

BEFORE THE NATIONAL GREEN TRIBUNAL, SOUTH ZONE

ORIGINAL APPLICATION NUMBER 114 of 2025 (SZ)

IN THE MATTER OF

J. Jagan Kumar

..... Applicant

Versus


**The Deputy Commissioner
Bengaluru Urban District & Others**

... Respondents

**ADDITIONAL AFFIDAVIT ON BEHALF OF R2 - KARNATAKA
STATE POLLUTION CONTROL BOARD**

PAPERBOOK

[PLEASE SEE INSIDE FOR INDEX]



DEVRAJ ASHOK

COUNSEL FOR KARNATAKA STATE POLLUTION CONTROL BOARD

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PLACE: BENGALURU

DATE: 08.04.2026



THROUGH COUNSEL

DEVRAJ ASHOK

- 1 -

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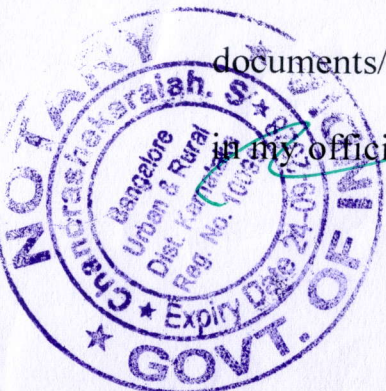
AFFIDAVIT ON BEHALF OF R2 -

THE KARNATAKA

STATE POLLUTION CONTROL BOARD

I, Shri. Syed Khaza Mohiddin, aged about 59 years, son of Shri. Syed Kareem Saheb, presently working as the Senior Environmental Officer, Karnataka State Pollution Control Board (the "KSPCB"), do hereby solemnly affirm and state that I am duly authorized and competent to depose the present affidavit, on behalf of the KSPCB. I am familiar with the facts and circumstances about the present matter, based on the official documents/records of the Karnataka State Pollution Control Board and also

in my official capacity and depose as set forth below:



h
**Senior Environmental Officer
Bangalore - East Zone
Karnataka State Pollution Control Board
Bangalore - 560 010.**

1. It is respectfully submitted that KSPCB inspected the premises of M/s. Freshalicious Super Bazar Pvt. Ltd., i.e., Respondent No. 9 herein (hereinafter, also referred to as the “Unit”), on 02/03/2026 and 20/03/2026, to ascertain compliance with CFO conditions and applicable laws. A copy of the KSPCB Report of Unit inspections undertaken on 02/03/2026 and 20/03/2026 are annexed herewith as **ANNEXURE R1 and R2**.
2. It is respectfully submitted, as reflected by the inspection report, Respondent No. 9 has been disposing treated effluents illegally through tankers outside their premises, i.e., without utilising the same on their own or leased land, as otherwise required by the conditions for operation. Therefore, a recommendation to issue a Closure Order in terms of Section 33A of the Water (Prevention and Control of Pollution) Act, 1974, has been made, i.e., until the Unit makes adequate arrangements for utilization of treated effluents on its own or leased land.
3. KSPCB would be obliged to provide any additional information that may be required by this Hon’ble Tribunal.



Handwritten signature

DEPONENT

Senior Environmental Officer
Bangalore - East Zone
Karnataka State Pollution Control Board
Bangalore - 560 010.

VERIFICATION

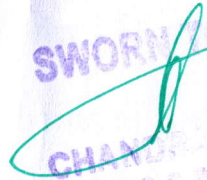
Verified on this 8th day of April 2026, at Bengaluru, that the contents of the above affidavit are true and correct to the best of my knowledge, information and belief and nothing material is concealed therefrom.



DEPONENT

Senior Environmental Officer
Bangalore - East Zone
Karnataka State Pollution Control Board
Bangalore - 560 010.



SWORN TO BEFORE ME

CHANDRASHEKHARAIAH. S.
Advocate & Notary
No. 8/7, Koppagonda Nilaya
3rd Cross, Muthureyeswary Extension
Sunkadakatte, Bangalore-560091

Senior Environmental Officer
Bangalore - East Zone
Karnataka State Pollution Control Board
Bangalore - 560 010



Forwarding of Inspection Report**Kind Attention to: SEO-Non-EIA Section, Parisara Bhavan, KSPCB, Bengaluru** - 4 -**NO. KSPCB/RO-MDP/INS-Freshalicious Super Bazaar/2025-26/****DATE:****Inspection report of Dr. K M Raju, Environmental Officer, Mahadevapura region, KSPCB.**

1	Name & Address of the unit inspected	M/s. Freshalicious Super Bazaar Pvt. Ltd., No.247, Khatha No.42, Chikkagubbi Village, Bidarahalli Hobli, Bangalore – 560 077.
2	GPS Co-ordinates	12°59'16.9"N, 77°42'53.3"E
3	Date of inspection	02/03/2026
4	Officer & Staff Accompanied	1. Smt. Veena Kona – Deputy Environmental Officer, RO – Mahadevapura 2. Sri. Lokesh P G – Field Assistant, RO - Mahadevapura
5	Person contacted	Sri. Ranjith – Factory Manager
6	Consent Status	M/s. Freshalicious Super Bazaar Pvt. Ltd., had obtained combined consent order under Water and Air Acts for the following activity: - such as a) Cleaned Fish Cuts of capacity 162.75 Tons b) Cleaned chicken cuts of capacity 97.583 Tons &c c) Cleaned Goats cuts of capacity 32.5 Tons for the period up to 30.09.2032 under Orange category.
7	Reference	1. Complaint letter dated: 17/09/2024, filed by Sri. Jagan Kumar J, received in this office on 18/09/2024. 2. Inspection of the unit by this office on 07/10/2024. 3. Show-Cause Notice issued by the RO-Mahadevapura to the industry authorities vide no. 927, dated: 16/10/2024. 4. Reply letter submitted by the industry authorities w.r.t RO Mahadevapura show cause notice vide dated: 30/10/2024 along with the requisite documents received at RO-Mahadevapura. 5. Complaint letter dated: 08/11/2024 filed by Sri. Jagan Kumar J, received in this office on 11/11/2024. 6. Submission of inspection of RO-Mahadevapura to the Zonal Senior Environmental Officer vide no. 1100, dated: 07/12/2024 7. Inspection of the industry by the RO-Mahadevapura on 12/12/2024. 8. Show-Cause notice issued by the Zonal Officer, Bengaluru East Office to the industry authorities vide no. 352, dated: 07/01/2025

		<p>9. The Zonal Officer, Bengaluru East Office "Notice of Proposed Directions" issued under Section 33 (A) of Water Act, 1974 & Section 31 (A) of Air Act, 1981 vide no. 531, dated: 05/08/2025.</p> <p>10. Reply submitted by the industry authorities at Zonal Officer, Bengaluru East Office vide dated: 13/08/2025.</p> <p>11. Submission of Parawise reply w.r.t Hon'ble National Green Tribunal (SZ) Chennai Original Application NO. 114 of 2025 filed between Mr. Jagan Kumar J and The Deputy Commissioner, Bengaluru Urban District and Others by the Regional Office Mahadevapura to the Law Officer (Legal Cell) vide no. 1098, dated: 20/11/2025.</p> <p>12. Industry authorities' letter dated: 09/12/2025 w.r.t information communicated to Regional Mahadevapura regarding disposal of excess treated water to Authorized vendor.</p> <p>13. Zonal Office, Bengaluru East Office letter addressed to the Board Office, SEO, Non-EIA Cell vide no. 11/12/2025.</p> <p>14. Board Office, SEO, Non-EIA cell mailed to Zonal Office, Bengaluru East Office on 24/02/2026.</p> <p>15. The unit authorities' letter dated: 10/03/2026 along with the Form-10 manifest copies for the disposal of treated water & industrial sewage to Sai Enviro Tech for the month of February 2026.</p>
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Preamble:

M/s Freshalicious Super Bazaar Pvt. Ltd., had obtained combined consent from the Karnataka State Pollution Control Board to carry out the activity such as cleaned Fish Cuts of capacity 162.75 Tons/Month, cleaned chicken cuts of capacity 97.583 Tons/Month & cleaned Goats cuts of capacity 32.5 Tons/Month and 500 KVA DG set for the period upto **30.09.2032** vide no. AW-338496, dated: 07/07/2023 under **Orange Category**.

As per the consent order, the total water consumption of water is **42 KLD** (Domestic – 22 KLD, Manufacturing process – 20 KLD) and waste water discharge is **38 KLD** (Domestic – 20 KLD, Manufacturing process – 18 KLD), whereas the waste water generated from domestic and in the form of the washing of meat processing activity ***shall be treated in Combined ETP and treated effluents shall be used for on land for gardening and flushing purposes within the premises.***

Further, Regional Office Mahadevapura had received a complaint letter dated: 17/09/2024 filed by Sri. Jagan Kumar J regarding pollution caused w.r.t water, air and noise on 18/09/2024, wherein he has stated/alleged that, the centralized plant of Freshalicious Super Bazaar Private Limited located at Khatha No.42, Chikkagubbi Village, Bidarahalli Hobli, Bangalore – 560 077, which is engaged in meat and seafood processing and sales. The company primarily operates through its online delivery service and also runs a few retail stores in Bengaluru under the name FRESH TO HOME. The meat and seafood processing industry is known to require substantial quantities of water. It is crucial to verify the source of water being used by the unit, particularly since it relies on ground water. The

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necessary permissions for water usage need to be reviewed to ensure compliance with regulatory standards.

Further he stated that, the frequent movement of heavy vehicles for transporting raw materials and deliveries is likely to cause noise pollution and disrupt the peace of residents in the area. The unit utilizes heavy power generators, which may produce significant noise and emissions. The disposal and treatment procedures of waste generated by the meat and seafood processing activities needs to be reviewed and verification regarding sources from which Freshalicious Super Bazaar Private Limited obtains its meat (goat, lamb, sheep, birds, etc.,).

In view of the above complaint, the said unit was inspected on 07.10.2024 by the Regional Office Mahadevapura and based on the observations, RO Mahadevapura had issued a show-cause notice to the industry authorities vide no. 927, dated: 16/10/2024 vide ref (3). In response to this, the industry authorities have submitted the reply letter along with some supporting documents vide dated: 30/10/2024 vide ref (4).

On verification of documents viz., register maintained for water procurement and waste water disposal, which was submitted by the Industry authorities & mentioned as **Annexure 5**, wherein, it was observed that, they were procuring water of about 20 KL/day through tankers of capacity 4 KL(maximum 05 loads/day)and disposing the waste water of 15 KL per day to Sri. Maruthi Septic Cleaners illegally without prior approval from the Board and they have submitted the copy of service agreement made on 01/07/2022 between M/s Freshalicious Super Bazaar Private Limited and Sri. Maruthi Septic Cleaners on an A4 size sheet without any signature and same is not acceptable.

They have also submitted the copy of Trade License issued by the Panchayath Development Officer of Kannuru Village vide dated: 18/07/2024 for commercial purpose to carryout Fish cutting and processing unit activity to Soopi Ali Haji at Sy. No. 42/4 of Chikkagubbi Village, Bengaluru East Taluk.

Further, Sri. Jagan Kumar had filed one more complaint letter dated: 08/11/2024 to Regional Office Mahadevapura vide ref (5), wherein alleged to review the categorization of unit activity.

In the meantime, Mahadevapura Regional Office had submitted inspection report to the Zonal Office, Bengaluru East vide no. 1100, dated: 07/12/2024 with recommendation to issue of NPD under the provisions of Water (Prevention and Control of Pollution) Act, 1974 & Air (Prevention and Control of Pollution) Act, 1981.

The said unit was inspected on 12/12/2024 and collected the treated water samples from the outlet of the Combined ETP as per the provisions of Water (Prevention and Control of Pollution) Act, 1974. Later, once again the unit was inspected on 03/01/2025 & submitted the samples to the Board Laboratory. And as per the analysis report, reveals that, the following **highlighted parameters** are not confirming to the stipulated standards and the details are tabulated as below: -

Sl. No	Parameters	Standards	Results			
			Combined ETP		02/03/2026	
			12/12/2024 (Legal Sample)	03/01/2025 (Routine Sample)	STP (Routine Sample)	ETP (Routine Sample)
1	pH @25°C	6.5 – 9.0	7.2	7.7	The analysis report is awaited	The analysis report is awaited
2	Biochemical Oxygen Demand (3 days @ 27 °C)	Not more than 10 mg/l	120 mg/l	50 mg/l		
3	Chemical Oxygen Demand	Not more than 50 mg/l	424 mg/l	280 mg/l		
4	Total Suspended Solids	Not more than 20 mg/l	180 mg/l	88 mg/l		
5	Ammonical Nitrogen as N	Not more than 5 mg/l	108 mg/l	70 mg/l		
6	Total Nitrogen	Not more than 10 mg/l	144 mg/l	104 mg/l		
7	Fecal Coliform	Less than 100 MPN /100 ml	35000MPN /100 ml	< 1.8MPN /100 ml		
8	Oil & Grease	Not more than 10 mg/l	BDL	---		
	Inference		Non-Conforms	Non-Conforms		

Further, Zonal Office, Bengaluru East had issued a show-cause notice to the unit vide no. 352, dated: 07/01/2025 based on the non-compliance observed during their inspection on 04/01/2025. The industrial authorities have not submitted any reply for the said notice. Hence, the Zonal Officer, Bengaluru East had issued Notice of Proposed Direction under Water & Air Acts vide no. 531, dated: 05/08/2025. In response, the unit authorities have submitted the reply along with the documents to the Zonal Office on vide dated: 13/08/2025.

In the meantime, the unit authorities had submitted the letter dated: 09/12/2025 w.r.t disposal of excess of treated water to M/s Sai Enviro Tech operating a Common Sewage Treatment Plant to collect the excess treated water from their premises. They have also submitted the copy of service agreement entered on 27/11/2025 between M/s Freshalicious Super Bazaar Pvt. Ltd., and Sai Enviro Tech. But, in this regard, they have not obtained prior approval from the Board.

Further, Sri. Jagan Kumar J had filed an Original Application No. 114/2025 on 25/10/2025 before the Hon'ble National Green Tribunal (SZ) at Chennai.

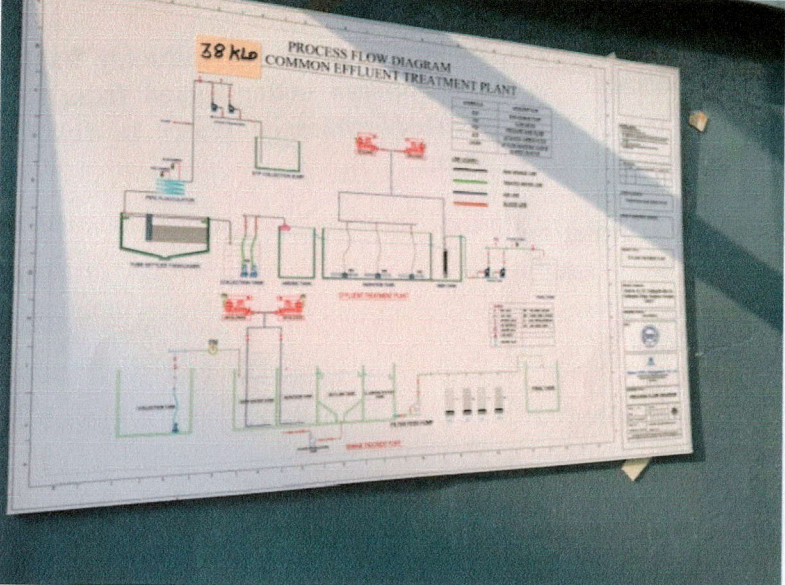
In the meantime, the Zonal Office, Bengaluru East Office had addressed a letter to the Board Office SEO, Non-EIA cell vide no. 864, dated: 11/12/2025 with a recommendation to call the industry authorities for personal hearing.

This office had submitted draft para-wise reply to the Board Office, Legal Cell for the contents mentioned in the O.A No. 114/2025 filed at Honorable NGT (SZ) Chennai, vide no. 1098, dated: 20/11/2025.

RSEO, Non-EIA section from the Board office had sent a mail dated 24/02/2026 to this office & informed to submit the present status & compliance to the NPD issued to the industry on 05/08/2025.

As per the directions of the Board office, the industry was inspected on 02/03/2026 along with DEO of this office and following observations were made: -

Compliance w.r.t. the NPD issued dated 05/08/2025:

Sl. No.	Non-compliances mentioned in the NDP dated 05/08/2025	Compliance made by the industry
01	The unit has not displayed the process flow diagram detailing the treatment units and their respective capacities. On enquiry, the operator presents during the inspection stated that the CETP is of 30 KLD capacity.	Now, displayed the process flow diagram with capacity within the effluent treatment plant area as "38 KLD of Common Effluent Treatment Plant". Photograph enclosed for kind reference. 
02	A "DANGER" sign Board has not been displayed near CETP area as per the direction of Hon'ble Supreme Court.	Not complied. Not displayed "DANGER" sign Board near the CETP area.
03	A foul Odor was observed in and around the CETP area, indicating	Not complied. Foul smell was sensed in and around the CETP area.

	that the CETP is not being operated properly or is non-functional.	
04	<p>As per the documents available at the entrance gate, it was noted that approximately 5 to 6 tankers of water are being procured daily from private sources. Simultaneously, an equivalent quantity of effluent is reportedly being offloaded to unauthorized vendors via tankers, which constitutes a serious violation of the unit's consent conditions. Furthermore, the unit has failed to maintain or disclose records on water consumption and wastewater generation.</p>	<p>Not complied. Verified the register maintained for the water procurement on daily basis and as per the records, they have procured about 10 loads through tankers i.e. from 01/02/2026 to 02/03/2026 & as per information furnished each tanker as capacity of 4 KL. Accordingly, they have purchased 40 KL of water per day.</p> <p>And also furnished the copies of Form 10 Manifest copies for the disposal of water of 12 KL to Sai Enviro Tech, Common Sewage Treatment Plant. Wherein the manifest copies, it was noticed that, marked the tick for the receipt of "Treated water" and "Industrial Sewage". On enquiry, they did not furnish the details regarding type of water they have disposed off to the said CSTP. Manifest collected during the inspection is herewith enclosed for kind reference.</p> <p>In this regard, the industry has not obtained amendment to the consent order issued from the Board for the disposal of treated/untreated water to the Common Sewage Treatment Plant.</p>
05	<p>Crate-washing effluent was observed to be stagnating in an open land area. This poses a significant risk of percolation and contamination of the underlying groundwater table.</p>	<p>Not complied. Crate-washing effluent was still stagnated in an open area which may lead to underground water pollution.</p>
06	The ultrafiltration	Not complied.

	system installed as part of the CETP was found to be non-operational at the time of inspection.	No changes in the status.
07	The 500 KVA DG set has not been provided with a chimney of adequate height, which is in violation of the prescribed norms under the consent conditions.	Not complied. No changes in the status.

Following observations were made w.r.t the non-compliances observed by the RSEO, during the inspection made on 04/01/2025 and Show cause notice dated 07/01/2025:

Sl. No.	Non-compliances mentioned in the Show cause notice dated 07/01/2025	Compliance made by the industry
01	You have been disposing of the effluents without treatment using tankers illegally.	<p>Not complied.</p> <p>Verified the register maintained for the water procurement on daily basis and as per the records, they have procured about 10 loads through tankers i.e. from 01/02/2026 to 02/03/2026 & as per information furnished each tanker as capacity of 4 KL. Accordingly, they have purchased 40 KL of water per day.</p> <p>And also furnished the copies of Form 10 Manifest copies for the disposal of water of 12 KL to Sai Enviro Tech, Common Sewage Treatment Plant. Wherein the manifest copies, it was noticed that, marked the tick for the receipt of "Treated water" and "Industrial Sewage". On enquiry, they did not furnish the details regarding type of water they have disposed off to the said CSTP. Manifest collected during the inspection is herewith enclosed for kind reference.</p> <p>In this regard, the industry has not obtained amendment to the consent order issued from the Board for the disposal of treated/untreated water to the Common Sewage Treatment Plant.</p>
02	The documentary evidence and proof of such illegal discharges are available with this Office.	<p>Not complied.</p> <p>The industry has not submitted satisfactory records to substantiate that there is no illegal discharges.</p>

03	It was also observed that you have been slaughtering animals at your premises. Slaughtering can be done only at designated slaughterhouses, and only cutting and packing activities are permitted.	At present the slaughtering of animals is not being carried out within the industrial premises and they are procuring the raw fish directly from another unit operated in the name of "Freshalicious Super Bazaar Pvt. Ltd.," located at Kochin. The cleaning of the received items from their sister concern unit is being carrying out in this unit. They have produced the copy of documents w.r.t certificate dated: 13/01/2026 wherein stated that, "supply wet fish/meat cuttings to their fish meal plant, which is a byproduct of fish processing consisting of Fish Skin, Intestines, bones, head and tail. This is processed and used for the manufacture of fish meal which is used an ingredient for animal feed". Copy of the same is herewith enclosed for kind reference.
04	The entire operations were being carried out in an unhygienic manner	Not complied. There is no improvement in carrying out the process in hygienic conditions.
05	There was significant fly and odor nuisance observed near your premises.	Not complied. Foul smell was sensed along with fly nuisance.
06	It was shocking to observe that about 50 workers were staying at the same location in very unhygienic and polluted conditions, which could have serious health effects on them and their children.	Not complied. There is no improvement in the workers staying within the premises. Still 50 workers were staying in the premises in unhygienic & polluted conditions.

Apart from the above observations, the following were noticed: -

1. They have upgraded the existing Combined Effluent Treatment Plant into STP & ETP separately without obtaining prior approval of the Board.
2. Provided flow meters at the inlet & outlet of STP and ETP. The readings on 02/03/2026 at 4.40 PM are as follows:

STP	Inlet – 18260.4 KL	Outlet – 10541.7 KL	Difference-7,718.7 KL
ETP	Inlet – 29194.3 KL	Outlet – 399.9 KL	Difference-28,794.4 KL

From the above it was noticed that, there is so much of difference found. This means the Treatment Plants is not being operated scientifically.

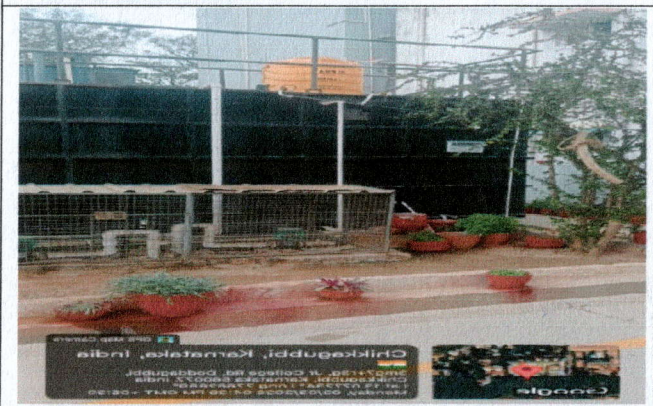
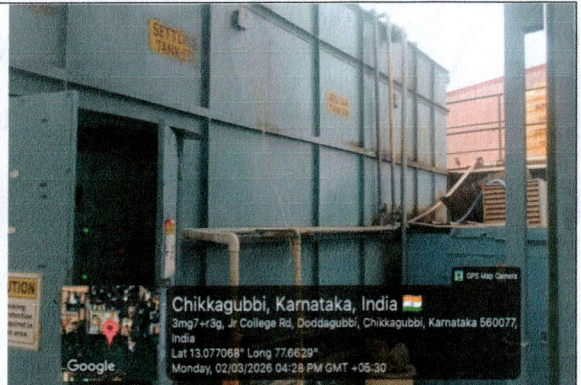
- 3. The Hazardous Display board is not updated.



- 4. Not provided adequate greenery within the industry premises.
- 5. As per the information of the manager, the industry is being operated in 3 shifts (i.e. 24 X 7)
- 6. The samples of treated sewage and trade effluents collected from the treatment plants and submitted to the Board lab for analysis purpose. The analysis report is awaited.
- 7. The unit authorities have submitted the letter dated 10/03/2026 along with the Form-10 manifest copies for the disposal of treated water & industrial sewage to Sai Enviro Tech for the month of February 2026.

Photos taken during inspection: -



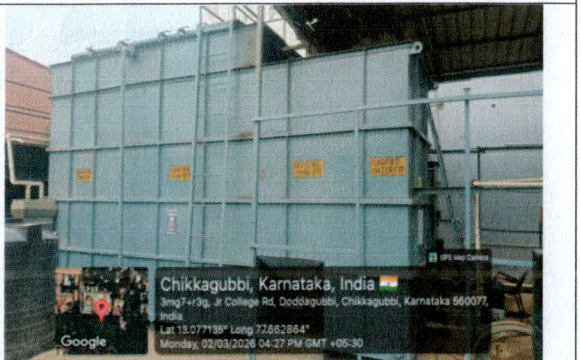
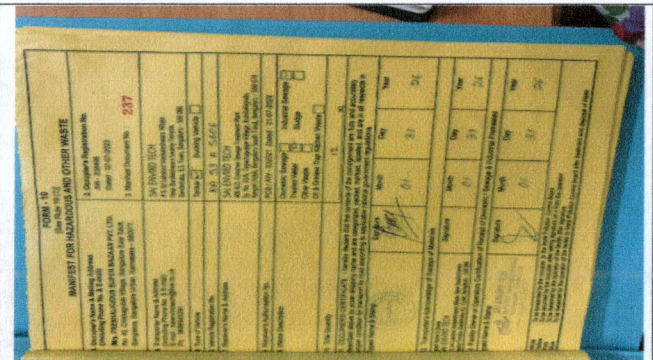


STP and ETP area



STP flow meter

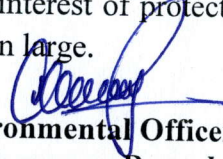
Flow meter



Manifest copy for the disposal of effluent

Recommendations: -From the above observations & facts, the industry is not complied to the consent conditions and also not taken any concrete steps/measures to comply to the non-compliances observed by this office as well as RSEO, Bengaluru East. This clearly indicates

that, the industry is not interested to comply to the consent conditions and direction issued by the Board from time to time. Further, the matter of complaint is also before the Honorable NGT. Hence, it is strongly recommended to issue Closure directions under Section 33 (A) of Water Act 1974 & Section 31 (A) of Air Act 1981 immediately in the interest of protecting Environment in particularly and to safeguard the health of living beings in large.


Environmental Officer
Mahadevapura-Bengaluru

NO.KSPCB/ZO-BLR-EAST/RO-MDP/IR/2025-26

ANNEXURE R-2

**Inspection Report of Syed Khaja Mohiddin, Senior Environmental
Officer, Zonal Office, Bangalore - East**

1	Name & Address of the Crusher Inspected:-	M/s Freshalicious Super Bazaar Private Limited, Khata No.42, Chikkagubbi Village, Bengaluru East Taluk.
2	Date of inspection	20.03.2026
3	Person Contacted	Sri. Ranjith - Factory Manager

Preamble:

"Freshalicious Super Bazar Pvt Ltd.," and engaged in the activity of cleaned Fish Cuts of capacity 162.75 Tons/Month, cleaned chicken cuts of capacity 97.583 Tons/Month & cleaned Goats cuts of capacity 32.5 Tons/Month and 500 KVA DG set for the valid up to 30.09.2032 under Orange Category.

The undersigned inspected the industry on 20.03.2026, in view of the Honourable NGT case OA 114 of 2025 (SZ)& IA No. 116 of 2025 (SZ) and the following observations were made:

1. The industry was found operating at the time of inspection.
2. The Effluent Treatment Plant (ETP) was found operation and functioning efficiently.
 - o No foul smell or odour nuisance was observed in and around the ETP area.
 - o The ETP photograph is shown below:



3. It was observed that the industry is pumping treated effluent into tankers for transportation and disposal to a Common Sewage Treatment Plant (CSTP).

- The water procurement register was verified.
- As per records, the industry procured approximately 10 tanker loads per day during the period 01.02.2026 to 02.03.2026.
- Each tanker has a capacity of 4 KL, thereby indicating daily procurement of approximately 40 KL of water.
- However, the industry has not obtained prior permission from the Board for such transportation and disposal of treated effluent.
- The same was substantiated through photographic evidence.



Treated effluent being transported through tanker for off-site disposal can be seen

4. The industry furnished Form-10 manifest copies indicating disposal of 12 KL of wastewater to M/s Sai Enviro Tech - Common Sewage Treatment Plant.

- 5) The industry has **not obtained amendment to the Consent Order** for disposal of treated / untreated wastewater to CSTP. Hence such disposal is considered illegal
5. The Air Pollution Control system / air handling system was found installed and operational.
- o No odour nuisance was observed from the outlet.
 - o The photograph is shown below.



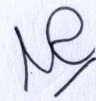
Air handling/ odour control system can be seen installed and operational

RECOMMENDATION:

The industry is established in an extent of approximately **3 acres land**, and there is no adequate space available within the premises for reuse of treated effluent for gardening / irrigation purposes. The industry is **indulging in off-site disposal of treated effluent without prior approval of the Board**, which is in violation of consent conditions.

The present practice of unauthorised off-site disposal cannot be permitted. The industry shall immediately stop transportation of treated effluent and identify a technically viable and Board-approved alternate arrangement for its utilisation / disposal. Until compliance is ensured, the industry can not be permitted to continue operation.

Hence it is recommended to issue the Closure Orders under Section 33(A) of the Water (Prevention and Control of Pollution) Act, 1974.



Zonal Officer
(Syed Khaja Mohiddin)

Copy to:

- 1) The Regional Office Mahadevapura for information and to monitor frequently and report the violations.
- 2) Case File