

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

Appeal No. 07/2026

IN THE MATTER OF:

KDK Steel Industries

.....Appellant

VERSUS

HPSPCB & Ors.

.....Respondents

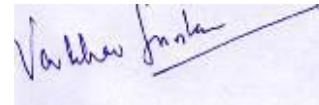
Index

Sr.No.	Particulars of documents	Page
1.	Reply on behalf of Respondent No. 01 & 02 i.e. H.P. State Pollution Control Board alongwith Affidavit.	1-15
2.	Annexure R-1/1: Copies of analysis reports dated 28-08-2025.	16-18
3.	Annexure R-1/2: Reply by the unit to the State Board's show cause notice vide letter dated 28-08-2025	19
4.	Annexure R-1/3: Copy of Office Order dated 10-12-2025 for restoration of electricity of the appellant unit.	20-21

5.	Annexure R-1/4: Photographs of the Site.	22-24
6.	Annexure R – 1/5: Copy of analysis report dated 14-08-2025.	25-27
7.	Annexure R – 1/6: Copies of Office Orders dated 07-12-2024.	28-35

Respondent No. 01 & 02

Through Counsel



Vaibhav Srivastava

(Advocate)

Dated: 15-05-2026

Place: Una

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

Appeal 07 / 2026

IN THE MATTER OF:

KDK Steel Industries

.....Appellant

VERSUS

HPSPCB & Ors.

.....Respondents

**REPLY ON BEHALF OF
RESPONDENTS NO. 01 & 02.**

MAY IT PLEASE YOUR LORDSHIPS :

Preliminary Submissions :

1. That the present appeal has been filed by M/s KDK Steel Industries against respondent Board's order dated 08-12-2025 (Annexure – A) wherein Environmental Compensation amounting to Rs. 11,76,600 /- has been imposed upon the appellant.
2. That the present appeal deserves to be dismissed due to appellant's own act and conduct, as the respondent Board observed violation of environmental norms in the operation of appellant unit.



[Signature]
Regional Officer
H.P.State Pollution Control Board
Phase-IV, Rakkar Colony,
Distt. Una (H.P.)-174303


3. That the officials of Regional Office, Una inspected the unit on 12-08-2025, wherein following violations were observed:
- i. The Effluent Treatment Plant (ETP) was found non – operational while the unit was operational.
 - ii. A study sample was collected from the waste water inlet collection tank with the purpose of ascertaining whether any treatment of waste water was being undertaken by the unit prior to discharge.
 - iii. No logbook was maintained for the operation of the ETP.
 - iv. Waste water was found discharged in an open land, and samples were collected and handed over to the HPSPCB, Regional Laboratory, Una for analysis. The analysis report indicated that the parameter as to pH level was not within the permissible limit. Further comparison of analysis results of study sample collected from collection tank and waste water discharged outside premises indicates that there was no significant improvement or stabilization in the characteristics of waste water after its passage through treatment system. The absence of any substantial variation in pH and other parameters indicates that no effective treatment of waste water was being carried out by the unit. Copies of analysis reports dated 28-08-2025 are annexed as **Annexure R – 1/1**. On the violations observed a show cause notice was also issued to the unit on 12-08-2025 (Annexure – B) to stop ~~bypass~~ discharge of untreated effluent waste water.



Regional Officer
H.P.State Pollution Control Board
Phase-IV, Rakkar Colony,
Distt. Una (H.P.)-174303

4. That the unit replied to the Board's show cause notice vide letter dated 28-08-2025 (**Annexure R -1/2**) admitting that ETP was non - operational during inspection dated 12-08-2025. The unit was again inspected by the officials of Regional Office, Una on 30-09-2025 wherein, it was observed that unit still not complied with directions contained in notice dated 12-08-2025. Therefore vide office order dated 25-11-2025 (Annexure – E) directions were issued for power disconnection of the unit.
5. Thereafter the respondent Board assessed and imposed the Environmental Compensation amounting to Rs 11,76,600 /- upon the appellant unit vide order dated 08-12-2025 (Annexure – A) for the violation period from 12-08-2025 to 26-11-2025 (106 days) on the basis of polluter pays principle devised by CPCB and upheld by Hon'ble NGT in OA No. 593/2017 titled as Paryavara Suraksha Samiti & Anrs. Vs. UOI & Ors.
6. That upon the compliance reported by the Regional Officer, Una the electricity connection of the appellant unit was restored vide office order dated 10-12-2025. Copy of order is annexed as **Annexure R-1/3**.
7. That the impugned order dated 08-12-2025 has been issued for the violations committed by the appellant unit on the basis of polluter pays principle and the Environmental




 Regional Officer
 H.P.State Pollution Control Board
 Phase-IV, Rakkar Colony,
 Distt. Una (H.P.)-174303

Compensation has been deposited by the appellant on 08-12-2025. Hence appeal deserves to be dismissed.

Reply to the facts :

1. That the contents of para - 1 relates to filing of present appeal by the appellant under section 16 of the National Green Tribunal Act, 2010 against the order of respondent Board dated 08-12-2025 regarding imposition of the Environmental Compensation of Rs. 11,76,600 are a matter of record and need no reply from the replying respondent. It is denied that impugned order has been passed without due consideration of necessary facts and ground realities.
2. That the contents of para - 2 relates to appellant being a small scale industrial unit engaged in manufacturing of steel wires since 2018 in the notified Industrial Area Tahliwal, District Una, Himachal Pradesh are a matter of record and need no reply from the replying respondent. It is further submitted that the respondent Board has granted Consent to Operate to the appellant unit on 06-05-2026 which is valid till 31-03-2029.
- 3-6. That the contents of para 3-6 are denied to the extent of compliance of environmental norms. It is submitted that inspection of the appellant unit was conducted by the officials of Regional Office, Una, HPSPCB on dated 12-08-



Regional Officer
H.P.State Pollution Control Board
Phase-IV, Rakkar Colony,
Distt. Una (H.P.)-174303

2025 and during the inspection following observations were recorded by the officials of Regional Office, Una, HPSPCB

- i. The Effluent Treatment Plant (ETP) was found non – operational while the unit was operational.
- ii. A study sample was collected from the waste water inlet collection tank with the purpose of ascertaining whether any treatment of waste water was being undertaken by the unit prior to discharge.
- iii. No logbook was maintained for the operation of the ETP.
- iv. Waste water was found discharged in an open land, and samples were collected and handed over to the HPSPCB, Regional Laboratory, Una for analysis. The analysis report indicated that the parameter as to pH level was not within the permissible limit. Further comparison of analysis results of study sample collected from collection tank and waste water discharged outside premises indicates that there was no significant improvement or stabilization in the characteristics of waste water after its passage through treatment system. The absence of any substantial variation in pH and other parameters indicates that no effective treatment of waste water was being carried out by the unit. Copies of analysis report dated 28-08-2025 is annexed at Annexure R – 1/1.



On the basis of violations observed a show cause notice was also issued to the appellant unit on dated 12-08-2025 to


Regional Officer
H.P.State Pollution Control Board
Phase-IV, Rakkar Colony,
Distt. Una (H.P.)-174303


comply with the environmental norms and to stop of sudden / bypass discharge of untreated effluent / bypass of untreated waste water. Copy of notice dated 12-08-2025 is annexed at Annexure - B.

Thereafter the appellant unit was again inspected by the officials of Regional Office, Una, HPSPCB on dated 30-09-2025, wherein it was observed that the unit has still not complied with the directions issued by the Regional Officer, Una, HPSPCB. Therefore directions for power disconnection and levy of Environmental Compensation were issued against the appellant unit.

7. That the contents of para - 7 are denied. It is submitted that during the inspection conducted by the officials of Regional Officer, HPSPCB, Una, the geo- tagged photographs of the site were captured by the officials on both the inspections i.e. on dated 12-08-2025 & 30-09-2025. Photographs are annexed as **Annexure R -1/4**.



8-9. That in reply to the contents of para 8 - 9, it is submitted that the show cause notice dated 12-08-2025 was primarily issued on the basis of violations observed during the inspection and same were also substantiated by the partial analysis report dated 14-08-2025 which indicated the pH parameters beyond the permissible limit. Copy of analysis report dated 14-08-2025 is annexed as **Annexure R – 1/5**.


Regional Officer
H.P.State Pollution Control Board
Phase-IV, Rakkar Colony,
Distt. Una (H.P.)-174303


10. That the contents of para - 10 relates to the analysis report dated 28-08-2025 generated by the respondent Board's laboratory. In this regard, it is submitted that sample was collected from the bypassed untreated discharge outlet on open land within the premises of the unit wherein pH was found to be above the permissible limit which clearly establishes the violation done by the appellant unit.

11. In reply to para 11 it is submitted that the unit was found discharging industrial effluent through a bypass pipeline into open land. The ETP installed was found non - operational whereas the unit was operational and engaged in production activities, the effluent being discharged was essentially untreated. The appellant itself admitted in its reply to the notice, that the ETP was not operational due to a technical issue. Copy of appellant reply dated 28-08-2025 by the appellant unit is annexed at Annexure R - 1/2.



12. That the contents of para - 12 are denied. It is submitted that after submission of reply by appellant unit on dated 28-08-2025, the unit was again inspected on dated 30-09-2025 to verify the compliance, and during the inspection following observations were recorded :-

- i. The ETP was found non operational while the unit was operational.
- ii. No logbook was maintained for the operation of the ETP.


Regional Officer
H.P.State Pollution Control Board
Phase-IV, Rakkar Colony,
Distt. Una (H.P.)-174303

iii. The connection between the equalization tank and the primary treatment unit of the ETP was missing / disconnected.

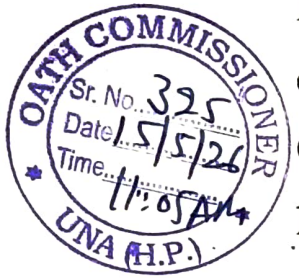
iv. The photographs were also taken during the inspection of the unit on dated 30-09-2025 which are annexed at Annexure R – 1/3.

13. That the contents of para - 13 relates to the order dated 25-11-2025 issued by the respondent Board to the Assistant Engineer, Electrical Sub Division, HPSEBL, Tahliwal, Tehsil Haroli, District Una, HP. for power disconnection of the appellate unit. In this regard, it is submitted that the inspection of the unit was conducted by the officials of Regional Officer, Una on dated 30-09-2025 to check the compliance to the notice issued to the unit by the Regional Officer, HPSPCB, Una but no improvements were noticed, hence the direction for power disconnection of the appellant unit was issued by the respondent Board on dated 25-11-2025. Copy of order / direction dated 25-11-2025 is annexed at Annexure –E with the appeal.

14. That the contents of para 14 are denied. It is submitted that opportunity to rectify the violation was provided to the unit by way of notice dated 12-08-2025 but the appellant unit had failed to rectify the deficiencies despite opportunity hence the impugned directions were passed against the appellant unit.



Regional Officer
H.P.State Pollution Control Board
Phase-IV, Rakkar Colony,
Distt. Una (H.P.)-174303



15-16. That the contents of para 15-16 relates to the disconnection of electricity of the appellant unit in compliance of the State Board's order dated 25-11-2025 by the HPSEBL, Tahliwal and appellant's request for restoration of power supply are a matter of record and need no reply from the replying respondent.


17-18. That the contents of para 17-18 relates to imposition of Environmental Compensation upon the appellant unit by the respondent Board vide order dated 08-12-2025 (Annexure-A) and deposition of Environmental Compensation amount by the appellant are a matter of record. It is submitted that the Environmental Compensation was levied on the appellant unit for the violation observed on the basis of polluter pays principle devised by CPCB and upheld by Ho'ble NGT in OA No. 593/2017 titled as Paryavaran Suraksha Samiti Vs. UOI & Ors.

19. That the contents of para 19 relates to the appellant's representation dated 10-12-2025 and respondent Board's order dated 10-12-2025 for restoring the power upon compliance by the appellant unit are a matter of record and need no reply from the replying respondent.

20. That the contents of para 20 are denied.

Reply to the Grounds

A-B. That the contents of para A-B are denied. The impugned order dated 08-12-2025 has been issued after considering the


Regional Officer
H.P.State Pollution Control Board
Phase-IV, Rakkar Colony,
Distt. Una (H.P.)-174303



reply submitted by the unit for the violation period from 12-08-2025 to 26-11-2025 (106 days) as per methodology laid down in OA No. 593/2017 titled as Paryavaran Suraksha Samiti & Anrs. Vs. UOI & Ors.

C. That the contents of para C are denied. It is submitted that Hon'ble Supreme Court and Hon'ble National Green Tribunal in number of cases held that Pollution Control Boards are empowered to impose Environmental Compensation on the basis of polluter pays principle. The respondent Board has framed and issued SOPs vide office order dated 07-12-2024 for levy of Environmental Compensation after decision of 84th Board meeting. Copies of office orders are annexed as **Annexure R -1/6**.

D-E. That the contents of para D-E are already stand controverted in reply to para supra.

F. That the contents of para F are denied. It is submitted that the State Board updated the sample details through mobile application i.e OCMMS-HP on the same day i.e. 12-08-2025.

G-I. That the contents of para G - I are already stand controverted in view of the submissions made in para supra. It is denied that there was no transparency in sampling proceedings and subsequent action undertaken by respondent Board. It is submitted that due process for sampling and passing the impugned order was followed by the respondent Board. As

Regional Officer
H.P.State Pollution Control Board
Phase-IV, Rakkar Colony,
Distt. Una (H.P.)-174303



already submitted the show cause notice dated 12-08-2025 was issued on the basis of violations observed during inspection and to immediately stop the open bypass of untreated effluent / untreated waste water.


J. That the contents of para J are denied. The respondent Board is empowered under section 33-A of the Water Act, 1974 to issue the directions for power disconnection as well as to impose Environmental Compensation on the violating units.

K-M. That the contents of para K - M are wrong hence denied. As already submitted in para supra, the respondent Board has initiated regulatory action of power disconnection and also imposed Environmental Compensation on the basis of polluter pays principle upon the appellant unit on the violations observed i.e. open discharge of untreated waste water, non operation of ETP during inspection.



N-O. That the contents of para N – O are denied. It is submitted that two samples were taken during the inspection by the officials of respondent Board one from bypass discharge pipe and another from collection tank of ETP. Copies of analysis reports are annexed at annexure R - 1/1.

P. That the contents of para P are denied. It is submitted that the Environmental Compensation was imposed by the State Board on the basis of polluter pays principle as per directions issued by the Hon'ble NGT in OA No. 593/2017 titled as Paryaveran Suraksha Samiti and Anrs. VS. UOI &


Regional Officer
H.P.State Pollution Control Board
Phase-IV, Rakkar Colony,
Distt. Una (H.P.)-174303

Ors. for the violation period which started from 12-08-2025 when the first violation was observed to 26-11-2025 when the electricity of the unit was disconnected by HPSEBL (total 106 days). It is further submitted that the disconnection and tampering of the internal system of the Effluent Treatment Plant (ETP), particularly the linkage between the equalisation tank and the primary treatment unit, which could facilitate the discharge of effluent into open areas through a bypass pipeline, is considered a clear instance of non compliance.

Q. That the contents of para Q are denied. It is submitted that the internal connection between the equalisation tank and the primary treatment unit of the ETP was found missing which constitutes a clear violation of environmental laws. Accordingly, action was taken in accordance with the established legal framework, considering the persistent nature of the violation.

R-T. That the contents of para R-T are denied.


U-V. The contents of para U-V are already stand controverted in view of the submissions made in para supra.

W-X. That the contents of para W-X are denied.

Y-Z. That the contents of para Y-Z are a matter of record and need no reply from the replying respondent.

21-23. That the contents of para 21-23 are a matter of record and need no reply from the replying respondent.




Regional Officer
H.P.State Pollution Control Board
Phase-IV, Rakkar Colony,
Distt. Una (H.P.)-174303

Prayer:-

In view of submissions made above, it is humbly submitted that the appeal may kindly be dismissed qua the replying respondent. Any other order deemed fit by this Hon'ble Court may kindly be passed in the interest of Justice.



A handwritten signature in black ink, appearing to be 'R. M. M.', written over a horizontal line.

Respondents No. 01 & 02

Regional Officer
H.P.State Pollution Control Board
Phase-IV, Rakkar Colony,
Distt. Una (H.P.)-174303

Through Counsel**Date:** UNA**Place:** 15-05-2026**Vaibhav Shrivastava
(Advocate)**

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

Appeal No. 07 of 2026

IN THE MATTER OF:

KDK Steel Industries

.....**Appellant**

VERSUS

HPSPCB & Ors.

.....**Respondents**

AFFIDAVIT

I, Praveen Kumar, S/o Sh. Jagdish Ram, aged 49 years, presently, working as Assistant Environmental Engineer cum Regional Officer at Regional Office Una, H.P. State Pollution Control Board, Himachal Pradesh, do hereby solemnly declare and affirm on oath as under:

1. That the accompanying reply to appeal has been drafted at my instance and under my instructions.
2. That the contents of preliminary submissions paras 1-7 and reply of the facts paras 1-23 are true and correct to the best of my knowledge, derived from official record, no part of it is false and nothing material has been concealed therefrom.



Regional Officer
H.P.State Pollution Control Board
Phase-IV, Rakkar Colony,
Distt. Una (H.P.)-174303



3. I further affirm that the contents of this affidavit of mine are true and correct to my knowledge and belief, no part of it is false and nothing material has been concealed therefrom.

Verified at Una on 15th day of May, 2026.



DEPONENT

Regional Officer
H.P.State Pollution Control Board
Phase-IV, Rakkar Colony,
Distt. Una (H.P.)-174303

Verified That Sh. Parveen Kumar
deponent made a declaration on oath
before me read and explained and
admitted correct, identified by Sh.
Self On 15/05/2026

ATTESTED

KUSUM
HIM/615/2023
Advocate-cum-Oath Commissioner
Distt. Courts Una (H.P.)



H.P.STATE POLLUTION CONTROL BOARD REPORT BY STATE BOARD ANALYST

Report No: 16670678/W-19240

28/08/2025

ISSUED TO: K D K Steels
1-A Plot No-1A, Phase-IV, IA Tahliwal Tehsil Haroli District Una HP, Amb
Distt.Una, H.P.174301

Sample received on: **13/08/2025**

Description of sample: **Waste water inlet (from collection tank of ETP)**

SAMPLING PARAMETERS					
Sr. No.	Parameter Name	Results	Units	Permissible Limit	Remark/Result Analysis
1	TSS	44.0	mg/L	NA	NA
2	Oil and Grease	Nil	mg/L	NA	NA
3	pH	2.90	--	NA	NA
4	COD	30.0	mg/L	NA	NA
5	Iron	0.901	mg/L	NA	NA
6	Zinc	0.452	mg/L	NA	NA
7	Phosphate (as P)	0.03	mg/L	N/A	-



Sunil Rana, SO
RL Una



H.P. STATE POLLUTION CONTROL BOARD

FORM X

REPORT BY STATE BOARD ANALYST

(See Rule 26)

Report No: 16670813/W-19241

28/08/2025

I hereby certify that I **Sunil Rana, SO**, State Board Analyst duly appointed under sub-section (3) of section 53 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) received on **13/08/2025** from **Gurpreet Singh Atwal, JEE**, HP State Pollution Control Board **RO Una** a **Grab** sample of **Bypassed untreated discharge outlet on open land within premises of K D K Steels, 1-A Plot No-1A, Phase-IV, IA Tahliwal Tehsil Haroli District Una HP, Amb Distt. Una, H.P. 174301** on dated **12/08/2025** for analysis. The sample was in a condition fit for analysis reported below:

I further certify that I have analyzed the aforementioned sample on **13/08/2025** to **28/08/2025** and declare the result of analysis is to be as follows :-

Method of analysis					
IS- 2488(I-V), IS-3025(Part 44): 1933, 'Standard method for examination of water', 23rd edition prepared and published jointly by:-					
1. American Public Health Association 2. American Water Works Association 3. Water Pollution Control Federation					
SAMPLING PARAMETERS					
Sr. No.	Parameter Name	Results	Units	Permissible Limit	Remark/Result Analysis
1	TSS	23.0	mg/L	--	--
2	pH	2.73	--	6.0-9.0	Not-In Permissible Limit
3	COD	160.0	mg/L	--	--
4	Iron	0.288	mg/L	3	Within Permissible Limit
5	Oil and Grease	NR	mg/L	10	--
6	Zinc	1.114	mg/L	5	Within Permissible Limit

The condition of the seals, fastening and container on receipt was as: sealed as **HPPCB104**

Signed this on **28/08/2025**

Remarks of Lab Head:

Sunil Rana, SO
(State Board Analyst)
RL Una

**From:**

H.P. STATE POLLUTION CONTROL BOARD,
RL Una

To:

K D K Steels

1-A Plot No-1A, Phase-IV, IA Tahliwal Tehsil Haroli District Una HP, Amb,
Distt.Una, H.P.174301

To,
The Pollution Control Board Officer,
Una District (H.P).

Subject: Reply Notice.

Respected Sir,

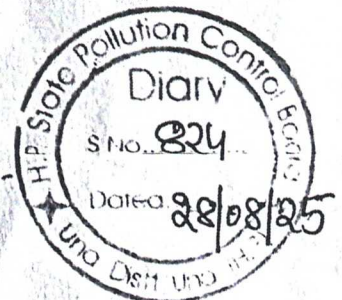
I'm writing this letter with reference to your notice vide Sr no. HPSPCB/RO/UNA/ (1120) KDK Steel Ind./2024: 1260 date 12/08/25

Point wise response to the alleged discrepancies stated by you is as follows:

- 1) I would like to bring to your notice, on the day of your visit i.e. 12/08/2025 due to Electricity fault maintenance were due in our ETP plant. Due to which operations were paused.
- 2) Waste water (low ph.) was that you found in open area the reason only due to heavy rain fall our equalization tank was overflow, now we take necessary action and run ETP plant regularly.
- 3) ETP logbook is properly maintained by us, and all data has been logged.
- 4) We also maintain detailed records of ETP operations daily as per your guidelines.

KDK Steel
Plot no. 1, Industrial Area,
Phase, 4, Tahliwal,
Himachal Pradesh.

KDK STEELS
Plot No. 1A, Industrial Area,
Phase - IV, Tahliwal,
UNA, HP - 174801
28/08/25



[Handwritten Signature]
28/08/25



HP State Pollution Control Board
 HIM Parivesh Bhawan, Phase-III, New Shimla-09
 Phone No. 0177-2673766, 2673020 FAX-0177-
 2673018

Office Order

Whereas, the directions under Section 33-A of the Water (Prevention & Control of Pollution) Act, 1974 were issued to the Assistant Engineer, Electrical Sub Division, HPSEBL, Tahliwal, Tehsil-Haroli, Distt. Una, HP for disconnection of power supply of M/s KDK Steel Industry, Phase-IV, Ind. Area, Tahliwal, Tehsil-Haroli, Distt. Una, H.P, vide Office Order Endst No. PCB/291272/M/s KDK Steel Industry/RO Una/25/-13327-32 dated 25.11.2025, as the unit was found engaged in the unauthorised discharge of effluent without treatment and the connection between the equalisation tank and primary treatment unit of ETP was found missing/disconnected at the site.

Whereas, as per the report received from the Regional Office, HPSPCB Una, Distt. Una vide Letter No.HPSPCB/RO/Una/1120(M/s. KDK Steel)/Vol-II/2023-1977 dated 29.11.2025 and informed that:

1. Power got disconnected by HPSEBL on 26.11.2025 which was verified by State Board official during the inspection conducted on 28.11.2025.
2. The unit submitted compliance report of above order on 27.11.2025 and requested to restore the power supply of the unit, as reported by RO HPSPCB Una.
3. To verify the compliance, Unit was inspected by the State Board's officials on 28.11.2025 and found that unit was non-operational and power supply remained disconnected.
4. Unit has now provided/ restored the connection between equalisation tank and primary treatment tank of ETP, which was previously found disconnected.
5. No unauthorised wastewater discharge was found.
6. Unit procured a logbook for ETP operation.
7. Separate water and energy meter for ETP found in place.
8. The unit has deposited Environmental Compensation amounting to Rs.11,76,600/- only as conveyed vide RO letter dated 08.12.2025 along with recommendation of power restoration.

In view of above stated facts, RO HPSPCB Una has recommended to review/revoke the Power Disconnection Orders referred above.

Whereas the provisions of Section 33-A of the Water (Prevention & Control

of Pollution) Act, 1974 provide not only for directions of closure or prohibition of industrial operation and stoppage of electric supply but also provide for regulation of any industry operation or process;

Now, therefore, in exercise of the power vested under the aforesaid provisions and in consideration of the facts stated above, the directions issued by the State Board vide letter referred to above have been reviewed and are withdrawn with immediate effect with the following condition:-

Pollution Control Devices provided by the unit shall be operated & maintained as prescribed in Environment (Protection) Rules, 1986 as amended from time to time.

Notwithstanding anything contained in this order the unit shall be bound to invariably ensure that the prescribed norms are complied with. Strict compliance from all concerned is solicited to avoid legal liability on their part.

Approved By
Hon'ble Chairman
Vide e-office Note# 47

Endst. No. PCB/291272/M/s KDK Steel Industry/RO Una/25-13980-985

Dated: 10/12/25

Copy forwarded to the following for information, compliance/action and report:-

1. The Chairman, HPSEBL, Kumar House, Shimla-4 (H.P).
2. The Assistant Engineer, Electrical Sub Division, HPSEBL, Tahliwal, Tehsil-Haroli, District- Una, H.P for immediate compliance of aforesaid orders.
3. The Regional Officer, HPSPCB, Una, District Una, HP for immediate compliance of above orders.
4. M/s. KDK Steel Industry, Phase-IV, Ind. Area, Tahliwal, Tehsil-Haroli, Distt. Una, H.P.
5. The Law Officer, HPSPCB, Legal Branch, Head Office Shimla for record, please.
6. Case File.

Signed by
Parveen Chander Gupta
Dr. Parveen Chander Gupta
Date: 10-12-2025 13:47:20
Member Secretary



Add a Caption

Tuesday • 12 Aug 2025 • 3:22 PM

Adjust

IMG_0696

Apple iPhone 14 Plus

HEIF

Main Camera — 26 mm f1.5

12 MP • 3024 x 4032 • 4.2 MB

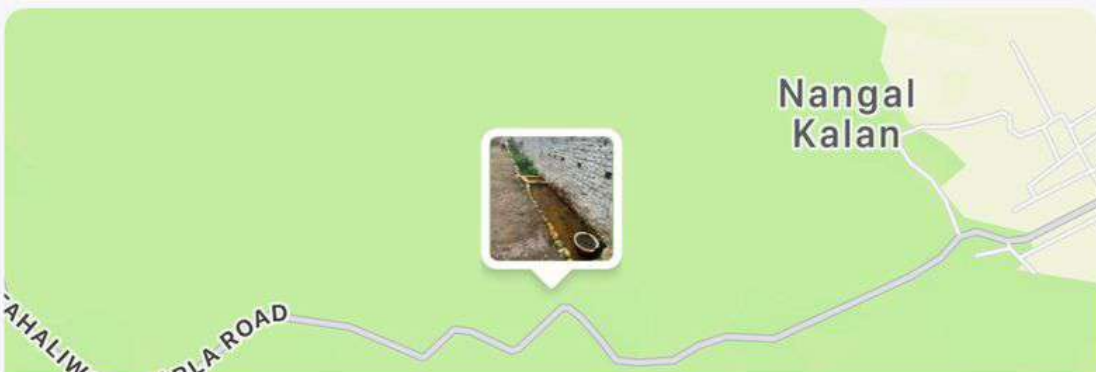
ISO 40

26 mm

0 ev

f1.5

1/214 s





Add a Caption

Tuesday • 12 Aug 2025 • 3:23 PM

Adjust

IMG_0697

Apple iPhone 14 Plus

HEIF

Main Camera — 26 mm f1.5

12 MP • 3024 x 4032 • 4.6 MB

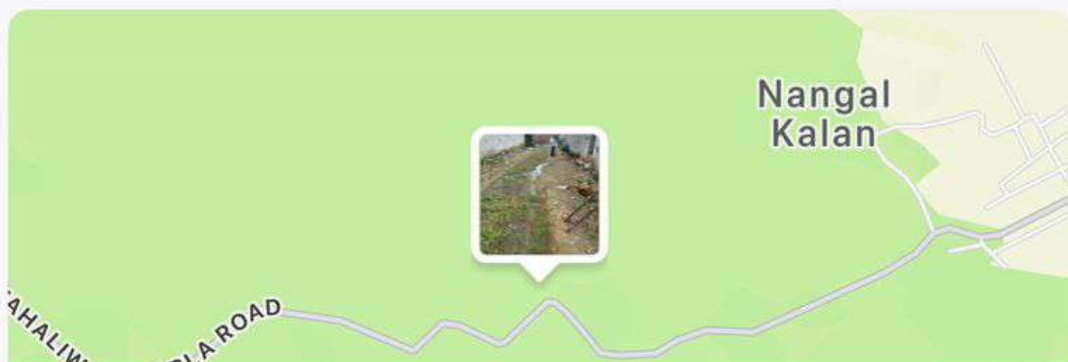
ISO 50

26 mm

0 ev

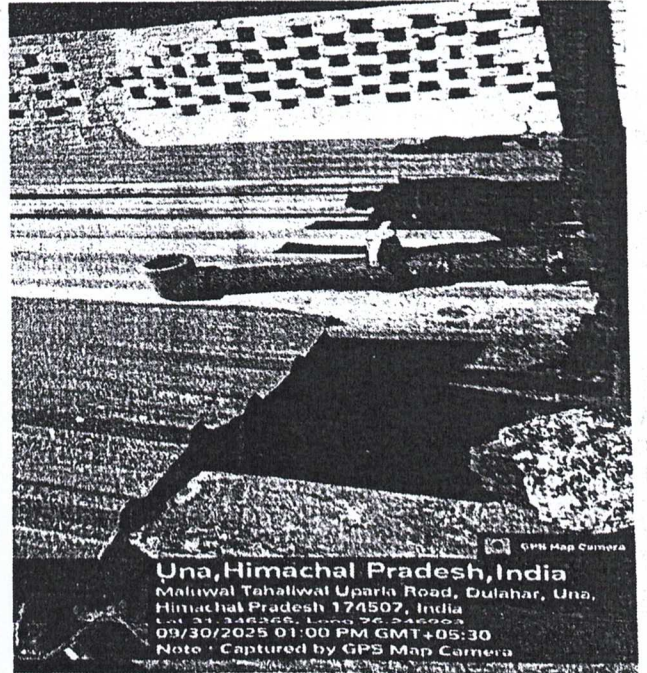
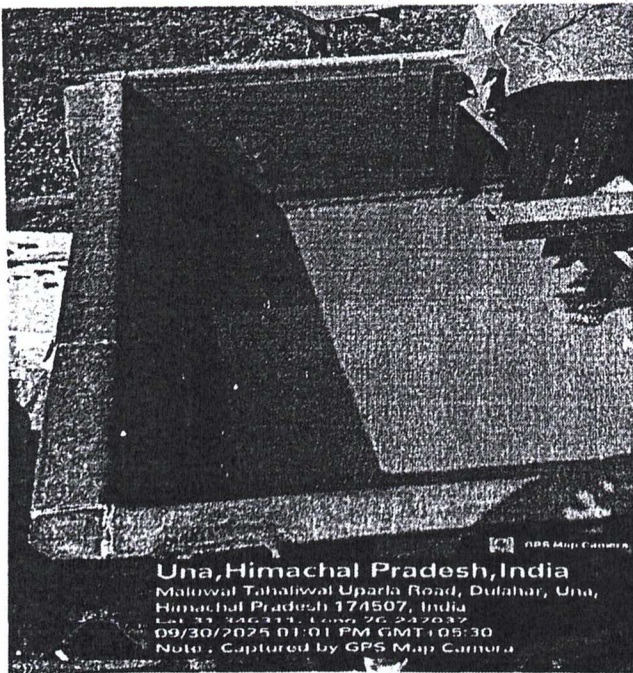
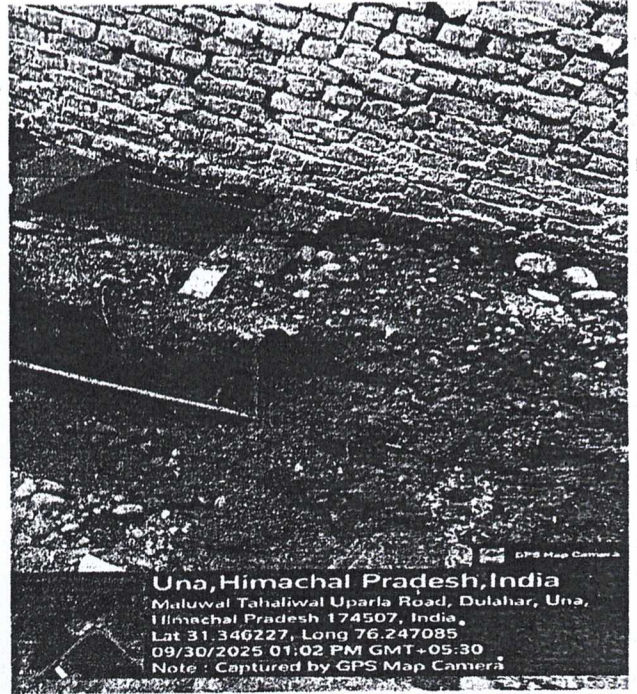
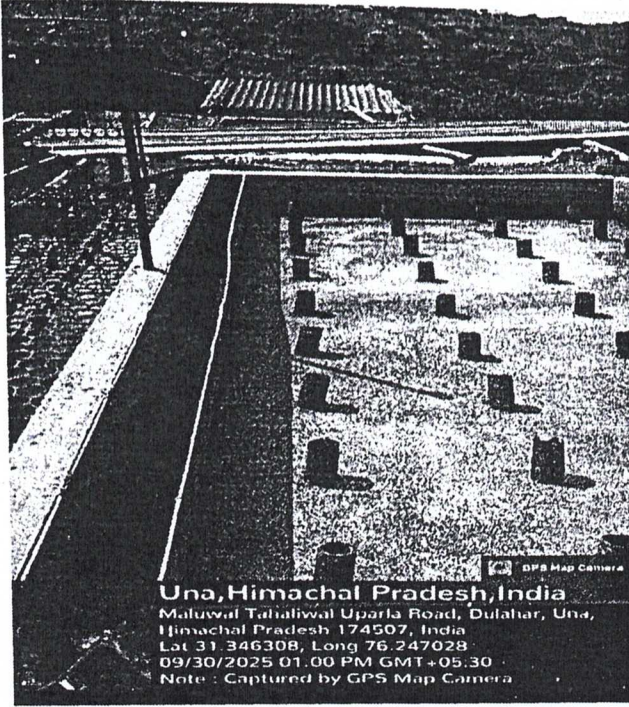
f1.5

1/331 s



Una - Dulahar >

Adjust





H.P. STATE POLLUTION CONTROL BOARD

Regional Laboratory, Phase-IV, Rakar Colony, Una
 District-Una (H.P.)-174303
 E-mail- pchlabuna@gmail.com



No: PCB /Regional Lab/ Una/ Analysis Report /23- 551

Date: 14/08/2025

To
 ✓ The Assistant Environmental Engineer
 H.P.State Pollution Control Board
 Regional Office, Una
 District Una-174303.

Sub: Partial Analysis report of Waste Water/ Trade Effluent samples.

Sir,

In reference to your office letter no. HPSPCB/RO/UNA/Sample File/2025-1264 dated 13-08-2025, please find enclosed herewith partial analysis report of Waste Water/ Trade Effluent samples as per detail given below:

Sr. No.	Name of the unit/ Sample Id
1	Sample No. 2
2	Sample No. 7

Thanking you,

Yours faithfully,

Encl. As above


Synil K. Rana
 Scientific Officer
 HPSPCB, RI, Una

F.R.
 A. DE
 J. DE
 18/8/25

16/08/2025



PARTIAL ANALYSIS REPORT				
Issued to:		The Assistant Environmental Engineer, H.P.State Pollution Control Board,Regional Office, Una-174303		
Detail of Samples:		Waste Water/Trade Effluent samples		
Samples received on:		13-08-2025 vide letter no. HPSPCB/RO/UNA/Sample File/2025-1264 dated 13-08-2025		
Sr. No.	Name of Unit/Sample ID	pH	TSS (mg/l)	COD (mg/l)
1	Sample No. 2 of letter no. HPSPCB/RO/UNA/Sample File/2025-1264 dated 13-08-2025	2.73	23.0	160.0
2	Sample No. 7 of letter no. HPSPCB/RO/UNA/Sample File/2025-1264 dated 13-08-2025	2.39	78.0	220.0


 State Board Analyst
 Scientific Officer
 Regional Laboratory
 HP State Pollution Control Board
 Una, Dist. Una (H.P.)



H.P.STATE POLLUTION CONTROL BOARD

Regional Office Una

Phase-IV Rakkar Colony, Tehsil & Distt. Una, Pin-174303(H.P.)

Phone: 01975-238131

Website : <http://www.hppcb.nic.in> e-mail : pcbrouna2@gmail.com

Comparative Statement

Partial Analysis Report of Sample No. 2 of letter no. HPSPSCB/RO/Una/Sample File 2025-1264 dated 13/08/2025

Name of the Unit/location: M/s KDK Steel Industry, Phase-IV, Ind. Area Tahliwal, Tehsil Haroli, Distt. Una (HP)

Type of sample: Grab

Collection Point: Bypassed untreated discharge outlet on open land within premises.

Date of Collection: 12/08/2025

Collected by: Er. Praveen Kumar (AEE) & Er. Gurpreet Singh Atwal (JEE).

Partial Report: Issued vide Letter No. 551 dated 14/08/2025 of O/o Scientific Officer, HPSPCB Regional Lab Una

Sr. No.	Parameter	Results	Permissible Limits	Unit	Remarks
1.	pH	2.73	6.0-9.0	-	Beyond Limits
2.	TSS	23.0	100	mg/l	Within Limits
3.	COD	160	250	mg/l	Within Limits

Er. Gurpreet Singh Atwal
Junior Env. Engineer
HPSPCB Una

Er. Praveen Kumar
Assistant Env. Engineer
HPSPCB Una



HP State Pollution Control Board
HIM Parivesh Bhawan, Phase-III, New Shimla-09
Phone No. 0177-2673766, 2673020 FAX-0177-2673018



No. HSPCB/Consent/84th Board Meeting 2024 14644-81 Dated 7/12/2024

Office Order

In pursuant to the decision taken by the State Board in its 84th Board Meeting held on dated 20.08.2024 vide **Agenda item No. 84.07**, the following prepared **REGULATION MECHANISM IN CASE OF VARIOUS NON-COMPLIANCES OF WATER ACT 1974 AND AIR ACT 1981, IMPOSITION OF ENVIRONMENTAL COMPENSATION AND SAMPLING PROTOCOL** shall be followed within immediate effect:

A. Protocol in case of Pollution Control Devices (PCDs) non-compliance for outlet waste water discharge/emission norms

- On the observation of violation of norms for effluent/emission based on sample analysis report for the **first sample** a show cause notice under the Water Act 1974/Air Act, 1981/ Environment (Protection) Act, 1986 as the case will be issued, **for giving opportunity of 15 days**. The notice shall be issued to the unit for compliance within 5 Days after the violation is observed and sent through Registered Posts only and should be e-mailed on the registered email ID as entered in the online profile of OCMMS. In case of non-delivery and/or the email bounces back, the letter has to be delivered by Suitable means.
- The show cause notice essentially needs to have:
 - a) Complete details of non-compliances/violations
 - b) Clear directions as per the non -compliances and as to what time bound action is solicited from the respondent
 - c) Specify time line afforded to the unit to make compliance
 - d) Proposed actions with clear cut recommendations.
- The second sample must strictly be collected within 30 days after the first sample failure observed. In no case any additional time for re-sampling is to be granted to the defaulting unit by the Regional Office concerned.
- If the **second sample complies with the norms**, the notice issued by Regional Office is deemed to be have been withdrawn. However, **Environment Compensation** needs to be levied upon the unit as per OA No.593/2017 (WP (CIVIL) No. 375/2012, Paryavaran Suraksha Samiti & Anr. Vs. Union of India & Ors. For the violation period starting from the **first sample collection date** till **second sample collection date** which is complying with the norms by the concerned Regional Officer and the compliance shall be reported to Head Office.
- In case the **second sample fails**, a letter to the concerned unit conveying the sample failure results shall be issued to the unit within 5 days after the violation is observed through Registered Posts only and should be e-mailed on the registered

email ID as entered in the online profile of OCMMS. In case of non-delivery and/or the email bounces back, the letter has to be delivered by Suitable means. No show cause notice shall be issued by the concerned Regional Office for second sample failure but a comprehensive report along with clear-cut recommendation for the Power disconnection / Environmental Compensation/ Both as deemed fit for the violation of continuous failure of two samples observed received from the concerned Regional Officer as per the history of the case (including replies if any received from the non-complying unit) shall reach HO within 5 days.

- Accordingly, as per the recommendation of the concerned Regional Officer, the case shall be processed at Head Quarter and MS will issue necessary orders in form of Show Cause notice/Power disconnection orders/ Environmental Compensation orders shall be issued as per the provisions of law.
- The directions issued under section 33A of the Water (Prevention and Control of Pollution) Act, 1974 and under section 31-A Air (Prevention and Control of Pollution) Act, 1981 shall be revoked after complete compliance of the cause of action and direction issued by the State Board. The unit shall be made free from obligations when the unit complies with the direction and norms under Water and Air Acts.
- In case the unit again violates the norms under Water Act, 1974 and Air Act, 1981, the State Board shall repeat the procedure as mentioned above.

B. For violations of Bypass of untreated process waste water /Sudden Discharge of untreated effluent/ Solid/Semi Solid material/emissions

- On the observation of sudden discharge of untreated effluent/ Solid/Semi Solid material/emissions / Bypass of untreated process waste water from the unit by way of dedicated pipeline or unplugging of the Pollution control devices, **a show cause notice for suspension of the operation to the violating process/polluting activity(s) in form of restraining order (clearly mentioning the violations and Environment Compensation provisions to be imposed) returnable within 3 days** shall be issued by the concerned Regional Officer on the spot with geo-tagged pictures and videography of the site.
- It is necessary for the concerned Regional Offices to ensure that a sample of the bypass/ sudden discharge must be collected in all such situations and sent to the concerned Regional Laboratory, **which shall be analyzed by the Laboratory on priority for the analysis work and shall be completed within 24 Hrs except for BOD parameter and shall be communicated to the concerned RO immediately.**
- On the basis of analysis result received, if the samples results were complying no action is required and thus the notice issued by Regional Office is deemed to have withdrawn. However if the sample fails immediately a complete comprehensive report with all the facts of the matter shall be forwarded to Head Office with recommendation of action under section 33-A of the Water Act 1974.
- In case of exigency or situation posing imminent threat to any life forms, public at large and damage to the environment, the State Board with powers vested in it under section 32 (1) (a-c) and 33-A may issue direction with immediate effect closing the operation of the polluting entity.

- The directions issued under section 32 and 33-A of the Water (Prevention and Control of Pollution) Act, 1974 shall be revoked after complete compliance of the cause of action and direction issued by the State Board. The unit shall be made free from obligations when the unit complies with the direction and norms under Water and Air Acts.

C. For various violations of sections 25 of Water (Prevention and Control of Pollution) Act, 1974 and section 21 of Air (Prevention and Control of Pollution) Act, 1981


Non compliance	Action
Operating Without CTE / COP Fresh.	<ul style="list-style-type: none"> • Follow Notice procedure as above. • If compliance is made in the notice period, then EC to be levied shall be - <ul style="list-style-type: none"> ➤ One time EC (in INR) is to be levied on dry units i.e. not producing any effluent / emissions and no specific pollution control devices are required - GREEN - 5000 (small), 10000 (Medium), 25000 (Large) ORANGE-15000(small), 30000(Medium), 40000 (Large) RED- 100000 (large), 75000 (Medium), 50000 (Small). ➤ In case the units produce effluent discharge / emissions in that case one-time EC applicable shall be 1 % of the project cost. • If compliance is not made even after Show Cause Notice and stipulated period is exhausted, action shall be recommended to HQ u/s 31-A / 33-A of the relevant acts.
Operating without valid Renewal of Consent.	<ul style="list-style-type: none"> • Follow Notice procedure as above. • If compliance is not made even after Show Cause Notices and stipulated period is exhausted, recommend action to HQ u/s 31-A / 33-A.
Unit is operating with valid Consent but Addl products manufactured without prior consent. OR Unit is operating with valid Consent but has enhanced production or carried out expansion beyond what is consented.	<ul style="list-style-type: none"> • Follow Notice procedure as above. • If compliance is not made even after Show Cause Notices and stipulated period is exhausted, recommend action to HQ u/s 31-A / 33-A. • If compliance is made in notice period levy EC for violation period. • To calculate violation period - the unit's date of operation is to be ascertained from GST returns/ Commencement of commercial production

	certificate/ nodal deptt. regn etc.
Unit is operating with valid Consent but Addl utilities are installed in the form of Boiler/ Thermic Fluid Heater etc, or P&M without enhancement in production or any addition of products OR Unit has switched from consented fuel without prior consent.	<ul style="list-style-type: none"> • Follow notice procedure as above. • In case PCDs were provided over the same and unit complies within notice period then EC to be levied from the date of commissioning till the same is consented by the State Board. • In case requisite PCDs are not provided or are inadequate, recommend action to HQ u/s 31-A / 33-A and additionally levy EC for violation period.

By Order
Hon'ble Chairman, HPSPCB

Endst. No. HPSPCB/Consent/84th Board Meeting 2024 | 4644-81 Dated 07/12/24

1. Private Secretary to the Hon'ble Chairman, HPSPCB, Shimla-171009.
2. Secretary (Health) to the Govt. of HP Shimla-171002.
3. The Secretary (Ayurveda) to the Govt. of HP Shimla-171002.
4. The Secretary (Animal Husbandry) to the Govt. of HP Shimla-171002.
5. The Additional Secretary (EST &CC) to the Govt. of HP Shimla- 171002.
6. The Director of Health Services/ Medical Education/ Ayurveda/ Animal Husbandry, Himachal Pradesh.
7. All the Deputy Commissioners in Himachal Pradesh.
8. All the Regional Officer(s), HPSPCB.
9. All the Central/ Regional Laboratory In-charge(s), HPSPCB.
10. Case file/ Notice Board, HPSPCB Shimla 171009.


(Anil Joshi, IFS)
Member Secretary
HPSPCB, Shimla-9



HP State Pollution Control Board
 HIM Parivesh Bhawan, Phase-III, New Shimla-09
 Phone No. 0177-2673766, 2673020 FAX-0177-2673018



संयुक्त कृतमकम
 ONE EARTH • ONE FAMILY • ONE FUTURE

No. HSPSCB/Consent/84th Board Meeting 2024 14682-14749 Dated 07/12/2024

Office Order

Hon'ble NGT in OA No. 593/2017 (arising from W.P. (Civil) No. 375/2012 on the file of the Hon'ble Supreme Court) dated 28.08.2019, approved CPCB methodology for levying imposition and recovery the Environment Compensation (EC), based on 'Polluter Pays Principle'.

CPCB on 10.04.2019 circulated record notes of discussion and decision taken in 63rd conference of Chairman and Member Secretary of PCBs/Committees held on 18.03.2019, wherein it has been decided that SPCBs/PCCs may frame their guidelines on Environmental Compensation (EC) based on CPCB's report.

The State Board vide order no. HSPCB/PLG/2019/6043-50 dated 29.04.2019 has adopted the modalities/methodology for assessing, imposing and utilization of environmental compensation from the polluting units in the State of Himachal Pradesh.

Now, in pursuant to the decision taken by the State Board in its 84th Board Meeting held on dated 20.08.2024, vide Agenda **Item No. 84.08** and in supersession of all previous orders if any, the area of applicability with formula for assessing and levying of the Environmental Compensation on the Industrial Units/Infrastructure Development Projects/ Tourism Units shall be as follows:

(A) Area of applicability:

- i) Units discharging the environmental pollutants in excess of the standards prescribed under EP Rules, 1986 as amended from time to time and as prescribed in the consent granted to such units under Water Act, 1974/Air Act, 1981.
- ii) Non-compliance of any directions issued by the State Board under the provisions of Water Act, 1974, Air Act, 1981 and EP Act, 1986.
- iii) Non-adherence to the action plans submitted by unit to the State Board or to the Hon'ble Court for making compliances or non-adherence of the same for the timelines prescribed for compliance of action plan.
- iv) Failure to install Online Continuous Emission/Effluent Monitoring system,

intentional avoidance of data submission or data manipulation by tampering OCEMS.

- v) Accidental discharges lasting for short durations resulting into damage to the environment.
- vi) Injection of treated/partially treated/untreated effluent to groundwater.
- vii) Discharge of untreated/partial treated Sewage by STP and/or CETP
- viii) Failure of preventing the pollutants being discharge in water bodies.
- ix) Operating without obtaining prior/renew the consent to establish/operate under the Water (Prevention and Control of Pollution) Act, 1974 and/or Air (Prevention and Control of Pollution Act, 1981.
- x) Operating without installation of pollution control devices of water and/Air emission.
- xi) Failure to implement Waste Management Rules.
- xii) Any other violation of Environmental act/rule/policy not covered above. In such cases concerned Regional Officer shall forward the case to HO mentioning all details of violation and grounds on which EC is recommended and is to be levied.
- xiii) Non-Compliance of the Special Consent Condition in CTE/ CTE-Expansion, CTO/ CTO-Expansion and RCTO by the State Board under the provisions of Water Act,1974,AirAct, 1981 and EP Act,1986.
- xiv) Intentional discharges of effluent and/or emissions to the environment including by passing the pollution control devices on land, water and air, which results damages to the environment.

(C). Actions to be taken in case failure to deposit Environmental Compensation (EC):

- a. The EC imposed upon the violating unit is required to be deposited by Project Proponent within a period of 15 days from the issue of directions. In case of failure to comply, the concerned RO shall issue a show cause notice of 15 days to the violating units for the necessary compliance. If the same persists RO shall accordingly make a case of the unit and intimate to Head Office for further course of action proposed to taken with clear cut recommendation.
- b. The restoration of the power supply or revocation of closure order of the defaulting unit shall not be entertained until and unless the EC imposed upon the violating unit is deposited.
- c. Legal actions against the defaulter in accordance with law shall also be initiated against the unit by concerned Regional Office.

(D) Environmental Compensation to be levied for cases of illegal muck/ debris dumping.

The Hon'ble National Green Tribunal has passed the following orders on 29.07.2013 in the matter of OA. No. 256 of 2013 "Abhishek Rai Vs. State of HP &Ors."

"..... We also direct all the authorities concerned to keep a strict vigil to prevent throwing of municipal solid waste, untreated sewage, effluent or other material/construction material into river Beas. Whosoever is found to be throwing or dumping any such material, effluent etc. directly or indirectly into the river Beas or its tributaries or even at its banks, will have to pay a sum of Rs. 1.00 lakh as compensation for causing pollution on the basis of the 'polluter pays principle'....."

All such non-compliances observed are divided into two categories, one is individual persons found indulge in unscientific muck disposal while other is major Infrastructure developments projects (Hydroelectric projects, Road constructions, Housing colonies etc.) which during their construction phase are supposed to dispose of the muck into approved designated dumping sites but are found throwing or dumping/dispersing of muck in the illegal dumping sites (not approved) without proper protection which directly or indirectly flow into the Rivers/Nallah/Khads blocking the natural course.

In all such cases of illegal muck/ debris dumping, no show cause notice shall be issued either at Regional Office or Head Office level while imposing spot fine of Environmental Compensation amounting to Rs. 1.00 Lakh (per site) which shall be imposed by State Board (Head Office) upon the violator individual in person or the violator unit as when informed by the concerned Regional Officer with a complete comprehensive report on all the non-compliances along with actions to be taken for the compliance to be achieved with geo-tagged pictures.

Accordingly, a direction from Head Office imposing Environmental Compensation upon the individual person or unit shall be issued for the compliance within 7 days. If the unit take all the necessary remedial measures within the specified timeframe and deposit the EC, the matter shall stand disposed-off.

However, if the compliance is still not made, a fresh complete comprehensive latest status report in the matter with photographic evidence shall be submitted to Head Office with clear cut recommendation for the imposition of further EC as per OA no. 593 of 2017 based on Polluter Pay principle.

Thereafter the case shall be divided into two situations, if stipulated period is exhausted, the Environmental Compensation on Polluter Pay Principle as per methodology prescribed by Hon'ble NGT in OA No. 593/2017 shall be imposed upon the unit for the violation period starting from the day after first date of inspection till compliance by the unit is achieved to the satisfaction of Regional Officer concerned. For which a Show Cause Notice of 7 days shall be issued to the individual person for minimum EC of Rs. 5000 per day, for consented industry specific EC shall be imposed. In case of non-consented industry/sector minimum EC of Rs. 5000 per day shall be imposed, which shall be ultimately issued in form of direction to be complied with the violation entity.

By Order
Hon'ble Chairman, HPSPCB

Endst. No. HPSPCB/Consent/84th Board Meeting 2024

14082/14849
Dated 07/12/2024

1. Private Secretary to the Hon'ble Chairman, HPSPCB, Shimla-171009.
2. Secretary (Health) to the Govt. of HP Shimla-171002.
3. The Secretary (Ayurveda) to the Govt. of HP Shimla-171002.
4. The Secretary (Animal Husbandry) to the Govt. of HP Shimla-171002.
5. The Additional Secretary (EST &CC) to the Govt. of HP Shimla- 171002.
6. The Director of Health Services/ Medical Education/ Ayurveda/ Animal Husbandry, Himachal Pradesh.
7. All the Deputy Commissioners in Himachal Pradesh.
8. All the Regional Officer(s), HPSPCB.
9. All the Central/ Regional Laboratory In-charge(s), HPSPCB.
10. Case file/ Notice Board, HPSPCB Shimla 171009.

(Anil Joshi, IFS)
Member Secretary
HPSPCB, Shimla-9