

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Appeal No. 33/2023
(I.A. No. 826/2023)
With
Appeal No. 34/2023
(I.A. No. 827/2023)

IN THE MATTER OF:

M/s Malbros International Pvt. Ltd.

Applicant

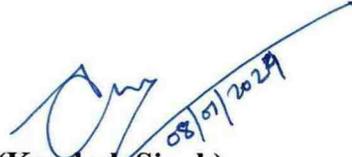
Vs.

Punjab Pollution Control Board &Ors.

Respondents

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2.	Annexure-I: A Copy of the directions dated 17.05.2023 under Section 18(1)(b) of Water (Prevention & Control of Pollution) Act, 1974.	
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(Kamlesh Singh)

Scientist E

Central Pollution Control Board

Delhi-110032

Dated: 08.01.2024

Place: Delhi

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
AT PRINCIPAL BENCH, NEW DELHI**

Appeal No. 33/2023

(I.A. No. 826/2023)

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Appeal No. 34/2023

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M/s Malbros International Pvt. Ltd.

Appellant

VERSUS

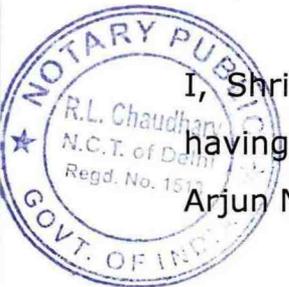
Punjab Pollution Control Board &Ors

Respondents

**REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO. 2, i.e, CENTRAL
POLLUTION CONTROL BOARD, (CPCB)**

I, Shri Kamlesh Singh S/o Ramesh Chandra Singh aged 41 years, and having office at Central Pollution Control Board, "Parivesh Bhawan", East Arjun Nagar, Delhi -110032, do hereby solemnly affirm and state as under;

That I, in the capacity of Scientist 'E' & Divisional Head, IPC-III in the Central Pollution Control Board (CPCB), am fully conversant with the facts of the case on the basis of the records made available in the office and hence competent and authorized to depose and swear the present Reply Affidavit as under:



1. That the Appellant industry has filed the Appeal 33 and 34 with prayer to set aside the impugned order dated 05.09.2023 passed by the Ld. Appellate Authority and consequently the order dated 04.07.2023 passed by the Chairman Punjab Pollution Control Board refusing Consent to Operate to the Appellate industry and also to direct the PPCB to grant Consent to Operate to the Appellate industry under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981. The appellant industry also states that Ld. Appellate Authority while passing the order heavily influenced by the direction dated 17.05.2023 issued by Central Pollution Control Board in terms of section 18(1)(b) of the Water Act, 1974 and further states that Ld. Appellant Authority fell in grave error in getting influenced by the direction dated 17.05.2023 issued by the CPCB.
2. That it is humbly submitted that CPCB received Office Memorandum dated 20.12.2022 of Lok Sabha Secretariat through the Ministry of Environment, Forest & Climate Change (hereinafter referred to as MoEF&CC) regarding matter of urgent public importance raised during Zero Hour in Parliament on 19.12.2022 by Shri Gurjeet Singh Aujla, Hon'ble M.P with respect to pollution caused by the industry i.e, M/s Malbros International Pvt Ltd. Village-Mansoorwal, Tehsil-Zira, District-Ferozepur, Punjab. CPCB also received a VIP reference (KS-MOEF22-1 dated 23.12.2022) of Sh. Jasbir Singh Gill, Hon'ble MP (Lok Sabha) forwarded by the Ministry of Environment, Forest & Climate Change (MOEF&CC) regarding complaint against acute pollution of groundwater caused by M/s Malbros International Pvt Ltd., (Malbros Distillery), Village-Mansoorwal, Tehsil-Zira, district-Ferozepur, Punjab.
3. That it is humbly submitted that the CPCB team visited the said Appellant industry i.e. M/s Malbros International Pvt. Ltd.,

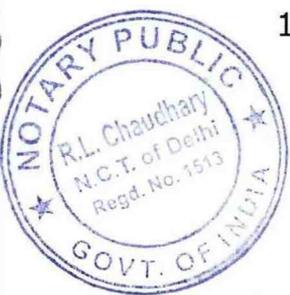


(Distillery), Village-Mansoorwal, Tehsil-Zira, District-Ferozepur, Punjab during 22.02.2023 to 24.02.2023 to investigate the matter related to groundwater contamination along with the subject experts deputed by Central Ground Water Board (CGWB). The inspection report dated 13.04.2023 was prepared by CPCB.

4. That based on the observations and violations observed during the inspection conducted in and around the Appellant industry, specifically concerning groundwater pollution; CPCB, in exercise of its powers conferred under Section 18 (1) (b) of the Water (Prevention and Control of Pollution) Act, 1974, issued directions dated 17.05.2023 to the Punjab Pollution Control Board (PPCB) for ensuring compliance by the said industry. In response to the CPCB directions dated 17.05.2023, the PPCB vide Endst. letter No. 1810 dated 07.06.2023, Endst. No. 1804 dated 07.06.2023, Endst. No. 1798 dated 07.06.2023 communicated the following action taken to CPCB. Copy of the directions dated 17.05.2023 is annexed as-**Annexure-I**.

The following Directions dated 02.06.2023 were issued by PPCB to the said Appellant Industry for strict compliance:

1. *The industry shall carry out necessary remedial measures for the decontamination of the affected site based on the detailed environmental site assessment report of the Board and shall ensure to comply with the violations observed in the inspection report of CPCB (copy attached).*
2. *The industry shall ensure to submit a DPR based on the detailed environmental site assessment report of the Board for remediation of groundwater contaminated area in around the premises and execute the work in the supervision of the Board in a time bound manner and shall bear all the remediation expenses.*



3. *The industry shall ensure safe drinking water from bore-wells installed in the affected villages complying with the drinking water quality standards on the basis of outcome of the analysis of Department of Water Supply & Sanitation.*

The following Direction dated 02.06.2023 was issued by PPCB to the Department of Water Supply & Sanitation for strict compliance:

"That the department of Water Supply and Sanitation shall ensure to analyse the parameters for Drinking Water Quality Standards in water of bore-wells installed in the affected area. Depending upon the compliance with the Drinking Water Quality Standards, the use of water from the bore[1]wells may be prohibited/ permitted, as per the case and shall ensure that the industry (M/s Malbros International Pvt. Ltd., Village Mansoorwal, Tehsil Zira, District Ferozepur) provides an alternative sources of safe drinking water to the affected villages".



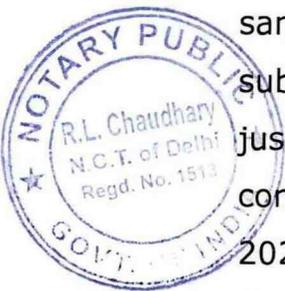
The following Direction dated 02.06.2023 was issued by PPCB to the Punjab Water Regulation & Development Authority for strict compliance:

"To immediately seal the unauthorized bore-wells in the industrial premises of M/s Malbros International Pvt. Ltd., Village Mansoorwal, Tehsil Zira, District Ferozepur."

5. That it is humbly submitted that, PPCB vide letter dated 21.06.2023 has also informed that they have filed a complaint before the Chief Judicial Magistrate, Ferozepur, Punjab section under 43, 44 read with section 47 of the Water (Prevention and Control of Pollution) Act, 1974 on 19.06.2023 and the same is based upon the CPCB Report dated

13.04.2023 as well as the direction dated 17.05.2023 issued by CPCB to PPCB under Section 18 (1)(b) of the Water Act.

6. That it is humbly submitted that inspection of borewells within the Industry and nearby areas were carried out by CPCB officials, who are Authorized to take samples under section 10 and 11 of the Environment (Protection) Act, 1986. The samples have been collected by CPCB Team in compliance with the provisions of sub-sections (3) and (4) of Section 11 of the Environment (Protection) Act, 1986. Notice in Form 1 (as prescribed under Rule 7 of the Environment (Protection) Rules, 1986) i.e Notice of intention to have sample analyzed by CPCB was issued by CPCB to the representative of M/s Malbros International Pvt Ltd. on both days i.e 23rd - 24th February, 2023 which were duly accepted and received by the industry representatives namely, Mr. Nikhil Kumar, ZLD Manager on 23/2/2023 and Mr. Arvind Maurya, WFP Incharge on 24/2/2023, under the seal of the Company. The samples were sealed, marked & signed by both CPCB Officer & the Appellant Industry representative and sent to CPCB Head Office Laboratory as per the provisions of the Environment (Protection) Act, 1986.
7. That it is humbly submitted that CPCB Team collected 08 samples from the industry's premises (05 bore-wells, 02 Piezometers and 01 soil sample with sludge dumping on it). In reply to the Appellant industry submission that the CPCB team conducted inspection and sampling in just 2.5 Hr. on 24/2/2023, it is humbly submitted that CPCB team conducted inspection and sampling in 3 days i.e from 22nd February, 2023 to 24th February, 2023. While 22nd February, 2023 was dedicated for survey of the Appellant industry and nearby villages, to identify the groundwater table, slope and sampling locations, the sampling was conducted on 23rd and 24th February, 2023. With regard to the sampling conducted by CPCB inside the Industry's premises, it is submitted that 04 samples (03 borewells and 01



sludge/Soil sample) were collected on 23rd February, 2023 and 04 Samples (02 bore-wells, and 02 piezometer) on 24 February, 2023. The geotagged photographs taken at the time of inspection and sampling also show the time of sample collection by CPCB team.

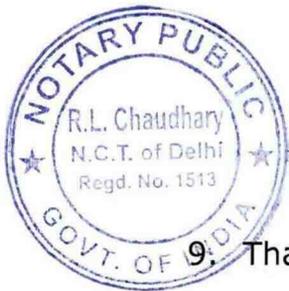
8. That following facts are also significant with regard to the groundwater contamination underneath Industry and surrounding area:

- That during the visit, the CPCB team physically verified 10 borewells and 06 piezometers installed within in the premises of the Unit, however no details of the permission for abstraction of Ground Water were provided by the industry representative. It indicates that the Unit is abstracting groundwater illegally without any NOC/permission from the CGWB, therefore is liable for payment of compensation in accordance with the guidelines issued by the Authorities concerned.



- That CPCB monitored 29 bore-wells within & outside the industrial premises. Out of 29 borewells monitored, 12 bore-wells were yielding water with unpleasant odour, whereas 05 Bore-wells were yielding water with unpleasant odour and Grey/blackish colour (as observed by the team), which was confirmed from the high value in lab analysis report for colour and turbidity.
- That the two bore wells monitored within the premises of the industry were found to be having the highest concentration of COD, colour, turbidity and, heavy metals amongst all the bore well monitored by the team (COD- 101 to 105 mg/l, Colour-18 to 145 colour units, Turbidity – 1 191 to 1323 NTU, Arsenic - 0.10 to 0.14

mg/l, Chromium – 0.28 to 0.36 mg/l, Copper-0.15 to 0.18mg/l, Iron-206.6 to 243.53 mg/l, Manganese – 3.28 to 3.72 mg/l, Nickle-0.21 to 0.22 mg/l, Lead-0.08 to 0.13 mg/l) besides having odour. Despite the fact that these two borewells were in operational condition, motor, electrical and mechanical connections of one borewells was disconnected, while the other bore-well was sealed and buried in the soil. It has also been mentioned in the CPCB report that "Since, the samples drawn from the piezometers and 03 borewells located in the premises of the industry were found to be free from heavy metal contamination and whereas two borewells installed in the same premises are contaminated with high concentration of heavy metals, COD and Colour; it indicates injection of contaminated waste water through reverse boring/pumping into a particular zone tapped in these two borewells. However, further investigation is required in this regard, to establish the contaminated zone and take remedial action."



9. That the Hon'ble Supreme court of India in its judgment delivered in Vellore Citizens' Welfare Forum Vs Union of India and Ors, the Precautionary Principles and Polluter pays Principle were held to be part of the environmental law of the land. It was held that the Polluter pays Principle means that the absolute liability for harm to the environment extends not only to compensate the victims of pollution but also the cost of restoring the environmental degradation. Remediation of the damaged environment is part of the process of sustainable development. In Vellore Citizens' Welfare Forum case, the Hon'ble Court explained the principle ('precautionary principle') in the following manner:

"We are, however, of the view that "The Precautionary Principle" and "The Polluter Pays Principle" are essential features of

"Sustainable Development". The "Precautionary Principle" – in the context of the municipal law–means:

- i. *Environmental measures – by the State Government and the statutory authorities – must anticipate, prevent and attack the causes of environmental degradation.*
- ii. *Where there are threats of serious and irreversible damage, lack of scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.*
- iii. *The "onus of proof" is on the actor or the developer/industrialist to show that his action is environmentally benign."*

10. That it is humbly submitted that CPCB sought technical assistance of Central Ground Water Board (CGWB) in determining the water table and slop, which was provided by physically visiting the area after conducting scientific survey by the CGWB Experts. It is also worth to mention that Appellant Industry has not provided even the date of installation of bore-wells to CPCB team and assembly drawing of the same, till date despite reminders. It is further stated that the Appellant industry has installed such large number of borewells (physically verified ten borewells and six piezometers) within the premises despite being a zero liquid discharge plant and without the permission of the concerned authority.



11. That it is humbly submitted that the PPCB has provided the details of initial consent to establish / NOC granted vide letter No. RO/FDK/NOC/2006/04 dated 11.05.2006 and consent to operate granted vide letter No. HO/FDK/WPC/2007/F-2249 dated 10.08.2007. The examination of these document indicates that industry was granted consent to establish dated 11.05.2006 subject to a specific condition that the industry will install Dryer of adequate capacity to convert wet cake into powder form and the same shall be used in the

boiler furnace as fuel and / or shall be sold in the market as cattle feed. However, the industry failed to install the Dryer as per the condition imposed in the NOC and the wet cake was sold out directly to the cattle feed industry as informed by PPCB. It was also informed that as per record the industry installed the dryer for the production of cattle feed in powder form @55 TPD and the same was verified by the officer of State Board on 13.03.2015. The exact date of installation of Dryer unit is not yet reported to CPCB.

12. That, EIA report (Study period: October to Dec 2015) was obtained from MoEF&CC vide e-mail dated 21.11.2023. The said EIA report was submitted by the Appellant industry vide letter No. MIL150/16-17 dated 19.12.2016 for obtaining environmental clearance from the MoEF&CC for the proposed installation of Unit-II-Grain based ethanol /ENA/RS/Industrial Alcohol Plant (500 KLPD in existing distillery plant at village-MANSOORWAL, Tehsil-Zira, District –Ferozepur, Punjab. The baseline groundwater quality data of hand pump / tubewell in respect of 03 villages as reported in the said EIA report (Study period: October to December 2015) were compared with the data as of February, 2023 as presented in the CPCB report with regard to the various parameters in various borewells for the said three reported villages namely Mansoorwal Kalan, Pandori Khatrian and Ratol Rohi and the same are as below:

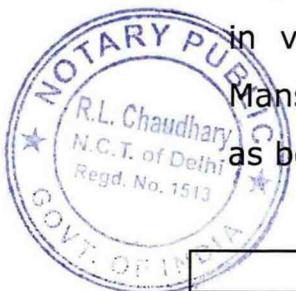


Table No.1 : Ground Water Quality

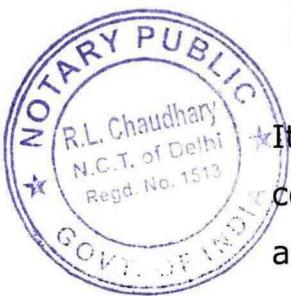
Village	MansoorwalKalan		Village PandoriKhatrian		Village RatolRohi	
	Concentration in 2015. *	Concentration in 2023 **	Concentration in 2015. *	Concentration in 2023 **	Concentration in 2015. *	Concentration in 2023 **
Colour	BDL	BDL-145	BDL	BDL	BDL	BDL-22
Magnesium	6.49	5 to 27	13.94	11	19.63	14-25
Total Dissolved Solids	684	Average: 1246 (619-1905)	548	1068	468	Average 1491 (1101-1882)

Sulphate	34.45	229-1008	33.86	169	33.82	246-730
Iron	0.15	0.06-243.53	0.28	0.06	0.28	0.04-10.69
Zinc	0.24	0.01-0.98	0.21	BDL	0.15	0.01-0.1
Chromium	BDL	0.01-0.36	BDL	BDL	BDL	BDL-0.01
Copper	BDL	0.15-0.18	BDL	BDL	BDL	BDL-0.02
Manganese	BDL	0.01-3.72	BDL	0.02	BDL	0.03-0.55
Lead	BDL	0.08-0.13	BDL	BDL	BDL	BDL-0.03
Arsenic	BDL	0.01-0.14	BDL	BDL	BDL	BDL-0.02
Nickel	BDL	0.21-0.22	BDL	BDL	BDL	BDL

(All parameters are in mg/l except colour)

*Concentration as reported in EIA report of the industry (Study period: Oct-Dec, 2015) in sample from one hand pump/ tube well.

** Concentration as reported in CPCB's report (Sampling period: Feb-23-24, 2023) in sample from various borewells (11 borewells in Mansoorwalkalan, 01 borewell in PandoriKhatrian and 02 borewells in RatoRohi).



It is submitted that the analytical data of Groundwater samples collected by CPCB on 23-24 February, 2023, given in Table No.1 above, reveals significant increasing trend in the concentration of various parameters when compared with baseline data of 2015 (as reported in EIA Report of the Industry).

13. It is humbly submitted that, inputs of other subject matter expert Institutes such as CSIR - National Geophysical Research Institute (NGRI) and Central Ground Water Board (CGWB) for conducting site assessment & remedial measures would also be highly helpful. Furthermore, study being conducted by NEERI who has been engaged by PPCB would also be helpful.

14. That the answering respondent craves leave to file detailed para wise response in case need arise and/or as directed by this Hon'ble Tribunal at later stage.

15. That the above said facts are true and correct to the best of my knowledge which is based on the official records maintained at the office of the answering respondent.



कमलेश सिंह DEPONENT
 वैज्ञानिक 'ई' / Scientist 'E'
 केंद्रीय प्रदूषण नियंत्रण बोर्ड
 Central Pollution Control Board
 पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
 M/o Env. Forest & Climate Change, Govt. of India
 परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110 032
 Parivesh Bhawan, East Arjun Nagar, Delhi-110032

VERIFICATION

Verified at New Delhi on this 08 JAN 2024 day of January, 2024 that the contents of the above affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed therein.

ATTESTED

 NOTARY PUBLIC
 GOVT. OF INDIA
 08 JAN 2024

DEPONENT

कमलेश सिंह / Kamlesh Singh
 वैज्ञानिक 'ई' / Scientist 'E'
 केंद्रीय प्रदूषण नियंत्रण बोर्ड
 Central Pollution Control Board
 पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
 M/o Env. Forest & Climate Change, Govt. of India
 परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110 032
 Parivesh Bhawan, East Arjun Nagar, Delhi-110032



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

PI-20/50/2022-IPC-III-HO-CPCB-HO

May 17, 2023

To,

The Chairman,
Punjab Pollution Control Board,
Head Office, Vatavaran Bhawan,
Nabha Road, Patiala-147 001,
Punjab

Directions under section 18(1) (b) of the Water (Prevention & Control of Pollution) Act, 1974 in the matter of complaint against acute pollution of groundwater caused by M/s Malbros International Pvt. Ltd., (Malbros Distillery), Village-Mansoorwal, Tehsil - Zira, District - Ferozepur, Punjab

WHEREAS, among others, under section 17 of the Water (Prevention and Control of Pollution) Act, 1974, one of the functions of the State Pollution Control Board (SPCB)/Pollution Control Committee (PCC), constituted under the Water (Prevention & Control of Pollution) Act, 1974 is to plan a comprehensive programme for prevention, control or abatement of pollution of streams, wells and air pollution in the State/UT and to secure the execution thereof; and

WHEREAS, under section 16 of the Water (Prevention & Control of Pollution) Act, 1974 and under Section 16 of the Air (Prevention & Control of Pollution) Act, 1981, one of the functions of the Central Pollution Control Board (CPCB), constituted under Water (Prevention & Control of Pollution) Act, 1974 is to coordinate activities of the State Pollution Control Boards and Pollution Control Committees and to provide technical assistance and guidance to SPCBs/PCCs; and

WHEREAS, the Central Government has notified the standards for discharge of environmental pollution from various categories of industries under the Environment (Protection) Act, 1986 and the Rule framed there under; and

WHEREAS, the CPCB and SPCBs have been pursuing the polluting industries to install effluent treatment plants (ETPs) to comply with the effluent discharge standards as notified under the Environment (Protection) Act, 1986 and the Rules framed there under; and

WHEREAS, the SPCBs/PCCs can stipulate more stringent standards for discharge of environmental pollutant from various categories of industries, depending upon the quality of the recipient system, than those notified by the Central Government, under the Environment (Protection) Act, 1986 and Rules framed there under; and

WHEREAS, CPCB received a VIP reference (KS-MOEF-22-1 dated 23.12.2022) of Sh. Jasbir Singh Gill, Hon'ble MP (Lok Sabha) forwarded by the Ministry of Environment, Forest & Climate Change (MoEF&CC) regarding complaint against acute pollution of groundwater caused by M/s Malbros International Pvt. Ltd., (Malbros Distillery), Village-Mansoorwal, Tehsil-Zira, District-Ferozepur, Punjab (hereinafter referred to as "the Unit"); and

WHEREAS, CPCB also received a VIP reference forwarded by MoEF&CC vide its letter dated 18.01.2023 enclosing therewith a copy of Office Memorandum No. ZH/XVIII/X/2022/LSS/TO/302 dated 20.12.2022 received from Lok Sabha Secretariat along with a copy of the matter raised during zero hour by Hon'ble MP, Shri Gurjeet Singh Aujla, regarding pollution caused by M/s Malkos Private Inter-national Liquor company located at Tehsil-Jira, Ferozepur district at Mansoorwal and contamination of water in the villages of Mansoorwal, Rotalrohi, Malyaa, Sodhiwala, Sekwan; and

'परिवेश भवन' पर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, Delhi-110032

दूरभाष/Tel : 43102030, 22305792, वेबसाइट/Website : www.cpcb.nic.in

WHEREAS, a team of CPCB visited the Unit on 28.12.2022 to investigate the matter, however the team could not conduct the inspection due to the protest held by the local villagers and farmers Association in front of the main gate of the Unit (M/s Malbros International Pvt. Ltd., Village-Mansoorwal, Jira, Ferozepur) and entry to the Unit premises without adequate police protection was not possible; and

WHEREAS, in pursuant to the above complaint, CPCB team revisited M/s Malbros International Pvt. Ltd. (Malbros Distillery) located at Village - Mansoorwal, Tehsil-Zira, District - Ferozepur, Punjab during 22.02.2023 to 24.02.2023 to investigate the matter in consultation with the expert deputed by Central Ground Water Board (CGWB). The Unit is presently closed. Following are the observations of the inspection team:

- i. Ground water level ranges from 28.44 to 32.07 m bgl (below ground level) in the study area and the slope of water table is towards NNW from the factory area.
- ii. It was alleged that "The distillery has drilled 25 deep tube-wells in their compound and dumping toxic water in them leading to high pollution in groundwater in radius of 15 Kms, polluting drinking & irrigation water of over dozen villages". CPCB Team physically verified 10 Bore-wells and 06 piezometers installed in the premises of the Unit. The representatives of the Unit informed that they have obtained permission only for 04 bore-wells and 02 piezometers from CGWB/PWRDA, however no details of the permission was provided by the Unit to the inspection team. The inspection team also asked to provide the date of installation and the assembly drawing of the bore-wells and piezometers installed in the premises, but the details are not provided by the Unit.
- iii. The existence of such a large number of bore-wells without obtaining permission of CGWB and/or PWRDA in the premises of an industry, claiming to Zero Liquid Discharge is an area of further investigation.
- iv. Further, two bore-well inside the premises were found to be installed at a distance of few meter from each other, sealed and buried in the soil, despite the fact the 200 meter distance between two bore-wells is required as per guidelines.
- v. In view of the fact that most of ground water structures identified by CPCB team have been installed by the Industry without obtaining permission from CGWB/PWRDA, the possibility of having more such structures installed illegally without obtaining permission as apprehended in the letter of Hon'ble Member of Parliament (Sh. Jasbir Singh Gill) cannot be ruled out and thus needs further investigation by involving local revenue department to know the details of the bore-wells existing the time of acquiring the land from the local farmers, by the Industry.
- vi. Out of 29 bore-wells monitored, 12 bore-wells were yielding water with unpleasant odour, whereas 05 Bore-wells were yielding water with unpleasant odour and Grey/blackish colour, which is also evident and confirmed from the high lab analysis result for colour and turbidity.
- vii. The evaluation of data with regard to analysis results of ground water samples for general parameters, revealed that water from none of the 29 bore-wells monitored by CPCB team comply with the acceptable and permissible limits for one or more parameters, thereby rendering the water unfit for drinking. TDS, Boron and Sulphate were found be present in very high concentration and beyond acceptable and permissible limits in many samples. While high TDS and sulphate concentration may be an outcome of the industrial activity, however, the exceedance of Boron may not be attributed to the industry under reference.
- viii. The groundwater was found to be affected with high concentration of metals and heavy metals (toxic elements) in three villages namely Mansoorwal, Mahianwala Kalan and Ratol Rohi and this finding is in line with the slope of water table in the area, as determined by the CGWB team.

- ix. The presence of cyanide in the bore-well located at village Ratol Rohi at a concentration of 0.2 mg/l, which is four times higher than the acceptable limit of 0.05 mg/l, as specified in IS 10500:2012 is an area of concern. Further investigation to pin points the source of this contamination is required in the interest of public health. The same bore-well was also found to be having high concentration of Arsenic and high concentration of lead, as well.
- x. One bore-well with 250 ft depth monitored at Village Mahianwala was found be having high concentration of Selenium, Manganese and Iron exceeding the acceptable & Permissible limits, while the other borewell with approx. 500 ft depth was found to be having high concentration of iron and manganese exceeding both acceptable and permissible limits.
- xi. The evaluation of the analysis reports w.r.t. monitoring of 02 bore-wells located in the premises of the Unit revealed that metals and toxic metals namely Arsenic, Chromium, copper, Iron, Manganese, Nickel, Lead and Selenium, are present in very high concentration along with high concentration of COD and Colour. The water from both the bore-well was having black colour and foul odour, as observed during sampling. In these bore-wells concentration of Arsenic was found to be 2-3 time higher than permissible limits. Similarly, concentration of chromium, Iron, Manganese, Nickel and Lead were found to be higher by 6-7 times, 650-500 times, 32-37 times, 10-11 times and 08-11 times respectively in comparison to permissible limits specified in IS 10500:2012
- xii. Despite the fact that these two bore-wells were in operational condition, motor, electrical and mechanical connection of one bore-wells was disconnected, while the other bore-well was sealed and buried in the soil.
- xiii. Since, the samples drawn from the piezometers and 03 bore-wells located in the premises of the Industry were found to be free from heavy metal contamination and whereas two bore-wells installed in the same premises are contaminated with high concentration of heavy metals, COD and colour; it indicates injection of contaminated wastewater through revere boring/pumping into a particular zone tapped in these two bore-wells. However, further investigation is required in this regard, to establish the contaminated zone and take remedial action.
- xiv. The sample of the soil contaminated with the sludge was found to be exceeding the soil Criteria of CCME Canadian Environmental Quality Guidelines for the Protection of Environment and Human Health, for Soil Type (Industry) with regard to Zinc ($396.84 > 361$ mg/Kg), while other elements were within limits.

NOW, THEREFORE, in view of above observations and in exercise of the powers conferred under section 18 (1) (b) of the Water (Prevention and Control of Pollution) Act, 1974, the following directions are issued to Punjab Pollution Control Board (PPCB) for its compliance:

1. Punjab Pollution Control Board (PPCB) considering the violations reported in the CPCB inspection report (Annexure-1) shall issue appropriate direction to the Unit [M/s Malbros International Pvt. Ltd., (Malbros Distillery), Village-Mansoorwal, Zira, Ferozepur, Punjab] with respect to necessary remedial measures for the decontamination of the affected site and compliance with the violations observed in the inspection report.
2. PPCB shall undertake detailed environmental site assessment, as per the CPCB guidelines, by engaging a professional agency/institute having expertise in assessment and remediation of contaminated groundwater & soil and submit the report within 60 days.
3. Based on the detailed site assessment, PPCB shall ensure that the Unit submit a DPR for remediation of groundwater contaminated area in around the premises, and

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- execute the work in the supervision of PPCB in a time bound manner. The Unit shall bear all the remediation expenses.
4. PPCB shall impose EC (environmental compensation) or initiate legal action for causing injury to the surrounding environment and contamination of groundwater as may be applicable.
 5. PPCB shall issue appropriate direction to the water supply department to analyze the parameters for Drinking Water Quality Standards in water of bore-wells installed in the affected area. Depending upon the compliance with the Drinking Water Quality Standards, the use of water from the bore-wells may be prohibited/permitted, as per the case and shall ensure that the Unit provide alternative sources of safe drinking water to the affected villages.
 6. PPCB shall issue direction to local authorities & groundwater Department to seal the unauthorized bore-wells.
 7. PPCB shall ensure regular monitoring of the groundwater quality in the area and shall ensure no further spread of contamination.

The action taken report shall be sent to the CPCB within 45 days from the date of receipt of this direction. Punjab Pollution Control Board (PPCB) shall also acknowledge the receipt of this direction to CPCB within 15 days from the date of the receipt.

(PRASHANT GARGAVA)
MEMBER SECRETARY

Enc. As above

Copy To:

1. **The Member Secretary,**
Punjab Pollution Control Board,
Head Office, Vatavaran Bhawan, Nabha Road,
Patiala, Punjab
With a request to ensure compliance of the said direction issued u/s 18(1)(b) of the Water Act, 1974, please.
2. **The Regional Director,**
Regional Directorate,
Central Pollution Control Board,
Second Floor, Telephone Exchange,
Sector 49, Chandigarh 160047
For further follow-up to ensure compliance of the direction, please.
3. **The Director, (CP Division),**
Ministry of Environment, Forest & Climate Change,
Prithvi Block, Indira Paryavaran Bhawan, Jorbagh
Road, New Delhi – 110 003
For information, please.
4. **The District Collector,**
District Collector Office,
Block A, District Administrative Complex,
Ferozepur Cantt, Punjab 152001
For information, please.
5. The Divisional Head - IT, CPCB, Delhi
With a request to upload the direction at CPCB website, please.

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(PRASHANT GARGAVA)
MEMBER SECRETARY

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Item No. 1 & 2

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

Appeal No. 33/2023
(I.A. No. 826/2023)
With
Appeal No. 34/2023
(I.A. No. 827/2023)

M/s Malbros International Pvt. Ltd.

...Appellant

Versus

Punjab Pollution Control Board & Ors.

...Respondents

Date of hearing: 24.11.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Appellant: Mr. A.R. Takkar, Ms. Himani Bhadauria and Mr.
Bhargava Ravikumar, Advocates for Appellant.

**Appeal under Section 18 (1) read with section 16 and 17 of the National
Green Tribunal Act, 2010.****ORDER**

1. M/s Malbros International Pvt. Ltd., has filed the present appeal praying for setting aside the impugned order dated 05.09.2023 passed by the Ld. Appellate Authority and order dated 04.07.2023 passed by the Chairman, Punjab Pollution Control Board refusing consent to operate to the appellant with consequential relief of directing the PPCB to grant

Appeal No. 33/2023
With Appeal No. 34/2023

M/s Malbros International Pvt. Ltd. Vs
Punjab Pollution Control Board & Ors.

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consent to operate to appellant industry under the Water (Prevention and Control of Pollution) Act, 1974.

2. I.A No. 826/2023 has been filed in Appeal no. 33/2023 and I.A No. 827/2023 has been filed in Appeal no. 34/2023 for exemption for filing legible/typed copies of some of the annexures/vernacular alongwith affidavit. The above said interim applications are allowed and the appellant is exempted from filing legible/typed copies of some of the annexures/vernacular alongwith affidavit now and the same be filed in due course of time.

3. Notices alongwith copies of the application and documents attached therewith be issued to respondents requiring them to file their reply/response to the allegations made in the application within one month by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

4. Mr. Naginder Benipal, Advocate, who is present before this Tribunal on behalf of PPCB in some other case, accepts notice on behalf of PPCB and Mr. Balendu Shekhar and Ms. Tanisha Samantha Advocates, who are present before this Tribunal on behalf of CPCB in some other case, accept notice on behalf of CPCB and they seek time to file reply/response on their behalf.

5. Reply/response on behalf of PPCB and CPCB, if any, may be filed within one month by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

6. List the matter for further consideration on 09.01.2024.

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M/s Malbros International Pvt. Ltd. Vs
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7. A copy of this order be placed in the file of Appeal no. 34/2023 for record.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

November 24th, 2023
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