

BEFORE THE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, PUNE.

Original Application no. 28/2024 WZ, [Earlier Original Application no. 796/2023 (PB)]

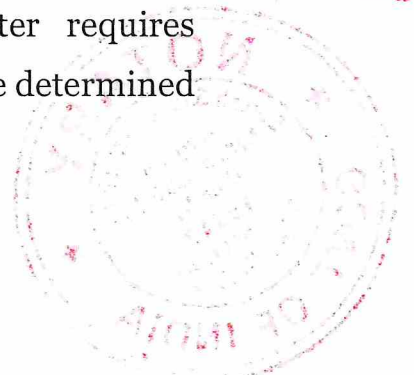
OBJECTION TO THE COMMITTEE REPORT FOR
ENVIRONMENTAL DAMAGES COST CALCULATIONS ON
BEHALF OF RESPONDENT NO. 3 SOLAR INDUSTRIES
INDIA LIMITED

The respondent no. 3 respectfully submits as under :-

1. That, this Hon'ble Authority has initiated Suo-moto action against the respondent no. 3, consequent to accident took place on 17/12/2023 in HR-CPCH -2 building, situated at Village Chakdoh, Tah. Katol, Dist. Nagpur (Maharashtra) .
2. That, this Hon'ble Authority had formed the Committee to assess environmental damage, vide Order dated 9/4/2024.
3. That, the respondent no. 3, vide Affidavit dated 6/4/2024 and 20/6/2024 had filed its detailed submission in respect of accident occurred on 17/12/2023.



4. That, the matter was listed on 1/7/2024, on which date, Expert Committee Report as formed as per the directions of this Hon'ble Authority had been filed on the record and the same was supplied to the respondent no. 3. That, Expert Committee Report, dated 27/6/2024 concluded that, penalty and liability amounting to Rs. 37,500/- towards environmental compensation, Rs. 50,00,000/- towards liability cost and Rs. 29,185/- towards valuation of Emissions. Thus, total penalty amounting to Rs. 50,66,685/- has been imposed upon the respondent no. 3.
5. That, the Committee has observed that as per guidelines for implementing liabilities for environmental damage, due to handling and disposal of hazardous waste, issued by Central Pollution Control Board, the accident falls under category of landfill breaches and release of hazardous waste into the environment.
6. So far as, the imposition of Environmental Compensation amounting to Rs. 37,500/- and Valuation towards the Emissions amounting to Rs. 29,185/-, the respondent no. 3 does not dispute the same and is ready to pay as per direction of this Hon'ble Tribunal.
7. From the bare perusal of the Expert Committee Report it can be gathered that, committee itself has observed that, the detailed information relating to the hazardous waste, collection of waste required machinery, water and others are not available as the same were not collected at that time. The Committee has further observed that, the potential contamination of ground water requires comprehensive testing and treatment, which cannot be determined



and computed now. It has been further observed that, the accident falls under the category of landfill breach and release of hazardous waste into the environment and as such, the penalty of Rs. 50,00,000/- has been imposed. The Committee has further observed that, actual data of water contamination, if any pollution load during processing and long-term impacts of such hazardous waste is not quantifiable. The respondent no. 3 submits that, the accident doesn't fall under the category of landfill breaches and hazardous waste and as such, it has become necessitated to object/counter the report as submitted by the Expert Committee Report dated 29/6/2024 on following grounds :-

- i) The Expert Committee has totally ignored that, earlier Maharashtra Pollution Control Board (MPCB) was directed by this Hon'ble Tribunal to assess the environmental damage and accordingly Mr. Rajendra Patil (Sub-Regional Officer), MPCB Nagpur-1 and Mr. Pramod Lone (Field Officer) MPCB, Nagpur-1 had visited the accident site and submitted a detailed verification report dated 7/3/2024. It is further submitted that in the report it was specifically held that as per CPCB guidelines there is no violation in respect of point no. a to c & f in the subject incident. However as per point no. D has been considered i.e **Accidental discharges lasting for short duration resulting into damage to the environment.** It is further mentioned that contaminated solid waste 1240 kg. was collected under the guidance of Petroleum and Explosive Safety Organization (PESO) and the same has been disposed on 26/2/2024 with M/s. Maharashtra Enviro Power Limited,



Butibori CHW-1. The officials of the Maharashtra Pollution Control Board have taken the photographs of the site and the same are part of the verification report dated 7/3/2024. The officials had further observed in the report that due to protection mound in the surrounding of the accident building site, the effect of blast was prevented and there was no major damage in the other process building and as well as surrounding area within the periphery of the factory site. It has been further observed in the report that, there was no damage to the environment. It has been further observed that there was no damage to the nearby plantation. It has been further observed that there were no environmental damages of the water bodies of the surrounding area. The MPCB officers has further observed that, there was no deviation in the part of maintenance of the ETP, STP and no wastewater discharge had occurred due to incident of explosion. It has been further observed that land environment has been decontaminated by removing the soil and same was decontaminated under the supervision competent person and sent to CHWTSDF and Manifest dated 26/02/2024. It has been already observed that, there is no environmental damage and decontaminated waste has been removed from the soil and the same has been disposed of under the supervision of PESO and in compliance of MPCB letter No. MPCB/CD/1322/2023 dated 17/12/2023, Copy of which is already filed along with affidavit dated 20.6.2024 as Annexure no. 24/Page no. 304, in which it has been specifically directed to handle the explosives contaminated solid waste in the scientific way with



permission of PESO. The solid waste was disposed in scientific way, which can be verified from the Annexure No. 27/page no. 320-321 filed along with the affidavit dated 20/6/2024.

- ii) Thus, from the above it can be ascertain that MPC Board had visited the site on 7/3/2024, and found that there is no considerable damage to environment and thus from this itself it can be ascertain that there is no landfill breach or hazardous waste, as the same was disposed of under the guidance of PESO and the same was intimated to MPC Board, which has been admitted by MPC Board in its affidavit dated 27.6.2024 filed with this Hon'ble Tribunal.
- iii) The Expert Committee report has further failed to demonstrate how and in what manner the accident site comes under landfill breaches and release of hazardous waste into the environment.
- iv) The Expert committee has further failed to consider that 1.5 to 2.0 Kilolitres of water had been used to cool down the site immediately after the accident of explosion. It is submitted that, Expert committee ought to have considered that the water had been evaporated due to extensive heat evolved in the explosion and rest quantity of water soaked in the soil. As stated above, due to this the contaminated soil was collected and already disposed to Common Hazardous Waste Treatment, Storage and Disposal Facility (CHWTSDF) after decontamination in scientific way. The Expert Committee has further failed to consider that 2.0 to



2.5 Kilolitres of water utilised for washing contaminated soil and debris at the waste burning site of the company was collected in the RCC collection tank and same was transferred to Effluent Treatment Plant for treatment. The committee has further failed to consider that Disposal of waste explosives was carried out as per Rule 42 (2) of Explosives Rule, 2008 for safe destruction under the supervision of competent person at the place approved by PESO i.e. licencing authority in the licenced premises. The expert committee ought to have considered that respondent no. 3 has taken all the precautions to protect environmental damage in collection, storage, treatment, and disposal of hazardous waste and ought not to have impose the penalty of Rs. 50,00,000/-.

- v) The committee has further failed to be considered that floor of the accident building (HR-CPCH-2) was made up of RCC with conductive mastic flooring, which has not damaged due to this explosion accident and thus there was no contamination to the soil and ground water.
- vi) The committee has further failed to consider, that Maharashtra Pollution Control Board Nagpur had carried out inspection of the incident site wherein its report they did not found any lapses on account of any mishandling and or discharge of any hazardous material.
- vii) That, in the introduction of the report dated 27/6/2024, it has been mentioned that there were three severely injured



persons. It is submitted that; total nine people has been passed away in unfortunate accident and no persons were injured as alleged in the report. In this regard an affidavit dated 06/04/2024 already submitted to this Hon'ble Tribunal .

8. The respondent no. 3 further submits that, if this Hon'ble Tribunal comes to the conclusion that, report given by the Committee is correct, after considering the above objections, the penalty amount be reduced and respondent no. 3 undertakes to submit bank guarantee of such amount and as per the directions of Maharashtra Pollution Control Board, the company shall undertake all the work to restore the damage caused to the accident site and to the environment if any at its own cost and thereafter the bank guarantee shall be released forthwith.

Place : Nagpur

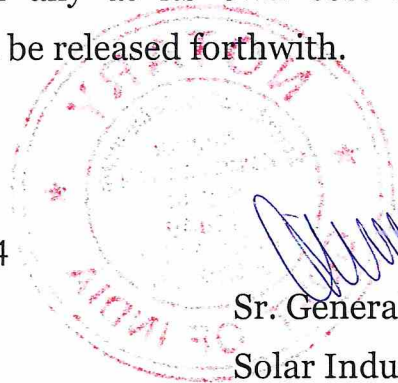
Dated : 20/08/2024


Sr. General Manager (HR & Admin.)
Solar Industries India Limited

Deponent

SOLEMN AFFIRAMTION

I, Manoj Kumar Singh S/o. Shri Ram Bachan Singh, age about 59 years. R/o. Plot no. 15 Darshana Society, Borgaon, Nagpur – 440013, Sr. General Manager (HR and Admin.) in Solar Industries India Limited, do hereby take oath and state on solemn affirmation that the contents of the above para nos. 1 to 8 are true and correct to my personal



knowledge and belief and the same are also verified from the records of the company. I have read and understood the same. Hence, verified, signed and affirmed on this 20th day of August 2024, at Nagpur.

[Handwritten Signature]
Deponent

I know and identify the deponent

[Handwritten Signature]
(Chopra B. Sawal)
Advocate

NOTARIAL REG.
ENTRY NO. 23813
DATE 21/08/2024

Sworn before me on this 21st day of Aug 20 24 at Nagpur by Shri/Smt./Ku. Manoj Kumar Singh R/o. Nagpur who has been identified by Shri/Smt. Chopra Sawal Advocate, Nagpur

[Handwritten Signature]
Suresh S. Meshram
NOTARY
GOVT. OF INDIA
Nagpur (M.S.) INDIA

