

**BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL
BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 398 OF 2021**

IN THE MATTER OF:

BRAJMOHAN GEHLOD

...APPLICANT

VERSUS

STATE OF MADHYA PRADESH

...RESPONDENT

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**Factual and Action Taken Report
Of
Joint Committee**

In the Matter of

**Original Application No. 398of 2021
Brajmohan Gehlod**

Vs

State of Madhya Pradesh

w.r.t.

**Hon'ble National Green Tribunal (Principle Bench)
Order dated 24.01.2022**

Date of Visit: 10 March 2022

**Location: M/s Neel Chem Industries
Industrial area Bandka
District- Ujjain, M.P.**

Report of the Joint Committee constituted by the Hon'ble NGT (PB) with order dated 24.01.2022 for furnishing factual & action taken report in the matter of O.A. No. 398/ 2021 (Brajmohan Gehlod Vs. State of Madhya Pradesh)

A. BACKGROUND

The O.A. No. 398 of 2021 pertains to an application filed against the Acid Plant established at Plot No. A-6, Industrial area Bandka, Pardi- Balrda, Agra Road, Ujjain, Madhya Pradesh performing illegal manufacturing of acid from chemicals resulting in air pollution leading to breathing disorder and other health hazards to the workers and also to other nearby villagers. This is also causing damage to agricultural lands, soil and crops of the villagers. The submitted application also alleging illegal disposal of wastes generated during the operation and no proper use of safety equipments by the acid plant.

The said matter OA No. 398 of 2021 was listed before Hon'ble NGT on 24.01.2022 where Hon'ble NGT directed in the Para 2 of its order dated 24.01.2022 as:

"2. In view of the serious nature of the allegations, it appears necessary to ascertain the factual position in the matter through a joint Committee of the CPCB, State PCB and the District Magistrate, Kothi Palace, Ujjain. The State PCB will be the nodal agency for coordination and compliance. The joint Committee may meet within one month and undertake site visit. Factual and action taken report may be furnished within three months by e-mail at judicial-ng@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF."

The copy of order dated 24.01.2022 passed by Hon'ble NGT is enclosed as **Annexure-1**. In compliance of the order passed by Hon'ble NGT, dated 24.01.2022 in OA No. 398 2021, following officers were nominated by the concerned departments as committee members to visit the site in question and submit a factual and action taken report before the Hon'ble NGT:

1. Sh. Virendra Singh Dangi, SDM, Ujjain
2. Sh. Hemant Tiwari, Regional Officer, RO MPPCB, Ujjain
3. Dr. Ranu Chouksey Verma, Scientist- B, Regional Directorate, CPCB Bhopal

The members of the Joint Committee held a meeting in the Regional Office of Madhya Pradesh Pollution Control Board on 10.03.2022 to discuss on facts related to OA 398/2021 and finalize the TOR of the inspection of site in question.

In pursuance of the above order, joint inspection of M/s Neel Chem Industries Pvt. Ltd., 5-A Part, 6-A Part, Industrial Area, Bandka, Agar Road, Pardi Balda, Ujjain, Madhya Pradesh was carried out on 10.03.2022 by the joint committee. The joint committee was accompanied with other officials from Regional Office; MPPCB Ujjain. The applicant Shri Faizal Baig's son Shri Akram Baig and the owner of the industry Shri Balvinder Singh Neel was also present at the site during the inspection.

B. STATUS OF INDUSTRY

- Product - Calcium Chloride (2400 MT/Yr.)
- Raw Material - Calcium Carbonate & Waste Acid
- CTE issued on - 02.08.2017 (Enclosed at Annexure- 2)
- CTO issued on - 25.09.2019 valid up to 30.06.2022 (Enclosed at Annexure- 3)

C. FACTUAL & ACTION TAKEN STATUS OF THE MAJOR ISSUES RAISED IN APPLICATION

1. The joint committee has visited M/s Neel Chem Industry on 10.03.2022. The unit is found situated at Plot No. A-6, Industrial area Bandka, Pardi- Balrda, Agra Road, Ujjain, Madhya Pradesh. On the day of inspection the unit was found non-operational. Production activity was closed and no workers indulged in production activity were seen in the unit. The applicant's representative Shri Akaram Baig present on the site during inspection informed that the unit is non-operational since two years.

The unit informed to MPPCB RO Ujjain on 25.02.2022 for non-operational condition of unit and unfavourable condition to continue it. Also, the Unit submitted a letter to Regional Office on 26.08.2021 regarding closing status of unit.

The copies of letters submitted to MPPCB by the unit are enclosed as Annexure- 4 & 5.

2. The unit is not an acid manufacturing industry but engaged in the production of Calcium Chloride in which waste hydrochloric acid is being used as raw material.
3. The unit is using waste hydrochloric acid generated from industry viz. M/s Lanxess Industry, Nagda. This acid is covered under by-product of industry. MPPCB incorporated this acid from M/s Laxness Nagda as by-product or waste in issued consent letter with condition-

"The Hydrochloric acid generated from process shall be treated as hazardous waste as per the mandatory directions issued by Central Pollution Control Board (CPCB) Delhi on 19 Feb. 2020 and communicated to you vide Board's direction letter dated 13.05.2020 and disposal of the same shall be ensure through actual user as per the provisions of Hazardous and Other Waste (Management & Trans boundary movement) Rule 2016".

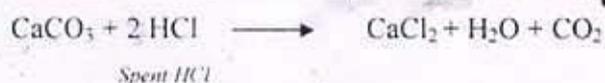
However, this HCL is not covered in Authorization issued to M/s Lanxess industry by MPPCB.

The copy of the consent and authorization issued to M/s Lanxess industry are enclosed as **Annexure-6 & 7**.

Later, Regional Office, M.P. Pollution Control Board Ujjain also issued a letter vide No. 3042 dated 03.03.2020 to M/s Neel Chem Industry for obtaining authorization under schedul-9 of hazardous rule 2016 (Copy enclosed as **Annexure- 8**). The Unit was informed in reply letter that the unit is closed since long and not using hazardous waste as raw material and the acid being purchased from M/s Laxness industry, Nagda is by-product of the process. (Copy enclosed as **Annexure- 9**).

4. The utilization process involves addition of Calcium carbonate and spent hydrochloric acid in the reaction vessel, where calcium chloride is formed. The reaction takes around 24 hours. The reacted mass is then neutralized by addition of

lime in brine tank. The solution is then transferred to open evaporators to obtain the final product Calcium chloride which is packed in plastic bags.



5. For the production process the unit has installed 02 nos. closed HDPE storage tanks of capacity 20 KL each for HCl storage above the ground level; 02 nos. Reaction tanks of capacity 10 KL each; and 02 nos. of brine tank of capacity 10 KL each for storage of Calcium chloride solution.
6. The unit has 12 nos. of open evaporators (each of capacity approx. 0.5 KL) constructed over a concreted platform under a concreted shed. Firewood is used as fuel for evaporation. Around 300MT of wood was found stored within the premises during the visit.
7. The unit has provided a stack of height around 30 feet from ground level. However, the evaporators were found disconnected with stack and no ID fan connection observed during the inspection. Also, the stack was not having sampling port monitoring facility like port hole, platform, ladders etc.
8. No proper arrangements for air pollution control devices like two stage alkali scrubber for acid fumes at reactor, devices to treat emissions liberated from the evaporator etc. however, the vent from the spent HCl storage tanks was found connected in an open alkali tank of capacity 500 Litres.
9. During the inspection around 80 nos. of plastic bags packed with Calcium chloride were found stored under the shed near evaporator area within the premises.
10. The total area of the Premises is around 28, 000 sq. Feet in which the evaporation area is covered and concreted, while the complete machinery area is on the open land without any covered shed and without acid proof floor tiles and no slope to collect any spillage.

11. A small quality Lime stone was found stored directly on the ground within premises near reactor area during the inspection on 10.03.2022.
12. As the unit is non-operational since long time, no issues related to breathing problem and illness of villagers of surrounding areas was observed. The committee has also visited Primary Health Centre, Bandka, Dist. Ujjain to assess if there are any medical cases or increase in number of cases reported related to respiratory diseases or breathing problems. The information as provided by the Medical Officer, PHC, Bandka, Dist. Ujjain no such specific medical cases has been reported in the area in last three years.
13. Also, there is no complaint received from nearby farmers regarding the adverse effect on agricultural lands in nearby areas.
14. During inspection no discharge of any wastewater was observed by the inspection committee. The Committee has collected the sample of ground water from the tube well on the adjacent plot of Shree Faisal Baig (Coordinates: 23.30636, 75.81501) to assess any pollution in groundwater due to discharge by the unit. The samples analysed for various water quality parameters by Laboratory, Regional Office, MPPCB Ujjain. The results are found well within prescribed norms. (Copy of results enclosed as **Annexure. - 10**)

Site visit Photographs are enclosed as **Annexure- 11.**

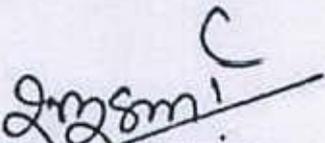
The Google site location map of the industry is enclosed as **Annexure-12.**

D. RECOMMENDATIONS OF THE COMMITTEE

In pursuance of the observations made on factual status by the joint committee during the visit of the site on 10.03.2022, it was found that the unit is non operational since long time and also informed regarding closer of production. But, as waste

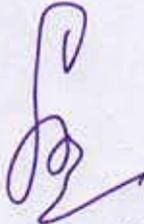
hydrochloric acid is being involved in the manufacturing process of Calcium Chloride following recommendations are given by the committee-

1. The unit shall have to comply and strictly follow all the Acts and Rules of MoEF&CC, GOI and CPCB issued in past and their amendments while processing to manufacture product.
2. The unit shall provide and ensure adequate facilities for the process and Air Pollution Control Devices to treat emissions from the process.


(Dr. Ranu C. Verma)
Scientist- B
CPCB, RD-Bhopal


(Hemant Tiwari)
Regional Officer
MPPCB, RO Ujjain


(Virendra Singh Dangl)
Sub-Divisional Magistrate
Ujjain


Additional District Magistrate
District - Ujjain (M.P.)