22-02-2017 has passed orders regarding the establishment of Primary Effluent Treatment Plant, Common Effluent Treatment Plant and Sewage Treatment Plant. Relevant contents of the said judgment are reproduced below:-

*"4. .... The industry requiring "consent to operate", can be permitted to run, only if its primary effluent treatment plant, is functional. We therefore consider it just and appropriate, to direct the concerned State Pollution Control Boards, to issue notices to all industrial units, which require "consent to operate", by way of a common advertisement, requiring them to make their primary effluent treatment plants fully operational, within three months from today. On the expiry of the notice period of three months, the concerned State Pollution Control Board(s) are mandated to carry out inspections, to verify, whether or not, each industrial unit requiring "consent to operate", has a functional primary effluent treatment plant. Such of the industrial units, which have not been able to make their primary effluent treatment plant fully operational, within the notice period, shall be restrained from any further industrial activity. This direction may be implemented by requiring the concerned electricity supply and distribution agency, to disconnect the electricity connection of the*

*defaulting industry. We therefore hereby further direct, that in case the concerned State Pollution Control Boards make a recommendation to the concerned electrical supply and distribution agency/company, to disconnect electricity supply to an industry, for the reason that its primary effluent treatment plant is not functional, it shall honour such recommendation, and shall disconnect the electricity supply to such defaulting industrial concern, forthwith.*

In view of above all the industries concerned falling under the ambit of Water Act 1974 whether existing / operating with "Consent to operate" and /or whether a new industry intending to establish itself after obtaining "Consent to Establish" from the HP State Pollution Control Board will have to necessarily have primary effluent treatment plant within the industry, which is functional.

In terms of the directions contained in the judgment of the Hon'ble Supreme Court cited supra, the HP State Pollution Control Board hereby issues caution notice to all industries /industrial units which have obtained the "Consent to operate." or would require "Consent to Operate" from the Board to ensure that these industrial units make their primary effluent treatment plants fully operational within three months from 22-02-2017 i.e. on or before 22-05-2017. Thereafter the Board will carry out mandatory inspections to verify all the industrial units requiring "Consent to Operate" including all the industrial units which are already operating with consent to operate obtained from the Board to find out whether such industrial units has a functional primary effluent treatment plant.

Please note that if any such industrial unit(s) are found having no effluent treatment plant or which are not fully operational, the same will be restrained from carry out any further industrial activity.

This is for the general information of all industrial units as directed by the Hon'ble Supreme Court of India in the judgment referred to above.

The Hon'ble Supreme Court of India in the aforesaid judgment has further held at paragraph 8 as under:-

*8. In view of the fact, that the financial position has been taken care of, as has been expressed above, we are of the view, that the setting up of "common effluent treatment plants", should be taken up as an urgent mission. With reference to common effluent treatment plants, which are already under implementation, we hope and expect, that they would be completed within the timelines already postulated. With reference to common effluent treatment plants, which are yet to be set up, we consider it just and appropriate to direct, the concerned State Governments (including, the concerned Union Territories) to complete the same within a period of three years, from today. We are also of the view, that while acquiring land for the 'common effluent treatment plants', the concerned State Governments (including, the concerned Union Territories) will acquire such additional land, as may be required for setting up "zero liquid discharge plants", if and when required in the future.*

Under paragraph 10 of the said judgment, the Hon'ble Supreme Court has further categorically ordered that the onus to operate the existing common effluent treatment plants, rests on the Municipalities (and/or local bodies).

At paragraph 12 of the said judgment, the Hon'ble Supreme Court of India has observed as under:-

*12. We are of the view, that in the manner suggested above, the malady of sewer treatment, should also be dealt with simultaneously. We therefore hereby direct, that 'sewage treatment plants' shall also be set up and made functional, within the time lines and the format, expressed hereinabove..."*

In view of the foregoing, the concerned authorities are hereby required to take necessary steps to forthwith implement the order of the Hon'ble Supreme Court as laid down by the Hon'ble Supreme Court in the judgment cited supra:

All concerned through this Notice of the Board shall comply with directions of the Hon'ble Supreme court within stipulated time limit.

S/d  
Member Secretary  
HPPCB Shimla

Status Report of Common Effluent Treatment Plant, Baddi and Textile Industries (Member Dyeing Units) of CETP-Baddi, District Solan, HP

Hon'ble National Green Tribunal in O.A. No. 801/2018, vide order dated 27<sup>th</sup> September, 2019 in the matter of Jasmeel Singh v/s State of Himachal Pradesh directed as follows:

"... we find it necessary to require latest status report in the matter from a joint committee comprising the CPCB, Himachal Pradesh State PCB and the District Magistrate, Solan. The committee may specifically examine the performance status of discharge of effluents by industries not connected to the CETP and progress of increase of connectivity of the effluent generating units to CETP instead of tankers and progress of corrective measures to bring down the high TDS levels on account of discharge of effluents by textile units. The committee may also ascertain the efficacy of the CETP and enforcement of the "Polluter Pays" principle for recovery of compensation from the defaulting units"

In compliance to the above orders, a Committee of following members is constituted.

1. Sh. Vivek Chandel, Additional District Magistrate, Solan, Himachal Pradesh
2. Sh. Suneel Dave, Additional Director, Regional Directorate, Central Pollution Control Board, Chandigarh.
3. Sh. P. C. Gupta, Sr. Environmental Engineer, Regional Office, Himachal Pradesh Pollution Control Board, Baddi

Before proceeding for inspection and monitoring of Common Effluent Treatment Plant at Baddi (i) to access the status of CETP and (ii) to estimate impact of discharged from CETP into River Sirsa, references were made from following three reports/ documents.

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- i) Report (dated 03-10-2019) of the monitoring committee constituted by the Hon'ble National Green Tribunal in OA No. 916 of 2018 in the matter of Sobha Singh and others v/s State of Punjab and others. The committee had visited CETP, Baddi on 09-09-2019 and made recommendation based on the observations and samples results (Annexure I).
- ii) Report (dated 18-10-2019) of the committee (of HPPCB) constituted vide office order no. PCB/Misc./complaint/Baddi/2019-20207-10 dated 19-09-2019. The committee had visited CETP, Baddi on 26-09-2019 and made some recommendation (Annexure II).
- iii) Complaint application [Affidavit] (dated 24-10-2019) filed before Court of Ld. Chief Judicial Magistrate, Nalagarh under Section 33, 41 & 42(d) of the Water (Prevention and Control of Pollution) Act, 1974 and Sections 15, 16 & 19 of the Environment (Protection) Act, 1986 of HPSPCB (Annexure III).

The Committee visited CETP- Baddi on 01<sup>st</sup> November, 2019 and collected samples from final outlet of CETP, discharge point of CETP, water sample from upstream and downstream of CETP discharged at River Sirsa.

The Committee has also collected effluent samples from the final outlet of following textile industries engaged in dyeing fiber, yarn and fabrics.

Table-1 List of Dyeing industries where effluent sample collected

Sr. No.	Name of unit	Address
1.	Auro Dyeing -I	Sai road Baddi Tehsil Baddi Distt Solan HP
2.	Auro Textile -I	Sai road Baddi Tehsil Baddi Distt Solan HP
3.	Auro Textile -II	Sai road Baddi Tehsil Baddi Distt Solan HP
4.	Winsome Textile	Plot No. 1 IA Baddi, Distt. Solan, H.P.
5.	Birla Textile	Sai Road Bhatouli Khurd PO Baddi Distt Solan HP
6.	Deepak Spinner	Plot No. 121 Ind Area Baddi Tehsil Baddi Distt Solan HP

*[Handwritten signatures and marks]*

Sr. No.	Name of unit	Address
7.	Sobhagia Clothing	Plot No 6 & 8, EPIP, Village Jharmajri, Tehsil Baddi Distt Solan HP
8.	Himachal Fiber	Plot No 43-44 Ind Area Barotiwala Tehsil Baddi Distt Solan HP

**The analysis of samples was under progress at the time of inscribing this report.**

**1.0 About CETP at Baddi**

The CETP is located at Village Kainduwal on Baddi- Nalagarh Highway on right bank of River Sirsa and designed to treat 25 mld of effluent from different sector of industries, as mentioned in following para.

A total number of 449 industrial units, located at Baddi, Barotiwala and Nalagarh at the radial distance of approximately 15 km, are the members of CETP. A pipe network of 62.8 km is developed and laid by M/s Baddi Infrastructure Ltd., carrying effluent to the tune of 92% of total load reaching to CETP and remaining 8% of effluent is transported by tankers of 20 kl capacity. The CETP commenced its operation in the year 2015 while construction of CETP was started in the year 2013 after having obtained Environmental Clearance; vide F. No. 10-53/2011-IA-III dated 08-10-2013 from Ministry of Environment Forest & Climate Change.

An association namely "Baddi Barotiwala Nalagarh Industrial Association" (BBNIA) is formed by the industries operating in Baddi-Barotiwala-Nalagarh Industrial Area with its prime objective to establish this CETP for abatement and control of pollution due to industrial discharge.

To execute the objective, BBNIA formed a Special Purpose Vehicle (SPV), namely M/s Baddi Infrastructures Ltd., wherein the SPV was responsible for construction of CETP, laying of closed conveyance system (pipe network), its operation and maintenance. The S.P.V. is also responsible to guide member

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could not able to deliver the desired results w.r.t. treatment and thus, effluents was in non-conformity with the standards, as per the monitoring results of HPPCB (Annexure-V). Besides, the effluent of category V remained effectively untreated throughout the CETP process.

- v) The performance of CETP is being regularly monitored by HPPCB. The monitoring data (Annexure V) indicate that the performance of the CETP is far from satisfactory for having not met the discharged standards. The data reveal that effluent quality does not conform the standards of Chloride (limit of 1100 mg/l max.), Total Dissolved Solids (TDS) (limit of 2100 mg/l max.) and Biochemical Oxygen Demand (BOD) (limit of 30 mg/l max.).
- vi) The CETP has provided online continuous effluent monitoring system for pH, Total Suspended Solids (TSS), Chemical Oxygen Demand (COD) and Total Organic Content (TOC) and data so recorded are linked with the server of HPPCB and CPCB.  
While collecting the sample from the final outlet of tertiary clarifier and discharge point at River Sirsa, difference in colour of effluent was observed. The sample collected from the discharge point was lighter in colour than that of outlet of tertiary clarifier, giving rise to possibility of dilution. (Photograph: Plate-I)
- vii) The Committee also recorded that the Textile Units, which are generating the effluent of Category IV, were earlier operating their own effluent treatment plants prior to commencement of CETP and found it viable to operate due to their scale of production.
- viii) The designed treatment criteria of CETP are to treat effluent, stream-wise, following segregation at source. Since, effluent of Category-I is mixed with Category-IV, resulted in alternation of criteria, hence treated effluent quality does not conform to the standards.

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ix) For increasing the connectivity, the CETP has proposed of laying conveyance (pipeline) for a total length of 5.8 kms. The status is as under.

Sr. No.	Location	Stretch in metres	Status of permission obtained	Remarks
1.	Zydus Cadilla to Legacy Food on Baddi Barotiwala road	1655	Permission granted by HPPWD	Work has been awarded by M/s Baddi Infrastructure Ltd vide letter dated 27-09-2019. (Annexure VI)
2.	Malpur-Baddi electrical substation upto Bhud near Maxtar Bio Genics Company	2250	Permission not granted by NHAI	
3.	Bhud to Lehi	1900	Permission granted by HPPWD	
Total		5805		

To safeguard the interest of environment from being deteriorated further and having understanding of pollution problem, its cause and remedial measures, the Committee recommends following:

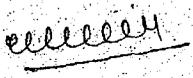
- i) Textile industries (Sl. No. 1 to 5, Table 1) engaged in dyeing-process generating effluent of Category-IV, as mentioned above for the purpose of designing and operating CETP, should stop its operations with immediate effect, until and unless the dedicated conduits supposed to carry the said effluent, is brought to back functional.
- ii) These units shall resume operation of their ETP to impart effective treatment on effluent of Category-IV so as to meet the standards and shall pump treated effluent to the pipe network designated to carry effluent of Category-I for further treatment at CETP.

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A signature in the center.  
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The number "6/9" on the right.

- iii) These units shall resume operations only upon satisfactory performance of ETP which was brought back to functional and shall be monitored once in a month by HPPCB.
- iv) M/s Baddi Infrastructure Ltd. is to ensure proper maintenance of CETP and its infrastructure including pipe network designed to receive effluents from member industrial units. M/s Baddi Infrastructure Ltd. has to ensure operation of CETP as per the defined protocol and in accordance to standard operating practice which is in place. In case, any variation (beyond the designed criteria) of effluent quality is noticed by CETP, the same shall be brought to the knowledge of SPCB, in writing. The SPCB shall acknowledge the communications and shall act to identify the cause for taking all necessary steps to eliminate/minimize such variation.
- v) M/s Baddi Infrastructure Ltd. has to install activated carbon, pressure sand filters and ozonizer before the treated effluent is discharged. This refers the Detailed Project Report of CETP-Baddi, which finds mentioned of the such system but has not been provided by M/s Baddi Infrastructure Limited.

Reference is made on the observations recorded by the Committee constituted by Hon'ble Tribunal in O.A. No.916/2018 in the matter of Sobha Singh and Others v/s State of Punjab and Others, wherein the Committee recommended that Rs.1.0 crore to be levied on CETP-Baddi as Environmental Compensation for untreated effluent discharged into River Sirsa. The CETP discharged, joining the river, has failed to meet Bio-assay Test (Toxicity on fish: 0% survival with 100% effluent for 96 hours). This would have caused impact on water and land (soil) environment, plants and vegetation, aquatic life and human health all along downstream of CETP- Baddi.





Thus, Committee also recommends the following: -

vi)

Environmental Compensation (EC) to be levied to CETP- Baddi (M/s Baddi Infrastructure Ltd) for not having done effluent treatment upto the standards and to those Textile Industries (dyeing units) responsible for making CETP defunct. The EC would be proportionate as under:

- a) CETP-Baddi has to pay Environmental Compensation to the tune of Rs. 1.91 Crores for non-compliance of discharged standards, estimated based on violation recorded by HPPCB over last one and half year [19.04.2017 -01.11.2019] (Annexure VII) including compensation to the tune of Rs 87.9 Lakh imposed by HPSPCB dated 15.10.2019 over one year [20.11.2018 to 09.09.2019] (Annexure VIII).
- b) Textile Industries (dyeing units) are to pay establishment cost of CETP and cost of pipe network which was brought to state of irreparable.

vii)

HPPCB is to review the notification, dated 17.03.2018 wherein Total Suspended Solids (TSS), Oil & Grease and pH have been notified as effluent quality parameters for CETP- Baddi. Other parameters like TDS, BOD, Chloride and Sulphide may also be considered for inclusion in the notification as these have critical bearing on operation and performance of CETP designed to impart effective treatment. HPPCB may undertake similar exercise as done in case of notification, dated 29.06.2019 for CETP Paonta Sahib, wherein eight parameters including those referred here, have been considered. Such notification may be issued in consultation with CPCB.

viii)

For optimal performance of CETP- Baddi, HPPCB is to ensure regulating and monitoring mechanism be in place by asking all member units (falling under red category) of CETP to install online continuous effluent monitoring system. The data so recorded shall be made available on SPCB and CPCB server for effective control.

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**PRAYER**

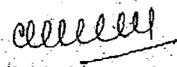
This interim report may be considered as the final report shall be submitted on completion of sample analysis.



**P C Gupta**  
**Sr. Environmental Engineer**  
**HP SPCB**



**Suneel Dave**  
**Additional Director**  
**CPCB**



**Vivek Chandel**  
**Additional District Magistrate**  
**SOLAN, H P**

ITEM NO.9

Court 4 (Video Conferencing)

SECTION XVII

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

CONMT.PET.(C) No. 655/2020 in C.A. No. 1359/2017

AMITABH SRIVASTAVA

Petitioner(s)

VERSUS

RAJENDRA KUMAR TIWARI AND ORS. & ORS.

Respondent(s)

(FOR ADMISSION )

Date : 08-02-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT  
HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s)

Mr. Fuzail Ahmad Ayyubi, Aor  
Mr. Ibad Mushtaq, Adv.  
Ms. Ashima Mandla Adv.  
Ms. Akanksha Rai, Adv.

For Respondent(s)

Mr. V.K. Shukla, Senior advocate  
Mr. Rajeev Kumar Dubey, Advocate  
Mr. Kamendra Mishra, Aor

Mr. Mahfooz Ahsan Nazki, AOR  
Mr. Vijay Kumar G. SRKR, Secretary to  
Government EFS&T Department, Andhra Pradesh  
Mr. Polanki Gowtham, Advocate  
Mr. Shaik Mohamad Haneef, Advocate  
Mr. T. Vijaya Bhaskar Reddy, Advocate  
Mr. Amitabh Sinha, Advocate  
Mr. Shrey Sharma, Advocate

Mr. Abhimanyu Tewari, AOR

Mr. Debojit Borkakati, AOR

Mr. Samir Ali Khan, AOR

Mr. Sumeer Sodhi, AOR  
Ms. Shreya Nair, Adv.

Mr. Aniruddha P. Mayee, AOR

Mr. Ankit Goel, Aor  
Mr. R.K. Gupta, Adv,



Mr. Abhinav Kaushik, Adv.

Mr. Abhinav Mukerji, AAG (AOR)  
Mrs. Bihu Sharma, Adv.  
Ms. Pratishtha Vij, Adv.

Mr Tapesk Kumar Singh, AAG  
Ms Pallavi Langar, AOR  
Mr Kumar Anurag Singh Adv

Mr. V. N. Raghupathy, AOR

Ms. Priyanka Prakash, Adv.  
Ms. Beena Prakash, Adv.  
Mr. G. Prakash, AOR

Mr. Saurabh Mishra, AAG  
Mr. Arjun Garg, AOR  
Mr. Sandeep Sharma Adv.  
Ms. Shrutika Garg, Adv.

Mr. Sachin Patil, AOR  
Mr. Rahul Chitnis Adv.  
Mr. Aaditya A. Pande, Adv.  
Mr. Geo Joseph Adv.

Mr. Siddhesh Kotwal, Adv.  
Mr. Divyansh Tiwari, Adv.  
Ms. Ana Upadhyay, Adv.  
Ms. Manya Hasija, Adv.  
Mr. Nirnimesh Dube, AOR

Ms. K. Enatoli Sema, Aor  
Mr. Amit Kumar Singh, Adv

Mr. Som Raj Choudhury, AOR

Ms. Uttara Babbar, AOR  
Mr. Manan Bansal, Advocate.

Dr. Manish Singhvi, Senior Advocate  
Mr. Sandeep Kumar Jha, Aor

Mr. Sameer Abhyankar, AOR  
Mr. Amish Tandon, Adv;  
Mr. Ayush Beotra, Adv.  
Mr. Varun Tandon, Adv.  
Mr. Dipin Tamang, Adv.

Mr. Jayanth Muth Raj, Sr. Adv, AAG  
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Mr. Raja Rajeshwaran. S, Adv  
Mr. Aditya Chadha, Adv

Mr. Uma Prasuna Bachu, Adv.

Mr. M. Yogesh Kanna, AOR

Mr. P. Venkat Reddy, Adv.

Mr. Prashant Tyagi, Adv.

Mr. P. Srinivas Reddy, Adv.

M/S. Venkat Palwai Law Associates, AOR

Mr. Shuvodeep Roy, AOR

Mr. Rahul Raj Mishra, Adv.

MR. RAHUL RAJ MISHRA, ADV.

Ms. Vanshaja Shukla, Aor

Ms. Anuja Pethia, Adv.

Mr. Pukhrambam Ramesh Kumar, Adv (Manipur)

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Mr. Karun Sharma, Adv.

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Mr. Shaurya Sahay, Advocate

Mr. T.K. Nayak Advocate

Mr. Som Raj Choudhury. Aor for State of  
Odisha.

Mr. Abhimanyu Tewari, AOR

Ms. Eliza Bar, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

The present contempt petition seeks enforcement of directions issued by this Court in its judgment dated 22.09.2017 in Civil Appeal No. 1359/2017

Heard Mr. Fuzail Ahmad Ayyubi, learned advocate for the contempt petitioner. It is submitted by Mr. Ayyubi that following States have filed affidavits and have complied with the direction issued by this Court:

- 1. Himachal Pradesh(R-10)
- 2. Karnataka(R-12)
- 3. Madhya Pradesh(R-14)
- 4. Nagaland(R-19)
- 5. Odisha(R-20)
- 6. Punjab(R21)
- 7. Sikkim(R-23)
- 8. Tamil Nadu(R-24)
- 9. Tripura(R-26)
- 10. Uttarakhand (R-27)
- 11. Kerala (R-13)
- 12. Arunachal Pradesh(R-3)

Since the afore-stated States have complied with the directions, they stand discharged from this Contempt Petition.

It is also submitted that following nine States have filed affidavits but have not complied with the directions issued by this Court.

- 1. Uttar Pradesh(R-1)
- 2. Assam(R-4)
- 3. Chhattisgarh(R-6)
- 4. Jharkhand(R-11)
- 5. Maharashtra(R-15)
- 6. Manipur(R-16)
- 7. Mizoram(R-17)
- 8. Rajasthan(R-22)
- 9. Bihar (R-5)

It is submitted by the learned counsel appearing for State of Chhattisgarh (R-6) that the State has complied with the directions. However, according to Mr. Ayyubi, the compliance falls short of the directions issued by this Court. Learned counsel for State of Mizoram (R-17) has stated that the concerned Regulations have been framed but have not yet been implemented.

In the circumstances, States other than Chhattisgarh are given time of three months to frame regulations and effectuate the directions issued by this Court.

It is also submitted that the States of Telangana, Gujarat and

Haryana have filed the affidavits but Mr. Ayyubi has not been favoured with copies of the affidavits.

Similarly States of Andhra Pradesh, Meghalaya, West Bengal and Goa have also not filed any affidavits.

Mr. Tushar Mehta, learned SG submits that the appropriate affidavit on behalf of Goa State has been filed and the directions issued by this Court stand complied with.

List the matter on 10.05.2021 for further consideration.

(INDU MARWAH)  
COURT MASTER (SH)

(PRADEEP KUMAR)  
BRANCH OFFICER

Item No. 02

(Court No. 1)

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

(By Video Conferencing)

Original Application No. 801/2018

(With report dated 16.06.2021)

Jasmeet Singh

Applicant

Versus

State of Himachal Pradesh

Respondent

Date of hearing: 23.06.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE M. SATHYANARAYANAN, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Respondent: Mr. Nalin Kohli, Advocate for HPSPCB

**ORDER**

1. The issue for consideration is the remedial action against pollution of River Balad in Baddi industrial area in District Solan, on account of leakage from the Common Effluent Treatment Plant (CETP).

2. The matter was considered on several occasions earlier. On 14.01.2020, the Tribunal considered the report dated 06.11.2019 filed by the State PCB to the effect that violation of provisions of the Water (Prevention and Control of Pollution) Act, 1974 was taking place by discharge of polluted effluents in the water bodies. The same is reproduced below for ready reference:-

***"2.0 Inspection of CETP Baddi***

*i) The CETP is designed to treat five different categories of effluent as tabulated under*

Sr. No.	Category	Sector of Industry	No of Units	Consented effluent quantity (in MLD)
1.	I	Food, Paper and Textile	89	15.55
2.	II	Soap & Detergent	112	2.0
3.	III	Pharmaceutical	213	2.9
4.	IV	Dyeing	4* M/s Auro Textile Unit - I, M/s Auro Dyeing Unit - I, M/s Winsome Textile Industries	2.0
5.	V	Electroplating, Metal surface finishing	31	0.042
Total			449	22.492
				<b>Say 23.00</b>

- ii) It was observed that at an average of 17. mid effluent is treated by the CETP, comprising equalization tank, primary settler, aeration tank, reaction tank, secondary and tertiary clarifier. The treatment process for each stream is appended with the report (Annexure IV).
- iii) It was noticed that effluent of category IV is not reaching to its designated equalization tank. M/s Baddi Infrastructure Ltd., has informed that the dedicated pipe network to carry the effluent of category IV is blocked. The effluent of category IV is therefore being discharged through pipe network of Category I.
- iv) It is also observed that the CETP is designed to treat category V effluent by mixing with category IV effluent to optimize the chemical consumption and to achieve effective treatment. Since, the effluent of category IV has been mixed with category-I, in the pipe network itself before reaching CETP, which has resulted in formation of a new complex effluent for which the CETP was not designed. Therefore, it could not able to deliver the desired results w.r.t. treatment and thus, effluents was in non-conformity with the standards, as per the monitoring results of HPPCB (Annexure-V). Besides, the effluent of category V remained effectively untreated throughout the CETP process.
- v) The performance of CETP is being regularly monitored by HPPCB. The monitoring data (Annexure-V) indicate that the performance of the CETP is far from satisfactory for having not met the discharged standards. The data reveal that effluent quality does not conform the standards of Chloride (limit of

1100 mg/l max.), Total dissolved Solids (TDS) (LIMIT OF 2100 MG/l Mmax) and Biochemical Oxygen Demand (BOD) (limit of 30 mg/l max.).

- vi) The CETP has provided online continuous effluent monitoring system for pH, Total Suspended Solids (TSS), Chemical Oxygen Demand (COD) and Total Organic Content (TOC) and data so recorded are linked with the server of HPPCB and CPCB.

While collecting the sample from the final outlet of tertiary clarifier and discharge point at River Sirsa, difference in colour of effluent was observed. The sample collected from the discharge point was lighter in colour than that of outlet of tertiary clarifier, giving rise to possibility of dilution. (Photograph: Plate-I)

- vii) The Committee also recorded that the Textile Units, which are generating the effluent of Category IV, were earlier operating their own effluent treatment plants prior to commencement of CETP and found it viable to operate due to their scale of production.

- viii) The designed treatment criteria of CETP are to treat effluent, stream-wise, following segregation at source, effluent of Category-I is mixed with Category-IV, resulted in alternation of criteria, hence treated effluent.

- ix) For increasing the connectivity, the CETP has proposed of laying conveyance (pipeline) for a total length of 5.8 kms. The status is as under:

Sr. No.	Location	Stretch in meters	Status of permission obtained	Remarks
1.	Zydus Cadilla to Legacy Food on Baddi Barotiwala road	1655	Permission granted by HPPWD	Work has been awarded by M/s Baddi Infrastructure Ltd vide letter dated 27-09-2019. (Annexure-VI)
2.	Mapjur-Baddi electrical substation upto Bhud near Maxtar Bio Genics Company	2250	Permission not granted by NHAI	
3.	Bhud to Lehi	1900	Permission granted by HPWD	
Total		5805		

To safeguard the interest of environment from being deteriorated further and having understanding of pollution problem, its cause and remedial measures, the Committee recommends following:

- i) **Textile industries (Sl. No.1 to 5, Table 1) engaged in dyeing process generating effluent of Category-IV, as mentioned above for the purpose of designing and operating CETP, should stop its operations with immediate effect, until and unless the dedicated conduits supposed to carry the said effluent, is brought to back functional.**
- ii) **These units shall resume operation of their ETP to impart effective treatment on effluent of Category-IV so as to meet the standards and shall pump treated effluent to the pipe network designated to carry effluent of Category-I for further treatment at CETP.**
- iii) **These units shall resume operations only upon satisfactory performance of ETP which was brought back to functional and shall be monitored once in a month by HPCB.**
- iv) **M/s Baddi Infrastructure including Ltd. is to ensure proper maintenance of CETP and its infrastructure including pipe network designed to receive effluents from member industrial units. M/s Baddi Infrastructure Ltd. has to ensure operation of CETP as per the defined protocol and in accordance to standard operating practice which is in place. In case any variation (beyond the designed criteria) of effluent quality is noticed by CETP the same shall be brought to the knowledge of SPCB, in writing. The SPCB shall acknowledge the communications and shall act to identify the cause for taking all necessary steps for taking all necessary steps to eliminate/minimize such variation.**
- v) **M/s Baddi Infrastructure Ltd. has to install activated carbon, pressure sand filters and ozonizer before the treated effluent is discharged. This refers the Detailed Project Report of CETP-Baddi, which finds mentioned of the system but has not been provided by M/s Baddi Infrastructure Limited.**

Reference is made on the observations recorded by the Committee constituted by Hon'ble Tribunal in O.A. No.916/2018 in the matter of Sobha Singh and Others v/s State of Punjab and Others, wherein the Committee recommended that Rs.1.0 crore to be levied on CETP-Baddi as Environmental Compensation for untreated effluent discharged into River Sirsa. The CETP discharged, joining the river, has failed to meet Bio-assay Test (Toxicity on fish: 0% survival with 100% effluent for 96 hours). This would have caused impact on water and land (soil) environment, plants and vegetation, aquatic life and human health all along downstream of CETP-Baddi.

Thus, Committee also recommends the following:-

- vi) Environmental compensation (EC) to be levied to CETP-Baddi (M/s Baddi Infrastructure Ltd) for not having done effluent treatment upto the standards and to those Textile Industries (dyeing units) responsible for making CETP defunct. The EC would be proportionate as under.
  - a) CETP-Baddi has to pay environmental Compensation t the tune of Rs.1.91 Crores for non-compliance of discharged standards, estimated based on violation recorded by HPPCB over last one and half year [19.10.2017 - 01.11.2019] (Annexure VII) including compensation to the tune of Rs.87.9 Lakh imposed by HPSPCB dated 15.10.2019 over one year [20.11.2018 to 09.09.2019] (annexure VIII).
  - b) Textile Industries (dyeing units) are to pay establishment cost of CETP and cost of pipe network which was brought to state of irreparable.
- vii) HPPCB is to review the notification, dated 17.03.2018 wherein Total Suspended Solids (TSS), Oil & Grease and pH have been notified TDS, BOD, Chloride and Sulphide may also be considered for inclusion in the notification as these have critical bearing on operation and performance of CETP designed to impart effective treatment. HPPCB may undertake similar exercise as done in case of notification, dated 29.06.2019 for CETP Paonta Sahib wherein eight parameters, including those referred here, have been considered. Such notification may be issued in consultation with CPCB.
- viii) **For optimal performance of CETP-Baddi, HPPCB is to ensure regulating and monitoring mechanism be in place by asking all member units (falling under red category) of CETP to install online continuous effluent monitoring system. The data so recorded shall be made available on SPCB and CPCB server for effective control."**

3. The matter was then considered on 18.06.2020 in the light of compliance report dated 11.06.2020 filed by the State PCB. It was observed:

- “ xxx xxx xxx
- 5. In pursuance of above, the State PCB has filed a 'compliance report' dated 11.06.2020 to the effect that the units gave action plans which are not satisfactory as long timeline have been prescribed.
  - 6. **We do not find the report to be as per the mandate of law. If the pollution is continuing, the State PCB is under obligation to close the polluting activities by exercising its jurisdiction**



**EP Rules, 1986 as well as the inlet quality standards notified by the State Government and thereby causing water pollution.**

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Now, therefore, in consideration of the facts stated above, in view of the directions of Hon'ble High Courts orders, Hon'ble NGT and the orders passed by Principal Secretary (Env, S&T) Govt of HP and in exercise of the powers conferred under section 32 and 33-A of Water (Prevention & Control of Pollution) Act, 1974 M/s Auro Textiles, Sai Road Baddi, Dist. Solan, H.P. is hereby directed to:

1. Immediately shut down the dyeing process of the textile unit contributing towards the category IV effluent to CETP, Baddi, till the unit becomes compliant.
2. Pay Environment Compensation to the tune of Rs. 42 lakhs (Forty Two Lakhs only) for the violation period w.e.f. 25-07-2020 to 31-12-2020 (140 days excluding the period of compliance)."

Identical orders are said to have been passed against four textile units.

6. We have heard Shri Nalin Kohli, learned Counsel appearing for the State-PCB.

7. We find that though in the show cause notice the State PCB proposed disconnecting power supply, this direction has not been given in the final order. We also find that the CETP has still not complied with the environmental norms for which remedial action needs to be taken by the State PCB, by improving quality and reducing the load of inlet so as to be consistent with the designed capacity of the CETP or closing such units contributing to the waste for which the CETP is not designed till the concerned units make their own arrangement for treating the effluents. The member industries may be considered non-compliant, if they do not undertake primary treatment as per EC conditions of the CETP. The industries having effluent generation more than 200 KLD may be directed to treat the effluents and recycle/reuse to the maximum extent and also reducing the FDS. Wherever required, water audit of red category non-compliant units be conducted. The requisite pipeline may also be required to be constructed by the CETP to carry the waste.

8. Let further progress report be filed before the next date by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF."

5. The State PCB has filed interim report dated 06.05.2021 followed by further report dated 16.06.2021. It will suffice to refer to the last report to the effect that the samples were taken and were not found to be

within the limits. The State PCB gave directions to the concerned industries. While some units have achieved the norms, further action is being taken in the matter. The status as mentioned in the report is reproduced below:-

"In compliance to afore-cited order dated 04-01-2021 it is submitted that earlier the State Board had filed an Interim Report vide letter No. PCB/OA No. 801/2018 /-1549 dated 6-5-2021 wherein it was submitted that Board has taken steps to make the CETP, Baddi compliant. The FDS level was found 2364mg/ltr as per sampling conducted at that time, though not within the prescribed limits. It is further submitted that now the latest sample taken on 21-5-2021 and 7-6-2021 has been found within the prescribed limits w.r.t. FDS as the same has been reduced to the 2019mg/ltr and 2072 mg/ltr respectively. The sampling chart of the CETP Baddi is annexed as Annexure -A which reveals that there is continuous improvement and now the analysis results of latest sample taken are meeting the norms w.r.t. FDS.

It is further submitted that as regard to the issue of industries having effluent generation of more than 200 KLD, the State Board had identified and issued directions to 16 numbers of industries to operate their treatment plants i.e. primary, secondary and tertiary treatment system for the effluent treatment as per Environment Conditions of CETP and also directed to recycle / reuse to the maximum extent and also to reduce the FDS. Now as per report received from the Regional Office Baddi, these 16 units are operating the effluent treatment plants prior to their effluent discharge to CETP. The State Board has conducted inspection and sampling of these 16 units. The earlier results of sampling conducted on 21-1-2021, 29-1-2021, 1-3-2021, 23-3-2021 and 16-4-2021, were found within limits (except of three units of M/s Vardhman and one unit of Winsome Textile) which has already been placed on record alongwith interim report dated 6-5-2021. However, the latest results of sampling conducted on 21-5-2021 the results of three units namely M/s. P&G Home Products Baddi, M/s Torrent Pharmaceutical Ltd. Baddi and M/s Abbott Health care, Baddi were found above the prescribed limits for which notices dated 16-6-2021 has been issued to these units. Copy of sample results and notices issued are annexed as Annexure-B and Annexure-C (colly). The sample results of other units were found within the prescribed limits. It is further submitted that as reported by Regional Officer, Baddi the member industries having flow less than 200 KLD are disposing off their effluent to CETP, Baddi after primary treatment.

As regard to the compliance by the four textile units namely Auro Textile, Auro Textile unit -II, Auro Dyeing of Vardhman Textile and one unit of Winsome Textile, it is submitted that as per report received from the Regional Office, Baddi, **the work of installation of advance treatment system by M/s Vardhman textile to reduce FDS is under progress and Reverse Osmosis system of capacity of 2 MLD shall be operational by 30-6-2021.** In addition to Reverse Osmosis, M/s Vardhman Textile is also

installing the Multi Effect Evaporator of capacity of 370 KLD. As regard to progress of installation of advance treatment system by M/s Winsome Textile it is submitted that as per report received from Regional Office, Baddi the unit has completed the civil construction work. **The installation of Reverse Osmosis system and other components is under progress.** Copies of progress report of these textile units received from Regional Office are annexed as Annexure D and E. **The latest sample results of these four textile units are still not meeting the norms.** Sample results are annexed as Annexure-F. As already submitted in interim progress report dated 6-5-2021, it is again submitted here that **State Board had issued directions on 1-1-2021 to these four textile units under section 33-A of Water Act, 1974 for closure and levied Environmental Compensation which were challenged by these units before the Hon'ble High Court of HP vide CWP No. 414/2021, 416/2021 417/2021 and 418/2021. The Hon'ble High Court of HP vide order dated 11-1-2021 and 15-3-2021 has stayed the operation of the directions issued by the State Board and the matter is still pending before the Hon'ble High Court of Himachal Pradesh for adjudication.** Copies of order dated 15-3-2021 are annexed as Annexure-G.

*It is further submitted that due to constant efforts of all stakeholders, the two consecutive latest samples of CETP outlet are meeting the norms prescribed by the MoEF &CC vide notification dated 1-1-2016. In future, the State Board shall continue to make all efforts in form of surveillance, regular monitoring and regulation on the CETP and member industries, so that the CETP remains compliant in future as well."*

6. From the above, it is clear that violations are still continuing. Stay of order of closure and assessment of compensation for the past violations does not justify inaction for failure to take action for further violations after the order of stay and to initiate prosecution of the industrial units in question, including their Owners/Directors and the CETP operators. We also find that merely keeping an eye on units discharging more than 200 KLD is not enough. Violation by those discharging less than 200 KLD is not less serious violation nor less harmful for the environment and public health.

7. Accordingly, let further remedial action be taken to enforce the environmental rule of law in the interest of protection of environment and public health and a report of status of compliance filed after inspection.

by a four Member joint Committee comprising a representative of MoEF&CC, CPCB, State PCB and District Magistrate, Solan by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. The State PCB will be the nodal agency for coordination and compliance:

List for further consideration on 05.10.2021:

A copy of this order be forwarded to the MoEF&CC, CPCB, State PCB and District Magistrate, Solan by e-mail for compliance.

Adarsh Kumar Goel, CP

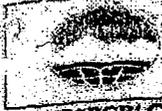
Sudhir Agarwal, JM

M. Sathyanarayanan, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

June 23, 2021  
Original Application No. 801/2018  
A



H.P. STATE POLLUTION CONTROL BOARD  
HIM PARIVESH, PHASE III, SHIMLA-171 009.

-66- 712- ANNEXURE - R-2/18 (Copy) 213

No. HPSPCB/CETP (NGT)/2018

18831-33

Dated: 31/8/2019.

To  
M/s Baddi Infrastructure (CETP), Baddi  
Technical Training Institute (BTI) complex,  
Opposite Opser Formulations, Kenduwal, Phase-I, Jharmajri, Baddi, District- Solan (H.P).

Subject: - Show cause Notice in view of the directions issued by Central Pollution Control Board under Section 18 (1) (b) of Water (Prevention and Control of Pollution) Act, 1974, regarding non-compliance status of Common Effluent Treatment Plants (CETPs).

Whereas, the directions issued by Central Pollution Control Board under Section 18 (1) (b) of Water (Prevention and Control of Pollution) Act, 1974, regarding non-compliance status of Common Effluent Treatment Plants (CETPs) vide letter no. CPCB/IPC-VII/CETPs/Direction/2019 dated 13<sup>th</sup> August, 2019 vide which it has been submitted that "... to comply the order of Hon'ble NGT in the matter of 'Paryavaran Suraksha Samiti & Anr. in OA No. 593/2017, Central Pollution Control Board carried out inspection-cum-monitoring of 01 CETP located in Himachal Pradesh named M/s Baddi Infrastructure, Kenduwal, Phase-I, Jharmajri, Baddi, District- Solan and following Observations/Compliance Status & Recommendations/Action Points were made during the inspection-cum-monitoring are as under:

**Observations:**

1. CETP is not complying with prescribed discharge limits w.r.t. FDS and chloride.
2. CETP is receiving effluent from industrial units such as Textile, Food, Pharmaceuticals, Soap & Detergent, Metal Surface Finishing (435 units).
3. CETP has valid Consents and Authorization.
4. CETP treats effluents of 16.5 MLD as against the designed capacity of 25 MLD.
5. OCEMS are installed and connected to CPCB server but it was found out of order during visit.
6. Inlet to CETP standards is prescribed.

**Recommendations:**

1. The operator should provide adequate technology so as to meet discharge standards immediately. Thereafter, performance evaluation study of CETP is to be conducted through Government institution within four months.
2. CETP should maintain OCEMS in operational condition immediately.

Whereas, the facts stated above (observation point no. 1. & 5) tantamount to violations of the provisions of Water (Prevention and Control of Pollution) Act, 1974, constituting with cognizable offence.

Now, therefore, in accordance with the provisions of above quoted law(s) the aforesaid violation render you liable for the following penal action in accordance with the provisions of:

- Section 41, 43 and 44 of the Water (Prevention and Control of Pollution) Act, 1974 attracting with fine(s) up-to Rupees Ten thousand and imprisonment up-to seven years.

Whereas, the above proposed notwithstanding action for disconnection of Power Supply and closure of the unit under section 23-A of Water (Prevention and Control of Pollution) Act, 1974. However, before proceeding against you finally in the matter, you are hereby directed to show cause within 15 days as to why Consent/ Renewal of Consent application as applied may not be refused and legal action as mentioned above should not be initiated against the unit, in the event of failure to comply and/or unsatisfactory deposition, actions shall be initiated as per relevant provisions of laws.

(Aditya Negi, IAS)  
Member Secretary  
H.P. State Pollution Control Board,  
Him Parivesh, Shimla, H.P-171009

No. HSPCB/CETP (NGT)/2018

Copy forwarded to the following for information and necessary action:

1. The Sr. Environmental Engineer, H.P. State Pollution Control Board, Consent Division, HQ, Shimla for information and further necessary action.
2. The Regional Officer, HSPCB, Baddi, District, Solan, HP hereby directed to follow-up with the directions issued by CPCB under Section 13 (1) (b) of Water (Prevention and Control of Pollution) Act, 1974, regarding non-compliance status of Common Effluent Treatment Plants (CETPs) and submit the compliance/ Action Taken Report to Head Quarter immediately.

Case File

*[Handwritten Signature]*

(Aditya Negi, IAS)  
 Member Secretary  
 H.P. State Pollution Control Board,  
 Him Parvesh, Shimla, H.P.-171009



H.P. STATE POLLUTION CONTROL BOARD

HIM PARIVESH, PHASE-III

NEW SHIMLA-171009

Dated 28/12/2020

No. PCB/Baddi Infrastructures/2020/2154-55

To

M/s. Baddi Infrastructure (CETP Kaiduwal),  
Baddi Technical Training Institute (BTTI) Complex,  
EPIP Phase I, Jharmaja, Tehsil Baddi P.O  
Barotiwala, District Solan (H.P.)

Subject: Show Cause Notice under Water (Prevention and Control of Pollution) Act, 1974.

Whereas, CETP of 25 MLD capacity has been setup at Kaiduwal, Baddi which is being operated by Baddi Infrastructure. The State Board is continuously monitoring the operation of CETP with regard to the outlet discharge norms as prescribed by MoEF & CC, Government of India vide notification dated 01-01-2016.

Whereas the Hon'ble High Court in CWP no. 3462/2019 vide order dated 16-11-19 has stayed the Environment Compensation levied on CETP for the non-compliance during the period of November 2018 to September 2019 including the EC imposed on the recommendation of NGT monitoring committee in OA no. 916/2018 (Sobha Singh Vs State of Punjab and Ors.)

Whereas, it is again observed from sample analysis reports of the out let discharge of CETP Baddi that the CETP is consistently non-complying to the norms for the parameters FDS & Chloride since 17-11-2019 to 5-10-2020 till date. (Except one sample drawn on 29-02-2020)

Whereas Hon'ble NGT has also taken cognizance of the non-compliance of CETP, Baddi in O.A. 801/2018 titled Jasmeet Singh Vs State of HP and vide order dated 18-06-2020 passed the following directions:-

5. We do not find the report to be as per the mandate of law. If the pollution is continuing, the State PCB is under obligation to close the polluting activities by exercising its jurisdiction under the Water Act, 1974 and recover compensation from the polluters. Till pollution is stopped, polluting activities, which are punishable crime under the law, cannot continue. The State PCB has failed to take action merely on the ground that action plan was being prepared or had been prepared which was not satisfactory. None appears for the State PCB

6. The State PCB may take appropriate action against the CETP operator and other polluters for the violation of law and furnish a compliance report within one month from today by e-mail at judicialngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF

Whereas, Baddi infrastructure had to install/provide advanced treatment system and to install activated carbon, pressure sand filters and ozoniser which was proposed by CETP, Baddi in the proposal of the project but the same has not been provided by M/s Baddi Infrastructure till date.

Now, therefore, in exercise of the powers conferred under the Water (Prevention & Control of Pollution) Act, 1974 and in consideration of the facts stated above, the H.P. State Pollution Control Board hereby directs you to Show Cause returnable within 7 days as to why

1. Penal actions may not be initiated against the unit as per the aforesaid provisions.
2. Environment Compensation may not be imposed against you in reference to Hon'ble NGT orders for the violation period.

Please note that in the event of failure to comply, actions as proposed shall be initiated against you at your own risk and cost.

Dr Nipun Jindal  
Member Secretary

No. PCB/M/s. Baddi Infrastructures/2020-  
Copy forwarded to the following:

91154-55

Dated: 28.12.20

1. The Regional Officer, H.P. State Pollution Control Board Baddi, Distt. Solan, HP for information and directed to submit ATR within stipulated period to HQ for further action in the matter.
2. Case File.

Dr Nipun Jindal  
Member Secretary

9/c



H.P. STATE POLLUTION CONTROL BOARD

HIM PARIVESH, PHASE-III

NEW SHIMLA-171009

No. PCB/Baddi Infrastructures/2020/

698-94

Dated: 19.4.2021

To

M/s. Baddi Infrastructure (CETP Kenduwal),  
Baddi Technical Training Institute (BTI) Complex,  
EPIP Phase-I Jharmajri, Tehsil Baddi P.O  
Barotiwala, District Solan (H.P)

Subject: Show Cause Notice under Water (Prevention and Control of Pollution) Act, 1974

Whereas, a CETP of 25 MLD capacity has been setup at Kenduwal, Baddi which is being operated by Baddi Infrastructure and is being monitored by SPCB for its operation. The CETP is required to comply with the effluent discharge norms as prescribed by MoEF & CC Government of India vide notification dated 01-01-2016.

Whereas the Hon'ble High Court in CWP no. 3362/2019 vide order dated 16-11-19 has stayed the Environment Compensation levied on CETP for the non-compliance observed during the period of November 2018 to September 2019 including the EC imposed on the recommendation of NGT monitoring committee in OA no. 916/2018 (Sobha Singh Vs State of Punjab and Ors.).

Whereas, a show cause notice was issued to the unit on 28-12-2020 for the consistent non-compliance to the norms for the FDS and Chloride parameters for the violation period of 17-11-2019 to 5-10-2020 along with imposition of environmental compensation in reference to the Hon'ble NGT in OA no. 593/2017 titled Paryavaran Suraksha Samiti v/s UoI dated 20-05-2020 but the compliance have still not been achieved.

Whereas, a reply to the aforesaid show cause notice was received from Baddi Infrastructure vide letter dated 2-01-2021, which is not satisfactory as there is no concrete action plan submitted for providing adequate treatment facility to achieve the discharge norms of CETP for FDS and chlorides which is consistently above prescribed norms since 2018 and the compliance of the prescribed limits as notified in the MoEF & CC Government of India notification dated 01-01-2016 is not being achieved.

Whereas, an expert committee was constituted by Hon'ble NGT in OA no 801/2018 vide its order dated 27-09-2019, who in its report has recommended that Baddi infrastructure has to install activated carbon, pressure, sand filters and ozoniser which was proposed by CETP, Baddi in the DPR submitted at the time of establishment but the same has still not been provided yet,

Whereas, an action plan for the up-gradation of operation of CETP was submitted to this office vide letter dated 02-01-2020 and 9-03-2020 which was further submitted by the State Board to Hon'ble NGT in matter of OA no. 801/2018. The action plan submitted was comprising of improvement proposed in various parameters such as color, Bio-chemical Oxygen, sulphides along with providing advance treatment technologies (Reverse Osmosis and multiple effect evaporator, dryer) for the control of high TDS/FDS waste water coming from the other small scale industrial units having effluent generation less than 200 KLD with time lines of 31-03-2021. But no progress report upon the implementation aspect of the action plan have been submitted to this office till date.

Whereas, as per the sample analysis reports of the outlet discharge of CETP Baddi, the CETP is again non-complying to the norms for the parameters FDS & Chloride since 6-10-2020 to 9-02-2021 till date.

Whereas Hon'ble NGT has also taken cognizance of the non-compliance of CETP, Baddi in O.A. 801/2018 titled Jasmeet Singh V/s State of HP and vide order dated 4-01-2021 passed the following directions:

*"...7. We also find that CETP has still not complied with the environmental norms for which remedial action needs to be taken by the State PCB, by improving quality and reducing the load of inlet so as to be consistent with the designed capacity of the CETP or closing such units contributing to the waste for which the CETP is not designed till the concerned units make their own arrangement for treating the effluents. The member industries may be considered non-compliant, if they do not undertake primary treatment as per EC conditions of the CETP."*

Whereas the Hon'ble NGT in OA no. 593/2017 titled Paryavaran Suraksha Samiti v/s UoI, dated 19-02-2019 have approved the regime for environmental compensation against all the violating units on the basis of Polluter Pays Principle. The formula was devised by CPCB. The

*Ng*



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**CETP Outlet discharge sample analysis report (2018-19)**

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S. No.	Date of Sampling	Parameters							Remarks
		pH (5.5 - 9.5)	TDS (<2100 mg/L)	TSS (<100 mg/L)	COD (<250 mg/L)	BOD (<30 mg/L)	Chloride (<1000 mg/L)	Oil & Grease (<10 mg/L)	
1.	18.04.2018	7.12	3012.0	270.0	340.0	80.0	1819.4	7.56	Above Limit
2.	08.05.2018	7.22	2912.0	29.0	376.0	85.0	1074.66	6.0	Above Limit
3.	12.06.2018	7.25	2610.0	39.0	312.0	66.0	1014.68	2.8	Above Limit
4.	09.07.2018	7.27	1824.0	43.0	108.0	19.0	954.70	1.36	Within limit
5.	06.08.2018	7.15	2210.0	88.0	192.0	22.0	809.76	3.44	Above Limit
6.	04.09.2018	8.14	1990.0	43.0	172.0	22.0	849.73	1.12	Within limit
7.	20.11.2018	7.01	3408	35.0	240	22.5	1309	1.42	Above Limit
8.	29.12.2018	7.21	3440.0	62.0	224.0	42.0	1259.60	2.16	Above Limit
9.	31.01.2019	7.01	2904.0	65.0	180.0	38.0	1124.65	1.28	Above Limit
10.	25.03.2019	7.79	3434.0	68.0	260.0	50.0	1929.40	Nil	Above Limit
11.	02.05.2019	7.09	3188.0	44.0	216.0	34.0	1529.52	1.92	Above Limit
12.	31.05.2019	8.20	3624.0	68.0	232.0	52.0	3.28	3.2	Above Limit
13.	05.08.2019	8.06	2604.0	58.0	216.0	44.0	1134.65	2.52	Above Limit
14.	30.08.2019	7.80	2709.0	73.0	204.0	27.0	1269.61	2.64	Above Limit
15.	09.09.2019	7.19	2493.6	74.0	198.0	38.0	1114.65	2.36	Above Limit
16.	15.10.2019	7.10	3044.0	68.0	212.0	42.0	1232.0	2.08	Above Limit

*[Signature]*

**CETP Outlet discharge sample analysis report (2020-21)**

S. No.	Date of Sampling	Parameters							Remarks
		pH (5.5-9.5)	FDS (<2100 mg/L)	TSS (<100 mg/L)	COD (<250 mg/L)	BOD (<30 mg/L)	Chloride (<1000 mg/L)	Oil & Grease (<10 mg/L)	
1.	18.01.2020	7.76	3010	64	204	28	1125	1.08	Above Limit
2.	18.01.2020	7.74	2952	56	184	26	1070	1.20	Above Limit
3.	25-01-2020	7.38	2780	52	200	24	1125	1.02	Above Limit
4.	7-02-2020	7.69	-	16	164	38	1069	1.52	Above Limit
5.	7-02-2020	7.68	-	26	132	26	1124.65	1.04	Above Limit
6.	29-02-2020	7.01	674	94	16	0.8	204.94	NIL	Within limit
7.	17-03-2020	6.75	3018	51	128	28	1414.56	1.12	Above Limit
8.	17-04-2020	7.28	FDS-2466	17	92	20	1099.6	-	Above Limit
9.	20-04-2020	7.42	FDS-2390	30	92	20	1124.65	0.88	Above limit
10.	16.05.2020	7.56	2626	42	120	26	1114.65	1.20	Above Limit
11.	30-05-2020	7.64	FDS-2680	32.8	128	20	1199.63	0.96	Above limit
12.	18-06-2020	7.30	FDS-2710	37.6	132	24	1232.62	0.68	Above Limit
13.	27-06-2020	7.61	FDS-2481	53.9	128	26	1209.62	1.44	Above limit
14.	22-07-2020	7.60	FDS-2510	41.2	88	20	1089.66	1.12	Above limit
15.	03-08-2020	7.30	FDS-2480	63.8	164	28	1349.58	1.60	Above limit
16.	24-08-2020	7.39	FDS-2610	31.8	120	22	2199.32	1.02	Above limit
17.	22-09-2020	7.30	FDS-2882.0	38.20	160	24	3258.99	2.04	Above limit
18.	05-10-2020	7.28	FDS-2597.0	95.8	204.0	28	1174.63	---	Above limit
19.	12-10-2020	7.37	FDS-2189	45	188	22	--	--	Above limit
20.	28-10-2020	5.60	FDS-3410	29.4	192	42	1649.48	1.64	Above limit
21.	10-12-2020	7.98	FDS-1814	31	188	41	1209.52	4.0	Above limit
22.	07-01-2021	7.79	FDS-3710	22	128	26	1574.88	0.48	Above limit

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-7.5-

S. No.	Date of Sampling	Parameters							Remarks
		pH (5.5-9.5)	FDS ( $\leq$ 2100 mg/l)	TSS ( $\leq$ 100 mg/L)	COD ( $\leq$ 250 mg/L)	BOD ( $\leq$ 30 mg/L)	Chloride ( $\leq$ 1000 mg/L)	Oil & Grease ( $\leq$ 10 mg/L)	
23	21-01-2021	8.10	FDS- 2610	48.8	124	22	1164.63		Above limit
24	09-02-2021	8.15	FDS- 2630	39.4	128	22			Above limit
25	27-02-2021	7.66	FDS- 3234.4	27.2	112	18			Above limit
26	01-04-2021	8.05	FDS- 2364	53.5	76	16			Above limit
27	13-04-2021	7.84	FDS- 2317	32.9	92	22			Above limit
28	04-05-2021	7.96	FDS- 2149	62.9	140	28			Above limit
29	21-05-2021	7.41	FDS- 2019	51	128	28			Within limit

*[Handwritten signature]*



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## HP State Pollution Control Board

HIM Parivesh Bhawan, Phase-III, Below BCS, New Shimla-09  
Phone No. 0177-2673766, 2673020 FAX-0177-2673018

No. PCB/NGT/ETP/CETP/STP/ CPCB Misc. Matter/19-22322-23      Dated: 18-10-2019

**URGENT**

To,

M/s Baddi Infrastructure (CETP Kenduwal),  
Baddi Technical Training Institute (BTTI) Complex,  
EPIP Phase-I Jharmajri, Tehsil Baddi P.O  
Barotiwala, District Solan (H.P.).

Sub: -      **DIRECTIONS UNDER SECTION 33A OF WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974 AND SECTION 5 OF ENVIRONMENT (PROTECTION) ACT, 1986.**

**WHEREAS**, Monitoring committee constituted by the Hon'ble National Green Tribunal in OA No. 916 of 2018 in the matter of Sobha Singh and Others V/s State of Punjab and others has visited common effluent treatment plant of capacity 25 MLD installed at village Kenduwal Mallpur, P.O Bhud, Tehsil Baddi, District Solan (HP) on 9<sup>th</sup> September, 2019.

**WHEREAS**, Monitoring committee has prepared its report (copy enclosed) and the observations and recommendations made by the monitoring committee which are as follow:-

1. Since the outlet of CETP has been maintained to discharge its effluent into Sarsa River further leading to River Sutlej and CETP is not meeting with the prescribed standards for the parameters namely BOD, TSS, TDS, Sulphide and Bioassay. As such, it degrades the quality of water of Sarsa River exorbitantly and also affects aquatic life. Therefore, an environmental compensation amounting to Rs. 1.00 crores may be imposed upon the industry. In case any Bank Guarantee earlier submitted by the CETP operator/SPV, Baddi, the same may also be encashed. Accordingly, the Chairman, Himachal Pradesh Pollution Control Board shall issue necessary orders/directions under the provisions of the Water Act, 1974 w.r.t. imposition of the said environmental Compensation and encashment of Bank guarantee. The said environmental compensation amount may be utilized for rejuvenation of water quality of River Sarsa and subsequently River Sutlej.  
M/s Baddi Infrastructure, Baddi, the SPV or CETP operator shall upgrade its CETP with Zero Liquid Discharge Technology within 6 months to achieve Zero Liquid Discharge and ensure that no treated/untreated effluent is discharged into Sarsa River further leading to river Sutlej.
3. The Chairman, Himachal Pradesh Pollution Control Board shall get performance guarantee amounting to Rs. 50.00 lakhs to ensure that CETP is upgraded to achieve the zero liquid discharge in a time bound manner and necessary directions under the provisions of the water Act, 1974 shall be issued by Chairman, HPSPCB to SPV namely M/s Baddi infrastructure, Baddi and CETP Operator.
4. The Chairman, Himachal Pradesh Pollution Control Board shall revoke the consent, if granted, under the provisions of Water Act, 1974.
5. Since, the pretreatment systems are to be provided by member industries, as such, the sludge/Solid waste generated from pretreatment system of these industries may not be allowed to be sent to CETP site. The hazardous waste generated from pre-treatment system of the member industries shall be sent to nearby TSDF by individual industries.
6. SPV/CETP operator shall install electromagnetic flow meter at the inlet and outlet of the collection tank. After installation of zero liquid discharge technology, the recovered effluent from CETP shall be recycled back into the processes of the industry and the residue in the form of hazardous sludge after drying into the drier shall be sent to nearby TSDF.

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Over leaf

7. An environmental management cell including NGOs and Civil Society may be setup by SPV/CETP operator. In the Environmental Management Cell, the qualified Engineers/Scientists shall also be employed by SPV/CETP operator.
8. All the tankers deployed for collection of effluent from member industries may be provided with GPS system having its connectivity at CETP site and HPPCB site.
9. Online Continuous Effluent Monitoring Systems (OCEMS), which was not in operation on the day of visit, shall be got calibrated and made operational within 15 days and the system shall have its connectivity with HPPCB and CPCB Servers.
10. Necessary CCTV cameras, for e-surveillance of the various components of CETP, shall be installed by SPV/CETP operator within 15 days and these cameras shall have its connectivity with HPSPCB server.
11. The Chairman, Himachal Pradesh Pollution Control Board shall take up the matter with the Department of Irrigation and Public Health Engineering for early installation of Sewage treatment Plant for the treatment of the sewage of the town.

Now, therefore, in view of the above mentioned recommendations and in exercise powers vested to the Chairman, Himachal Pradesh State Pollution Control Board under Section 5 of the Environment (Protection) Act, 1986. You are, hereby directed to comply on above mentioned recommendations and deposit **Environment Compensation of Rs. One (1) Crore immediately** in the account of Member Secretary, HP State Pollution Control Board, Axis Bank, The Mall Shimla, account no. 9170100825663915, IFSC code UTIB0003651 under intimation to this office failing which action under the provisions of 41 of Water (Prevention & Control of Pollution) Act 1974 and section 15 of Environment (Protection) Act, 1986 shall be initiated against you at your own risk and cost.

Encl: As Above

Sd/-

(R.D. Dhiman, IAS)  
ACS (Env. S&T)-cum-Chairman,  
HPSPCB, Shimla (H.P)

Copy to:

✓ The Member Secretary, H.P. State Pollution Control Board, Him Parivesh Building, Phase-III, BCS, New Shimla-9 for information and necessary action.

(R.D. Dhiman, IAS)  
ACS (Env. S&T)-cum-Chairman,  
HPSPCB, Shimla (H.P)

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**H.P. STATE POLLUTION CONTROL BOARD,**  
**Regional Office "HIMUDA COMPLEX" Phase-1, Baddi**  
**Tehsil Baddi, Distt. Solan (HP) Phone-01795-245374**

No. PCB/RO Baddi/B-121/Baddi Infrastructure (CETP Kenduwal)/2019 868

Dated: 15/10/19

To

M/s Baddi Infrastructure (CETP Kenduwal),  
Baddi Technical Training Institute (BTIT) Complex,  
EPIP Phase-I Jharmajri Tehsil Baddi PO  
Barotiwala District Solan, HP.

Sub: - Order passed by Hon'ble National Green Tribunal in O.A. No. 593/2017 titled Paryavaran Suraksha Samiti & Anr. V/s Union of India & Ors dated 19.02.2019 and Original Application No. 1038/2018 dated 10.07.2019 and 23.08.19.

Sir,

This is in reference to orders passed by Hon'ble National Green Tribunal in O.A. No. 593/2017 titled Paryavaran Suraksha Samiti & Anr. V/s Union of India & Ors dated 19.02.2019 and Original Application No. 1038/2018 dated 10.07.2019 and 23.08.19.

The Hon'ble National Green Tribunal in O.A. No. 593/2017 titled Paryavaran Suraksha Samiti & Anr. V/s Union of India & Ors dated 19.02.2019 passed the following directions:

*"...Committee has come up with following formula for levying the Environmental Compensation in instances as mentioned at a, b and c including non-compliance of the environmental standards / violation of directions."*

Further Hon'ble National Green Tribunal in O.A. 1038/2018 dated 10.07.2019 and 23.08.19 passed following directions:

*"....The essence of rule of law is that no activity which is against the law is allowed to continue and the person violating the law is punished according to law. Thus merely requiring improvement does not obviate the need for punishing the law violators/polluters; stopping polluting activity and recovering compensation for the damage already caused so as to recover the cost of restoration is the mandate of law...."*

Whereas it has been observed that since November 2018 to September 2019, the samples collected from the final outlet of CETP are not conforming to the prescribed norms which is gross violation of Water (Prevention & Control of Pollution) Act 1974. Hence in as per the directions passed by Hon'ble National Green Tribunal, the Environmental Compensation amounting to ₹ 87,90,000/- is applicable on you. It is hereby directed to deposit the aforesaid amount in the account of Member Secretary, HP State Pollution Control Board, Axis Bank, The Mall Shimla, account no. 9170100825663915, IFSC code UTIB0003631 under intimation to this office within a week time failing which action under the provisions of Water (Prevention & Control of Pollution) Act 1974 & Air (Prevention & Control of Pollution) Act 1981 shall be initiated against you at your own risk and cost.

Yours faithfully,

  
(P. C. Gupta),

Sr. Environmental Engineer,  
HP State Pollution Control Board, Baddi.

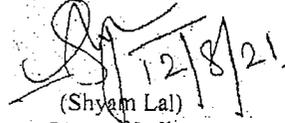
No. K-46012/12/2021-States Cell  
Government of India  
Ministry of Commerce & Industry  
Department of Commerce

Udyog Bhawan, New Delhi  
Dated 12<sup>th</sup> Aug, 2021

**Sub: 14<sup>th</sup> meeting of Empowered Committee(EC) on TIES – minutes - reg.**

The undersigned is directed to forward herewith the minutes of 14<sup>th</sup> meeting of the Empowered Committee of Trade Infrastructure for Export Scheme (TIES) held under the Chairmanship of Sh. B. V. R. Subrahmanyam, Commerce Secretary on 02<sup>nd</sup> August, 2021 (through VC for participants outside Delhi) for information and further necessary action.

Receipts of minutes may kindly be acknowledged.

  
12/8/21

(Shyam Lal)

Under Secretary to Govt. of India  
Tel No. 23062486, Extn. 520  
Email: shyam.lal-upsc@nic.in  
& moc\_states@nic.in

Encl: as above

To,

1. Secretary, Department for Promotion of Industry and Internal Trade (DPIIT), Udyog Bhawan, New Delhi [secy-ipp@nic.in]
2. Secretary, M/o Development of North East Region (DoNER), Vigyan Bhawan Annexe, New Delhi [secydoner@nic.in]
3. The Joint Secretary (NE), North Block, Ministry of Home Affairs, New Delhi [jsne@mha.gov.in]
4. The Adviser (Industry) (Kind Attn.: Sh. Ishtiyaque Ahmed), R.No.239-A, NITI Aayog, Yojana Bhawan, New Delhi [ahmed.i@nic.in]
5. The Joint Secretary (Medical Devices), Department of Pharmaceuticals, Shastri Bhawan, New Delhi [js.pharma@nic.in]

Copy forwarded for information and necessary action to:

1. PPS to CS
2. PPS to AS&FA/ DG(DGFT)/ AS(SC)/ AS(SK)/ JS(SSK)/ JS(DJ)/ JS(DNM)/ JS(SM)/ JS(AK)/ OSD(SKR)/ ADGFT(TM)
3. The Additional Chief Secretary, Industries Department, Govt. of Himachal Pradesh [indussecy-hp@nic.in]
4. The Special Secretary, Industries Department, Govt. of Tamil Nadu & CEO-HML [indjs@tn.gov.in]
5. The Commissioner Industries, Directorate of Industries, Govt. of Himachal Pradesh, Shimla [dirindus-hp@nic.in]
6. The Development Commissioner, MEPZ Special Economic Zone, GST Road, Tambaram, Chennai - 600045.
7. The Development Commissioner, Cochin Special Economic Zone (SEZ), Kakkanad, Cochin - 682 037
8. The Chairman, Land Ports Authority of India(LPAI), M/o Home Affairs, Lok Nayak Bhawan, New Delhi [chman.lpai@mha.gov.in]
9. The Director (Technical), LPAI [dir.tech-lpai@gov.in]
10. The Managing Director, Karnataka Fisheries Development Corporation Ltd. (KFDC), Hoige Bazar, Mangalore-575001 [kfdcixe@yahoo.com]
11. The Chief Executive Officer, Chandigarh International Airport Limited, Room No. 1, Projec Office Building, Civil Airport, Chandigarh - 160003 [ceo@chial.org]
12. The Managing Director, Assam Livestock and Poultry Corporation Ltd. (ALPCO), Khanapara, Guwahati -22 [alpcoldghy@gmail.com]
13. The Chief Operating Officer, HLL Medipark Ltd. II Floor, HLL Bhawan, 26/4 Tambaram Velachery Road, Pallikaranai, Chennai. [ravindra.sanagavarapul@gmail.com, thiagu@lifecarehll.com]

Minutes of the 14<sup>th</sup> meeting of Empowered Committee (EC) on 'Trade Infrastructure for Export Scheme (TIES)' held under the Chairmanship of Commerce Secretary on 02.08.2021 (Monday) at 4:00 PM.

1. The 14<sup>th</sup> meeting of Empowered Committee (EC) on 'Trade Infrastructure for Export Scheme (TIES)' was held under the Chairmanship of Commerce Secretary on 02.08.2021 (Monday) at 4:00 PM through online platform. The list of participants is at 'Annexure-I'.

2. The proposals received from various implementing agencies seeking TIES funding were considered. A detailed presentation regarding the proposals was made by the Division before the Empowered Committee. In addition to the new proposals received under TIES, the following proposals were also presented before the EC:

- Projects under implementation seeking release of next installments
- Waiver of penal interest in respect of 2 cancelled projects
- Formulation of an objective criteria for higher funding for States with poor export infrastructure but having export potential (other than in NER/Himalaya States) as per the recommendation of EFC.

NEW PROPOSALS

3. Agenda Item No. 1

**Proposal:** Expansion/Improvement (3 MLD Effluent Refractory Management and TDS Reduction) in CETP, Baddi, District Solan, Himachal Pradesh

**Implementing Agency:** Baddi Infrastructure

**Project Cost:** INR 28.51 crore.

- TIES share: INR 20 crore.
- 1<sup>st</sup> installment requested: **INR 10 crore.**

3.1 EC was apprised that the project envisages expansion/improvement of the existing CETP to implement provision for treatment of FDS/TDS effluent as per the instructions of Ministry of Environment, Forest & Climate Change and the directions issued by National Green Tribunal. As the existing facility is catering mainly to the pharma industry in Baddi, the expansion/improvement of the same will encourage existing units to expand their capacities and also attract fresh investments which will contribute to exports. Further, it was pointed out that in the proposal submitted by Government of Himachal Pradesh, the Status of the Implementing Agency i.e. Baddi Infrastructure has not been clearly mentioned.

3.2 ACS, GoHP informed that the land for the existing CETP was given by Government of Himachal Pradesh. Baddi Infrastructure, the Implementing Agency for the facility is a government controlled SPV as majority of the representatives are from Government of Himachal Pradesh.

**3.3 After deliberations, EC accorded approval for financial assistance of Rs. 20 crore for the project under TIES and recommended release of first installment of Rs. 10 crore subject to furnishing of letter by Government of Himachal Pradesh certifying that Baddi Infrastructure, the Implementing Agency is a State controlled entity.**

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**4. Agenda Item No. 2**

**Proposal:** Pharma Lab Cum Training Centre, Export Promotion Industrial Park, Phase I, Jharmajri – Baddi, District Solan, Himachal Pradesh

**Implementing Agency:** Himachal Pradesh Industrial Development Corporation Limited (HPSIDC)

**Project Cost:** INR 20.26 crore

- TIES share: INR 13.31 crore.
- 1st installment requested: INR 6.65 crore.

4.1 EC was informed that the Project proposal envisages setting up of pharma testing lab which will fill a critical gap in the physical infrastructure which is currently causing a hindrance in export of pharmaceuticals from the region. Due to non existence of such testing facility, pharma units are facing production delays, cost inefficiencies, rejections, and material wastage resulting in loss of market share. The proposed pharma lab will ensure that the pharma industries in the vicinity are able to meet the stringent global standards of quality testing.

4.2 EC was apprised that previously for the project, financial assistance of Rs. 3.25 crore had been provided under the erstwhile ASIDE scheme. The utilization certificate for the aforementioned amount has been received from Government of Himachal Pradesh.

4.3 ACS, Government of Himachal Pradesh informed that under the erstwhile ASIDE scheme the proposal was submitted with a total project cost of Rs. 8.09 crore. Accordingly, Rs. 5.19 crore (revised) was approved under ASIDE and Rs. 3.25 crore was released for the project. Government of Himachal Pradesh had completed a three storey building, to house the pharma lab, using its own fund and the grant received under ASIDE. Subsequently there was a change in scope as recommended by NIPER, Mohali. Hence, the instant project proposal has been submitted for assistance under TIES.

**4.4 After deliberations, EC deferred the proposal and directed Government of Himachal Pradesh/Implementing Agency to submit revised proposal with clear financial outlay for the proposed project as a fresh project and not as an incomplete one.**

**5. Agenda Item No. 3**

**Proposal:** Setting up of 1 MLD Zero Liquid Discharge Plant in Cochin SEZ

**Implementing Agency:** Cochin SEZ

**Project Cost:** INR 23.50 crore

- TIES share: INR 11.09 crore.
- 1st installment requested: INR 5.54 crore.

5.1 EC was informed that the Project proposal envisages setting up of Zero Liquid Discharge (ZLD) plant in Cochin SEZ to ensure availability of water for industrial purpose, thus avoiding dependence on costly tanker supply and bringing environment-friendly industrial practice in the SEZ.

5.2 The representative of Implementing Agency informed that there was a public protest against discharge of the effluent after tertiary treatment, from the existing CETP into a recharging/collection pond due to threat of ground water contamination. Due to the public protest, Kerala State Pollution Control Board had issued a direction to SEZ to opt for an alternative method for treatment of effluents. Accordingly, CSIR-NEERI was consulted to suggest alternative measures for treatment of effluents. CSIR-NEERI, as part of feasibility studies carried out for upgradation and retrofitting of CETP, recommended several measures including setting up of ZLD system. In view of the emergent situation arising due to public protest, construction of the project was started by Cochin SEZ from its own fund and till date, an expenditure of Rs. 17 crore has been incurred. WAPCOS is the engineering agency for the project. The project is expected to be completed within the next two months.

5.3 After deliberations, EC accorded approval for financial assistance of Rs. 11.09 crore for the project under TIES and recommended release of financial assistance in one installment.

## **B. ONGOING PROJECTS - RELEASE OF NEXT INSTALLMENT**

### **6. Agenda Item No.1**

**Proposal:** Construction of SDF Building at Cochin SEZ

**Implementing Agency:** Cochin SEZ.

**Project Cost:** INR 66.05 crore (revised)

- TIES share: INR 20 crore
- 1<sup>st</sup> & 2<sup>nd</sup> instalment released: INR 6.50 crore each
- 3<sup>rd</sup> and last installment requested: **INR 7 crore**

6.1 EC was apprised about the following w.r.t the project:-

- a. The financial and physical progress stood at 70% and 85% respectively.
- b. IA has submitted utilization certificates for both TIES installments.

6.2 Further, EC was informed that IA has spent Rs. 29.05 crore from its own fund, which is near pari-passu contribution required for release of 3<sup>rd</sup> and final installment of the grant.

6.3 After deliberations, EC approved release of 3<sup>rd</sup> and final installment of Rs. 7 crore of TIES grant.

### **7. Agenda Item No.2**

**Proposal:** Development of Integrated Check Post Petrapole: Proposal for construction of additional truck parking, West Bengal.

**Implementing Agency:** Land Ports Authority of India (LPAI)

**Project Cost:** INR 32.24 crore.

- TIES share: INR 13.66 crore
- 1<sup>st</sup> instalment released: INR 6.83 crore

- 2<sup>nd</sup> and Final installment requested: INR 6.83 crore

7.1 EC was apprised about the following w.r.t the project:-

- a. The financial and physical progress stood at 61% and 75% respectively.
- b. IA has submitted utilization certificate for 1<sup>st</sup> installment of TIES grant.

7.2 Further, EC was informed that IA has spent Rs. 11.08 crore from its own fund, which is more than pari-passu contribution required for release of 2<sup>nd</sup> and final installment of TIES grant.

7.3 **After deliberations, EC approved release of 2nd and final installment of Rs. 6.83 crore of TIES grant.**

### 8. Agenda Item No.3

**Proposal:** Modernization of infrastructure facility for Marine exports at Tadadi, Kumta Taluk, Uttara Kannada District, Karnataka.

**Implementing Agency:** Karnataka Fisheries Development Corporation (KFDC), Government of Karnataka.

**Project Cost:** INR 13.34 crore.

- TIES share: INR 5 crore
- 1<sup>st</sup> & 2<sup>nd</sup> instalment released: INR 2 crore & 2.65 crore respectively
- Balance grant requested: INR 0.35 crore

8.1 EC was informed that the financial grant of Rs. 5 crore under TIES was approved for the project in the 1<sup>st</sup> EC meeting held on 09.06.2017. Accordingly, 1st installment of TIES grant for Rs. 2 crore was released during August, 2017. IA informed that due to an error on the part of the then Project Monitoring Agency (PMA) in calculating the total project cost, the 2<sup>nd</sup> installment of Rs. 2.65 crore, instead of Rs. 3 crore, was approved and released during December, 2019. Hence, IA has requested to release the balance grant of Rs. 0.35 crore.

8.2 **After deliberations, EC directed IA to submit relevant details of the project cost and proposal for release of balance grant under TIES. The proposal shall be examined by the Division and put up before the EC in the next meeting for consideration.**

### 9. Agenda Item No.4

**Proposal:** Export Oriented Pork Processing Plant at Nazira, Assam

**Implementing Agency:** Assam Livestock and Poultry Corporation (ALPCO).

**Project Cost:** INR 11.44 crore.

- TIES share: INR 7.91 crore

- 1<sup>st</sup> installment released: INR 3.95 crore
- 2<sup>nd</sup> and Final installment requested: INR 3.96 crore

9.1 EC was apprised about the following w.r.t the project:-

- a. The financial and physical progress stood at 83% and 95% respectively.
- b. IA has submitted utilization certificate for 1<sup>st</sup> installment of TIES grant.

9.2 Further, EC was informed that IA has spent Rs. 2.06 crore from its own fund, which is more than pari-passu contribution required for release of 2<sup>nd</sup> and final installment of TIES grant.

**9.3 After deliberations, EC approved release of 2nd and final installment of Rs. 3.96 crore of TIES grant.**

#### 10. Agenda Item No.5

**Proposal:** Setting up of Centre for Perishable Cargo at Chandigarh International Airport.

**Implementing Agency:** Chandigarh International Airport Ltd. (CHIAL)

**Project Cost:** INR 12.44 crore (revised)

- TIES share: INR 5.63 crore
- 1<sup>st</sup> installment released: INR 2.81 crore
- 2<sup>nd</sup> and Final installment requested: INR 2.82 crore

10.1 EC was informed that the IA has submitted Utilization Certificate for 1<sup>st</sup> installment of TIES grant and refunded an amount of Rs. 28 lakh accrued as interest on the 1<sup>st</sup> installment of TIES grant.

10.2 The representative of IA informed EC that 98% (civil work) of the project is completed. Further, it was informed that there is change in the scope of work in the project as additional civil work has been included and there has been reduction in the cost of plant & machinery as some of these are already available at CHIAL. Installation of X-Ray machine has been delayed due to Make in India stipulation. The project excluding installation of X-Ray shall be completed by 1st September, 2021. Till such time, new X ray machine is procured, old X ray machine will be used to operationalize the facility.

**10.3 After deliberations, EC approved the proposal for change in scope of the project and for release of 2nd and final installment of Rs. 2.82 crore of TIES grant on the condition that interest accrued on the first installment is deposited.**

#### **C. CANCELLED PROJECTS – TO CONSIDER WAIVER OF THE PENAL INTEREST**

**11. Agenda Item No. 1**

**Proposal:** Setting up of Electro Magnetic Interference/Electro Magnetic Compatibility (EMI/EMC) Lab for Medical Technology at Chengalpattu, Tamil Nadu.

**Implementing Agency:** HLL Medipark Ltd.

**Total project cost** – INR 21.07 crore

- Fund approved under TIES – INR 9.56 crore
- 1<sup>st</sup> installment released under TIES – INR 4.78 crore

**Agenda Item No. 2**

**Proposal:** Construction of 2.5 MLD Sewerage Treatment Plant (STP) at Madras EPZ SEZ.

**Implementing Agency:** Madras SEZ

**Total project cost** – INR 11.63 crore

- Fund approved under TIES – INR 5.18 crore
- 1<sup>st</sup> installment released under TIES – INR 2.59 crore

11.1 Both the proposals for waiver of penal interest were taken together by the EC.

11.2 EC was informed that financial grant under the Scheme had been approved for both the projects and accordingly, 1<sup>st</sup> installment had been released. However, due to delay in implementation, both the projects were cancelled by EC. IAs for the projects were directed to refund the amount of TIES grant, interest accrued thereon and 10% penal interest on the grant. While the amount of TIES grant and interest accrued thereon had been refunded to the Department, IAs had requested for waiver of penal interest as the circumstances due to which inordinate delay occurred in implementation of the project were beyond their control.

11.3 After deliberations, EC agreed to take up the request of IAs for waiver of penal interest with the Department of Expenditure for concurrence.

**D. REVISED TIES GUIDELINES – OBJECTIVE CRITERIA FOR HIGHER FUNDING FOR LOW EXPORTING STATES (OTHER THAN NER/HIMALAYAN STATES)**

12. EC was informed that TIES was appraised for continuation during the period 2021-22 to 2025-26 by Expenditure Finance Committee (EFC) headed by Finance Secretary and Secretary (Expenditure) in its meeting held on 4.6.2021. While recommending the continuation of TIES scheme for the period 2021-22 to 2025-26, *inter alia*, EFC made the following observation:-

"Financial assistance upto 80% of the total equity which is presently available

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*under TIES only for the projects in NE States and Himalayan States including UTs of J&K and Ladakh and other States with relatively poor export infrastructure lacking institutional capacity for preparing good DPRs but has positive export potential may be extended. Such States to be identified by DoC using an objective criteria of giving first preference to the States which have availed less funding."*

12.1 Accordingly, a suitable objective criteria needs to be developed taking into account the the export potential of the States and their export infrastructure/eco system. It was suggested that the Export Preparedness Index and Exports/GSDP ratio could be considered for evolving such a criteria, and eligibility of States for higher funding determined.

**12.1 After deliberations, EC directed that a suitable criteria may be developed and brought before the Committee for consideration.**

13. Meeting ended with vote of thanks to the Chair.

\*\*\*\*\*

**List of Participants in the 14<sup>th</sup> Empowered Committee Meeting on TIES held on 02.08.2021 under the Chairmanship of Commerce Secretary**

	Name & Designation	Organisation
<b>Department of Commerce:</b>		
1.	Shri B. V. R. Subrahmanyam, CS	In Chair
2.	Shri. S. Kishore, AS	DoC
3.	Shri. Shashank Priya, AS&FA	DoC
4.	Ms. Rachna Shah, AS	DoC
5.	Shri Amit Yadav, DG, DGFT	DoC
6.	Shri Amitabh Kumar, JS	DoC
7.	Shri Diwakar Nath Misra, JS	DoC
8.	Smt. Renu Lata, Director	DoC
9.	Shri Shyam Lal, US	DoC
<b>Other Ministries/Departments/Organizations: [via virtual link]</b>		
10.	Sh. Rupesh, Senior Specialist	NTTI Aayog
11.	Shri Krishna Mohan Uppu, DS	MHA
<b>Implementing/Proposing Agency:</b>		
12.	Sh. Ram Subhag Singh, Addl. Chief Secretary	Govt. of Himachal Pradesh via virtual link
13.	Sh. Tilak Raj Sharma, Addl. Director	Govt. of Himachal Pradesh via virtual link
14.	Sh. Aditya Mishra, Chairman	LPAL, MHA [attended physically]
15.	Sh. Ramam Kumar Sharma, Director (Proj.)	LPAL, MHA [attended physically]
16.	Sh. D. V. Swamy, Development Commissioner	Cochin-SEZ via virtual link
17.	Sh. Shanmuga Sundaram, Development Commissioner	MEPZ/SEZ via virtual link
18.	Sh. M. L. Doddamani, Managing Director	Karnataka Fisheries Development Corporation (KFDC) via virtual link
19.	Dr. P. N. Konwar, Project Head	Assam Livestock and Poultry Corporation

		(ALPCO) via virtual link
20.	Sh. Ajay Kumar, CEO	Chandigarh International Airport Ltd. (CHIAL) via virtual link
21.	Sh. S. Ravindra, COO	HLL Medipark Ltd., via virtual link

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Government of Himachal Pradesh  
Department of Environment, Science & Technology

No. STB-A(3)-2/2017

Dated: Shimla-2, 23<sup>rd</sup> January, 2019

**NOTIFICATION**

In exercise of the powers conferred by Sub-Section (2) of Section-4 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) and read with Section 4 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981), the Governor, Himachal Pradesh is pleased to formulate the following guidelines in supersession of rules notified vide GoHP Notification of even number dated 28-12-2017 regulating the nomination/appointment, other terms and conditions of service of the Chairman in the State Pollution Control board.

The terms and conditions of service of the Chairman shall be as under:-

**1. Pay, allowances and other conditions of service**

The scale of pay shall be Level-14 in the Pay Matrix of the 7<sup>th</sup> Pay Commission. In case of nomination amongst a serving officer under the Central Government or a State Government or a public sector undertaking or a University or an autonomous body taken on secondment or deputation, shall receive the pay equal to the actual pay drawn in his/her parent department. In case of nomination of retired officer under the Central Government or a State Government or a Public Sector Undertaking or a University or an autonomous body, shall receive the pay per month equal to the actual pay drawn in his/her parent department minus pension (fixed). The Chairman shall be entitled to City Compensatory Allowance and House Rent Allowance as are admissible to the Secretary to the GoHP. Provided that where the Chairman is allotted an accommodation by the State Government, he shall not be entitled to house rent allowance and shall be required to pay a license fee as applicable to the Secretary to the GoHP. The travelling allowance and daily allowance, in respect of journeys

11/2019

23-1-2019

FRM

undertaken by him in connection with his duties as Chairman, shall be at the rates as permissible to the Secretary to the GoHP. The medical facilities as are admissible to the Secretary to the GoHP.

2. **Age Limit**

The Maximum age limit for nomination/ appointment shall be not exceeding Sixty two years as on the last date of the receipt of application.

3. **Tenure of the Post**

The Chairman will hold the post for the period of three years or till he/she attains the age of 65 years, whichever is earlier. The person once nominated as Chairman can be re-nominated/ appointed only for one additional term.

4. **Qualification and Experience**

A person having special knowledge or practical experience in respect of matters relating to the environmental protection or a person having knowledge and experience in administering institution dealing with the matter aforesaid.

5. **Disqualification**

A person who has entered into or contracted a marriage with a person having a spouse living or a person who having a spouse living has entered into or contracted a marriage with any person shall not be eligible. Also a person who has been convicted by any court of law for committing an offence punishable for more than 2 years of imprisonment shall not be eligible for appointment to the said post.

**Mode of Recruitment**

The Chairman shall be appointed by the State Government on the recommendation of Search-cum-Selection Committee consisting of the following namely:

- (a) Chief Secretary to the Govt. of Himachal Pradesh- **Chairman**
- (b) Secretary Incharge, Department of Env., Sci & Tech- **Member**
- (c) Secretary Incharge, Department of Personnel- **Member**

Page 11  
22-1-2019

The Committee shall decide the procedure to be followed for making the appointment. The Secretary (Environment) to the Government of Himachal Pradesh will be ex-officio Chairman of the State Pollution Control Board, till a person is selected for nomination/appointment as Chairman of the State Pollution Control Board, or the post falls vacant due to any other reason.

**Relaxation**

The State Government shall issue necessary clarification and may also relax the guidelines in case of operational difficulties.

By order

(R.D Dhiman)

Addl. Chief Secretary (EST) to the Govt. of Himachal Pradesh.

dst. No. as above

Dated, Shimla

23<sup>rd</sup> January, 2019.

Copy for information and necessary action forwarded to:-

1. Pvt. Secretary to the Chief Secretary to the Government of Himachal Pradesh.
2. All the Addl. Chief Secys./Pr. Secys./Secys. to the Govt. of Himachal Pradesh.
3. The Director of Environment, Science & Technology Deptt. Shimla-1.
4. The Member Secretary, HP Pollution Control Board, Shimla-9.
5. The Controller, Printing and Stationary, HP Shimla-5.

*Wij*

23-1-2019

Joint Secretary (EST) to the Govt. of Himachal Pradesh.



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**CWP No. 4961 of 2021**

10.11.2021 Present : Mr. R. L. Sood, Sr. Advocate with Mr. Arjun Lal, Advocate, for the petitioner.

Mr. Ashok Sharma, A.G. with Mr. Rajinder Dogra, Sr. Addl. A.G., Mr. Vinod Thakur, Mr. Hemanshu Misra, Addl. A.Gs. with Mr. Bhupinder Thakur, Dy. A.G., for respondent No. 1.

Mr. K. D. Shreedhar, Sr. Advocate with Ms. Shreya Chauhan and Mr. Virbahadur Verma, Advocates, for respondents No. 2 and 3.

Mr. Dinesh Bhanot, Advocate, for respondent No. 4.

Reply on behalf of respondents No. 2 and 3 is stated to have been filed on 25.10.2021, however, the same is not on record. Registry to trace and place the same on record, even if it is under objection.

Reply on behalf of remaining respondents be filed within two weeks.

**CMP No. 10189 of 2021**

The order dated 01.09.2021 is clarified to the extent that the same shall only be applicable to those industries having less than 200 KLD hydraulic discharge.

List on 27.11.2021

***Copy dasti.***

**(Tarlok Singh Chauhan)  
Judge**

**(Satyen Vaidya)  
Judge**

10<sup>th</sup> November, 2021  
(sanjeev)



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**CWP No.4961 of 2021**

01.09.2021 Present: Mr. R.L. Sood, Senior Advocate with Mr. Arjun Lal, Advocate, for the petitioner.  
Mr. Ashok Sharma, A.G. Mr. Rajinder Dogra, Sr. Addl. A.G., Mr. Vinod Thakur, Mr. Shiv Pal Manhans, Mr. Hemanshu Misra, Addl. A.Gs. and Mr. Bhupinder Thakur, Dy. A.G., for the respondent No.1/ State  
Mr. Maan Singh, Advocate, for respondent No.2 and 3.  
Mr. Dinesh Bhanot, Advocate, for respondent No.4.

Notice. Mr. Vinod Thakur, learned Additional Advocate General, Mr. Maan Singh, Advocate & Mr. Dinesh Bhanot, Advocate, appear and waive service of notice on behalf of respondents No.1, 2, 3 and 4, respectively. Reply/ instructions be filed/ obtained within a period of two weeks.

**CMP N.10189 of 2021**

Notice in the aforesaid terms. In the meanwhile, respondents are restrained from taking any coercive action against the petitioner.

List on 15.09.2021.

*Copy dasti.*

**(Tarlok Singh Chauhan)  
Judge**

**(Satyen Vaidya)  
Judge**

**September 01, 2021 (arun)**



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CWP No. 4961 of 2021

29.12.2021 Present: Mr. R. L. Sood, Sr. Advocate with Mr. Arjun Lall, Advocate, for the petitioner.

Mr. Vikrant Chandel, Deputy Advocate General, for respondent No.1.

Mr. K. D. Shreedhar, Sr. Advocate with Mr. V. B. Verma, Advocate, for respondents No. 2 and 3.

Mr. Dinesh Bhanot, Advocate, for respondent No.4.

Mr. Vikrant Chandel, learned Deputy Advocate General requests for an adjournment. List again on

**12.4.2022.**

**(Sabina)  
Judge**

**(Satyen Vaidya)  
Judge**

29<sup>th</sup> December, 2021  
(kck)

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**F.No. 10-53/2011-IA-III**  
**Government of India**  
**Ministry of Environment & Forests**  
**(IA-III Division)**

**Room No. 1032,**  
**Paryavaran Bhawan,**  
**CGO Complex, Lodhi Road,**  
**New Delhi - 110 003,**

**Dated: 8<sup>th</sup> January, 2013**

**To**  
**M/s Baddi Infrastructure,**  
**BBN Industries Association,**  
**SWCA Building, Baddi - Brotiwala Road,**  
**Baddi, Dist. Solan, Himachal Pradesh**

**Subject: Environmental Clearance for development of proposed  
Common Effluent Treatment and recovery Plant at Kainduwal,  
Himachal Pradesh by M/s Baddi Infrastructure - Reg.**

This has reference to your letter No. BI-EIA/2010 dated 17.07.2012 and subsequent letters from Secretary (PW), Govt. of Himachal Pradesh dated 27.07.2012, Additional Secretary (IPH), Govt. of Himachal Pradesh dated 19.09.2012 and Himachal Pradesh Pollution Control Board dated 06.10.2012 seeking Environmental Clearance under the Environment Impact Assessment Notification, 2006. The proposal has been appraised as per prescribed procedure in the light of provisions under the Environment Impact Assessment Notification, 2006 and its subsequent amendment on the basis of the mandatory documents enclosed with the application viz., the Form-I, EIA, EM, Public Hearing proceedings and the additional clarifications furnished in response to the observations of the Expert Appraisal Committee constituted by the competent authority in its meetings held on 4<sup>th</sup> - 5<sup>th</sup> June, 2012, 8<sup>th</sup> -9<sup>th</sup> November, 2012 and 20<sup>th</sup> - 21<sup>st</sup> December, 2012.

2. It is interalia, noted that the proposal involves establishment of common effluent treatment and recovery plant at Baddi, Himachal Pradesh. The site is located on a flat terrain surrounded by Dharampur range, Surajpur-Haripur-Mandhala range and Shivalik hills. The nearest town Baddi is 750 mts. The CEPI index is just below 70. There are about 1262 industrial units/plots in the industrial area of Baddi- Barotiwala. The type of industries are Textile, Dyeing & Spinning -27, Pulp & paper - 3, Pharma - 169, Soap & Detergents - 37, Food & Beverages - 30, Electroplating & Pickling - 9 and Miscellaneous - 987. The total sewage load is 4102.4 KLD. The Bio Sludge is 6 tonnes/day and Inorganic Sludge is 24 tonnes/ day. The total cost of the project is Rs.60 crores.

3. Since the location is in a Critically polluted area, the project is treated as Category 'A' as per Special conditions of EIA, Notification, 2006.



4. The details submitted and presented were examined by the EAC its meeting held on 17<sup>th</sup> -19<sup>th</sup> August, 2011 and Committee finalized the additional TOR for further study including public hearing. Public hearing was conducted on 07.03.2012 at Kenduwal, Solan, Himachal Pradesh.

5. It was noted that the treated wastewater is proposed to be discharged in to the River Sirsa. Further, in the report it was stated that Kalta Nala, Pula Nala, Sandhoil Nallah etc which are tributaries to river Sirsa are polluted with effluent. In view of the above, it was suggested to obtain a status report from State Pollution Control Boards (SPCB) and also comments of SPCB and Irrigation department on proposal to review the situation.

6. The Irrigation Department & Public Health, Government of Himachal Pradesh vide letter dated 19.09.2012 has suggested the disposal point of CETP shall be 800 m downstream of the intake points of irrigation schemes namely (i) LIS Dassomajra (2) LIS Khol Kass and (3) LIS Bhood. Himachal Pradesh Pollution Control Board vide letter dated 06.10.2012 supported the project stating that it would improve the quality of the river.

7. The Expert Appraisal Committee, after due consideration of the relevant documents submitted by the project proponent and additional clarifications furnished in response to its observations, have recommended for the grant of Environmental Clearance for the project. Accordingly, the Ministry hereby accords necessary Environmental Clearance for the above project as per the provisions of Environment Impact Assessment Notification, 2006 and its subsequent amendments, subject to strict compliance of the terms and conditions as follows:

**8. SPECIFIC CONDITIONS:**

- (i) The "Consent to Establish" shall be obtained from State Pollution Control Board under Air and Water Act before start of any construction work at the site.
- (ii) As suggested by the Irrigation Department & Public Health, Government of Himachal Pradesh, the disposal point of CETP shall be 800 m downstream of the intake points of irrigation schemes namely (i) LIS Dassomajra (2) LIS Khol Kass and (3) LIS Bhood.
- (iii) It is noted that at the time of ToR the proponent proposed for recycling of treated effluent, The EIA also address the same however, presently the proponent presented to the committee that the recycling is not planned and it was mentioned in the EIA document by mistake. Proponent informed that the same was clarified during the Public Hearing that they wished in the EIA report for reuse of treated water, but at present there is no provision in the project. The Committee, however, not accepted and suggested the proponent to explore maximum recycling of



treated water and submit the details to the SPCB before establishment of the facility.

- (iv) The proponent shall submit Bank Guarantee to the PCB for the amount to be fixed by the SPCB so as to impose accountability to meet the standards.
- (v) The member industries with hydraulic loading more than 200 KLD shall treat in the existing onsite ETPs to the level of treatment and standards prescribed in the consent orders issued by the state PCB before discharging into the CETP for further treatment.
- (vi) The Member industries with hydraulic loading more than 200 KLD, shall give top priority to recycle/reuse the treated effluent and submit an action plan to SPCB accordingly.
- (vii) The member industries with hydraulic loading more than 200 KLD shall treat in the existing onsite ETPs (as already these industries have provided on site ETP consisting of primary/secondary and tertiary treatment system) to the standards mentioned in the consent orders issued by the state PCB and then discharge into CETP for further treatment.
- (viii) The Member industries having effluent quantity more than 200 KLD, shall give top priority for recycle/reuse and submit action plan to SPCB.
- (ix) The project proponent will set up separate environmental management cell for effective implementation of the stipulated environmental safeguards under the supervision of a Senior Executive.

#### **9. GENERAL CONDITIONS:-**

- (i) Full support shall be extended to the officers of this Ministry/ Regional Office at Chandigarh by the project proponent during inspection of the project for monitoring purposes by furnishing full details and action plan including action taken reports in respect of mitigation measures and other environmental protection activities.
- (ii) A six-Monthly monitoring report shall need to be submitted by the project proponents to the Regional Office of this Ministry at Chandigarh regarding the implementation of the stipulated conditions.
- (iii) Ministry of Environment & Forests or any other competent authority may stipulate any additional conditions or modify the existing ones, if necessary in the interest of environment and the same shall be complied with.



- (iv) The Ministry reserves the right to revoke this clearance if any of the conditions stipulated are not complied with the satisfaction of the Ministry.
- (v) In the event of a change in project profile or change in the implementation agency, a fresh reference shall be made to the Ministry of Environment and Forests.
- (vi) The project proponents shall inform the Regional Office as well as the Ministry, the date of financial closure and final approval of the project by the concerned authorities and the date of start of land development work.
- (vii) A copy of the clearance letter shall be marked to concerned Panchayat/local NGO, if any, from whom any suggestion/representation has been made received while processing the proposal.
- (viii) State Pollution Control Board shall display a copy of the clearance letter at the Regional Office, District Industries Centre and Collector's Office/ Tehsildar's office for 30 days.

10. These stipulations would be enforced among others under the provisions of Water (Prevention and Control of Pollution) Act 1974, the Air (Prevention and Control of Pollution) Act 1981, the Environment (Protection) Act, 1986, the Public Liability (Insurance) Act, 1991 and EIA Notification 2006, including the amendments and rules made thereafter.

11. All other statutory clearances such as the approvals for storage of diesel from Chief Controller of Explosives, Fire Department, Civil Aviation Department, Forest Conservation Act, 1980 and Wildlife (Protection) Act, 1972 etc. shall be obtained, as applicable by project proponents from the respective competent authorities.

12. The project proponent shall advertise in at least two local Newspapers widely circulated in the region, one of which shall be in the vernacular language informing that the project has been accorded Environmental Clearance and copies of clearance letters are available with the State Pollution Control Board and may also be seen on the website of the Ministry of Environment and Forests at <http://www.envfor.nic.in>. The advertisement should be made within 10 days from the date of receipt of the Clearance letter and a copy of the same should be forwarded to the Regional office of this Ministry at Chandigarh.

13. This clearance is subject to final order of the Hon'ble Supreme Court of India in the matter of Goa Foundation Vs. Union of India in Writ Petition (Civil) No.460 of 2004 as may be applicable to this project.



14. Status of compliance to the various stipulated environmental conditions and environmental safeguards will be uploaded by the project proponent in its website.

15. Any appeal against this clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.

16. The environmental statement for each financial year ending 31<sup>st</sup> March in Form-V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website of the company along with the status of compliance of EC conditions and shall also be sent to the respective Regional Offices of MoEF by e-mail.



**(E. Thirunavukkarasu)**  
**Deputy Director (IA)**

Copy to: -

- (i) The Secretary, Department of Environment, Government of Himachal Pradesh
- (ii) The Chairman, Central Pollution Control Board, Parivesh Bhawan, CBD-cum-Office Complex, East Arjun Nagar, Delhi - 110 032
- (iii) The Member Secretary, Himachal Pradesh Pollution Control Board, HP SCST &E, 34, SDA Complex, Kusumpati, Shimla -171009.
- (iv) The CCF, Regional Office, Ministry of Environment & Forests(NZ), Bays No.24-25, Sector 31-A, Dakshin Marg, Chandigarh - 160 030.
- (v) IA - Division, Monitoring Cell, MOEF, New Delhi - 110003.
- (vi) Guard file



**(E. Thirunavukkarasu)**  
**Deputy Director (IA)**



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**CWP No. 418 of 2021**

**11.01.2021 Present:** Mr. R.L.Sood, Sr. Advocate with M/s Arjun Lall and Sanjay Kumar, Advocates, for the petitioner.

Mr. Ashok Sharma, Advocate General with M/s Ranjan Sharma, Adarsh Sharma and Vinod Thakur, Additional Advocates General for respondent No.1.

Mr. Maan Singh, Advocate for respondents No. 2 and 3, through video conference.

**CMP No. 639 of 2021**

Allowed and disposed of.

**CWP No. 418 of 2021 & CMP No. 641 of 2021**

Notice. Mr. Adarsh Sharma, learned Additional Advocate General accepts notice on behalf of respondent No. 1. On his instructions, Mr. Ashok Sharma, learned Advocate General appears for respondent No. 1. Mr. Maan Singh, learned Counsel accepts notice on behalf of respondents No. 2 and 3. As prayed for, reply be filed within six weeks.

List on 15.03.2021, before the appropriate Bench. Till the next date of hearing, operation of impugned orders, i.e. Annexures P-23, dated 29.12.2020 and P-24, dated 01.01.2021, shall remain stayed.

**CMP No. 642 of 2021**

This application is disposed of with the direction that the applicant shall file legible/typed copies of documents in issue within a period of four weeks.

Copy *dasti*.

(Ajay Mohan Goel)  
Vacation Judge

January 11, 2021

(narender)



CWP No. 417 of 2021

**11.01.2021 Present:** Mr. R.L.Sood, Sr. Advocate with M/s.Arjun Lall and Sanjay Kumar, Advocates, for the petitioner.

Mr. Ashok Sharma, Advocate General with M/s Ranjan Sharma, Adarsh Sharma and Vinod Thakur, Additional Advocates General for respondent No.1.

Mr. Maan Singh, Advocate for respondents No. 2 and 3, through video conference.

CMP No. 637 of 2021

Allowed and disposed of.

CWP No. 417 of 2021 & CMP No. 638 of 2021

Notice. Mr. Adarsh Sharma, learned Additional Advocate General accepts notice on behalf of respondent No. 1. On his instructions, Mr. Ashok Sharma, learned Advocate General appears for respondent No. 1. Mr. Maan Singh, learned Counsel accepts notice on behalf of respondents No. 2 and 3. As prayed for, reply be filed within six weeks.

List on 15.03.2021, before the appropriate Bench.

Till the next date of hearing, operation of impugned orders, i.e. Annexures P-23, dated 29.12.2020 and P-24, dated 01.01.2021, shall remain stayed.

CMP No. 640 of 2021

This application is disposed of with the direction that the applicant shall file legible/typed copies of documents in issue within a period of four weeks.

Copy *dasti*.

(Ajay Mohan Goel)  
Vacation Judge

January 11, 2021  
(narendar)



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**CWP No. 416 of 2021**

**11.01.2021 Present:** Mr. R.L.Sood, Sr. Advocate with M/s Arjun Lall and Sanjay Kumar, Advocates, for the petitioner.

Mr. Ashok Sharma, Advocate General with M/s Ranjan Sharma, Adarsh Sharma and Vinod Thakur, Additional Advocates General for respondent No.1.

Mr. Maan Singh, Advocate for respondents No. 2 and 3, through video conference.

**CMP No. 632 of 2021**

Allowed and disposed of.

**CWP No. 416 of 2021 & CMP No. 634 of 2021**

Notice. Mr. Adarsh Sharma, learned Additional Advocate General accepts notice on behalf of respondent No. 1. On his instructions, Mr. Ashok Sharma, learned Advocate General appears for respondent No. 1. Mr. Maan Singh, learned Counsel accepts notice on behalf of respondents No. 2 and 3. As prayed for, reply be filed within six weeks.

List on 15.03.2021, before the appropriate Bench. Till the next date of hearing, operation of impugned orders, i.e. Annexures P-23, dated 29.12.2020 and P-24, dated 01.01.2021, shall remain stayed.

**CMP No. 636 of 2021**

This application is disposed of with the direction that the applicant shall file legible/typed copies of documents in issue within a period of four weeks.

Copy *dasti*.

**(Ajay Mohan Goel)**  
**Vacation Judge**

January 11, 2021  
(narender)



-150-

**CWP No. 414 of 2021**

**11.01.2021 Present:** Mr. R.L.Sood, Sr. Advocate with M/s Arjun Lall and Sanjay Kumar, Advocates, for the petitioner.

Mr. Ashok Sharma, Advocate General with M/s Ranjan Sharma, Adarsh Sharma and Vinod Thakur, Additional Advocates General for respondent No.1.

Mr. Maan Singh, Advocate for respondents No. 2 and 3, through video conference.

**CMP No. 629 of 2021**

Allowed and disposed of.

**CWP No. 414 of 2021 & CMP No. 630 of 2021**

Notice. Mr. Adarsh Sharma, learned Additional Advocate General accepts notice on behalf of respondent No. 1. On his instructions, Mr. Ashok Sharma, learned Advocate General appears for respondent No. 1. Mr. Maan Singh, learned Counsel accepts notice on behalf of respondents No. 2 and 3. As prayed for, reply be filed within six weeks.

List on 15.03.2021, before the appropriate Bench. Till the next date of hearing, operation of impugned orders, i.e. Annexures P-23, dated 29.12.2020 and P-24, dated 01.01.2021, shall remain stayed.

**CMP No. 631 of 2021**

This application is disposed of with the direction that the applicant shall file legible/typed copies of documents in issue within a period of four weeks.

Copy *dasti*.

**(Ajay Mohan Goel)**  
**Vacation Judge**

January 11, 2021  
(*narender*)



-151-

**CWP No. 414 of 2021**

**22.12.2021 Present:** Mr. R.L. Sood, Senior Advocate with Mr. Arjun Lall, Advocate, for the petitioner.

Mr. Adarsh Sharma, Mr. Sumesh Raj and Mr. Sanjeev Sood, Additional Advocate Generals with Mr. Kamal Kant Chandel, Deputy Advocate General, for respondent No. 1.

Mr. Maan Singh, Advocate, for respondents No. 2 and 3.

**CWP No. 414 of 2021 & CMP No. 7935 of 2021**

Heard further. List for continuation on **21.03.2022**.

In the meanwhile, no coercive action shall be taken against the petitioner pursuant to notification dated 26.12.2019 (Annexure P-8).

Copy *dasti*.

**(Ajay Mohan Goel)**  
**Judge**

December 22, 2021  
(Vinod)



**CWP No. 416 of 2021**

**22.12.2021 Present:** Mr. R.L. Sood, Senior Advocate with Mr. Arjun Lall, Advocate, for the petitioner.

Mr. Adarsh Sharma, Mr. Sumesh Raj and Mr. Sanjeev Sood, Additional Advocate Generals with Mr. Kamal Kant Chandel, Deputy Advocate General, for respondent No.1.

Mr. Maan Singh, Advocate, for respondents No.2 and 3.

**CWP No. 416 of 2021 & CMP No. 7936 of 2021**

Heard further. List for continuation on **21.03.2022**.

In the meanwhile, no coercive action shall be taken against the petitioner pursuant to notification dated 26.12.2019 (Annexure P-8).

Copy *dasti*.

**(Ajay Mohan Goel)**  
**Judge**

December 22, 2021  
(Vinod)



— 153 —

**CWP No. 417 of 2021**

**22.12.2021 Present:** Mr. R.L. Sood, Senior Advocate with Mr. Arjun Lall, Advocate, for the petitioner.

Mr. Adarsh Sharma, Mr. Sumesh Raj and Mr. Sanjeev Sood, Additional Advocate Generals with Mr. Kamal Kant Chandel, Deputy Advocate General, for respondent No. 1.

Mr. Maan Singh, Advocate, for respondents No.2 and 3.

**CWP No. 417 of 2021 & CMP No. 7937 of 2021**

Heard further. List for continuation on **21.03.2022**.

In the meanwhile, no coercive action shall be taken against the petitioner pursuant to notification dated 26.12.2019 (Annexure P-8).

Copy *dasti*.

**(Ajay Mohan Goel)**  
**Judge**

December 22, 2021  
(*Vinod*)



- 154 -

**CWP No. 418 of 2021**

**22.12.2021 Present:** Mr. R.L. Sood, Senior Advocate with Mr. Arjun Lall, Advocate, for the petitioner.

Mr. Adarsh Sharma, Mr. Sumesh Raj and Mr. Sanjeev Sood, Additional Advocate Generals with Mr. Kamal Kant Chandel, Deputy Advocate General, for respondent No. 1.

Mr. Maan Singh, Advocate, for respondents No.2 and 3.

**CWP No. 418 of 2021 & CMP No. 7938 of 2021**

Heard further. List for continuation on **21.03.2022**.

In the meanwhile, no coercive action shall be taken against the petitioner pursuant to notification dated 26.12.2019 (Annexure P-8).

Copy *dasti*.

**(Ajay Mohan Goel)**  
**Judge**

December 22, 2021  
(Vinod)



# SHRIRAM INSTITUTE FOR INDUSTRIAL RESEARCH Annexure VIII

(A unit of Shriram Scientific and Industrial Research Foundation)

19, University Road, Delhi - 110007 (India)  
An ISO - 9001, 14001 & 45001 Certified Institute

Website : www.shriraminstitute.org  
E-mail id : customercare@shriraminstitute.org

ULR NO. : TC544421000014500F

TEST CERTIFICATE

NO : C1/0000272565



Issued To  
Client Code : (BADI01H1157)  
H.P. STATE POLLUTION CONTROL BOARD,  
REGIONAL OFFICE HIMUDA COMPLEX,  
PHASE - I, BADDI, TEHSIL BADDI, DISTRICT  
SOLAN  
BADDI  
HIMACHAL PRADESH-173205

Date : 22-11-2021  
Job No : 2111-1-411-1331  
Booking No : RG2122/1/6243  
Booking Date : 19-11-2021  
Customer Ref No. : NO.PCB/SEE/(RO)BADDI/  
SAMPLE DETAIL/2021-2492  
Customer Ref Dt. : 03-11-2021

**Sample Particulars :** Job No. 2111-1-411-1331  
ONE GRAB SAMPLE OF WASTE WATER DRAWN BY OUR REPRESENTATIVE ON  
02.11.2021, FROM M/S CETP BADDI INFRASTRUCTURE, VILLAGE KENDUWAL, TEHSIL :- BADDI,  
DISTT. :- SOLAN, H.P, HPPCB, MARKED AS "FINAL OUTLET OF CETP", WAS RECEIVED.

S.No.	Tests	Results	Protocol
1	pH	7.5	IS: 3025 Pt-11-1983, RA 2017
2	Chemical Oxygen Demand, mg/l	140	APHA 23 <sup>rd</sup> Ed., 5220
3	Biochemical Oxygen Demand, mg/l (at 20°C for 5 days)	29	APHA 23 <sup>rd</sup> Ed., 5210
4	Fixed Dissolved Solids, mg/l	1886	IS: 3025 Pt-18-1984, RA 2017
5	Total Suspended Solids, mg/l	27	IS: 3025 Pt-17-1984, RA 2017
6	Bio Assay (% Survival of fish in 100 % sample after 96 hrs)	Zero	SOP/Fish Toxicity test in water & waste water/05 Dtd 25.07.2020

\*\*\*\*\*

DOR: 03.11.2021  
DOS: 05.11.2021  
DOS: 22.11.2021

AUTHORISED SIGNATORY  
EMPLOYEE CODE: ( 6083 )

Scanned copies and other copies should be authenticated by reference to the original report. 1/1

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# BADDI INFRASTRUCTURE

CIN: U45209HP2010NPL031349, GSTIN : 02AAECB3644E1Z9

(SPV of BBN Industries Association)

Regd. Office: BTTI Complex, EPIP Phase - 1, Jharmajri, Tehsil Baddi, P.O. Barotiwala,

Distt. Solan (H.P.) 174103, Ph.: 01795-271105, 271106

Email: baddiinfra@yahoo.in, btti.pvtltd@gmail.com, web site: baddiinfra.org.in

No.BI/HPSPCB/2021- 1109 - 1110

Date:- 20.09.2021

To  
The Chief Environmental Engineer,  
HP State Pollution Control Board  
Regional Office, Baddi

Subject :- OA No. 801/2018 titled Jasmeet Singh Vs State of Himachal Pradesh & Ors. and  
OA No. 136/2020 titled Veteran Forum for Transparency in Public Life Vs State  
of Himachal Pradesh & Ors. pending before the Hon'ble National Green  
Tribune.

Dear Sir,

1. We have already informed to your office that we had submitted the following action plan w.r.t. control of FDS parameter, within the prescribed limits:

**A. Short term plan**

- i. Meeting was held with Senior Management of Vardhman and Winsome Textile to modify their processes to reduce their TDS, till their ZLD facility is operational.
- ii. After deliberation they agreed to reduce TDS from their current level immediately.
- iii. Series of Meetings were held with SME members with consent to operate (COP) less than 200 KLD discharging high TDS and following decision were taken:
  - The units discharging more than 50000 mg/l TDS will use facility of MEE available at Shivalik Solid Waste Management to the extent of 20KLD capacity
  - Other Small units to modify their processes and reduce the TDS by 50%.

**Outcome/Status**

- TDS/FDS in the final discharge of CETP was significantly reduced.

**B. Medium term plan**

- i. Vardhman & Winsome to set up their individual facilities at their end to treat their respective high TDS effluent of Category-IV by installing ZLD Facility, which is expected to be completed by 30.06.2021.
- ii. The flow of Sewage to the STP at CETP should increase at least to 2-3 MLD by 31/03/2021.

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**Outcome/Status**

- Vardhman & Winsome have already set up their individual facilities at their end to treat their respective high TDS effluent by installing ZLD Facility. Vardhman has already stopped the discharge of Effluent of Category-IV w.e.f 10.07.2021 & Winsome will stop the discharge of Effluent of Category-IV very shortly.
- **With the above stated action by the two textiles units, CETP has become compliant w.r.t FDS outlet parameter and all other notified outlet parameters.**
- The flow of Sewage to the STP at CETP has not increased to the desired level. The present flow of Sewage from the area under MC Baddi for the month of August was 431 KLD and for September (till date) 390 KLD. The commulative flow from February 2020 till date is 220 KLD only against a minimum agreed flow of 3000 KLD. The capacity of STP at CETP is 5500 KLD.
- With the increase of the flow of Sewage there will be further Reduction of FDS parameter.
- The Sample Test Results of HPSPCB & Final Outlet of CETP labs for w.r.t. FDS parameter are well within the prescribed limits along with all other parameters tested. **Hence CETP is compliant.**

The test results of the Final Outlet of CETP lab & HPSPCB are as below:

Sr. No	Date of collection	HPSPCB	CETP
1	21.05.21	2019	2347
2	07.06.21	2072	2023
3	19.06.21	1918	1802
4	07.07.21	2100	2017
5	02.08.21	Awaited	1442
6	23.08.21	Awaited	1446
7	06.09.21	Awaited	1509

From the above stated results it is very much evident that the CETP is compliant w.r.t FDS parameter and CETP was already compliant w.r.t. all other parameters.

**C. Long term plan**

- CETP to submit DPR to install separate facility for treatment of TDS for small units discharging less than 200KLD
- CETP plan also includes treatment of API from Pharma industry which is expected to be notified in near future.

**Outcome/Status**

- We have already submitted a Detailed Project Report (DPR) for "3 MLD Refractory Management and TDS/FDS Reduction in CETP Kenduwal,

**Baddi**", project to the Commissioner of Industries GoHP for financial assistance under Trade Infrastructure Export Scheme (TIES).

Copy of the DPR is attached as per **Annexure-A**

- The Proposal for "3 MLD Effluent Refractory Management & TDS Reduction in CETP under Trade Infrastructure for Export Scheme (TIES)" has been approved by the Ministry of Commerce & Industry GoI and out of a total grant of Rs. 20 Crores, Rs. 10 Crores payment has been released on 27.08.2021.

Copy of the letter No. Ind.Dev.F(16)ASIDE(CETP)-IV-7203 dated 06.09.2021 is attached as per **Annexure-B**

- Tender documents have been prepared and Notice Inviting Tender/Bid has been published in the News Paper on 08.09.2021.

Copy of the Tender Notice is attached as per **Annexure-C**

2. After completing the Tendering process of Technical and Financial evaluation of the Bids, we would be able to place the order for the project by 15<sup>th</sup> October 2021. The project is planned to be commissioned within a period of one year from the placement of the work order.
3. Regarding OA No.136/2020 titled Veteran Forum for Transparency in Public Life Vs State of Himachal Pradesh & Ors, we wish to state that letter No. BBNIA/PCB/2021 dated 20.09.2021 has been submitted by BBN Industries Association, presenting the view in the matter.

Copy of the letter is attached as per **Annexure-D**

The above is submitted for your kind information and consideration please.

Yours Faithfully

For Baddi Infrastructure



Vijay K. Arora  
Director & CEO

Enclosure: -Annexures A to D

Copy to :- President BBNIA-for Information

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ANNEXURE - B

No. Ind.Dev.F(16)ASIDE(CETP)-IV/- - 7203  
Government of Himachal Pradesh  
"Directorate of Industries"

\*\*\*\*\*

Dated: Shimla-171001; the

From:

Director of Industries,  
Himachal Pradesh.

06 SEP 2021.

To

The Chief Executive Officer,  
M/s Baddi Infrastructure,  
EPIP Phase-I, Jharmajri, Baddi,  
Distt. Solan, H.P.

Subject:-

Regarding starting the work of proposed facility at CETP, Baddi.

Sir,

As you are aware that the proposal for providing advance treatment facility for the improvement in the functioning of CETP Baddi (3 MLD effluent refractory management & TDS reduction) submitted to the Department of Commerce, GoI by the State Govt. for financial assistance under Trade Infrastructure for Export Scheme (TIES), has been approved in the 14<sup>th</sup> meeting of the Empowered Committee of TIES held on 02.08.2021 with the Financial Pattern as under (copy of minutes of the meeting enclosed):-

Sr. No.	Means of Finance	Amount (Rs. in Cr.)
1	Central Grant (Max. limit of Rs. 20.00 Cr. i.e. 70% of Project Cost)	20.00
2	State Govt. Share (10%) i) Department of Industries (50%) = Rs. 1.425 Cr. ii) State Pollution Control Board (50%) = Rs. 1.425 Cr.	2.85
3	SPV Contribution (20%)	5.66
	<b>Total:</b>	<b>28.51</b>

All the requisite details/documents for processing release of funds for the project has been sent to the Department of Commerce, GoI and the first installment of Central Grant amounting to Rs. 10.00 Cr. is likely to be released to you by the Department of Commerce, GoI in a few days.

As per minutes of the meeting held on 4.8.2021 under the Chairmanship of the Chief Secretary to the Govt. of H.P. in compliance of latest Hon'ble NGT directions in OA No. 801/2018 and OA No. 136/2020, M/s Baddi Infrastructure has been directed to initiate and complete the process for floating of tenders and ensure that tenders shall be awarded by 15<sup>th</sup> September, 2021.

Contd. Page 2.

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08/09/21 Rasth

CEO Sir

2.

You are, therefore, requested to start the work of proposed facility at CETP, Baddi by completing all the codal formalities in this behalf immediately and complete the work at the earliest.

Yours faithfully,

Encls.: As above.

  
Director of Industries,  
Himachal Pradesh.

Endst. No. Ind.Dev.F(16)ASIDE(CETP)-IV/-

Dated:

Copy to the Addl. Chief Secretary (Industries) to the Govt. of H.P., Shimla-2 with the request to take up the matter with the State Pollution Control Board at Govt. level to release its share of Rs. 1.425 Cr. to the SPV.

  
Director of Industries,  
Himachal Pradesh.

# Baddi Infrastructure

ANNEXURE - C

Baddi Technical Training Institute (BTTI) Complex, EPIP Phase-1  
Jharmajri, P.O. Baroliwala, Tehsil Baddi, Distt. Solan (H.P)-174103  
Phone: - 01795-271105 & 271106. Email:- baddiinfra@yahoo.in

## TENDER NOTICE

Date: 08/09/2021

The CEO, BADDI INFRASTRUCTURE BADDI, HP (a company registered under section 25 of the companies Act, 1956) invites sealed tenders for design, supply, construction, Installation, commissioning, testing and trial run of 3 MLD capacity for Effluent Refractory Management and TDS/FDS Reduction at their existing 25 MLD capacity CETP & 5.5 MLD capacity STP located at Baddi, Distt. Solan(H.P).

**Estimated project cost is Rs. 25 Crores.**

The scheme/design should be conforming to the specifications as per the Technical Bid/Financial Bid and DPR which are part of the tender.

In case any Bidder intends to submit his own process design, they may do so, subject to fulfillment of purified water and salt generation for recycling, however, it will be subject to the approval of Baddi Infrastructure.

### Eligibility Criteria:

I. Should have completed at-least two works of "Water Reclamation and Recycling from Waste water" of a minimum capacity of 1500KLD, one of them costing not less than Rs. 10 Crores, in last 3 years (Proof to be attached).

II. Should have an average annual financial turnover not less than Rs. 60Crores during the last three years ending 31st March 2021. Group turnover of associate/sister entities will also be considered for the purpose of average annual financial turnover. (Audited Balance sheet to be attached).

### General conditions:-

1. The Tender/Bidding documents may be downloaded from website [www.baddiinfra.org](http://www.baddiinfra.org) and will be available up to 22.09.2021. The tender documents file will be password protected. Password will be made available to the Bidders upon payment of Rs. 17,700/- (including GST) through NEFT/IMPS by sending proof of payment on [baddiinfra@yahoo.in](mailto:baddiinfra@yahoo.in)

Account Holder Name : Baddi Infrastructure, Bank Account Number : 18630210001684.  
Bank: UCO Bank, Baddi Distt. Solan, H.P. IFSC Code : UCBA0001863

2. The tender should be accompanied with Earnest Money of Rs. 50 lacs in shape of Demand Draft, FDR/Bank Guarantee issued by any Nationalized Bank valid for a period of 90 days from the date of opening of Bid, favoring BADDI INFRASTRUCTURE, payable at Baddi in a separate envelope. The tender not accompanied with requisite Earnest Money shall not be considered. The earnest money deposited by unsuccessful Tenderer will be returned without any interest within 15 days.

3. The validity of the bids shall be for 90 Days from the last date of opening of bid.

4. Pre-Bid meeting will be held for any techno-commercial clarification at Baddi Infrastructure at 2:30 PM to 5:30 PM on 23/09/2021.

5. Bid must be delivered in the office of CEO, Baddi Infrastructure on or before 3 PM on 29/09/2021 during office hours. If it happens to be a holiday on the date of receipt of the bids the same will be received on the next working day.

6. Earnest Money, Technical Bid and Financial Bid are to be submitted in separate sealed Envelope.

7. The Technical bid along with the Earnest Money will be opened at 3 PM at Baddi Infrastructure on 30/09/2021 in the presence of the Bidders who wish to attend. The Financial Bids of the technically qualified Bidders will be opened on the same date.

8. Prospective Bidders must submit hard bound Bid Document of all pages duly numbered. Spiral or loose bidding shall not be entertained.

9. Bid must comprise of original documents containing proof of payment of tender money, earnest money, solvency certificate, undertaking of non-corrupt practices & non-cartelization and other documents as per tender document otherwise Bid will be out rightly rejected.

10. No conditional tender will be accepted which will be liable for rejection.

11. Baddi Infrastructure shall have the right to reject or accept any or all the tenders and will not be bound to accept the lowest or any tender or to give any reason for such a decision. The decision of Baddi Infra shall be final.

12. All disputes will be subject to jurisdiction of court at Naagarh, Distt. Solan HP.

13. Bidding document shall prevail over relevant instruction in the notice inviting tender and the notice inviting tender shall be treated as modified to that extent.

14. Sealed tenders must be submitted super-scribed "TENDER FOR REFRACTORY MANAGEMENT AND TDS/FDS REDUCTION" in the office of BADDI INFRASTRUCTURE JHARMAJRI, BADDI, HP on the date as mentioned above.

Chief Executive Officer, Baddi Infrastructure.

SIZE: 17X8



## B.B.N. Industries Association (Regd.)

EPIP-Jharmajri Road, EPIP Phase I, Jharmajri, Baddi, Distt. Solan H.P. - 174103  
 Phone : 01795-271195, fax: 01795-271195, Mobile : 098160-46495

Website : www.bbniia.com, E-mail : info@bbniiamail.in, admin@bbniiamail.in

BBNIA/PCB/2021

Dt. 20.09.2021

The Chairman,  
 Inspection Committee of Hon'ble NGT

**Subject: Case No.136/2020 Veteran Forum for Transparency in Public Life V/s State of HP & Others**

Dear Sir,

At the outset we thank you for giving us an opportunity to present our view on the above case. As per the hearing held at Hon'ble NGT rested with last one on 23.06.2021, mainly the following issues came into light.

1. The issue started from direct discharge by some pharmaceutical units into drain and the applicant raised issue of API contents in river water resulting into resistant pathogens reaching living beings through water.
2. The CETP is not following the condition of EC to get pre-treated effluent from units discharging more than 200KLD.
3. The CETP beside category-IV (i.e. mainly FDS and chloride) is also not capable of treating these API discharges in the effluent of Pharma formulation units.
4. The CETP is discharging higher than norm BOD and TDS/chloride to river.
5. There are no standards notified by MOEF for discharge of API contents and only draft notification is done. It directed the MOEF to expedite the final notification and in absence asked state PCB to formulate its own norm.
6. The testing labs have higher LOQ than specified in draft notification of MOEF hence most of the parameters are reported as not detectable by the Sri Ram Lab and asked CPCB/SPCB to use EC funds to upgrade their labs to test the API as per draft notification

We would like to submit our point wise view and action taken as under-

- A. We do not support any industry discharging untreated effluent in to water sources.
- B. The CETP was following the EC conditions as per pre-treatment notification of 2018 of SPCB and subsequently the revised notification of 2019, CETP submitted an action Plan along with the units above 200KLD which now stands completed at level of units mainly M/s Vardhman and Winsome Textile. The EC condition is therefore now stands complied with. The notification dated 26/12/19 of state PCB with respect to inlet norms is stayed by Hon'ble High Court of HP vide

stayed vide order dt. 15.09.2021 till 27.10.2021 with a direction not to take any coercive action against the petitioner (BBNIA) - (copy enclosed)

- C. The category-IV effluent is now being treated at unit level and the units are now Zero discharge for category-IV. Regarding API the CETP had submitted action plan to set up additional facility to treat API and FDS/Chloride if required to meet the standards after stopping of category-IV effluent. We may submit that the funding support from GOI and GOHP has already been sanctioned and partially released. The CETP has already notified tender for installation of these facilities and tender opening process to start from 29/09/21.
- D. The CETP had submitted short term, medium term and long term plan to control these parameters of BOD & FDS to NGT through State PCB and we are happy to declare that we became compliant in BOD long back but from May onward we are compliant in all respect. After stoppage of discharge from Vardhman our FDS level is as low as 1300-1500mg/ltr against norm of 2100.
- E. The MOEF has finally notified the proposed standards for Pharma industry vide notification dt. 06.08.2021 but instead of API norms they have termed the effluent as hazardous and asked industry to comply within one year from the date of notification. We, therefore, feel there is no need for state specific norms which otherwise may make the industry incompetent as compared to other states. We may also submit that the CETP in the meantime will upgrade its facility to treat APIs and units connected to CETP can continue to discharge to CETP.
- F. For up-gradation of Labs to test API the answer is with CPCB or SPCBs.

Hope the Committee report will highlight all these achievements specially the compliant CETP for all norms except APIs and its proposed up-gradation to treat these in about one year's time.

Thanking you,

For BBN Industries Association



(Sanjay Kharana)  
President

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# BADDI INFRASTRUCTURE

CIN: U45209HP2010NPL031349, GSTIN : 02AAECB3644E1Z9

(SPV of BBN Industries Association)

Regd. Office: BTTI Complex, EPIP Phase - 1, Jharmajri, Tehsil Baddi, P.O. Barotiwala,

Distt. Solan (H.P.) 174103, Ph.: 01795-271105, 271106

Email: baddlinfra@yahoo.in, btti.pvtltd@gmail.com, web site: baddlinfra.org.in



No. BI/HPSPCB/2021-

Date-23-09-2021

To

The Regional Officer,  
HP State Pollution Control Board,  
Regional Office, Baddi.

Sub: OA No. 136/2020 titled Veteran Forum for Transparency in Public Life V/s State of Himachal Pradesh & Ors. Pending before the Hon'ble National Green.

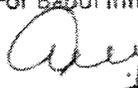
Dear Sir,

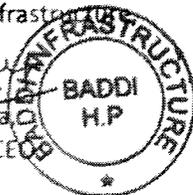
This is in reference to your letter no. 1733 dated 22-09-2021 regarding the subject cited as above. We wish to clarify and submit as under:

- 1) Antibiotic residue and API is covered under the treatment scheme as submitted in the DPR of 3 MLD Refractory Management and TDS/ FDS Reduction in CETP Kenduwal, Baddi through adsorption process and subsequent ultra-filtration process.
- 2) The inlet antibiotic residue plus API (CAT-III -Pharma units) for this add on facility at CETP is considered as on higher side of 22-25 mg/ltr but actual testing will be done while undertaking treatability on pilot basis
- 3) The content of antibiotic residue and API in final outlet after treatment in this proposed add on facility in CETP Kenduwal, Baddi will be Nil.

Yours faithfully

For Baddi Infrastructure

  
Vijay K Arora,  
Director & CEO



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Sr. No.	Analysis Test Report no	Name of location	Date	Time	DO mg/l	pH	Cond. $\mu$ S	COD mg/l	BOD mg/l	TSS mg/l	Total Hardness (mg/l)	Ca <sup>++</sup> (mg/l)	Mg <sup>++</sup> (mg/l)	TDS mg/l	Total Alkalinity (mg/l)	Phenopathellen Alkalinity mg/l		River Quality as per Designated Best Use Criteria by CPCB
1	WW-776	River Sirsa U/S Skomajri Nallah	Date	Time	DO mg/l	pH	Cond. $\mu$ S	COD mg/l	BOD mg/l	TSS mg/l	Total Hardness	Ca <sup>++</sup> (mg/l)	Mg <sup>++</sup> (mg/l)	TDS mg/l	Total Alkalinity	Phenopathellen Alkalinity mg/l		Class-A
			06.09.2021	5:50:00 AM	7.3	7.94	376.0	23.52	0.8	440.00	250	80.06	12.14	244.4	380	0		
			Fe mg/l	Zn mg/l	TCr mg/l	Pb mg/l	Ni mg/l	Cu mg/l	Mn mg/l	Cd mg/l	Amun-N(mg/l)	Suphate(mg/l)	Phosphate(mg/l)	Chloride(mg/l)	FC MPN/100	TC MPN/100ml	FSC MPN/10	
			1.332	0.048	ND	ND	ND	ND	ND	ND	Nil	174.924	1.42	32.99	17	39	<1.8	
2	WW-774	River Sirsa U/S CETP	Date	Time	DO mg/l	pH	Cond. $\mu$ S	COD mg/l	BOD mg/l	TSS mg/l	Total Hardness	Ca <sup>++</sup> (mg/l)	Mg <sup>++</sup> (mg/l)	TDS mg/l	Total Alkalinity	Phenopathellen Alkalinity mg/l		Class-B
			06.09.2021	2:30:00 AM	6.5	7.8	367.0	31.36	1.6	172.80	206	56.04	16.03	242.2	230	0		
			Fe mg/l	Zn mg/l	TCr mg/l	Pb mg/l	Ni mg/l	Cu mg/l	Mn mg/l	Cd mg/l	Amun-N(mg/l)	Suphate(mg/l)	Phosphate(mg/l)	Chloride(mg/l)	FC MPN/100	TC MPN/100ml	FSC MPN/10	
			9.75	0.076	ND	ND	ND	ND	ND	0.56	25.072	0.52	36.99	21	63	1.8		
3	WW-775	River Sirsa D/S CETP	Date	Time	DO mg/l	pH	Cond. $\mu$ S	COD mg/l	BOD mg/l	TSS mg/l	Total Hardness	Ca <sup>++</sup> (mg/l)	Mg <sup>++</sup> (mg/l)	TDS mg/l	Total Alkalinity	Phenopathellen Alkalinity mg/l		Class-B
			06.09.2021	2:50:00 AM	7.2	8.0	496.0	50.96	2.6	195.00	250	60.04	24.29	327.36	252	0		
			Fe mg/l	Zn mg/l	TCr mg/l	Pb mg/l	Ni mg/l	Cu mg/l	Mn mg/l	Cd mg/l	Amun-N(mg/l)	Suphate(mg/l)	Phosphate(mg/l)	Chloride(mg/l)	FC MPN/100	TC MPN/100ml	FSC MPN/10	
			3.903	0.036	ND	ND	ND	ND	ND	Nil	30.898	0.23	107.96	17	49	<1.8		
4	WW-773	River Sirsa D/S Nalagarh Bridge	06.09.20021	3:50:00 PM	7.0	7.87	497.0	47.04	2.2	524.50	260	64.05	24.29	323	236	0		Class-B
			Fe mg/l	Zn mg/l	TCr mg/l	Pb mg/l	Ni mg/l	Cu mg/l	Mn mg/l	Cd mg/l	Amun-N(mg/l)	Suphate(mg/l)	Phosphate(mg/l)	Chloride(mg/l)	FC MPN/100	TC MPN/100ml	FSC MPN/10	
						3.331	0.033	ND	ND	ND	ND	ND	Nil	47.209	0.46	87.97	20	

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H.P. STATE POLLUTION CONTROL BOARD, Central Lab Parwanoo

STUDY SAMPLE Baddi  
Collected By- JEE, Baddi

Collected by- RO Baddi -Joint monitoring with CPCB of River Sirsa 01/11/2021

Sr. No.	Analysis Test Report no	Name of location	pH	Cond. $\mu$ S	COD mg/l	BOD mg/l	TSS mg/l	TDS mg/l	Chloride mg/l	PO <sub>4</sub> mg/l	Total Hardness mg/l	Ca Hardness mg/l	Mg Hardness mg/l	Ca <sup>++</sup>	FC MPN/100 ml	TC MPN/100 ml
1	WW-927	River Sirsa U/S CETP	7.90	504.0	35.9	2.4	264.5	280.0	95.2	0.401	270.0	200.0	70.0	80.06	33	210
			Fe mg/l	Zn mg/l	TCr mg/l	Pb mg/l	Ni mg/l	Cu mg/l	Mn mg/l	Cd mg/l	Alkalinity mg/l	Phenophathel in alkanity mg/l	Amm-N mg/l	Mg <sup>++</sup>	FS MPN/100 ml	DO mg/l
			2.48	0.108	ND	ND	ND	ND	ND	ND	ND	360	Nil	Nil	17.01	<1.8
2	WW-928	River Sirsa D/S CETP	pH	Cond. $\mu$ S	COD mg/l	BOD mg/l	TSS mg/l	TDS mg/l	Chloride mg/l	PO <sub>4</sub> mg/l	Total Hardness mg/l	Ca Hardness mg/l	Mg Hardness mg/l	Ca <sup>++</sup>	FC MPN/100 ml	TC MPN/100 ml
			7.73	766.0	47.8	3.5	926.0	410.0	243.8	0.881	310.0	230.0	80.0	92.07	63	430
			Fe mg/l	Zn mg/l	TCr mg/l	Pb mg/l	Ni mg/l	Cu mg/l	Mn mg/l	Cd mg/l	Alkalinity mg/l	Phenophathel in alkanity mg/l	Amm-N mg/l	Mg <sup>++</sup>	FS MPN/100 ml	DO mg/l
			3.42	0.112	ND	ND	ND	ND	ND	ND	320	Nil	Nil	19.44	<1.8	5.5
2	WW-929	River Sirsa D/S Nalagarh Bridge	pH	Cond. $\mu$ S	COD mg/l	BOD mg/l	TSS mg/l	TDS mg/l	Chloride mg/l	PO <sub>4</sub> mg/l	Total Hardness mg/l	Ca Hardness mg/l	Mg Hardness mg/l	Ca <sup>++</sup>	FC MPN/100 ml	TC MPN/100 ml
			7.94	790.0	43.8	2.8	279.5	440.0	266.14	0.746	310.0	230.0	80.0	92.07	49	220
			Fe mg/l	Zn mg/l	TCr mg/l	Pb mg/l	Ni mg/l	Cu mg/l	Mn mg/l	Cd mg/l	Alkalinity mg/l	Phenophathel in alkanity mg/l	Amm-N mg/l	Mg <sup>++</sup>	FS MPN/100 ml	DO mg/l
			5.19	0.104	ND	ND	ND	ND	ND	ND	330	Nil	Nil	19.44	<1.8	5.9

  
Chief Scientific Officer



Regional Officer Baddi <pcbrobaddi@gmail.com>

## Fwd: Note on Baddi CETP with Hydraulic Load more than 200 KLD

1 message

**Narender Sharma** <narendersharma.cpcb@gov.in>  
To: Regional Officer <pcbrobaddi@gmail.com>

11 October 2021 at 10:27

**From:** mjindal@yahoo.com  
**To:** "Narender Sharma" <narendersharma.cpcb@gov.in>  
**Sent:** Friday, October 8, 2021 5:17:09 PM  
**Subject:** Note on Baddi CETP with Hydraulic Load more than 200 KLD

Dear Sir,

There are 3 points mentioned under Specific Conditions (Point No. V, VI, and VII) in EC No 10-53/2011-1A- III, dated 8<sup>th</sup> January 2013 issued to M/S Baddi Infrastructure by MoEF&CC for Baddi CETP. These are:

*V. The member industries with hydraulic loading more than 200 KLD shall treat in the existing onsite ETPs to the level of treatment and standards prescribed in the consent orders issued by the state of PCB before discharging into the CETP for further treatment.*

*VI. The member industries with hydraulic loading more than 200 KLD, shall give top priority to recycle/reuse the treated effluent and submit an action plan SPCB accordingly.*

*VII. The member industries with hydraulic loading more than 200 KLD shall treat in the existing onsite ETPs (as already these industries have provided on-site ETP consisting of primary/secondary and tertiary treatment system) to the standards mentioned in the consent orders issued by the state PCB and then discharge into CETP for further treatment.*

The comments are as follows:

1. The HPPCB did not ask MIs connected to Baddi CETP even for pre-treatment of effluent during Oct 2015-March 2017. HPPCB issued an advertisement on 07.04.2017 because of orders of Hon'ble SC WP (C) 375/2012 dated 22.02.2017 and asked MIs to install primary (effluent) treatment plants without prescribing pre-treatment norms. These norms were first time prescribed on 12.03.2018 for MIs effective from 12.03.2019 for 3 basic parameters (pH, SS and O&G).
2. Subsequently, norms for 11 parameters (while revising norms for 2 out of 3 earlier parameters) as pre-treatments norms were notified on 26.12.2019 effective from 26.12.2020. As a result pre-treatment norms are there for 12 parameters. MIs are by and large complying with these norms.
3. The industries (Vardhman and Winsome) have started recovery, recycling and reuse of water after installation of individual captive RO and MEE plant for Category IV effluent.

4. MIs have been asked to provide their treated effluent to Baddi CETP for mixing, equalization and polishing which is being done.
5. Some of pre-treatment norms such as FDS, Sulphide, etc are undermining the role of CETP. MIs had to install captive RO and MEE at a huge cost despite being member of CETP.
6. The pre-treatment norms for Category I effluent are being achieved using existing ETP by Vardhman, Winsome and others. Had pre-treatment norms were not prescribed, it would have been a case of violation of EC conditions.
7. However, it is learnt that these pre-treatment norms are disputed before Hon'ble Shimla High Court since H.P. government issued these norms instead of HPPCB.
8. It is another issue if, HPPCB wish to revise pre-treatment norms through Consent Mechanism. Otherwise, it is a case of compliance of EC conditions as far as Baddi CETP is concerned.

*With warm regards,*

**R N Jindal**  
Executive Director  
Nimbua Greenfield (Punjab) Limited  
Mobile: +91-9868113036, +91 9855309908  
email id: mjindal@yahoo.com





**H.P. STATE POLLUTION CONTROL BOARD,  
Regional Office "HIMUDA COMPLEX" Phase-1, Baddi  
Tehsil Baddi, Distt. Solan (HP) Phone-01795- 245374**

No. PCB /RO Baddi/ (B-121) / Baddi Infra- 3034-35

Dated: 17/11/2022

To

**M/s Baddi Infrastructure,**  
BTTI Complex, Opposite to Osper Formulations,  
EPIP Phase-I, Jharmajri. P.O. Barotiwala, Tehsil Baddi,  
Distt. Solan HP.

**Subject:** Show Cause Notice under Water (Prevention and Control of Pollution) Act, 1974-Sample Failure.

This is in reference to the sampling of C.E.T.P. conducted on date 02.11.2021 in your unit by Committee constituted under NGT OA. No. 136/2020. In this context, the lab analysis results of the same received from the SHRIRAM Institute for Industrial Research on Date: 22.11.2021 is indicating (Job No. 2111-1-411-1331) that parameter **Bio Assay (% Survival of fish in 100 % sample after 96 hrs)** is not meeting the prescribed limit. This establishes that the existing waste water treatment system is not effective enough to treat the waste water from your unit and requires proper & regular operation, modification, proper maintenance, up-gradation.

And whereas the above mentioned facts tantamount to the violation of the provisions of Water (Prevention and Control of Pollution) Act, 1974 and Consent granted by the State Board there under constituting a cognizable offence.

Now, therefore in accordance with the provision of aforementioned Act it is proposed to initiate action against you in accordance with the provision of Section 41, 43 & 44 of Water (Prevention and Control of Pollution Act, 1974 attracting with fine(s) up to Rupees Ten thousand and imprisonment up to seven years or both and levy of Environmental Compensation in compliance to the orders of the Hon'ble National Green Tribunal.

The above is proposed notwithstanding action for disconnection of power supply and closure of the unit under section 33-A of Water (Prevention and Control of Pollution) Act, 1974. However, before proceeding an action against you in the matter, you are hereby directed to show cause within 15 days as to why your Consent/ Renewal of Consent not be refused / withdrawn and legal and penal action as mentioned above should not be initiated for the utter disregard toward the environment. You are also hereby directed to provide adequate pollution control devices and improve the functioning of Common effluent treatment plant and bring down the parameters within the prescribed limits as prescribed in the Schedule I of the Environment (Protection) Act, 1986. It is further informed that sampling shall be carried out as per the Board's notification No PCB/71<sup>st</sup> Board Meeting Consent Branch/2014-27204-27253 dt: 28.02.2015 and as per the procedure prescribed therein and further action in case of non-compliance shall be initiated at your risk & cost.

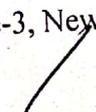
**Treat it as most urgent.**

**Encl:** Analysis result report Job No. 2111-1-411-1331

  
Chief Environmental Engineer,  
HP State Pollution Control Board, Baddi

**Copy to:-**

- 1. The Member Secretary,** HP State Pollution Control Board, Him Parivesh Phase-3, New Shimla, H.P for information please.

  
Chief Environmental Engineer,  
HP State Pollution Control Board, Baddi

# SHRIRAM INSTITUTE FOR INDUSTRIAL RESEARCH

(A unit of Shriram Scientific and Industrial Research Foundation)

19, University Road, Delhi - 110007 (India)  
An ISO - 9001, 14001 & 45001 Certified Institute

Website : www.shriraminstitute.org  
E-mail id : customercare@shriraminstitute.org

ULR NO. : TC544421000014500F

TEST CERTIFICATE

NO : C1/0000272565



Issued To  
Client Code : (BADI01H1157)  
H.P. STATE POLLUTION CONTROL BOARD,  
REGIONAL OFFICE HIMUDA COMPLEX,  
PHASE-I, BADDI, TEHSIL BADDI, DISTRICT  
SOLAN  
BADDI  
HIMACHAL PRADESH-173205

Date : 22-11-2021  
Job No : 2111-1-411-1331  
Booking No : RG2122/1/6243  
Booking Date : 19-11-2021  
Customer Ref No. : NO.PCB/SEE/(RO)BADDI/  
SAMPLE DETAIL/2021-2492  
Customer Ref Dt. : 03-11-2021

**Sample Particulars :** Job No. 2111-1-411-1331  
ONE GRAB SAMPLE OF WASTE WATER DRAWN BY OUR REPRESENTATIVE ON  
02.11.2021 FROM M/S CETP BADDI INFRASTRUCTURE, VILLAGE KENDUWAL, TEHSIL :- BADDI,  
DISTT. :- SOLAN, H.P. HPPCB, MARKED AS "FINAL OUTLET OF CETP", WAS RECEIVED.

<u>S.No.</u>	<u>Tests</u>	<u>Results</u>	<u>Protocol</u>
1	pH	7.5	IS: 3025 Pt-11-1983, RA 2017
2	Chemical Oxygen Demand, mg/l	140	APHA 23 <sup>rd</sup> Ed., 5220
3	Biochemical Oxygen Demand, mg/l (at 20°C for 5 days)	29	APHA 23 <sup>rd</sup> Ed., 5210
4	Fixed Dissolved Solids, mg/l	1886	IS: 3025 Pt-18-1984, RA 2017
5	Total Suspended Solids, mg/l	27	IS: 3025 Pt-17-1984, RA 2017
6	Bio Assay (% Survival of fish in 100 % sample after 96 hrs)	Zero	SOP/Fish Toxicity test in water & waste water/05 Dtd 25.07.2020

\*\*\*\*\*

DOR: 03.11.2021  
DOS: 05.11.2021  
DOS: 22.11.2021

AUTHORISED SIGNATURE  
EMPLOYEE CODE: (6083)