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

ANNEXURE-R-2/5

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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 27th September, 2019 in the matter of Jasmeet 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 01st 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 BhatouliKhurd PO Baddi Distt Solan HP
6.	Deepak Spinner	Plot. No. 121 Ind Area Baddi Tehsil Baddi Distt Solan HP

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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industries. for maintaining quality of effluent reaching CETP as per its design parameters.

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*	2.0
5.	V	Electroplating, Metal surface finishing	31	0.042
Total			449	22.492
				Say 23.00

* Out of four units three units are the sister concern of each other.

ii) It was observed that at an average of 17 mld 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 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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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 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.

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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.

PRAYER

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

P C Gupta	**Suneel Dave**	**Vivek Chandel**
Sr. Environmental Engineer	**Additional Director**	**Additional District Magistrate**
H P S P C B	**C P C B**	**SOLAN, H P**

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ANNEXURE-R-2/6

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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
RECORD OF PROCEEDINGS

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. Kamlendra 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,

Signature Not Verified
Digitally signed by
Indu Mankar
Date: 2021.02.09
15:39:40 IST
Reason:

Mr. Abhinav Kaushik,Adv.

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

Mr Tapesh 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
Mr.M.Yogesh Kanna, AOR
Mr.RajaRajeshwaran. S, Adv
Mr. Aditya Chadha, Adv

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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)
Ms. Anupama Ng., Adv.
Mr. Karun Sharma, Adv

Mr.Arun R. Pedneker, Adv.
Standing Counsel for State of Goa
Ms.Mukti Chowdhary AOR

Mr.Amit Kumar, Advocate General Meghalaya
Mr Avijit Mani Tripathi, AoR, Standing Counsel, Meghalaya
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

ANNEXURE-R-2/57

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
				Say 23.00

ii) *It was observed that at an average of 17 mld 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/ 1 max.), Total dissolved Solids (TDS) (LIMIT OF 2100 MG/ 1 Mmax.) and Biochemical Oxygen Demand (BOD) (limit of 30 mg/ 1 max.).

vi) *The CETP has provided online continuous effluent monitoring system for pH, Total Suspended Solids (TDS), 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.	*Maplur-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 (SI. 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***

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."*

4. The matter was last considered on 04.01.2021 in the light of the report of the State PCB dated 01.01.2021 mentioning the steps taken for closure and recovery of compensation. The Tribunal found that the action taken was not adequate as CETP was still non-compliant. Untreated effluents were thus being discharged into the water bodies in violation of law. Discussion and direction in the said order are reproduced below:-

"1to3....xxx.....xxx.....xxx

4. Accordingly, the State PCB has filed its report on 01.01.2021. It mentions that the State PCB issued show cause notice dated 23.06.2020 to the concerned textile units for closure and recovery of compensation against which writ petitions were filed before the Himachal Pradesh High Court. The High Court, vide order dated 22.07.2020, directed that the matter be heard by the Principal Secretary, Environment and fresh order passed. The Principal Secretary, Environment passed further order on 30.12.2020 directing the State PCB to take action for enforcement of law since violation of law was established. The Principal Secretary, Environment held:

"xxx xxx xxx

..... But this fact cannot be ignored that effluent discharge, FDS in particular, by these units is beyond the prescribed limits which is contributing to pollution. In the light of this discussion, I am of considered view that, keeping in view the above position, SPCB may take action strictly according to the provisions of Law and rules applicable in this case. ....."

5. The State PCB accordingly issued fresh show cause notice on 28.12.2020 and passed further order dated 01.01.2021 as follows:

"xxx xxx xxx

Whereas, the effluent of category-IV being contributed by the unit M/s Auro Textiles, Sai Road Baddi, Distt. Solan, H.P to the CETP for final disposal and treatment by unit is not complying since 25-7-2020 till date to the discharge standards as prescribed in the schedule-1 of

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

xx xx xx

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, Distt. 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 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 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

ANNEXURE - R-2/8 (Colly)

213

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

No. HPSPCB/ CETP (NGT)/ 2018 18831-33 **Dated:** 31/8/2019.

To

M/s Baddi infrastructure (CETP), Baddi
Technical Training Institute (BTTI) 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 13th 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 16.8 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 33-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. HPSPCB/ CETP (NGT)/ 2018 Dated:

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, HPSPCB, Baddi, District- Solan, HP hereby directed to follow-up with the directions issued by CPCB under Section 18 (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.
3. Case File

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

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H.P. STATE POLLUTION CONTROL BOARD

HIM PARIVESH, PHASE-III

NEW SHIMLA-171009

No. PCB/Baddi Infrastructures/2020- 9154-55 Dated: 28/12/2020

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)

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

Whereas, CETP of 25 MLD capacity has been setup at Kainduwal, 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 V/s 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- 9 1154-57 Dated: 28 12 20

Copy forwarded to the following:

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.

24/12/20

Dr Nipun Jindal
Member Secretary

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H.P. STATE POLLUTION CONTROL BOARD

HIM PARIVESH, PHASE-III

NEW SHIMLA-171009

No. PCB/Baddi Infrastructures/2020/- 693-94 Dated: 19.4.2021.

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)

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 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 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

formula is primarily based on the Pollution Index (PI) of the concerned sector, for levying environmental compensation on a defaulting industry which is as under:

$$EC = PI \times N \times R \times S \times LF$$

The above is proposed notwithstanding action under Section 33-A of Water (Prevention & Control of Pollution) Act, 1974. 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 order vide OA no. 593/2017 titled Paryavaran Suraksha Samiti v/s UoI for the violation period w.e.f. 17-1-2019 to 27-02-2021 (469 days).

Further, it is directed that a comprehensive plan for the remedial action needs to be submitted and implemented for improving the treated water quality to achieve the norms along with time lines. The load of the inlet shall be reduced so as to be consistent with the designed capacity.

Please note that in the event of failure to comply, actions as proposed shall be initiated against you as per provisions and cost.

17/4/21

(Dr. Nipun Jindal, IAS)
Member Secretary
HPSPCB

No. PCB/M/s Baddi Infrastructures/2020- Dated:

Copy forwarded to the following:

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.

17/4/21

(Dr. Nipun Jindal, IAS)
Member Secretary
HPSPCB

Annexure-R-2/9

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CETP Outlet discharge sample analysis report (2018-19)

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**	**220.0**	**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	196.0	**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**

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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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)	
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**	63.5	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	7.31	FDS-2019	51	128	28			Within limit

Annexure-R-2/10 (colly)

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 9th 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.

Contd../

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 <u>Environment Compensation of Rs. One (1) Crore immediately</u>** in the account of Member Secretary, HP State Pollution Control Board, Axis Bank, The Mall Shimla, account no. 917010082563915, 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:

1. 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)

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 (BTTI) 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. 917010082566391S, IFSC code UTIB0003651 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.

ANNEXURE-R-2/11

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

Udyog Bhawan, New Delhi
Dated 12th Aug, 2021

Sub: 14th meeting of Empowered Committee(EC) on TIES – minutes - reg.

The undersigned is directed to forward herewith the minutes of 14th 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 **02nd 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), VigyanBhawanAnnexe, 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 [alpcoltdghy@gmail.com]
13. The Chief Operating Officer, HLL Medipark Ltd. II Floor, HLL Bhawan, 26/4 Tambaram Velachery Road, Pallikaranai, Chennai. [ravindra.sanagavarapu1@gmail.com, thiagu@lifecarehll.com]

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Minutes of the 14th 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 14th 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.
- 1st 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.

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 afore mentioned 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.

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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
- 1st & 2nd instalment released: INR 6.50 crore each
- 3rd 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 3rd and final installment of the grant.

6.3 After deliberations, EC approved release of 3rd 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
- 1st instalment released: INR 6.83 crore

- 2nd 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 1st 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 2nd 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
- 1st & 2nd 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 1st 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 2nd 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

- 1st installment released: INR 3.95 crore
- 2nd 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 1st 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 2nd 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
- 1st installment released: INR 2.81 crore
- 2nd and Final installment requested: INR **2.82 crore**

10.1 EC was informed that the IA has submitted Utilization Certificate for 1st installment of TIES grant and refunded an amount of Rs. 28 lakh accrued as interest on the 1st 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. <u>CANCELLED PROJECTS – TO CONSIDER WAIVER OF THE PENAL INTEREST</u>

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
- 1st 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
- 1st 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, 1st 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

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.

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Annexure-I

List of Participants in the 14th Empowered Committee Meeting on TIES held on 02.08.2021 under the Chairmanship of Commerce Secretary

	Name & Designation	Organisation
Department of Commerce:		
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
Other Ministries/Departments/Organizations: [via virtual link)		
10.	Sh. Rupesh, Senior Specialist	NITI Aayog
11.	Shri Krishna Mohan Uppu, DS	MHA
Implementing/Proposing Agency:		
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	LPAI, MHA [attended physically]
15.	Sh. Ramam Kumar Sharma, Director (Proj.)	LPAI, 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

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		(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.

 ANNEXURE-R-2/12 227

Government of Himachal Pradesh
Department of Environment, Science & Technology

No.STE-A(3)-2/2017 Dated:Shimla-2, 23rd 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 7th 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

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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**

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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 Himahcal Pradesh.

dst. No. as above Dated, Shimla 23rd 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.

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

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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, Jhadmajjri, 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 Techi Tagi 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~~ Sanjauni 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 Techi 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 that 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 Industires 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 CWPIL 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 CWPIL 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. 1and 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 tri-partite 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 CWPIL 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 9th 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:

GROUNDS 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 Techi 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

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

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 Techi Tagi 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

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 *(tarun)*

High Court of H.P.

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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

10th November, 2021
(sanjeev)

High Court of H.P.

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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

29th December, 2021
(kck)

High Court of H.P.

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ANNEXURE-R-4

BIHAR STATE POLLUTION CONTROL BOARD

Parivesh Bhawan, Patliputra Industrial Area, P.O.-Sadakat Ashram, Patna-800010
EPABX-0612-2261250/2262265, Fax-0612-2261050

Ref. No. 1104. Patna, dated- 04-8-2021

From,

S. Chandrasekar, IFS,
Member Secretary.

To,

The Member Secretary,
Himachal Pradesh State Pollution Control Board,
Below BCS, Phase-II,
New Shimla-171009.

Sub: **O.A. No. 136/2020 titled Veteran Forum for Transparency in Public Life V/s State of HP & Ors. before the Hon'ble National Green Tribunal.**

Ref: Your letter no. PCB/OA No. 136/2020/Consent/2021-4771-4806, dated-27.07.2021.

Sir,

With reference to the subject mentioned above under reference it is to inform that this Board has not laid down any specific standards for antibiotics residues in industrial effluents of Pharma units till date.

Yours faithfully,

04/8/21

(S. Chandrasekar)
Member Secretary.

ANNEX – R-4 colly

Tel : 0674-2564033
FAX : 0674-2564033/2564573
EPABX : 2561909/2562847
E-mail: paribesh1@ospcboard.org
Website: www.ospcboard.org

STATE POLLUTION CONTROL BOARD, ODISHA

[DEPARTMENT OF FOREST & ENVIRONMENT, GOVERNMENT OF ODISHA]
Paribesh Bhawan, A/118, Nilakantha Nagar, Unit - VIII
Bhubaneswar – 751 012, INDIA

No. 13706 / Date: 08/09/2021

VII-L(Misc) –868

By Speed Post/E-mail

To

The Member Secretary
Himachal Pradesh State Pollution Control Board
Below B.C.S. Phase – III
New Shimla – 9
E-mail – hppcb.cs@gmail.com

Sub : OA No. 136/2020 titled Veteran Forum for Transparency in Public Life Vs. State of HP & Ors. pending before the Hon'ble NGT

Ref : Your Letter dtd. 27.07.2021.

Sir

With reference to the above, this is to inform that the Board has no information with regard to any standards laid down/drafted for the Antibiotics residuals. However, the Board has come across a draft Gazette Notification regarding standards of 121 Antibiotic Residues in water which is downlooded from the website of MoEF&CC, bearing No. G.S.R 44(E), dtd. 23.01.2020 is enclosed herewith for kind reference.

Yours faithfully,

Member Secretary

Encl ; As above.

R-4

Chandigarh Pollution Control Committee

Paryavaran Bhawan, Madhya Marg, Sector 19-B,Chandigarh-160019

No. CPCC/2021/2773

Dated: 09/08/21

To,

The Member Secretary
Himachal Pradesh Pollution Control Board,
"Him Parivesh" New Shimla,
Himachal Pradesh-171009.

Sub: O.A. No. 198/2020 titled Veteran Forum for Transparency in Public Life V/s State of Himachal Pradesh & Ors. Pending before the Hon'ble National Green Tribunal - regarding.

This is with reference to your letter dated 02.08.2021 through e-mail on the subject cited above.

In this regard, it is informed that there is no major Pharmaceutical unit operational in U.T. of Chandigarh, hence no specific standards has been laid down by Chandigarh Pollution Control Committee.

Debendra Dalai, IFS
Member Secretary

Phone: 01[illegible] E-mail: [illegible]

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ANNEXURE-R-7 (Colly)

H.P. STATE POLLUTION CONTROL BOARD

HIM PARIVESH, PHASE-III, NEW SHIMLA-171 009
Ph 0177-2673766, 2673020 & 32, FAX: 0177-2673018

Office Order

In view of observations and the orders passed by Hon'ble NGT in OA no. 136/2020 titled Veteran Forum for Transparency in Public Life V/s State of HP & Ors on 23.06.2021 State Board is to lay down the standards under section 17 of the Water Act, 1974 for residual Antibiotics in industrial effluents, the committee of following officers is hereby constituted:-

1. Sr. Environmental Engineer, H.O, HPSPCB, Shimla.
2. Sr. Environmental Engineer, HPSPCB,Baddi.
3. Senior Scientific Officer, Regional Lab, HPSPCB, Shimla.
4. Assistant Environmental Engineer-I, H.O, HPSPCB, Shimla
5. Expert Member, to be nominated by the Member Secretary, Central Pollution Control Board, Delhi.

The Committee shall examine the matter, evaluate and propose to lay down the standards of residual Antibiotics in the discharge of industrial effluents. Action taken report along with standards on the matter be submitted within three weeks.

Member Secretary
HP State Pollution Control Board,
Shimla-171009

No. PCB/ OA no. 136/2020/Consent/2021- 4607-10 dated: 27.7.2021

Copy forwarded to the following for necessary action:-

1. Sr. Environmental Engineer, H.O, HPSPCB, Shimla.
2. Sr. Environmental Engineer, HPSPCB, Baddi.
3. Senior Scientific Officer, Regional Lab, HPSPCB, Shimla.
4. Assistant Environmental Engineer-I, H.O, HPSPCB, Shimla

Member Secretary
HP State Pollution Control Board,
Shimla-171009

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Himachal Pradesh State Pollution Control Board
"Him Parivesh" Phase-III, Below BCS, New Shimla–9
Tel: 0177-2673766, 2673276 Fax: 2673018

No. HPSPCB/OA No.136/2020 5560-62 **Dated:** 6-8-2021

Office Order

In compliance of the Hon'ble NGT direction passed in OA No.136/2020 dated 23.06.2021 titled Veteran Forum for Transparency in Public Life V/s State of Himachal Pradesh & Ors., a Committee comprising of following officers is hereby constituted to finalize the total requirement of instruments alongwith specifications to set-up laboratory facility for analysis of antibiotics in water/ waste water (effluent).

1. Dr. T. B. Singh,
   Pr. Scientific Officer, Central Laboratory,
   HP State Pollution Control Board, Parwanoo.
2. Sh. Anup Vaidya,
   Sr. Scientific Officer, Regional Laboratory,
   HP State Pollution Control Board, Dharamshala.
3. Dr. Hitender Sharma,
   Sr. Scientific Officer, Regional Laboratory,
   HP State Pollution Control Board, Paonta Sahib.
4. Expert Member from the Central Pollution Control Board.

The Committee shall finalize the requirement as per Hon'ble NGT order and submit its report to this office within 1 month positively.

Apoorv Devgan, IAS
Member Secretary

Copy to:

1. Dr. T.B. Singh, Pr. Scientific Officer, Central Laboratory, HP State Pollution Control Board, Parwanoo-173220 for information and necessary action please.
2. Sh. Anup Vaidya, Sr. Scientific Officer, Regional Laboratory, HP State Pollution Control Board, Dharamshala-176057 for information and necessary action please.
3. Dr. Hitender Sharma, Sr. Scientific Officer, Regional Laboratory, HP State Pollution Control Board, Paonta Sahib-173025 for information and necessary action please.

Apoorv Devgan, IAS
Member Secretary

Annexure 13

-16-

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

No. PCB/ OA No. 136/2020/Consent/2021- 4811
Dated:- 27.7.2021

From: The Member Secretary

To

The Member Secretary,
Central Pollution Control Board
Parivesh Bhawan, East Arjun Nagar, Delhi 110032.

Subject:- OA No. 136/2020 titled Veteran Forum for Transparency in Public Life V/s State of HP & Ors. pending before the Hon'ble National Green Tribunal.

Sir,

This has reference to order dated 23-06-2021 passed by Hon'ble NGT in the afore-cited matter related to the issue of non-treatment of antibiotics residual discharged in industrial effluent by Pharma units in Baddi industrial area of Himachal Pradesh.

The relevant part of the directions qua the CPCB is as under :-

".....11 Mere fact that standards have not been revised by MoEF&CC of the residual antibiotics in industrial effluents can be no justification for State PCB not taking steps to prevent. Pending finalization of standards by MoEF&CC, State PCB can go by earlier standards or lay down standards by itself under section 17 of the Water Act. MoEF&CC needs to expedite the process of finalizing the standards in the interest of protection of environment."

In this connection as the State Board has been directed to lay down the standards under section 17 of the Water Act, you are therefore requested to kindly nominate an expert member from Central Pollution Control Board to be a part of a committee of the State Board constituted to finalize the standards for antibiotics residual in effluent discharge by such units so that necessary compliance could be made to the judgment of Hon'ble NGT, pending any notification of such standards by MoEF & CC.

This may be treated as most urgent and time bound please.

Yours faithfully,

(Apoorv Devgan, IAS)
Member Secretary
HPSPCB, Shimla-9,
Tel No. 0177-2673766

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ANNEX-F

-17-

Reminder-I

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

No. PCB/ OA No. 136/2020/Consent/2021- 5877 **Dated:-** 12/8/21

From: The Member Secretary

To

The Member Secretary,
Central Pollution Control Board
Parivesh Bhawan, East Arjun Nagar, Delhi 110032.

Subject:- OA No. 136/2020 titled Veteran Forum for Transparency in Public Life V/s State of HP & Ors. pending before the Hon'ble National Green Tribunal.

Sir,

This is in continuation to this office even file letter no.4811 dated 27.07.2021 on the subject cited above.

In this connection as mentioned earlier the State Board has been directed to lay down the standards under section 17 of the Water Act, you are therefore once again requested to kindly nominate an expert member from Central Pollution Control Board to be a part of a committee of the State Board constituted to finalize the standards for antibiotics residual in effluent discharge by such units so that necessary compliance could be made to the judgment of Hon'ble NGT, pending any notification of such standards by MoEF & CC.

This may be treated as most urgent and time bound please.

Yours faithfully,

(Apoorv Devgan, IAS)
Member Secretary
HPSPCB, Shimla-9,
Tel No. 0177-2673766

c/c

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केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

Speed Post / Email

B-29016/04/07/IPC-I

September 07, 2021

To
The Member Secretary
Himachal Pradesh State Pollution Control Board
Paryavaran Bhavan, Phase III,
New Shimla - 171009
Himachal Pradesh

Sub: OA No.136/2020 titled Veteran Forum for Transparency in Public Life V/s state of HP &Ors.pending before the Hon'ble National Green Tribunal.

Sir

This has in reference to your letter dated 18.08.2021 wherein it is requested to nominate an expert from CPCB. In this regard, it is to inform that the National environmental standards are discussed/deliberated in a Peer and Core Expert Committee constituted by CPCB. The members of core group comprising experts and representatives of CII, FICII, IITs, Government departments, CSIR-research and related institutes. The core group is further supported by peer group which is a related to a particular type of industry and consist of Industry Associations, concerned Government departments, State Boards, where that type of industries are located in large number . The standards ratified by the Peer and Core Expert committee are placed in the Central Board's meeting for the consent. On the consent of Board, the standards are forwarded to the Government (Ministry of Environment & Forests) for notification under Environment (Protection) Rules, 1986. Further it is to inform that recently MoEF&CC has notified standards for Bulk Drug and Formulation (Pharmaceutical) on August 6, 2021 wherein for antibiotic residue is not notified. A copy of notified standards is enclosed herewith.

However SPCBs/PCCs can develop location specific standards (antibiotic residues) following due process as mentioned above.

Yours faithfully

Encl : as above

(Dinabandhu Gouda)
ADH & DH IPC-I

Copy to:

1. The Regional Director
Regional Directorate (Central)
Central Pollution Control Board
Paryavaran Bhawan
Ground floor, Sector-19B
Madhya Marg, Chandigarh -160019

(Dinabandhu Gouda

Analytical Infrastructure Requirements for Sampling, Processing and Analysis of Pharmaceutical Compounds in Environmental Samples

(Summary from USEPA Method 1694:2007)

Sample Bottles and Caps

- **Sample bottle, amber glass, 1 L minimum, with screw cap** for Liquid Samples (waters, sludge and similar materials containing 5 percent solids or less).
- **Sample bottle, wide mouth, amber glass, 500-mL minimum** for Solid samples (soil, sediment, sludge, filter cake, compost, and similar materials that contain more than 5 percent solids).
- If amber bottles are not available, samples must be protected from light.
- **Bottle caps – Threaded Caps must be lined with fluoropolymer**.
- Cleaning – Bottles are washed with detergent and water, then solvent rinsed before use. Liners are washed with detergent and water and rinsed with reagent water before use.

Equipment for Sample Preparation

- **Laboratory Fume Hood** of sufficient size to contain the sample preparation equipment listed below.
- Glove Box (optional)
- **Ultrasonic mixer**
- **Oven** – Capable of maintaining a temperature of 110 ±5 °C
- **Desiccator**
- **Balance**, Analytical – Capable of weighing 0.1 mg
- **Balance**, top loading – Capable of weighing 10 mg

Apparatus for measuring pH

- pH meter, with combination glass electrode
- pH paper, wide

Apparatus for Ultrasonic and Solid-Phase Extraction

- Vac-Elute Manifold
- Vacuum trap: Made from 500-mL sidearm flask fitted with single-hole rubberstopper and glass tubing.
- Vacuum source – Capable of maintaining 25 in. Hg, equipped with shutoff valve and vacuum gauge.
- Rack for holding 50-mL volumetric flasks in the manifold.
- SPE Cartridge – Hydrophilic-Lipophilic-Balance (HLB) 60 mg, Waters Oasis, 20 cc/1 g LP, 60 µm, or equivalent.

Filtration Apparatus

- **Vacuum Filtration Apparatus** – 1L, including glass funnel, frit support, clamp, adapter, stopper, filtration flask, and vacuum tubing. For wastewater samples, the apparatus should accept 90- or 144-mm disks.
- **Glass Fiber Filter** –1 micron pore size, to fit the vacuum filtration apparatus.
- **Pressure Filtration Apparatus**
- **Whatman GF/A** (1.6 µm), or equivalent, differing diameters, to fit the pressure filtration apparatus.

Pipet Apparatus and Pipets

- **Pipetter** – variable volume
- **Pipet Tips**, disposable polypropylene, sizes from 1-10 µL to 5 mL
- **Disposable, Pasteur**, 150-mm long x 5-mm
- **Disposable, Serological**, 50-mL (8- to 10- mm ID)

Rotary Evaporator –equipped with

- a variable temperature water bath
- a vacuum source with shutoff valve at the evaporator and
- a vacuum gauge.
- a recirculating water pump and chiller are recommended, as use of tap water for cooling the evaporator wastes large volumes of water and can lead to inconsistent performance as water temperatures and pressures vary.
- **Round-Bottom Flask** – 100-mL and 500-mL or larger, with ground-glass fitting compatible with the rotary evaporator

Nitrogen Evaporation Apparatus – Equipped with water bath controlled in the range of 30 – 60 °C, installed in a fume hood.

Nitrogen Vortex Evaporator (MiniVapSupelco or equivalent) – Set with 6 Port of Nitrogen outlet, common pressure regulation Nob.

Amber Glass Vials, 2- to 5-mL with fluoropolymer-lined screw-cap

Clear Glass Vials, 0.3-mL, conical, with fluoropolymer-lined screw or crimp cap

HPLC/MS/MS System - HPLC system with
high pressure inlet,
multi-segment gradient capability
and post-column pump for admission of calibrant.
The system must be able to produce the LC separations for the analytical runs under the instrument conditions and must meet other HPLC requirements in the method.

LC Columns

C18 –10.0 cm, 2.1 mm i.d., 3.5 :m particle
Hydrophilic – 10 cm. 2.1 mm i.d., 3.0 µm particle size
Alternative columns other than described above have not been tested and are not allowed for this method. EPA may establish criteria for equivalency in later versions of this method.

MS/MS System

Tandem MS with the necessary pumps, collision cell, makeup gases, high vacuum system, and capability for positive and negative ion electrospray ionization (ESI) of the effluent from the HPLC. The system must be able to produce parent-daughter transitions for the groups of compounds in the acid and base fractions of the PPCPs for the analytical runs.

Instrument Control and Data System – Interfaced to the HPLC and MS/MS to control the LC gradient and other LC and MS/MS operating conditions, and to acquire, store, and reduce LC/MS/MS data. The data system must be able to identify a compound by retention time and parent-daughter m/zs, and quantify the compound

using linear orquadratic multi-point relative responses and response factors by isotope dilution and internal standard techniques.

Miscellaneous Labware

- Beakers, 400- to 500-mL;
- Erlenmeyer flasks;
- volumetric flasks;
- pipets;
- syringes;
- stainless steel spatulas; etc.

Reagents and Standards

- pH adjustment and solution stabilization
  - Potassium hydroxide – Dissolve 20 g reagent grade KOH in 100 mL reagent water.
  - Sulfuric acid – Reagent grade (specific gravity 1.84)
  - Hydrochloric acid – Reagent grade, 6N
  - Phosphoric acid (H_3PO_4) – Reagent grade (85%),
  - Sodium chloride – Reagent grade, prepare at 5% (w/v) solution in reagent water
  - Ammonium hydroxide (NH_4OH) – Reagent grade,
  - Sodium dihydrogen phosphate monohydrate – Reagent grade,
  - Oxalic acid, anhydrous

- Pre-purified nitrogen

- Solvents, reagents, and solutions
  - Acetic acid, acetone, acetonitrile ammonium acetate, formic acid, methanol, methylene chloride, HPLC water, ammonium formate.
  - Solvents and purchased solutions should be lot-certified to be free of interferences. If necessary, solvents should be analyzed by this method to demonstrate that they are interference free.

- Reference Matrices – Matrices in which the PPCPs and interfering compounds are not detected by this method
  - Reagent water – Bottled water purchased locally, or prepared by passage through activated carbon
  - Other matrices – Other reference matrices of interest may be used if the results from the tests given demonstrate acceptable performance. Ideally, the matrix should be free of the analytes of interest, but in no case must the background level of the analytes in the reference matrix exceed the minimum levels given in the method. If low background levels of the analytes of interest are present in the reference matrix, the spike level of the analytes used should be increased to provide a spike-to-background ratio of approximately 5.

- Standard Solutions – Prepare from materials of known purity and composition or purchase as solutions or mixtures with certification to their purity, concentration, and authenticity. If the chemical purity is 98 % or greater, the weight may be used without correction to calculate the concentration of the standard. Observe the safety precautions as per method.
  - Preparation and storage of solutions - For preparation of stock solutions from neat materials, dissolve an appropriate amount of assayed reference material in solvent. For example, weigh 10 to 20 mg of Ampicillin to three significant figures in a 10mL ground-glass-stoppered volumetric flask and fill to the mark with methanol. After the

compound is completely dissolved, transfer the solution to a clean 15-mL vial with fluoropolymer-lined cap. When not being used, store standard solutions in the dark at less than -10 ºC in screw-capped vials with fluoropolymer-lined caps or under a non-reactive gas (e.g., nitrogen) in a flame-sealed glass ampul. Place a mark on the vial or ampul at the level of the solution so that solvent loss by evaporation can be detected. Replace the solution if solvent loss has occurred.

- Native (unlabeled; authentic) compound spiking solution – Separately prepare Group 1 to Group 4 native compounds at the concentrations in methanol, or purchase prepared solutions. If additional native compounds are to be determined, include these compounds in this stock solution.Stock solutions should be prepared at a frequency necessary to preclude degradation from affecting the analysis. For example, it may be necessary to prepare the tetracycline compounds weekly if concentrations drop more than 30 % of their original concentration. Stock solutions should also be checked for signs of degradation prior to preparation of calibration or performance test standards.
- Calibration standards – Dilute and combine the stock solutions to produce the calibration solutions or purchase prepared standards for the CS-1 to CS-5 set of calibration solutions. The CS-3 standard is used for calibration verification (VER).

- QC Check Sample – A QC Check Sample should be obtained from a source independent of the calibration standards. Ideally, this check sample would be a Standard Reference Material (SRM) from the National Institute of Standards and Technology (NIST) containing the compounds of interest in known concentrations in a sample matrix similar to the matrix of interest. If no SRM is available, a certified reference material (CRM) may be used or a QC check sample may be prepared from materials from a source or lot of standards separate from those used for calibration and spiked into a clean reference matrix.

- Stability of solutions – standard solutions used for quantitative purposes should be assayed periodically (e.g., every 6 months) against SRMs from NIST (if available), or against certified reference materials from a source that will attest to the authenticity and concentration, to assure that the composition and concentrations have not changed.

X – X – X – X – X

REQUIRMENTS FOR THE ANALYSIS OF ANTIBIOTICS

S.No.	Requirements	Quantity	Size	Remarks
Requirement of Space				
01	Room with AC and Exhaust	04	砀 ≈ 625.0 Square Feet (Instrument Room) 砀 ≈ 400.0 Square Feet (Process Room) 砀 ≈ 400.0 Square Feet (Sample Storage Room) 砀 ≈ 400.0 Square Feet (Chemical and CRM Storage Room)	
Requirement of Instruments and Equipment				
02	LC-MS/MS (Tandem Mass)	01		For Qualitative &Quantitative Analysis
03	Solid Phase Extraction System	01	12 or 24 port	For Extraction &Cleanup
04	Ultra Sonicator	01		For sonication of mobile phase and cleaning of HPLC parts
05	MiniVap or Turbovap Concentrator	01	06-10 port	For Concentration
06	Rotatory Evaporator	01		For Concentration
07	Millipore Filtration Assembly	01		For Filtration of sample And Mobile phase
08	MQ Water Assembly	01		For MQ Water
09	Deep Freezer	01		CRM Storage
10	Vici cooler	04		Sample Storage
11	UPS 20KVA	01	20KVA	Only for LC-MS/MS
12	UPS 10 KVA	01	10KVA	For others equipment
Miscellaneous Requirement				
Chemicals and Glassware/100 Sample (Approx.)				
13	Methanol	1.5L		LC-MS/MS Grade
14	Acetonitrile	1.5L		LC-MS/MS Grade
15	HPLC Water	3.0L		LC-MS/MS Grade
16	Formic Acid	5.0ml		LC-MS/MS Grade
17	Ammonium Acetate	5.0gm		LC-MS/MS Grade
18	Ammonia Liquid	5.0ml		LC-MS/MS Grade
19	Orthophosphoric Acid	100.0ml		AR-Grade
20	Sulphuric Acid	20.0ml		AR-Grade
21	pH paper	150 strip		
22	Filter Paper GF/A	200	0.45µm/47mm	
23	Filter Paper GF/A	10	0.25 µm/47mm	
24	Syringe Filter	100	0.25 µm nylon	

25	HLB Cartridge	100	60 mg/20cc	
26	Micropipette	01	100-1000µl (Variable)	
27	Micropipette	01	10µl (Fixed)	
28	Micropipette	01	25µl (Fixed)	
29	Micropipette	01	50µl (Fixed)	
30	Micropipette tip		As per requirements	
31	Sample Storage Vial	100		
32	Reference Standards for Antibiotics		As per requirements	
(1) Others				
33	Argon Gas Cylinder with Regulator	01	Approx. one cylinder for 500 sample	For LC-MS/MS
34	Nitrogen Gas Cylinder with regulator	01	Approx. one cylinder (47L) for 06 sample	For Sample Preparation
Requirement of Manpower				
35	Manpower	01		1. For Instrument operation, calibration &Analysis.
36	Manpower	02		2. For Sampling, processing including extraction, cleanup, & sample preparation.

Annexure 16

4-00PM

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

No. PCB/ OA No. 136/2020/Consent/2021- 5419-33 **Dated:-** 4.8.2021

From: The Member Secretary

To

The President, Himachal Drug Manufacturing Association, Baddi, Distt Solan	The President, Drug Manufacturing Association, Kala Amb, Distt Sirmour
The President, Drug Manufacturing Association, Paonta Sahib, Distt Sirmour	The President, Drug Manufacturing Association Distt Solan

Subject: - OA No. 136/2020 titled Veteran Forum for Transparency in Public Life V/s State of HP & Ors. pending before the Hon'ble National Green Tribunal.

Sir,

This has reference to order dated 23-06-2021 passed by Hon'ble NGT in the afore-cited matter related to the issue of non-treatment of Antibiotics residual discharged in industrial effluent by Pharma units in Baddi industrial area of Himachal Pradesh (copy enclosed). The report of analysis with respect to samples collected by the Joint Committee from CETP, Pharma Units and Sirsa River for the presence of antibiotics shows that two antibiotics viz. Ciprofloxacin and Ofloxacin are present in the final treated effluent of CETP. The Hon'ble NGT has noted that *"However, these values are 1140 time higher for Ciprofloxacin and 349 times higher for Ofloxacin when compared with the proposed standards in the draft notification issued by MoEF&CC vide No. CG-DL-E-27012020-215690 dated January 23, 2020, for pharmaceutical industry effluent arid CETPs with membership of Bulk drug and formulation units. Similarly, the samples collected by the Joint Committee from the outlets of two Pharmaceutical Industries viz. Helios Pharmaceutical and M/s Acme City Tech LLP, leading to CETP, were found be much higher than the standards proposed in the draft notification issued by MoEF&CC."*

SCE
JCE-III

10/8/21

In view of the afore cited order of Hon'ble NGT you are hereby requested to ensure that adequate treatment facility be provided by all the pharma industries for the treatment of Antibiotic residuals and to reduce the API residue discharge in light of ongoing proceedings.

This may be treated as most urgent and time bound please.

Yours faithfully,

(Apoorv Devgan, IAS)
Member Secretary
HPSPCB, Shimla-9,
Tel No. 0177-2673766

Copy forwarded to:-

1. The Senior Environmental Engineer/Environmental Engineer/Assistant Environmental Engineer Baddi, Chamba, Dharamshala, Bilaspur, Shimla, Rampur, Paonta Sahib, Parwanoo, Una and Kullu, to direct the pharma units under their jurisdiction as per the orders of the Hon'ble NGT.
2. M/s Baddi Infrastructure to submit action plan with final timeline for the advance treatment facility for the API residual in the industrial effluent discharged to CETP and also to ensure the strict compliance to the directions of Hon'ble NGT.

(Apoorv Devgan, IAS)
Member Secretary
HPSPCB, Shimla-9,
Tel No. 0177-2673766