

BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI  
APPEAL NO.37 OF 2022

**IN THE MATTER OF :**

Haryana State Pollution Control Board & Anr. ... Appellants

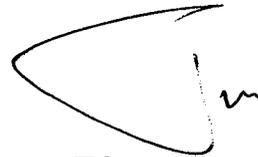
Versus

M/s Rathi Mineral & Chemicals .....Respondent

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TARUN GUPTA  
ADVOCATE FOR RESPONDENT  
B-7/50, SAFDARJUNG ENCLAVE MAIN  
NEW DELHI – 110 029

NEW DELHI  
DATED :

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**REPLY ON BEHALF OF RESPONDENT**

**MOST RESPECTFULLY SHOWETH :**

1. At the outset, your answering respondent states that the instant appeal is totally misconceived, vexatious, frivolous and is therefore, liable to be dismissed. Your answering respondent denies all purported grounds, submissions, allegations and contentions raised by the Appellant in the Appeal, which are contrary to and/or inconsistent with what is stated herein. Nothing in the appeal should be deemed to have been admitted

by your Answering Respondent for want of traverse, unless specifically admitted hereinbelow.

2. That by way of impugned order, the Appellate Authority has directed the Board to re-inspect the unit of your Answering Respondent and collect fresh sample and get the same analysed from the authorised Lab. It has been further directed that the report obtained on the basis of the said fresh sample would be considered by the Board while passing a fresh order. It is submitted that the said directions are totally in consonance with the policy/guidelines framed by the Board itself in that regard. Hence there is nothing wrong in the said order and thus the same deserves to be upheld.

3. That in order to streamline and simplify the process of inspections of the units/industries, Haryana State Pollution Control Board (HSPCB) had on 24.2.2016 issued an Inspection policy for inspection of industries/ projects for checking the compliance of the provisions of Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution)

Act, 1981, and Environment (Protection) Act, 1986 and Rules made there under. Clause 4.2.7 of the said policy laid down the guidelines for re-sampling in case the unit made a request in that behalf. Same is reproduced hereinbelow:-

#### **4.2.7 Inspection on the request of the Industry**

4.2.7.1 As per policy of the Board, the units which are found not complying with the prescribed standards for discharging environmental pollutants, due to inadequate Pollution Control Devices (PCDs) or improper operation of the same, then such units after making up-gradation or making rectification in the component of PCDs or after sorting out their operational problems, *can request the Board to get their units inspected for verification of the same and for re-sampling afresh to prove the compliance of the prescribed standards and to avoid the legal/ closure action against their units.* **On receipt of request from such unit the inspection of such units will be allowed by the competent authority on priority basis to check the compliance status and for re-sampling.**

4.2.7.2 As per policy of the Board, the industries are at liberty to get the samples of their effluent/ air emissions/ noise as applicable, analyzed either from the Board's Lab or from any other Labs recognized by the Board for the purpose of renewal of CTO. In case any such unit makes request for sampling and testing of their samples of effluent/ air emissions/ noise from the Board Labs then the ROs will update the list of such units in the software system on regular basis and sampling program for such units will be issued separately from H.O. through software system. The detail of such pending samples, requested by the units, will be submitted by RO immediately after notification of this policy and no such samples will be collected by ROs at their

own level. Thrust will be given that units obtain CTO for 5 years in case of Red category and 10 year in case of orange category of industries to minimize necessity of inspections.

A perusal of the above makes it clear that in case as per the report of sample collected by the Board, any unit is found to be not complying with the prescribed standards for discharging environmental pollutants, due to inadequate Pollution Control Devices (PCDs) or improper operation of the same, then such unit after making up-gradation or making rectification in the component of PCDs or after sorting out their operational problems, *can request the Board to get its unit inspected for verification of the same and for re-sampling afresh to prove the compliance of the prescribed standards and to avoid the legal/closure action against its unit.* It has been further mentioned therein that **On receipt of request from such unit the inspection of such units will be allowed by the competent authority on priority basis to check the compliance status and for re-sampling.**

Thus in case, pursuant to the show cause notice issued by the Board to the unit to the effect that it does not meet the prescribed standards for discharging environmental pollution, the unit submits a compliance report and requests for re-sampling, the Board has to mandatorily conduct re-sampling and verify the compliance made by the unit. The said policy was in force when the show cause notice was issued to your Answering Respondent and the closure order was passed.

4. In the present case, the Board had passed the closure order on the ground that certain deficiencies were found in the unit of your Answering Respondent. The first deficiency mentioned in the said order was that in the analysis report no.452 dated 3.11.2020, the parameters (SPM) were found exceeding the prescribed limits. It is submitted that since on the date the sample was collected by the Board, there was some leakage in the bag filter, hence the air emission was found to be exceeding the prescribed limit. Your Answering Respondent got

the said leakage fixed and in terms of the policy of the Board, applied for re-sampling.

Thus in terms of Board's own policy, on receipt of request from your Answering Respondent, the board should have done re-sampling so as to verify the actual position. However in utter disregard to its own policy, the Board did not take any action on the request for re-sampling made by your Answering Respondent.

5. That even in the latest policy of the Board regarding re-sampling, it is mentioned as under:

"In case of units having adequate pollution control devices, if sample (s) effluent/air emissions is found exceeding beyond prescribed permissible limits due to operational deficiencies as declared by the sample collecting officer(s) in sampling performa and also claimed by such units within the period of show cause notice with documentary proof and photographs etc alongwith their request for sampling. In such kind of cases, closure and/or prosecution action may be initiated against such units on case to case basis. **However, in such cases Regional Officer is required to give his recommendation, keeping in view the reply of the unit submitted in reference to the show cause notice alongwith other relevant documents and fact of the case with his clear report to the effect that effluent discharge/emission beyond prescribed**

limits happened knowingly or due to other circumstances. Accordingly, RO will submit the proposal to Head Office alongwith his reasoned recommendation and all relevant documents either for grant of permission for fresh sampling or to initiate action on the prescribed performa with rational justification as per merit of the case following the due procedure prescribed by the Board in this regard.

The sampling in such cases will be carried out by the two officer other then officer (s) previously collected the sample and the samples so collected will be analyzed in the Head Office Laboratory and if unit is still found violating the prescribed standards after sampling, closure/prosecution action will be initiated against such unit beside the revocation/withdrawal/cancellation of the consent to operate as per prescribed procedure/Rules/Law.

Thus in terms of the latest policy of the Board also, on receipt of the request for re-sampling made by your Answering Respondent, it was incumbent upon the Regional Officer to submit his proposal to the Head Office alongwith his reasoned recommendation and all relevant documents either for grant of permission for fresh sampling or initiate action on prescribed performa with rational justification. However in the instant case, despite the said mandatory provision, no action whatsoever had been taken by the Regional Officer of the Board on the basis of

request for re-sampling made by your Answering Respondent. As per the tenor of the said policy, in case the RO decides to reject the prayer for re-sampling, he has to give detailed reasons for the same. However, in the instant case, the RO neither rejected the prayer for re-sampling made by your Answering Respondent nor allowed the same. Therefore, since the mandatory procedure prescribed under the law was not followed by the Board, the Appellate Authority rightly directed the Board to collect fresh sample from the unit of your Answering Respondent and consider the report obtained on the basis of the said fresh sample while passing a fresh order. The said order is totally in conformity with the Board's own policies and principles of natural justice. Hence the said order deserves to be upheld.

6. Pertinently, your Answering Respondent has got the sample of its unit tested from two different government approved laboratories on two different occasions. As per the report furnished by the said laboratories, the air emission/SPM is much below the prescribed standards. As per the consent to operate

granted by Haryana State Pollution Control Board, the Air Emission parameters should be within 150 mg/m<sup>3</sup>, whereas as per the latest laboratory reports of the samples of your Answering Respondent's unit, the level of SPM has been shown as 79.34 on one day and 82.71 on other day, which is way less than the maximum limits prescribed. Hence it becomes clear that your Answering Respondent duly complies with air emission standards and no pollution is being caused by its unit.

7. Moreover the closure order dated 2.12.2020 was passed in the present case pursuant to the show cause notice dated 4.11.2020 issued by the Board to your Answering Respondent, wherein certain deficiencies were pointed out by the Board. Importantly, though the analysis report relied upon by the Board is dated 3.11.2020, however, in the said show cause notice dated 4.11.2020, which was issued one day after the receipt of the said analysis report, there is neither any mention of the said analysis report nor any deficiency regarding the unit of your Answering Respondent not meeting the air emission norms is

mentioned. Thus since the alleged deficiency of not meeting the air emission norms was not put to your Answering Respondent in the show cause notice and it was not afforded opportunity to respond to the said deficiency, the Board could not have passed the closure order on the basis of said deficiency. It is settled law that the final order has to confine itself to the allegations levelled in the show cause notice and it cannot travel beyond the same. However in the instant case, the deficiency, which has been made the basis of the closure was not even put to your Answering Respondent in the show cause notice and thus your Answering Respondent had no opportunity of showing that no such deficiency existed. Evidently the closure order has been passed in complete violation of principles of natural justice in as much as your Answering Respondent has been deprived of opportunity to revert to the allegations levelled against it. Therefore, the closure order being totally illegal has been rightly set aside by the Appellate Authority.

8. Furthermore, immediately after the receipt of show cause notice dated 4.11.2020, your Answering Respondent had on 16.11.2020, submitted a detailed reply, wherein it had given point wise reply to each and every deficiency pointed out in the show cause notice and had given detailed reasons as to why no such deficiency existed. Your Answering Respondent had also annexed documentary proof to substantiate the submissions made by in its reply. As per settled law, the authority who has issued the show cause notice is bound to consider the reply received by it to the said show cause notice and pass a reasoned order on the basis of the same. However, a perusal of the closure order passed by the Board would show that the same has been passed in a mechanical manner, without there being any application of mind or any consideration of the reply filed by your Answering Respondent. The detailed reply filed by your Answering Respondent has been discarded by the Board in one line by terming the same as "unsatisfactory". No reason whatsoever has been given in the closure order as to why the detailed reply given by your Answering Respondent was found

unsatisfactory or why the Board found that the deficiencies still existed though your Answering Respondent had elaborately dealt with each deficiency in its reply and shown that no such deficiency existed. Therefore, it is evident that the closure order is an unreasoned, non speaking order, which has been passed without any application of mind. Hence the said order is not unsustainable in the eyes of law and has been rightly set aside by the Appellate Authority.

9. That as regards the allegation of the Board that your Answering Respondent had not provided adequate plantation, it is submitted that the said allegation is totally incorrect and hence denied. It is submitted that your Answering Respondent has duly planted adequate trees as required under the law. Your Answering Respondent had duly annexed photographs of its units alongwith its reply to the show cause notice, which clearly showed that your Answering Respondent has done much more plantation than what is required as per the prevailing norms of the Board. However the Board instead of verifying the actual

position at the spot, straightaway passed the closure order, in complete violation of settled law and principles of natural justice.

10. Similarly as regards the allegation of the Board that your Answering Respondent had dumped the waste unscientifically, it is submitted that the said allegation is totally incorrect and hence denied. It is submitted that your Answering Respondent has duly mentioned in its reply to the show cause notice that it had never dumped any waste in open. It was clearly mentioned therein that no waste at all is generated during the mineral grinding process and thus there is no question of same being dumped in open by your Answering Respondent. Your Answering Respondent had also annexed photographs to prove the same. However the Board instead of verifying the actual position at the spot, straightaway passed the closure order, in complete violation of settled law and principles of natural justice.

11. Likewise, as regards the allegation of the Board that your Answering Respondent had not installed adequate APCM, it is submitted that the said allegation is totally incorrect and hence

denied. It is submitted that your Answering Respondent has duly installed the best APCMs and there is no possibility of any fugitive dust going in air. Your Answering Respondent had duly mentioned the same in its reply to the show cause notice and had also mentioned that its unit is fully covered and thus there is no question of there being any emission of dust. However the Board instead of verifying the actual position at the spot, straightaway passed the closure order, in complete violation of settled law and principles of natural justice.

12. Pertinently, there are around 40 mineral grinding units in and around Village Bayal, where the unit of your Answering Respondent is situated. All the said units were contemporaneously sent similar show cause notices by the Board, alleging absolutely identical deficiencies. It is incomprehensible that all the 40 units would have absolutely identical 10 deficiencies. It clearly goes to show that the show cause notices were sent in a stereotype manner, without verifying the actual position at spot and totally compliant units

like your Answering Respondent have been made a scapegoat, just to show some action on the part of the authorities, though no deficiencies exist at all in the unit of your Answering Respondent.

13. Notably the mineral grinding units are very small units, which fall under the category of "Micro" units and a certificate to that effect has also been given to them by the Ministry of Micro, Small and Medium Enterprises. They are totally non polluting units and hence their operation does not cause any harmful effect on the environment or health of the people.

14. Moreover the process involved in the operation of your Answering Respondent's unit is totally dry. The unit of your Answering Respondent is totally covered. Entire machinery, equipments, raw material, finished product etc. are kept in a covered shed/building and there is no scope of any dust emitting out of it. The conveyor belt is totally covered. The fine dust is collected in a dust collector, which is attached with cyclone at point of disintegration and which is also fully covered. The final

product is collected in a "hopper", which is also totally covered. All the discharge air emission point are covered and requisite APCM have been installed. Hence there is no question of any air pollution being caused by the operation of your Answering Respondent's unit.

15. Still further, the production capacity of the said unit is also very less i.e. around 1-2 tonne per hour. The said unit at best can process only around 25-30 tonnes of raw material in a day, which is less than one truck load. Thus there is also no pollution on account of carriage of raw material to the unit and on an average only one such vehicle per day is sufficient, that too only once a day.

16. Furthermore, your Answering Respondent has maintained adequate green belt around the unit and all necessary measures have been put in place to ensure that no pollution is caused due to operation of such unit. The photographs annexed herewith would show that the unit of your Answering Respondent has done much more plantation than what is required under the applicable norms.

17. Importantly, the issue regarding operation of mineral grinding units across the country including Haryana is pending before the Hon'ble Supreme Court in W.P.(C) No.110/2006. In the said case, pursuant to the directions passed by the Hon'ble Supreme Court, the mineral grinding units in the State of Haryana including the unit of your Answering Respondent, were inspected by the Board and *an affidavit was filed by the Chairman of HSPCB before the Hon'ble Supreme Court to the effect that the units duly fulfilled all the relevant norms and were operating in accordance with law.* The said matter is still pending adjudication before the Hon'ble Supreme Court.

18. That it is vehemently denied that the operation of the unit of your Answering Respondent would be detrimental to the health of citizens residing in the nearby area or that the closure action was in the interest of environment and public at large. As has been explained in detail in the preceding paragraphs your Answering Respondent has duly installed the best APCMs and there is no possibility of any fugitive dust going in the air. The unit of your Answering Respondent is totally covered. Entire

machinery, equipments, raw material, finished product etc. are kept in a covered shed/building and there is no scope of any dust emitting out of it. Hence there is no question of any air pollution being caused by the operation of your Answering Respondent's unit.

19. That the instant appeal also deserves to be dismissed on the ground of delay. As per Section 16 of the National Green Tribunal Act, the limitation for filing an appeal is 30 days. In the instant case the impugned order was passed on 3.2.2022. The period of 30 days for filing appeal expired on 4.3.2022. However the instant was filed only on 30.7.2022 i.e. after an inordinate delay of 148 days. The Appellant has failed to show any sufficient cause for such an inordinate delay in filing the appeal. Except for making lame excuses, no cogent reason has been given for such an inordinate delay in filing the appeal. It is categorically stipulated in Section 16 that delay of maximum 60 days can be condoned. The delay in the instant matter is more than double of the said maximum period. Hence the said delay does not deserve to be condoned. Pertinently, the Appellate

Authority has on the same date i.e.3.2.2021, allowed appeals of three mineral grinding units of Bayal, thereby passing similar orders of setting aside of closure order and direction to the Board to do re-sampling. In the case of one of the said units, HSPCB had filed Appeal No.26/2022 on 26.5.2022. Though the said appeal was also grossly delayed, however in the instant matter there is a delay of 65 more days. When the board could filed appeal in May in respect of similar impugned order of same date, there is no justification for further delay of 65 more days in the instant case. The Hon'ble Supreme Court in the case of "Office Of The Chief Post Master vs Living Media India Ltd.& Anr", while refusing to condone the delay in filing of a matter by the government, held as under:-

"In our view, it is the right time to inform all the government bodies, their agencies and instrumentalities that *unless they have reasonable and acceptable explanation for the delay and there was bonafide effort, there is no need to accept the usual explanation that the file was kept pending for several months/years due to considerable degree of procedural red-tape in the process. The government departments are under a special obligation to ensure that they perform their duties with diligence and commitment.* Condonation of delay is an exception

and should not be used as an anticipated benefit for government departments. The law shelters everyone under the same light and should not be swirled for the benefit of a few. Considering the fact that there was no proper explanation offered by the Department for the delay except mentioning of various dates, according to us, the Department has miserably failed to give any acceptable and cogent reasons sufficient to condone such a huge delay.”

Hence the present appeal being grossly delayed and no sufficient cause having been shown by the Appellant, the appeal deserves to be dismissed on that count alone.

A copy of Inspection policy of HSPCB dated 24.2.2016 is annexed herewith and marked as **Annexure R-1**, copy of Laboratory report dated 15.8.2022 is annexed herewith and marked as **Annexure R-2**, copy of Laboratory report dated 24.9.2022 is annexed herewith and marked as **Annexure R-3**, copy of CTE is annexed herewith and marked as **Annexure R-4**, copy of CTO is annexed herewith and marked as **Annexure R-5**, copy of mining licence of your Answering Respondent is annexed herewith and marked as **Annexure R-6**, copy of MSME certificate of your Answering Respondent is annexed herewith

and marked as Annexure R-7, copy of letter dated 24.8.2019 is annexed herewith and marked as Annexure R-8, copy of lab report dated 20.8.2019 is annexed herewith and marked as Annexure R-9, copy of letter dated 14.12.2020 sent by your Answering Respondent is annexed herewith and marked as Annexure R-10, copy of letter dated 22.4.2021 sent by your Answering Respondent is annexed herewith and marked as Annexure R-11, copy of letter dated 4.7.2022 sent by your Answering Respondent is annexed herewith and marked as Annexure R-12, copy of the photographs of the unit of your Answering Respondent is annexed herewith and marked as Annexure R-13, copy of affidavit dated 22.11.2016 filed by HSPCB before the Hon'ble Supreme Court of India is annexed herewith and marked as Annexure R-14, copy of order dated 21.9.2022 passed by this Hon'ble Tribunal in Appeal No.26 of 2022 is annexed herewith and marked as Annexure R-15 and copy of Judgment passed by the Hon'ble Supreme Court is annexed herewith and marked as Annexure R-16.

In view of the submissions made hereinabove, the Appeal filed by the Appellants deserves to be dismissed. Prayed accordingly.



RESPONDENT

THROUGH COUNSEL



TARUN GUPTA  
ADVOCATE FOR RESPONDENT  
B-7/50, SAFDARJUNG ENCLAVE MAIN  
NEW DELHI - 110 029

NEW DELHI  
DATED :

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AFFIDAVIT OF MANDEEP LAMBA S/O SH. MIR SINGH, AGED  
AROUND 45,R/O SECTOR-1, HUDA, NARNAUL, DISTRICT  
MAHENDERGARH, HARYANA.

I, the above named deponent do hereby solemnly affirm and  
declare on oath as under:-

1. That I am the partner of Respondent and am fully conversant with the facts of the present case, therefore, I am competent to swear the present affidavit.
2. That the accompanying reply has been prepared under my instructions. I have read and understood the contents of the said reply and same are true and correct to the best of my knowledge and belief.
3. I state that all the annexures are true copies to their respective original.



3. I state that all the annexures are true copies to their respective original.



DEPONENT

**VERIFICATION :**

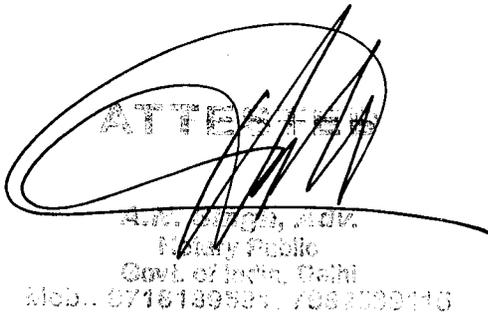
Verified at New Delhi on this the 03 OCT 2022 day of \_\_\_\_\_, 2022 that the contents of my above affidavit are true and correct as per my belief, no part of it is false and nothing material has been concealed therefrom.

03 OCT 2022



DEPONENT

*I Identify the deponent who has Signed/Put T.I. in my presence*



ATTESTED  
A. SINGH, ADV.  
Notary Public  
Govt. of India, Delhi  
Mob.: 9718139537, 7057009113

## Haryana State Pollution Control Board

### Inspection Policy

In order to streamline and simplify the process of inspections of the units/industries, Haryana State Pollution Control Board (HSPCB) has decided to issue the following policy for inspection of industries/ projects for checking the compliance of the provisions of Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution) Act, 1981, and Environment (Protection) Act, 1986 and Rules made there under:-

#### **1 Requirement of Inspections of industries/projects under various Acts/Rules.**

It is the prime duty and responsibility of the HSPCB to implement various Environmental Acts/ Rules in the State to Control the pollution and to save the environment from degradation. The inspections of the industries/ projects are required to be done from time to time to check and ensure the compliance of the various provisions of the following environmental Acts/Rules for the purpose of their implementation:-

1. The Water (Prevention and Control of Pollution) Act, 1974.
2. The Water, (Prevention and Control of Pollution) Cess Act, 1977.
3. The Air (Prevention and Control of Pollution) Act, 1981.
4. The Environment (Protection) Act, 1986 and following Rules made thereafter:-
  - a) The Hazardous Wastes (Management, Handling and Trans-boundary Movement) Rules, 2008.
  - b) The Manufacture, Storage and Import of Hazardous Chemicals rules, 1989.
  - c) The Biomedical Waste (Management and Handling) Rules, 1998.
  - d) The Plastics Waste (Management and Handling) Rules, 2011.
  - e) The Municipal Solid Waste (Management & Handling) Rules, 2000.
  - f) The Noise Pollution (Regulation and Control) Rules, 2000.
  - g) The Batteries (Management and Handling) Rules, 2001.
  - h) The Public Liability Insurance Act, 1991.

#### **2 Designing and implementation of a system for identifying Establishments needed to be inspected.**

- 2.1 Schedule of Mandatory Inspections has been conceived in such a manner that only less than 20% of the total consent applied/ granted units (projects/ industries/ establishments) are inspected in any financial year. Selection of industries shall be done through a system developed for identifying the establishments that need to be inspected, based on computerized risk assessment considering the different compliance requirements and prevailing categorization of industry.
- 2.2 Other than Mandatory Inspections, there may be a requirement to inspect in following circumstances:-
  - (a) In compliance of orders of various courts/ Tribunals.

- (b) Orders issued from Head Office for the purpose of verifying the compliance made by the unit.
- (c) Re-sampling on the request of unit itself.
- (d) For verification of complaints.
- (e) To initiate legal action against illegally established / operating units.

### **3 Inspection by Authorized officers of the Board.**

Every inspection shall be carried out after permission of the competent authority except in the case of inspection of those illegal units which are found established & operating without CTE and CTO of the Board. A computerized system will be designed and developed for computerized allocation of the inspectors. The same inspecting officer of the Board will not inspect the same unit twice consecutively as per the provisions of the order issued vide Endst. No. HSPCB/PLG-135/2016/5235-60 dated 04.02.2016.

### **4 Purpose and events of the inspection of the units.**

#### **4.1 Consent to Establish (CTE)**

##### **4.1.1 New Consent to Establish**

No inspection is required for the purpose of dealing the cases of CTE unless violation come to the notice of the Board and self certification for compliance of prescribed policies & norms will be considered sufficient to decide the consent to establish applications subject to submission of complete application alongwith prescribed documents & consent fee.

##### **4.1.2 Extension of Consent to Establish**

There will be a provision for auto renewal of CTE subject to compliance of the policies of the Board framed in this regard. Inspection will not be carried out and auto renewal of CTE will be done on the basis of self declaration of the unit regarding compliance of the conditions of the original CTE and Environmental Clearance (EC) if applicable and undertaking for installation of pollution control measures/ devices as per scheme/ proposal already submitted.

##### **4.1.3 Consent to Establish for Expansion of the project**

Inspection will not be carried out for processing the case for Consent to Establish for Expansion of the project and Consent to Establish for Expansion of the project will be granted in case the unit submits required documents and prescribed consent fee as per policies of the Board alongwith (a) self certification regarding compliance of prescribed standards for discharge of Environmental Pollutants in the existing operating project of the unit (b) submission of copy of valid CTO under Water Act, 1974/ Air Act, 1981 and authorization under HWM, Rules (c) copies of latest Mandatory Inspection reports and (d) Analysis Reports of effluent / air emissions/ noise as applicable from Board's Laboratories or Recognized laboratories.

## 4.2 Consent to Operate (CTO)

### 4.2.1 I<sup>st</sup> Consent to Operate

No separate trial consent will be granted. I<sup>st</sup> consent to operate will include trial consent. Inspection of the industry will be carried out by the authorized officer/ officers of the Board before commissioning of the production in the unit and before giving the I<sup>st</sup> CTO, after approval from the Competent Authority to check the status regarding installation of pollution control measures/ devices undertaken at the time of obtaining the CTE as well as their structure adequacy before deciding the cases of I<sup>st</sup> CTO.

After grant of the I<sup>st</sup> CTO the inspection of the unit will be carried out by the authorized officer within a period of 3 months of grant of I<sup>st</sup> CTO for collection of samples of effluent/ air emissions/ noise in case sampling is required.

In case the analysis report of samples of Air/ effluent/ noise so collected are found complying the standards prescribed under EP Rules, 1986, the I<sup>st</sup> CTO so granted will remain valid for the period of CTO for which it has been granted based upon the category of the unit or as was demanded by the unit but in case of failure of sample the I<sup>st</sup> CTO so granted will be revoked/ cancelled after following the due procedure.

### 4.2.3 Renewal of Consent to Operate

There will be provision of auto renewal of CTO as per policy of the Board framed in this regard, but there will be no requirement of inspection of industries at the time of renewal of CTO in case the unit submits fresh analysis reports (not more than 3 months old) of effluent, air emissions and noise as applicable, from any of the recognized laboratories showing the compliance of prescribed standards with self certification and undertaking for compliance of the relevant provisions of Acts/Rules as applicable and adherence to the prescribed standards alongwith latest Mandatory Inspection report / analysis reports conducted by the team of officer of the Board as per provisions of this policy.

In case the unit wants to get their samples of effluent/air emissions/noise, analyzed from Board's laboratories for the purpose of renewal of consent to operate, the inspection will be carried out for the purpose of this sampling by the officer of the Board permitted by Competent Authority.

### 4.2.4 Mandatory Inspections

The category wise list of all the units covered under consent management and BMW Rules will be uploaded in the software system to be developed by the Board for implementation of inspection policy and the same shall be updated from time to time by the concerned Regional Officers.

The periodicity of inspections/ sampling of various units by the authorized officers of the Board under various categories for existing units will be as under:-

Sr. No.	Category of the industries/ projects	Periodicity
(a)	17 type highly polluting industries defined by CPCB (among red category)	3 Years
(b)	Red category of industries other than those mentioned at Sr. No. (a) above	5 Years
(c)	Orange category of industries	7 Years

At the time of collecting the samples of effluent/ air emission/ noise by the authorized officer of the Board during the above Mandatory Inspection, the relevant legal provisions of sec. 21 of Water Act, 1974 and sec. 26 of Air Act, 1981 and Rules made their under shall be complied with by the inspecting officer.

The list of industries / projects to be inspected every month and name of the inspecting officers for inspecting these industries will also be selected through software system based on computerized risk assessment and will be uploaded on the website of the Board and copy of the same will be supplied to the concerned.

#### **4.2.5 Inspections for Redressal of Complaints received through CM Window portal, Grievances Committees at District Levels under the Chairmanship of Hon'ble Minister and otherwise by Deputy Commissioners.**

Inspection of only those units against which complaints will be received only through CM Window portal, District Level Grievance Committees and otherwise by Deputy Commissioners, will be done by the authorized officers of the Board with due permission of competent authority.

#### **4.2.6 Directions/ orders from various Courts/Tribunal/ Appellant Authority/CPCB.**

The authorized officers of the Board will visit the units as per requirement for compliance of orders passed by various Courts/Tribunals/ Appellant Authority/CPCB from time to time after taking approval from Competent Authority for which the concerned Regional Officer will submit the proposal to Head Office immediately after receipt of such orders.

#### **4.2.7 Inspection on the request of the Industry**

**4.2.7.1** As per policy of the Board, the units which are found not complying with the prescribed standards for discharging environmental pollutants, due to inadequate Pollution Control Devices (PCDs) or improper operation of the same, then such units after making up-gradation or making rectification in the component of PCDs or after sorting out their operational problems, can request the Board to get their units inspected for verification of the same and for re-sampling afresh to prove the compliance of the prescribed standards and to avoid the legal/ closure action against their units. On receipt of request from such unit the inspection of such units will be allowed by the competent authority on priority basis to check the compliance status and for re-sampling.

**4.2.7.2** As per policy of the Board, the industries are at liberty to get the samples of their effluent/ air emissions/ noise as applicable, analyzed either from the Board's Lab or from any other Labs recognized by the Board for the purpose of renewal of CTO. In case any such unit makes request for sampling and testing of their samples of effluent/ air emissions/ noise from the Board Labs then the ROs will update the list of such units in the software system on regular basis and sampling program for such units will be issued separately from H.O. through software system.

The detail of such pending samples, requested by the units, will be submitted by RO immediately after notification of this policy and no such samples will be collected by ROs at their own level.

Thrust will be given that units obtain CTO for 5 years in case of Red category and 10 year in case of orange category of industries to minimize necessity of inspections.

#### **4.2.8 Inspection of illegal industries/ units.**

The field officers will also visit those industries which are found established and operating illegally without obtaining CTE/CTO and authorization/registration under relevant Acts/Rules as applicable on such units. No approval is required from the Competent Authority for such inspections but such inspections will include proper sampling of effluent/ air emissions/ noise, as required by following the due legal procedure laid down for legal samples under relevant Acts/Rules.

#### **5 Requirement of Sampling and submission of analysis report from Board's Laboratories.**

The industries covered under consent management will submit analysis report of effluent/air emission/noise as applicable only from the Board's laboratories at the time of obtaining 1<sup>st</sup> regular CTO and thereafter the industries will be at liberty to get their samples analyzed from any other Government/Semi Government/Private laboratories recognized by Board for the purpose of renewal of CTO, instead of year to year basis.

In the case of Mandatory Inspections, court matters, re-sampling and complaints, the samples will be got analyzed from the Board Laboratories.

#### **6 Verification and Assessment under Water (Prevention and Control of Pollution) Cess Act, 1977.**

In case the units have installed water meters on all the sources of water and at all the distribution systems for use under different heads as prescribed in the Act and file the cess returns every month, then such units will not be inspected for verification of cess for that particular period and assessment orders will be issued based upon the cess returns filed by such units and self certification submitted by them alongwith cess returns stating that the cess returns filed are based on actual consumption and further they undertake to pay the difference of cess amount if any found at the time of actual cess verification at site. The actual verification in case of such unit will be done at the time of Mandatory Inspection of industry to be conducted for verification of CTO application or on other events. RO will ensure that all the units covered under Water Cess Act should install water meters at all appropriate locations and file cess returns every month as per provisions of Water Cess Act, 1977. Water meter of such units will be sealed by the Board.

The industries / establishments which have not installed water meters and are not filing cess returns regularly, will be inspected for verification of the cess at the time of the verification of CTO application of the said industry or on other events as per approval of the competent authority. In case the verification of CTO application is not required then such units will be inspected once in a year exclusively for the purpose of verification of water cess which is mandatory to have actual assessment of water cess based upon actual consumption of water under various heads as per provisions of Water Cess

Act, 1977. The inspection report will be submitted as per proforma enclosed as **Annexure-1**. ROs will update the list of such units in the software system on regular bases and inspection schedule for such units will be issued separately from Head Office through software system.

## **7 Inspection of Health Care Units (HCUs) required for authorization under Bio Medical Waste (M&H) Rules, 1998;**

The HCUs having 20 beds or more are covered under consent management and therefore will be governed by the provisions of this policy prescribed for the industries/projects/units requiring CTE and CTO.

Rest of HCUs will be inspected only at the time of obtaining 1<sup>st</sup> authorization and thereafter at the time of its renewal on approval from competent authority. ROs will update the list of such units in the software system on regular bases and inspection schedule for such units will be issued separately from H.O. through software system.

## **8 Common Treatment and Disposal Facilities (CTDFs).**

### **8.1 Registration under E-Waste (M&H) Rules, 2011, Plastic Waste (M&H) Rules, 2011, Hazardous Waste (MH &TM) Rules, 2008 and Authorization to service providers for common Bio Medical Waste Treatment and disposal facility under Bio Medical Rules (M&H) Rules 1998.**

Where an industry/ project proponent applies for registration under E-Waste (M&H) Rules, 2011 or under Plastic Waste (M&H) Rules, 2011 or under Hazardous Waste (MH &TM) Rules, 2008 or any service provider for authorization of common Bio Medical Waste Treatment and disposal facility under Bio Medical (M&H) Rules, 1998 then Regional Officer will seek the prior permission from competent authority for conducting the inspection of such facilities/ establishments to check the installation of pollution control devices and arrangements based on environmentally sound technologies as per provisions of these Rules and guidelines issued by Central Pollution Control Board/Haryana State Pollution Control Board for registration/authorization of such units.

### **8.2 Regular inspection of CTDFs**

Common treatment and disposal facilities for Hazardous Waste, Bio Medical Waste, Municipal Solid Waste and Common Effluent Treatment Plant and Sewage Treatment Plant of the towns will be inspected quarterly by the team of officers allotted for the inspection by the competent authority. Regional Officers will update the list of all such facilities from time to time in the software system for this purpose.

## **9 Reporting of inspections**

Reports of all the inspections/samplings will be done by the officer inspecting the industries/ projects through online system (to be developed by the Board), within 48 hours of each inspection to the Head Office, stating the outcome of inspection as per prescribed format for industries/ projects under Water Act, 1974, Air Act, 1981 and EP Rules given at **Annexure-A** and for

Health Care units under BMW Rules given at **Annexure-B** which will also be accessible to the concerned units.

The inspection reports in case of common treatment and disposal facilities such as CETPs/ STPs, common facilities for treatment and disposal of Bio Medical Waste and Hazardous Waste, recyclers/re-processors of Hazardous Waste, dismantlers and recyclers of e-waste and recyclers of plastic waste will be submitted on the already prescribed performas.

The order for submission of inspection reports within 48 hours has already been issued separately vide order Endst. No. HSPCB/PLG-135/2016/5235-60 dated 04.02.2016. The non submission of inspection reports within 48 hours by the inspecting officers will not render the inspection so carried out invalid but would entail disciplinary action against the inspecting officer/ officers.

The users will be allowed to login to the portal to view and download the submitted inspection reports of their units.

**10 Action against units found violating the provisions on Environmental Acts/ Rules.**

In case of industries/projects/units which are found during inspection not complying the applicable provisions of the relevant Acts/ Rules/ Policies or conditions of the Environmental Clearance (if applicable) and conditions of CTE/CTO/Authorizations/Registrations/NOCs granted by the Board or not installed or not operating the pollution control measures or not complying the standards prescribed for discharge of Environmental Pollutants or any other violations noticed during inspections, the proposal for taking the appropriate action against such units under the relevant Acts/Rules/Policies will be submitted by the concerned Regional Office to the Head Office within 07 days of inspection or after receipt of analysis report of samples collected during the inspection of the unit and the same will be uploaded on the website of the Board.

## Annexure-1

**Sub: Cess Verification report under section -6(i) of Water (Prevention & Control of Pollution) Cess Act, 1977 for the period from \_\_\_\_\_ to \_\_\_\_\_ of M/s \_\_\_\_\_.**

**(A) General Details :-**

1.	Date of Commissioning of unit	
2.	Process / product /activity of the unit/project	
3.	Status regarding compliance of section 25 of Water Act, 1974	
4.	Status of ETP and compliance of all standards laid down in EPA, 1986.	
5.	Returns U/S 5(2) (details if filed)	
6.	Whether unit is consuming water with in the limits prescribed under Water Cess Act, 1977.	
7.	Whether unit generates Hazardous Waste	
8.	Cess already assessed upto	

**(B) Details of Water Consumption and Cess :-**

There is change/no change in the process/consumption of water from previous assessment period and the details of Water consumption under various 'Heads' is as under (Calculation sheet for assessment of water consumption enclosed).

Sr. No.	Purpose for which water is consumed	Qty. (KL) Month	Period (Mont hs)	Total Consumpti on (KL)	Rate (Paisa/ KL)	Amou nt (in Rs.)
1.	Domestic consumption					
2.	Industrial cooling, spraying mine pits or boiler feeds					
3.	Processing Whereby water gets polluted and the pollutants are- i. Easily bio degradable; or non-toxic; or ii. Both non toxic and Easily Bio-Degradable					
4.	Processing Whereby water gets polluted and the pollutants are- i. Not Easily bio degradable; or ii. Toxic; or iii. Both non toxic and Easily Bio-Degradable					
	Gross Total					

Signature of the representative of the unit Name Designation & Address

Signature of the Officer/Officers of the Board who conducted the inspection

Name & Designation

**Annexure-A****HARYANA STATE POLLUTION CONTROL BOARD****SPOT INSPECTION REPORT OF THE INDUSTRIES****A General Information of unit**

1. Name & Address of the unit : \_\_\_\_\_  
\_\_\_\_\_
2. Email id of the unit/occupier :
3. Telephone Nos. :
4. Fax Nos. :
5. Date & Time of Inspection :
6. Category of Unit : Red/Orange/Green
7. Type of Units : 17 Category/Seriously  
Polluting /others
8. Size of unit based upon investment cost  
of Plant & Machinery : Large/ Medium/ Small
9. Name of the representative of the unit with  
designation present at the time of the inspection. :
10. Name of the Directors/partners/Proprietor/  
Manager/Occupier etc. :
11. Detail of products/by product manufactured  
(with capacity of installation &  
quantity per annum) :
12. Detail of Raw Material used  
(with quantity per annum) :
13. Manufacturing Process (in brief) :
14. Detail of Machinery installed involving  
polluting process :
15. Date of Commissioning of the unit :
16. Status of Consent to Establish :
17. Status of Consent to Operate :
18. Status of Authorization under HWM Rules. :

**B Air Pollution**

1. Sources of air emissions from process of  
unit including fugitive emissions with type  
of Boilers/Furness, capacity & stack height. :
2. Status of online monitoring System (Stacks/ AAQ):  
if applicable
3. Details about deviation in the details/ stack of Air :  
emission/ type of fuel if any already provided to  
Board.

4. Detail of Stacks/ Chimneys/ Vents :
5. Whether Height of all stacks/ Chimneys as per norms :
6. Capacity of D.G. Sets :
7. Stack height of D.G. Sets above programme and whether as per norms :
8. Status of Acoustic Enclosure on D. G. Sets :
9. Noise results of DG Sets Monitored during inspection :
10. Type & Quantity of Fuel used (Separate for each source) :
11. Status of Air Pollution Control Devices (APCD) :
  - (a) Required or Not :
  - (b) Provided or Not :
  - (c) Detail of APCD provided with detail of all Components. :
  - (d) Whether Structurally adequate or Not :
  - (e) Whether operating APCD Satisfactorily :
12. Whether provided separate flow meters in case of wet scrubber :
13. Whether maintained Log Book for consumption of Electricity/ Chemicals/ water for APCD. :
14. Detail of treatment of effluent in case of wet scrubber & its mode of disposal. :
15. Whether provided Sampling arrangements on all stacks /chemneys including DG Sets. :
16. General Remarks :

**C Water Consumption**

1. Sources of water supply :
2. Detail of measuring devices provided if any such as flow Meters, V- notch etc. :
3. Whether measuring devices has been sealed :
4. Whether maintained the log book for supply of water from all sources & consumption for various uses. :
5. Detail of Water Consumption per day/ month
  - (a) Domestic Purpose :
  - (b) Boiler / Cooling :
  - (c) Industrial use (Easily Biodegradable) :
  - (d) Industrial use (Not Easily Biodegradable) :
  - (e) Other :
6. General Remarks :

**D Water Pollution**

1. Source & processes of Water Pollution including raw water treatment if any :

- |     |  |   |                         |
|-----|--|---|-------------------------|
| 2.  | No. of outlets for discharge of effluent   | : | Domestic:<br>Trade:     |
| 3.  | Quality of Effluent in KLD   | : | Domestic:<br>Trade:     |
| 4.  | Status of Effluent Treatment Plant (ETP)/<br>Sewage Treatment Plant (STP)  | : |                         |
|     | (a) Required or Not  | : | STP            ETP      |
|     | (b) Installed or Not   | : |                         |
|     | (c) Detail of STP/ETP Provided (if required) with<br>detail of all components and technology used                                    | : |                         |
|     | (d) Whether structurally adequate or not   | : |                         |
|     | (e) Whether operating STP/ETP Satisfactorily   | : |                         |
|     | (f) Whether provided online chemical dosing system/<br>pH meter  | : |                         |
| 5.  | Mode of Discharge of effluent  | : | Domestic:<br><br>Trade: |
| 6.  | Name of Water recipient body if any  | : |                         |
| 7.  | Detail of land in case effluent is discharged for<br>percolation/ irrigation purpose with justification for<br>its 100% utilization. | : |                         |
| 8.  | Status of ZLD as per CPCB directions if applicable :   | : |                         |
| 9.  | Whether provided flow meters on outlet & inlet of<br>ETP/STP   | : |                         |
| 10. | Whether provided separate electricity meter on<br>ETP/STP  | : |                         |
| 11. | Whether maintained Log Book for consumption of<br>Electricity/ Chemicals/Quantity of effluent.                                       | : |                         |
| 12. | Status of online monitoring System, if applicable  | : |                         |
| 13. | General Remarks  | : |                         |

**E    Hazardous Waste Management**

- |    |  |   |  |
|----|--|---|--|
| 1. | Category of Hazardous Waste generated as per rules                   | : |  |
| 2. | Type & Qty. of Hazardous Waste generated                             | : | (i) incinerable<br>(ii) recyclable<br>(iii) disposable<br>for landfill<br>(iv) Total |
| 3. | Stock-Pile Quantity of Hazardous Waste                               | : |  |
| 4. | Mode of Disposal & treatment of Haz. Waste                           | : |  |
| 5. | Size of Hazardous waste storage site                                 | : |  |
| 6. | Display Board for Hazardous Waste at Factory Gate<br>Provided or not | : |  |
| 7. | Whether agreement made with the service provider                     | : |  |

for disposal of hazardous waste (if yes, give detail with validity

- 8. Details of Hazardous Waste transported to service provider :

**F Hazardous Chemicals Handling & Management and PLI Act, 1991**

- 1. List & Qty. of Hazardous chemical handled & used :  
(if any) with threshold quantity
- 2. Whether prepared on site emergency plan and taken Insurance policy under PLI Act, 1991. :
- 3. Name of insurer agency with date & validity of policy :
- 4. Whether Hazardous chemicals handling & storage :  
facility is adequate
- 5. Remarks

Signature of the representative of the unit  
Name Designation & Address  
inspection

Signature of the Officer/Officers  
of the Board who conducted the

Name & Designation

Annexure-B**HARYANA STATE POLLUTION CONTROL BOARD****Spot Inspection Report****(For Health Care Units/Institution under Bio Medical Waste (M&H) Rules, 1998)**

1. Name & Address of the Health Care Unit/  
Institution etc. with Email ID, Telephone No.  
and Fax No. of the unit. : M/s
2. Date and time of inspection. :
3. Name & designation of the representative of  
the unit present at the time of inspection. :
4. Name & designation of the owners/occupier/  
Manager etc. of the unit with address. :
5. Status of authorization with date and validity. :
6. Type of health care unit.(Hospital/ Nursing  
Home/Clinic/ Blood Bank/ Veterinary  
Institution etc.) :
7. No. of Patients in OPD/Day :
8. No. of Beds
9. Whether agreement with authorized service  
provider executed or not ? : Yes/ No
10. Name & address of Service Provider with :  
Whom agreement executed with date of  
agreement and its validity.
11. Detail of arrangements made for safe disposal  
Of Bio Medical Waste in case agreement not  
executed with service provider. :
12. Needle destroyer provided or not : Yes/No
13. Whether Hypo Chlorite treatments given to  
plastic waste/sharp waste or not? : Yes/No
14. Whether desired colored bins provided or not? : Yes/No
15. Whether waste being segregated at the site  
or not? : Yes/No
16. Status of ETP/ STP :
17. Capacity of D.G. Sets :
18. Stack height of D.G. Set above roof level and  
whether as per norms. :
19. Status of Acoustic Enclosure on D. G. Sets. :
20. Noise results of DG Sets Monitored during  
Inspection. :
21. Over all remarks :  
Signature of the representative  
of the unit Name Designation  
& Address : Signature of the Officer/Officers  
of the Board who conducted the  
inspection

Name &amp; Designation



(TRUE COPY)



# Vardan EnviroLab

Laboratory: Plot No. 82A, Sector - 5, IMT Manesar, Gurugram - 122051, Haryana  
ISO 9001 | ISO 14001 | ISO 45001

## Test Report

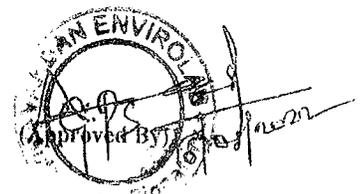
Sample Number: VEL/RMC/ST/01 Report No.: VEL/ST/2208/11/001  
Name & Address of Party: M/s Rathi Minerals and Chemicals Format No.: 7.8 F-01  
Village - Bayal, Tehsil - Narnaul, Party Reference No.: NIL  
Distt. - Mohindergarh (Haryana) Reporting Date: 15/08/2022  
Period of Analysis: 11/08/2022 to 15/08/2022  
Sample Description : Furnace Stack Emission Monitoring Receipt Date: 11/08/2022

Sample Collected : Vardan Enviro Lab Representative  
Date of Sampling : 10/08/2022  
Sampling Location : Grinding Unit  
Sampling duration (Minutes) : 40.0  
Stack attached to : Furnace Stack  
Stack Height From Ground Level (Fit) : 26 Fit  
Diameter of the Stack (inch) : 9 Inch  
Meteorological Condition : Clear Sky  
Control Measure : Nil  
Instrument calibration status : Calibrated  
Ambient Temperature - Ta (°C) : 39.0  
Temperature of Stack Gases - Ts (°C) : 132.0  
Velocity of Stack Gases (m/sec.) : 7.32  
Flow rate of PM (LPM) : 24.0  
Flow rate of Gas (LPM) : 2.0  
Sampling condition : Isokinetic  
Protocol used : IS :11255 & CPCB Guideline

### TEST RESULTS

S. No.	Parameters	Protocol	Units	Results	Limits (As Per CPCB)
1.	Particulate Matter (as PM)	IS 11255 (P-1) Gravimetric Method. RA:2003	ng/Nm <sup>3</sup>	82.71	150.0
2.	Oxide of Nitrogen (as NO <sub>x</sub> )	IS 11255 (P-7) Colorimetric Method. RA:2012	mg/Nm <sup>3</sup>	*BDL(**DL-5.0 mg/Nm <sup>3</sup> )	--
3.	Sulphur Dioxide (as SO <sub>2</sub> )	IS 11255 (P-2) Titrimetric Method. RA:2003	mg/Nm <sup>3</sup>	*BDL(**DL-5.0 mg/Nm <sup>3</sup> )	--

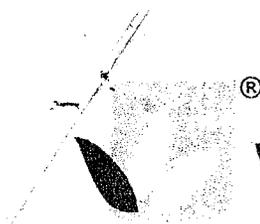
Note: \*BDL- Below Detection Limits, \*\*DL- Detection Limit.



Note: Terms & conditions refer on backside of test report.

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Ph: 0124-4343750/752/753, 9810355569, 9953147268 E-mail: lab@vardanenviromet.com, bd@vardanenviromet.co



# Vardan EnviroLab

Laboratory: Plot No. 82A, Sector - 5, IMT Manesar, Gurugram - 122051, Haryana  
 ISO 9001|ISO 14001|ISO 45001

## Test Report

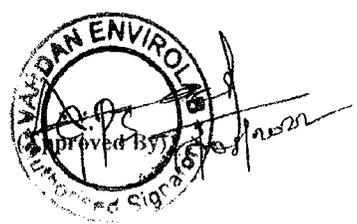
Sample Number:	VEL/RMC/ST/01	Report No.:	VEL/ST/2208/11/001
Name & Address of Party:	M/s Rathi Minerals and Chemicals Village - Bayal, Tehsil - Narnaul, Distt. - Mohindergarh (Haryana)	Format No.:	7.8 F-01
		Party Reference No.:	NIL
		Reporting Date:	15/08/2022
		Period of Analysis:	11/08/2022 to 15/08/2022
Sample Description :	Furnace Stack Emission Monitoring	Receipt Date:	11/08/2022

Sample Collected	:	Vardan Enviro Lab Representative
Date of Sampling	:	10/08/2022
Sampling Location	:	Grinding Unit
Sampling duration (Minutes)	:	40.0
Stack attached to	:	Furnace Stack
Stack Height From Ground Level (Fit)	:	26 Fit
Diameter of the Stack (inch)	:	9 Inch
Meteorological Condition	:	Clear Sky
Control Measure	:	Nil
Instrument calibration status	:	Calibrated
Ambient Temperature - Ta (°C)	:	39.0
Temperature of Stack Gases - Ts (°C)	:	132.0
Velocity of Stack Gases (m/sec.)	:	7.32
Flow rate of PM (LPM)	:	24.0
Flow rate of Gas (LPM)	:	2.0
Sampling condition	:	Isokinetic
Protocol used	:	IS :11255 & CPCB Guideline

### TEST RESULTS

S. No.	Parameters	Protocol	Units	Results	Limits (As Per CPCB)
1.	Particulate Matter (as PM)	IS 11255 (P-1) Gravimetric Method, RA:2003	mg/Nm <sup>3</sup>	82.71	150.0
2.	Oxide of Nitrogen (as NO <sub>x</sub> )	IS 11255 (P-7) Colorimetric Method, RA:2012	mg/Nm <sup>3</sup>	*BDL(**DL-5.0 mg/Nm <sup>3</sup> )	--
3.	Sulphur Dioxide (as SO <sub>2</sub> )	IS 11255 (P-2) Titrimetric Method, RA:2003	mg/Nm <sup>3</sup>	*BDL(**DL-5.0 mg/Nm <sup>3</sup> )	--

Note: \*BDL- Below Detection Limits, \*\*DL- Detection Limit.



*(True Copy)*

Note: Terms & conditions refer on backside of test report.

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# Vardan EnviroLab

Laboratory: Plot No. 82A, Sector - 5, IMT Manesar, Gurugram - 122051, Haryana  
ISO 9001 | ISO 14001 | ISO 45001

## Test Report

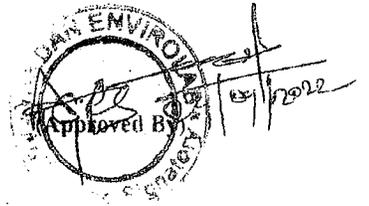
**Sample Number:** VEL/RMC/ST/01 **Report No.:** VEL/ST/2209/21/001  
**Name & Address of Party:** M/s Rathi Minerals and Chemicals **Format No.:** 7.8 F-01  
 Village - Bayal, Tehsil - Narnaul, **Party Reference No.:** NIL  
 Distt. - Mohindergarh (Haryana) **Reporting Date:** 24/09/2022  
**Period of Analysis:** 21/09/2022 to 24/09/2022  
**Sample Description:** Furnace Stack Emission Monitoring **Receipt Date:** 21/09/2022

Sample Collected : Vardan Enviro Lab Representative  
 Date of Sampling : 20/09/2022  
 Sampling Location : Grinding Unit  
 Sampling duration (Minutes) : 40.0  
 Stack attached to : Furnace Stack  
 Stack Height From Ground Level (Fit) : 26 Fit  
 Diameter of the Stack (inch) : 9 Inch  
 Meteorological Condition : Clear Sky  
 Control Measure : Nil  
 Instrument calibration status : Calibrated  
 Ambient Temperature - Ta (°C) : 37.0  
 Temperature of Stack Gases - Ts (°C) : 135.0  
 Velocity of Stack Gases (m/sec.) : 7.42  
 Flow rate of PM (LPM) : 25.0  
 Flow rate of Gas (LPM) : 2.0  
 Sampling condition : Isokinetic  
 Protocol used : IS:11255 & CPCB Guideline

## TEST RESULTS

S. No.	Parameters	Protocol	Units	Results	Limits (As Per CPCB)
1.	Particulate Matter (as PM)	IS 11255 (P-1) Gravimetric Method. RA:2003	mg/Nm <sup>3</sup>	79.34	150.0
2.	Oxide of Nitrogen (as NO <sub>x</sub> )	IS 11255 (P-7) Colorimetric Method. RA:2012	mg/Nm <sup>3</sup>	*BDL(**DL-5.0 mg/Nm <sup>3</sup> )	--
3.	Sulphur Dioxide (as SO <sub>2</sub> )	IS 11255 (P-2) Titrimetric Method. RA:2003	mg/Nm <sup>3</sup>	*BDL(**DL-5.0 mg/Nm <sup>3</sup> )	--

Note: \*BDL- Below Detection Limits, \*\*DL- Detection Limit.





# Vardan EnviroLab

Laboratory: Plot No. 82A, Sector - 5, IMT Manesar, Gurugram - 122051, Haryana  
ISO 9001 | ISO 14001 | ISO 45001

39

## Test Report

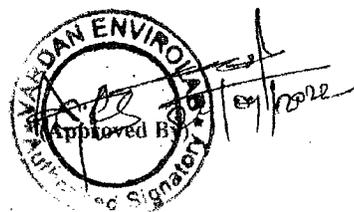
<b>Sample Number:</b>	VEL/RMC/ST/01	<b>Report No.:</b>	VEL/ST/2209/21/001
<b>Name &amp; Address of Party:</b>	M/s Rathi Minerals and Chemicals Village - Bayal, Tehsil - Narnaul, Distt. - Mohindergarh (Haryana)	<b>Format No.:</b>	7.8 F-01
		<b>Party Reference No.:</b>	NIL
		<b>Reporting Date:</b>	24/09/2022
		<b>Period of Analysis:</b>	21/09/2022 to 24/09/2022
<b>Sample Description :</b>	Furnace Stack Emission Monitoring	<b>Receipt Date:</b>	21/09/2022

Sample Collected	:	Vardan Enviro Lab Representative
Date of Sampling	:	20/09/2022
Sampling Location	:	Grinding Unit
Sampling duration (Minutes)	:	40.0
Stack attached to	:	Furnace Stack
Stack Height From Ground Level (Fit)	:	26 Fit
Diameter of the Stack (inch)	:	9 Inch
Meteorological Condition	:	Clear Sky
Control Measure	:	Nil
Instrument calibration status	:	Calibrated
Ambient Temperature - Ta (°C)	:	37.0
Temperature of Stack Gases - Ts (°C)	:	135.0
Velocity of Stack Gases (m/sec.)	:	7.42
Flow rate of PM (LPM)	:	25.0
Flow rate of Gas (LPM)	:	2.0
Sampling condition	:	Isokinetic
Protocol used	:	IS : 11255 & CPCB Guideline

## TEST RESULTS

S. No.	Parameters	Protocol	Units	Results	Limits (As Per CPCB)
1.	Particulate Matter (as PM)	IS 11255 (P-1) Gravimetric Method, RA:2003	mg/Nm <sup>3</sup>	79.34	150.0
2.	Oxide of Nitrogen (as NO <sub>x</sub> )	IS 11255 (P-7) Colorimetric Method, RA:2012	mg/Nm <sup>3</sup>	*BDL(**DL-5.0 mg/Nm <sup>3</sup> )	--
3.	Sulphur Dioxide (as SO <sub>2</sub> )	IS 11255 (P-2) Titrimetric Method, RA:2003	mg/Nm <sup>3</sup>	*BDL(**DL-5.0 mg/Nm <sup>3</sup> )	--

Note: \*BDL- Below Detection Limits, \*\*DL- Detection Limit.



Note: Terms & conditions refer on backside of test report.

(True copy)

www.vardan.co

Ph: 0124-4343750/752/753, 9810355569, 9953147268 E-mail: lab@vardanenvirolab.com, bd@vardanenvirolab.com


**HARYANA STATE POLLUTION CONTROL BOARD**

 Lala Nemi Chand Singhal Enc. Sohna Road,  
Near Hanuman Mandir, Dharuhera

Ph. 01274-244440-41(O)

E-mail: hspcb.pkl@sify.com



No. HSPCB/Consent/ : 313118818MAHCTOA5044174

Dated: 18/02/2018

To,

M/s :Rathi Minearl and Chemicals

Vill Baya, tehsil-Nangal Chaudhary, Distt-MOHindergarh

Subject: Grant of consent to operate to M/s Rathi Minearl and Chemicals.

Please refer to your application no. 5044174 received on dated 2018-01-31 in regional office Dharuhera. With reference to your above application for consent to operate, M/s Rathi Minearl and Chemicals is here by granted consent as per following specification/Terms and conditions.

Consent Under	AIR
Period of consent	01/04/2018 - 31/03/2023
Industry Type	Dry coal processing, mineral processing, industries involving ore sintering, pelletisating, grinding & pulverization
Category	ORANGE
Investment(In Lakh)	23.5499992
Total Land Area(Sq. meter)	4000.0
Total Builtup Area(Sq. meter)	1500.0
<b>Quantity of effluent</b>	
1. Trade	0.0 KL/Day
2. Domestic	0.1 KL/Day
Number of outlets	1.0
<b>Mode of discharge</b>	
1. Domestic	Septic Tank
2. Trade	
<b>Domestic Effluent Parameters</b>	
1. NA	
<b>Trade Effluent Parameters</b>	
1. NA	
Number of stacks	1
<b>Height of stack</b>	
1. attached to apcm on grinding section	11 meter
<b>Emission parameters</b>	
1. SPM	150 mg/m <sup>3</sup>

<b>Product Details</b>	
1. ALL KIND OF MINERAL POWDER	30 Metric Tonnes/day
<b>Capacity of boiler</b>	
1. na	0 Ton/hr
<b>Type of Furnace</b>	
1. na	0
<b>Type of Fuel</b>	
1. Electricity	100 Kilowatt/day
<b>Raw Material Details</b>	
SMALL SIZE OF STONE BOULDERS	30 Metric Tonnes/Day

*Regional Officer, Dharuhera  
Haryana State Pollution Control Board.*

**Terms and conditions**

1. The applicants shall maintain good house keeping both within factory and in the premises. All hose pipelines valves, storage tanks etc. shall be leak proof. In plant allowable pollutants levels, if specified by State Board should be met strictly.
2. The applicant/company shall comply with and carry out directive/orders issued by the Board in this consent order at all subsequent times without negligence of his /its part. The applicant/company shall be liable for such legal action against him as per provision of the law/act in case of violation of any order/directives. Issued at any time and or non compliance of the terms and conditions of his consent order.
3. The applicant shall make an application for grant of consent at least 90 days before the date of expiry of this consent.
4. Necessary fee as prescribed for obtaining renewal consent shall be paid by the applicant alongwith the consent application.
5. If due to any technological improvement or otherwise this Board is of opinion that all or any of the conditions referred to above required variation (including the change of any control equipment either in whole or in part) this Board shall after giving the applicant an opportunity of being heard vary all or such condition and there upon the applicant shall be bound to comply with the conditions so varied.
6. The industry shall provide adequate arrangement for fighting the accidental leakages, discharge of any pollutants gas/liquids from the vessels, mechanical equipment etc. which are likely to cause environment pollution.
7. The industry shall comply noise pollution (Regulation and control) Rules, 2000.
8. The industry shall comply all the direction/Rules/Instructions as may be issued by the MOEF/CPCB/HSPCB from time to time.
9. The industry shall ensure that various characteristics of the effluents remain within the tolerance limits as specified in EPA Standard and as amended from time to time and at no time the concentration of any characteristics should exceed these limits for discharge.
10. The industry would immediately submit the revised application to the Board in the event of any change in the raw material in process, mode of treatment/discharge of effluent. In case of

- change of process at any stage during the consent period, the industry shall submit fresh consent application alongwith the consent to operate fee, if found due, which may be on any account and that shall be paid by the industry and the industry would immediately submit the consent application to the Board in the event of any change during the year in the raw material, quantity, quality of the effluent, mode of discharge, treatment facilities etc.
11. The officer/official of the Board shall reserve the right to access for the inspection of the industry in connection with the various process and the treatment facilities etc.
  12. Permissible limits for any pollutants mentioned in the consent to operate order should not exceed the concentration permitted in the effluent by the Board.
  13. The industry shall pay the balance fee, in case it is found due from the industry at any time later on.
  14. If the industry fails to adhere to any of the conditions of this consent to operate order, the consent to operate so granted shall automatically lapse.
  15. If the industry is closed temporarily at its own, they shall inform the Board and obtain permission before restart of the unit.
  16. The industry shall comply all the Directions/ Rules/ Instructions issued from time to time by the Board.

**Specific Conditions :**

1. Unit will strictly comply with the Guidelines issued for Mineral Grinding units issued by the CPCB and will maintain & operate its APCM regularly
2. Unit will apply for CTO at least 90 days before expiry of this consent period
3. Unit will submit fresh analysis report under Air Emission / Noise rules every year & will abide all the terms and conditions of the Board please.
4. Unit will comply with the orders of Hon'ble supreme court of India in writ Petition (s)/(civil) No 110/2006
5. Unit will deposit balance consent fee if any found due at any stage
6. The unit will plants sufficient Nos. of trees within & outside the premises
6. The unit will take raw material only from legal source of mines.

Kuldeep Singh

Regional Officer, Dharuhera  
Haryana State Pollution Control Board.

*(True Copy)*



**HARYANA STATE POLLUTION CONTROL BOARD**

Lala Nemi Chand Singhal Enc.Sohna Road,  
Near Hanuman Mandir,Dharuhera

Ph. 01274-244440-41(O)

E-mail: hspcb.pkl@sify.com

No. HSPCB/Consent/ : 313118818MAHCTOA5044174

Dated:18/02/2018

To.

M/s :Rathi Minearl and Chemicals

Vill Baya, tehsil-Nangal Chaudhary, Distt-MOhindergarh

Subject: Grant of consent to operate to M/s Rathi Minearl and Chemicals.

Please refer to your application no. 5044174 received on dated 2018-01-31 in regional office Dharuhera. With reference to your above application for consent to operate, M/s Rathi Minearl and Chemicals is here by granted consent as per following specification/Terms and conditions.

Consent Under	AIR
Period of consent	01/04/2018 - 31/03/2023
Industry Type	Dry coal processing, mineral processing, industries involving ore sintering, pelletisating, grinding & pulverization
Category	ORANGE
Investment(In Lakh)	23.5499992
Total Land Area(Sq. meter)	4000.0
Total Builtup Area(Sq. meter)	1500.0
<b>Quantity of effluent</b>	
1. Trade	0.0 KL/Day
2. Domestic	0.1 KL/Day
Number of outlets	1.0
<b>Mode of discharge</b>	
1. Domestic	Septic Tank
2. Trade	
<b>Domestic Effluent Parameters</b>	
1. NA	
<b>Trade Effluent Parameters</b>	
1. NA	
Number of stacks	1
<b>Height of stack</b>	
1. attached to apcm on grinding section	11 meter
<b>Emission parameters</b>	
1. SPM	150 mg/m <sup>3</sup>

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<b>Product Details</b>	
I. ALL KIND OF MINERAL POWDER	30 Metric Tonnes/day
<b>Capacity of boiler</b>	
I. na	0 Ton/hr
<b>Type of Furnace</b>	
I. na	0
<b>Type of Fuel</b>	
I. Electricity	100 Kilowatt/day
<b>Raw Material Details</b>	
SMALL SIZE OF STONE BOULDERS	30 Metric Tonnes/Day

*Regional Officer, Dharuhera  
Haryana State Pollution Control Board.*

#### Terms and conditions

1. The applicants shall maintain good house keeping both within factory and in the premises. All hose pipelines valves, storage tanks etc. shall be leak proof. In plant allowable pollutants levels, if specified by State Board should be met strictly.
2. The applicant/company shall comply with and carry out directive/orders issued by the Board in this consent order at all subsequent times without negligence of his /its part. The applicant/company shall be liable for such legal action against him as per provision of the law/act in case of violation of any order/directives. Issued at any time and or non compliance of the terms and conditions of his consent order.
3. The applicant shall make an application for grant of consent at least 90 days before the date of expiry of this consent.
4. Necessary fee as prescribed for obtaining renewal consent shall be paid by the applicant alongwith the consent application.
5. If due to any technological improvement or otherwise this Board is of opinion that all or any of the conditions referred to above required variation (including the change of any control equipment either in whole or in part) this Board shall after giving the applicant an opportunity of being heard vary all or such condition and there upon the applicant shall be bound to comply with the conditions so varied.
6. The industry shall provide adequate arrangement for fighting the accidental leakages, discharge of any pollutants gas/liquids from the vessels. mechanical equipment etc. which are likely to cause environment pollution.
7. The industry shall comply noise pollution (Regulation and control) Rules, 2000.
8. The industry shall comply all the direction/Rules/Instructions as may be issued by the MOEF/CPCB/HSPCB from time to time.
9. The industry shall ensure that various characteristics of the effluents remain within the tolerance limits as specified in EPA Standard and as amended from time to time and at no time the concentration of any characteristics should exceed these limits for discharge.
10. The industry would immediately submit the revised application to the Board in the event of any change in the raw material in process, mode of treatment/discharge of effluent. In case of

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change of process at any stage during the consent period, the industry shall submit fresh consent application alongwith the consent to operate fee, if found due, which may be on any account and that shall be paid by the industry and the industry would immediately submit the consent application to the Board in the event of any change during the year in the raw material, quantity, quality of the effluent, mode of discharge, treatment facilities etc.

11. The officer/official of the Board shall reserve the right to access for the inspection of the industry in connection with the various process and the treatment facilities. The consent to operate is subject to review by the Board at any time.

12. Permissible limits for any pollutants mentioned in the consent to operate order should not exceed the concentration permitted in the effluent by the Board.

13. The industry shall pay the balance fee, in case it is found due from the industry at any time later on.

14. If the industry fails to adhere to any of the conditions of this consent to operate order, the consent to operate so granted shall automatically lapse.

15. If the industry is closed temporarily at its own, they shall inform the Board and obtain permission before restart of the unit.

16. The industry shall comply all the Directions/ Rules/Instructions issued from time to time by the Board.

#### Specific Conditions :

1. Unit will strictly comply with the Guidelines issued for Mineral Grinding units issued by the CPCB and will maintain & operate its APCM regularly 2. Unit will apply for CTO at least 90 days before expiry of this consent period 3. Unit will submit fresh analysis report under Air Emission / Noise rules every year & will abide all the terms and conditions of the Board please. 4. Unit will comply with the orders of Hon'ble supreme court of India in writ Petition (s)(civil) No.110/2006 5. Unit will deposit balance consent fee if any found due at any stage.6. The unit will plants sufficient Nos. of trees within & outside the premises 6.The unit will take raw material only from legal source of mines.

Digitally signed by Kuldeep Singh  
Date: 2018.02.18 11:45:30 +05'30'

Kuldeep Singh  
Regional Officer, Dharuhera  
Haryana State Pollution Control Board.

  
(True copy)



**GOVERNMENT OF HARYANA**  
**DEPARTMENT OF MINES AND GEOLOGY**

No. Glg/Hy/SC/ L-1065

Dated :- 10-01-2020

Whereas **RATHI MINERALS AND CHEMICALS** Village **BAYAL** District **Mahendergarh** has/have applied for the license for running a crusher situated over an area bearing Khewat/ Khatoni/ Khasra No **KHEWAT NO.23 KHOTENI NO.44** Total Area **25** (K-M) in village **BAYAL** Tehsil **NANGAL CHOUDHARY** District **Mahendergarh** for a period of 3 years under sections 4 and 5 of the Haryana Regulation and control of Crusher Act 1991, read with rule 3 of the Haryana Regulation and Control of Crushers Rules, 1992, and has/have paid Rs. **30,000** /- as application fee.

Permission is hereby granted to **RATHI MINERALS AND CHEMICALS** to run stone crusher/Grinding Unit in village **BAYAL** Tehsil **NANGAL CHOUDHARY** District **Mahendergarh** during the period from **10-01-2020** to **09-01-2023** subject to the condition given below:-

- (a) A licensee shall observe the provisions of the Water (Prevention and Control of Pollution) Act, 1974, the air (Prevention and Control of Pollution Act, 1981, the Environment (Protection) Act, 1986 and the rules and notifications framed or issued thereunder. The licensee shall submit annual consent of Haryana State Pollution Control Board regularly.
- (b) The licensee shall not pay wages less than the minimum wages prescribed by the Central or State Governments from time to time under the Minimum Wages Act, 1948, to the workers employed in the crushing operations.
- (c) The licensee shall restore to the extent possible flora, if destroyed, by the crushing operations and shall plant trees around the periphery of the crusher to the satisfaction of the Director.
- (d) The licensee shall immediately report to the Deputy Commissioner and Assistant Mining Engineer or Mining Officer of the district concerned about any accident which may take place during the course of crushing co-operations resulting in serious bodily injury.
- (e) The license shall indemnify the State Government against the claims of the third party.
- (f) The licensee shall register with e-Rawaana portal of the Department and shall issue transit pass/bill generated only through e-Rawaana Portal of the Department.
- (g) The licensee shall not stock, within the said premises of the crushing at any given point of time, the raw mineral and processed aggregate put together which is more than thirty days installed crushing capacity of the unit.

The license expires on **09-01-2023**

Amitabh Singh Dhillon, IPS  
Director General  
Mines and Geology Department  
Haryana

This is system generated and need not any signature.  
Address: Room No. 79, 1st Floor, 30 Bays Building, Sector-17-C, Chandigarh- 160017



भारत सरकार  
Govt. of India  
सूक्ष्म, लघु और मध्यम उद्यम मंत्रालय  
MINISTRY OF MICRO, SMALL & MEDIUM ENTERPRISES

**MSME**  
सूक्ष्म, लघु और मध्यम उद्यम  
MICRO, SMALL & MEDIUM ENTERPRISES



उद्योग आधार



Udyog Aadhaar



A

Type of Enterprise	Micro	Small	Medium
Manufacturing	A	B	C
Services	D	E	F
UAM No.	HR12A0001527		

## Udyog Aadhaar Registration Certificate

Udyog Aadhaar Number

HR12A0001527

Name of Enterprise

RATHI MINERALS &amp; CHEMICALS

Location of Plant Details

SN	Flat/Door/Block No.	Name of Premises/Building Village	Road/Street/ Lane	Area/Locality	City	Pin	State	District
1	VILLAGE - BAYAL	POST - BAYAL	TEHSIL NANGAL CHOUHARY	0	MAHENDRAGARH	123023	HARYANA	MAHENDRAGARH

Official Address of Enterprise

VPO BAYAL TEHSIL NANGAL CHOUHARY, NARNAUL DISTT. MAHENDRAGARH HR-123023

District

MAHENDRAGARH

Mobile No.

9467829777

State

HARYANA

PIN

123023

Email:

dr.mandeep1977@gmail.com

Date of commencement

26/02/2010

Major Activity

MANUFACTURING

Enterprise Type

Micro

Previous Registration details-if any

=

National Industry Classification Code

SN	NIC 2 Digit	NIC 4 Digit	NIC 5 Digit Code	Activity Type
1	23 - Manufacture of other non-metallic mineral products	2399 - Manufacture of other non-metallic mineral products n.e.c.	23999 - Manufacture of other non-metallic mineral products n.e.c. (includes asbestos yarn and fabric, and articles of asbestos or other mineral substances or of cellulose including unmounted articles such as friction material; mineral insulating material (slag wool, rockwool and similar mineral wools, exfoliated vermiculite, expanded clays and similar gypsum and articles of other mineral substances)	Manufacturing

Acknowledgement

Date of Filing

15/08/2019

Date of Printing

15/08/2019

Disclaimer: This is computer generated statement, no signature required.  
Printed from udyogaadhaar.gov.inMyMsme Mobile App (Beta Version) is available now for download. <https://play.google.com/store/apps/details?id=msme.mysmsme>

(True copy)

ANNEXURE R-8  
48

O/O THE EXECUTIVE ENGINEER, PUBLIC HEALTH ENGG. DIVISION MOHINDERGARH

To

M/S Rathi Minerals & Chemicals,  
Village Bayal,  
Tehsil - Narnaul, District Mohindergarh (Haryana)

Memo No. 5648

Dated 29/08/19

**Subject: Regarding consent for upliftment of treated sewage water at STP Dulana Road Mohindergarh.**

With reference to your application dated 28.08.2019 consent for upliftment of treated sewage water at STP Dulana Road, Mohindergarh for use of agriculture, Horticulture and plantation purpose is hereby granted by your own arrangement after depositing necessary charges as per Department rates w.e.f date of issue of this letter subject to the following conditions:-

1. The availability of treated sewage at the STP Dulana Road, Mohindergarh.
2. The validity of this consent is for one year from signing of this letter.
3. The tariff shall be revised as per prevailing increase rates by the Department time to time.
4. This water will not be used for any other purpose.

Endst No.

Dated

Executive Engineer

A copy of the above is forwarded to The Sub Divisional Engineer, PHE Sub Division No. 4, Mohindergarh for information and necessary action please.

Executive Engineer

(True Copy)



FORM IV (See Rule 14)

Report No. 130

Dated- 20<sup>th</sup> August, 2019

I, hereby, certify that I **Ramniwas Sharma** as Board Analyst, duly appointed under sub section (2) of section 29 of Air (Prevention and control of pollution) Act, 1981 (14 of 1981) received on the **13<sup>th</sup> day of August, 2019** from **Sh. Vikas Grewal, Sc 'B'** a sample of Stack emission of **M/s Rathi Minerals & Chemicals, Village Bayal, Tehsil-Narnaul, Distt.-Mohindergarh** collected on **12/08/2019** from Stack to Mineral Grinding Section for analysis. The Sample was in a condition fit for analysis reported below:-

I further certify that I have analyzed the afore-mentioned sample from **13/08/2019** to **20/08/2019** and declare the result of analysis to be as follow:-

ANALYSIS REPORT

- |     |   |                                   |
|-----|---|-----------------------------------|
| 1.  | Name of the Plant/emission source monitored | Mineral Grinding section          |
| 2.  | Stack identification/Type of Chimney        | Stack to Mineral Grinding Section |
| 3.  | Location of sampling Point                  | As per Norms                      |
| 4.  | Stack height (mt)                           |                                   |
|     | (a) From source of emission                 | --                                |
|     | (b) From the roof level                     | --                                |
|     | (c) From the ground level                   | 30 feet                           |
| 5.  | Diameter of Stack                           | 1 feet                            |
| 6.  | Sampling duration                           | 30 min                            |
| 7.  | Product manufactured                        | Grinding of Mineral               |
| 8.  | Normal operating schedule                   | 6-8 hrs/day                       |
| 9.  | Stack temperature                           | 450°C                             |
| 10. | Wind condition/Direction                    | Normal                            |
| 11. | Quantity of emission m <sup>3</sup> /sec    |                                   |
| 12. | Type of fuel                                | Electricity                       |

RESULTS

		Prescribed Limit
13.	Suspended Particulate Matter mg/ Nm <sup>3</sup>	67.6 / 150
14.	Sulphur Dioxide mg/ Nm <sup>3</sup>	ND / --
15.	Oxide of Nitrogen mg/ Nm <sup>3</sup>	ND / --

The condition of the seal, fastening and container on receipt was as follows:  
Container and its seals founded intact in order; slip on the container had the signature of the representative of the industry and the board representative.  
Signed this on 20<sup>th</sup> August, 2019

Laboratory of The  
Haryana State Pollution Control Board  
Vikas Sadan, Gurgaon

*Ramniwas Sharma*  
Board Analyst

Member Secretary  
Haryana State Pollution Control Board  
C-6, sec.-6, Panchkula (Haryana)

*(True copy)*

M/s Rathi Mineral & Chemicals  
Vill-Bayal, Nangal Choudhary, Distt-Mohindergarh

ANNEXURE R-10  
50

The Regional Officer  
Haryana State Pollution Control Board  
Dharuhera Region

Sub.- Intimation regarding failing of air emission sample under the provisions of Air (Prevention and Control of Pollution) Act, 1981 of M/s Rathi Mineral & Chemicals, Vill-Bayal, Tehsil-Nangal Chaudhary, Distt-Mohindergarh.

Ref. HSPCB/DHR/2020/3994 dated 23.11.2020

Respected Sir,

On the subject referred above, our mineral grinding unit namely M/s Rathi Minerals & Chemicals was inspected by the team & air emission sample was collected and above said sample parameters are exceeding the prescribed limits. In this regard we have submitted the following that:-

1. Our mineral grinding unit follows all environmental norms issued by the HSPCB.
2. At the time of sampling a bag filter was not proper work i.e. leakage the bag filter, due to this parameters are exceeding the prescribed limit.
3. Now we have rectify the same i.e. change the bag filter and now no emission generate during the process.
4. Also we have installed a dust collector for collect the fumes & control the air emission.
5. We have installed all required APCM as per mineral guidelines dated 02.04.2012.

Further, submitted that air emission depends upon various factors like direction of Air, moisture in the air and weather conditions. Further, also in the vicinity of our unit around the area of Bayal, working/ active mining lease and big crushers, so we are affected by those.

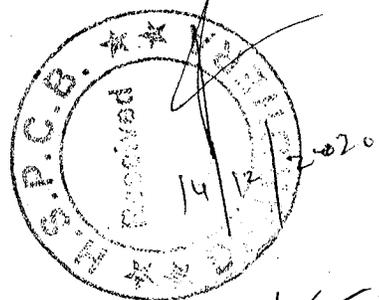
In compliance of exceeding the parameter of air emission sample we have submitted the following:-

1. Performance security of Rs. 12500/- vide DD No. 878957 dated 05.12.2020.
2. Air Sample testing fees of Rs. 1500/- vide DD No. 878956 dated 05.12.2020.
3. Undertaking regarding prescribed norms of the Board.

You are kindly humbly requested to consider the above facts & collect fresh sample of our mineral grinding unit and before taking any action my unit may please be visited again to verify the factual position.

Thanking You

For M/s Rathi Minerals & Chemicals



*(Signature)*  
(Auth. Sign.)

*(True Copy)*

*22/12/20*

**RATHI MINERALS & CHEMICALS**

VILLAGE BAYAL, TEH. NARNAUL, M/GARH (HRY.)

**Manufacture & Suppliers OF :- Boiler Sand, Foundry Sand, Quartz Grain**

Ref. No. :

Dated ...22-11-2021

To

The Regional Officer  
Haryana State Pollution Control Board  
Dharuhera Region

**Sub.- Request for revocation of closure order issued against our mineral grinding unit & collect the fresh air emission sample- M/s Rathi Minerals & Chemicals**

Ref. HSPCB-070001/194/2020 -HWM Cell-HSPCB -188/190 I/10205/2020(3) dated 02.12.2020

Respected Sir,

On the subject referred above, our mineral grinding unit was inspected by the officers of HSPCB & air emission sample was collected and above said sample parameters are exceeding the prescribed limits. After failure of sample we have submitted the request for collection of again sample, but Board has closed/ sealed our grinding unit vide above referred letter. Now we have submitted request for revocation of closure order of our grinding unit. Now we have complied the conditions of closure order i.e.

1. Our mineral grinding unit follows all environmental norms issued by the HSPCB.
2. At the time of sampling a bag filter was not proper work i.e. leakage the bag filter, due to this parameters are exceeding the prescribed limit. So we have already rectify the same i.e. change the bag filter and no emission generate during the process.
3. Also we have installed a dust collector for collect the fumes & control the air emission.
4. We have installed all required APCM as per mineral guidelines dated 02.04.2012.

**In compliance of closure order we have submitted the following:-**

1. Already deposited performance security of Rs. 12500/- vide DD No. 878957 dated 05.12.2020, Copy attached.
2. Already deposited Air Sample testing fees of Rs. 1500/- vide DD No. 878956 dated 05.12.2020, Copy attached.
3. Undertaking regarding prescribed norms of the Board.

Further, submitted that our unit is very small scale project having investment cost of Aprox. 20 to 30 lacs and operate the plant as per guidelines of mineral grinding unit dated



02.04.2012. Also further, submitted that we have not able to deposit the Environment Compensation as due to financial problem and due to Covid 19, plant not running regularly since 2019.

You are kindly requested to inspect of our unit for the above facts & revocation of closure order issued against our unit and also collect the fresh sample as we have complied the deficiencies of closure order and installed the APCM as per mineral grinding guidelines dated 02.04.2012.

Thanking You

For M/s Rathi Minerals & Chemicals

  
(Auth. Sign.)

  
(True copy)

1547

From

M/s Rathi Minerals & Chemicals  
Vill-Bayal, Nangal Choudhary  
Distt-Mohindergarh

To

The Regional Officer  
Haryana State Pollution Control Board  
Dharuhera Region

**Sub.- Request for resampling of fresh air emission sample- M/s Rathi Minerals & Chemicals.**

Ref. Hon'ble Appellate Authority order dated 03.02.2022

Respected Sir,

On the subject referred above, our mineral grinding unit was inspected by the officers of HSPCB & air emission sample was collected and above said sample parameters are exceeding the prescribed limits. After failure of sample we have submitted the request for collection of again sample, but Board has closed/ sealed our grinding unit. After closure order we have filled an appeal in the Hon'ble Appellate Authority and authority has issued order on 03.02.2022 as:-

"The appeal of the appellant unit is allowed and orders dated 01.12.2020 is set aside. The Board is directed to re-inspect the unit and collect sample afresh and get the same analysed from the authorized lab and only inspection report/ analysed report conducted in compliance of this order shall be considered by the Board while passing afresh order and no action on the basis of earlier inspection report shall be taken by the Board".

So, you are kindly requested to inspect and collect the fresh air sample of our mineral grinding unit.

Thanking You

For M/s Rathi Minerals & Chemicals

  
(Auth. Sign)









26-Sep-2022 4:01:51 pm  
280° W  
Mahendragarh  
Altitude:330.7m  
Speed:1.2km/h  
Index number: 13



26-Sep-2022 4:03:36 pm  
225° SW  
Mahendragarh  
Index number: 15

Before the Hon'ble Supreme Court of India  
New Delhi

Writ Petition (Civil) No. 110/2006

In the Matter of:-

Peoples Rights and Social Resource Center & Ors.  
.... Applicant

Versus

Union of India & Ors.

.... Respondents

Affidavit of Shrikant Walgad,  
Chairman, Haryana State Pollution  
Control Board in compliance of  
order dated 23.08.2016.

Most Respectfully Showeth:

I, Shrikant Walgad, Chairman, Haryana State Pollution Control Board do hereby solemnly affirm and declare as under:

1. That the above said application is pending for hearing on 29.11.2016 before this Hon'ble Court.
2. That this Hon'ble Court has passed the directions in this matter on 23.08.2016 and the relevant part of the said directions related to Haryana State Pollution Control Board is as under:

58

*"The Chairman of the State Pollution Control Board are directed to inspect the quartz grinding units within a period of 3 weeks from today and see whether the deficiencies pointed out by the CPCB in respect of such units in the state of Gujarat are there in the units in the respective state.*

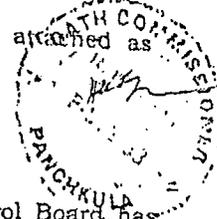
*They may also, in the process of inspection, see whether there is any mandatory requirement to be satisfied in the matter of pollution.*

*Based on the inspection report, directions shall be issued to the units concerned regarding the mandatory compliance of the said statutory parameters, giving them a month time for compliance.*

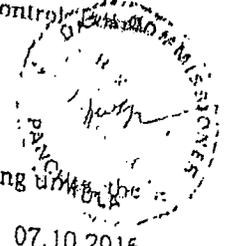
*After a month of issuance of such directions the Chairman of the State Pollution Control Board concerned shall personally visit the unit to see whether the directions have been complied with or not and if not, steps shall be taken forthwith to close down such units which have not complied with the directions issued by the Board.*

*Thereafter, the Chairman of the State Pollution Control Board concerned shall submit a report to the Court w.r.t directions issued thereafter and the action taken in case of non compliance. An affidavit by the Chairman concerned of each state shall be submitted within a period of 10 weeks from today. In case the affidavit as above are not filed the respective chairman shall be personally present before this Court on his own expense on the date of hearing after 10 weeks."*

3. That in compliance of the orders passed by this Hon'ble Court on 23.08.2016, it is submitted that there are 50 quartz grinding units in Haryana located at Narnaul in District Mohindergarh, list of which is attached as Annexure- R-1.
4. That the Haryana State Pollution Control Board has already prepared the guidelines for the mineral grinding units to control air pollution which were issued vide order Endst. No. HSPCB/PLG-74/35-60 Dated 02.04.2012 copy of which is being annexed herewith as Annexure-R-2.
5. That all the 50 quartz grinding units were got inspected on 01.10.2016 by the 5 teams of officers of the Board constituted by the undersigned and all these units were found non complying with the recommendations made by Central Pollution Control Board (CPCB) for control of Air Pollution in quartz grinding units as mentioned in the above said order dated 23.08.2016 of this Hon'ble Court.
6. That directions under section 31 A of Air (Prevention and Control of Pollution) Act, 1981 were issued on 06.10.2016 to all the above said 50 non complying

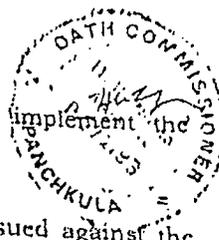


quartz grinding units in pursuance of the order dated 23.08.2016 of this Hon'ble Court to comply with the recommendations of Central Pollution Control Board within 30 days.



7. That out of the above said 50 quartz grinding units the undersigned had also visited 5 units on 07.10.2016 and sensitized them to make the compliance of all the recommendations made by CPCB. Further, the undersigned had also taken up the matter with the association of quartz grinding units during the inspection on 07.10.2016 and it was made aware of the directions of this Hon'ble Court regarding compliance of the recommendations of CPCB to control the air pollution from the quartz grinding units and consequences to face in the event of non compliance and implementation of the same within the stipulated time period of 30 days.

8. That all the 50 quartz grinding units have again been inspected on 14.11.2016 and 15.11.2016 to ascertain the status regarding compliance of the CPCB directions and out of these 50 units, 37 units have been found complying with the recommendations of CPCB whereas



13 units have failed to comply and implement the CPCB recommendations.

The closure orders have been issued against the 13 units which were found non-complying with the recommendations of CPCB. The unit-wise status report in this regard is being annexed herewith as Annexure-R-3.

The above noted facts are placed for kind consideration of this Hon'ble Court.

Place: Panchkula  
Date: 22.11.2016

*[Signature]*  
Deponent

Verification:

The above named deponent do hereby verify that the contents of above affidavit are true and correct to best of my knowledge and information derived from official record. No part of the same is false and nothing has been concealed there from.

VERIFIED ON THIS THE 22<sup>nd</sup> DAY OF NOVEMBER, 2016 AT PANCHKULA

Place: Panchkula  
Date: 22.11.2016

*[Signature]*  
Deponent

*Handwritten notes:*  
415... 22-11-16  
...  
Chimmanth D.C.B.

*Handwritten notes:*  
417...  
22-11-16

*[Signature]*  
ATTESTED  
*[Signature]*  
22-11-16  
OATH COMMISSIONER, PANCHKULA

*[Signature]*  
(TRUE COPY)

Item No. 01

Court No. 1

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

(By Video Conferencing)

Appeal No. 26/2022

Haryana State Pollution Control Board  
& Anr.

Appellant(s)

Versus

M/s Radhey Radhey Minerals

Respondent

Date of hearing: 21.09.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

Appellant: Mr. Rahul Khurana, Advocate for Appellant

Respondent(s): Mr. Tarun Gupta, Advocate for M/s Radhey Radhey Minerals

**ORDER**

1. This Appeal has been preferred against the order of the Appellate Authority under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 dated 03.02.2022, setting aside of the order passed by the Haryana State PCB dated 1.12.2020 directing closure of the mineral grinding powder unit of the respondent and also revoking the CTO.

2. According to the State PCB, the unit was required to provide plantation on 33% of the land as per the consent conditions but the said condition was not followed. The unit also dumped waste unscientifically. Air pollution control machine (APCM) installed was not adequate to control air pollution and thus, fugitive dust was resulting in air pollution.

3. On appeal by the unit, the Appellate Authority held that the Board should have got re-inspection/re-sampling done and set aside the order of the State PCB is as follows: -

*“6. I have gone through the memo of appeal, case file and the averments made by both the parties. In fact, **the Board should have considered the request of the appellant unit as per the Boards’ policy for re-inspection/re-sampling and get it analysed from the Lab before passing closure order. It is evident that Board has failed to follow its own policy before passing the closure order.***

*7. In view of the above, the appeal of the appellant unit is allowed and orders dated 01.12.2020 is set aside. The Board is directed to re-inspect the unit and collect sample afresh and get the sample analyzed from the authorized lab and only inspection report/analysed report conducted in compliance of this order shall be considered by the Board while passing afresh order and no action on the basis of earlier inspection report shall be taken by the Board.”*

4. Learned counsel for the appellant submits that the earlier policy of re-sampling is no longer in force. Moreover, serious violations of consent conditions are undisputed as plantation required has not been done and air pollution is clearly established which were also reported to the Tribunal in O.A No. 599/2019, *Bishamber Singh v. State of Haryana & Ors.* Accepting the same, this Tribunal directed remedial action which fact has been ignored by the Appellate Authority.

5. Vide order dated 31.05.2022 considering the above, we issued notice to the respondent and granted interim stay of impugned order. Accordingly, the respondent has filed reply to the effect that as per circular issued by the State PCB on 24.02.2016, the State PCB had to undertake inspection on such inspection being sought by the PP. In the present case, after the closure order, the PP made request for further inspection which has not been done and, thus, the Appellate Authority was justified in quashing the order of closure.

6. We have heard learned Counsel for the parties. Stand of the appellant is that closure order was passed in the light of violations which were also noticed by this Tribunal vide order dated 11.02.2020 in O.A No. 599/2019, supra. The State PCB passed closure order dated 01.12.2020 which did not suffer from any infirmity. There was no violation of natural justice in the process.

7. Stand of the PP is that it is now compliant and even if closure order dated 01.12.2020 is maintained, compliance status thereafter needs to be looked into.

8. In view of above, while allowing this appeal, setting aside the impugned order of the Appellate Authority dated 3.2.2022 and restoring the order of closure dated 1.12.2020 passed by the appellant, we direct the appellant to consider the stand of the PP that it is now compliant and that closure order needs to be revoked. The State PCB may verify compliance and take appropriate decision as per law preferably within one month.

The appeal is disposed of accordingly.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

September 21, 2022  
Appeal No. 26/2022  
DV

  
(True Copy)

**(2012) 3 Supreme Court Cases 563 : (2012) 2 Supreme Court Cases (Civ) 327 :  
(2012) 2 Supreme Court Cases (Cri) 580 : (2012) 1 Supreme Court Cases  
(L&S) 649 : 2012 SCC OnLine SC 1234**

**In the Supreme Court of India**  
(BEFORE P. SATHASIVAM AND JASTI CHELAMESWAR, JJ.)

POSTMASTER GENERAL AND OTHERS . . Appellants;

*Versus*

LIVING MEDIA INDIA LIMITED AND ANOTHER . . Respondents.

Civil Appeals Nos. 2474-75 of 2012<sup>±</sup>, decided on February 24, 2012

**A. Constitution of India — Art. 136 — Maintainability — Delay/Laches/Limitation — Unexplained delay by government department — Condonation of — If warranted — “Sufficient cause” — What is — Delay of 427 days by Postal Department in filing SLPs — Non-explanation of sufficient cause for such delay — Held, law of limitation binds everybody equally including Government and defence by Government of impersonal machinery and inherited bureaucratic methodology cannot be accepted in view of modern technologies being used and available — Absence of diligence by Department in prosecuting matter established by evidence on record — In spite of another opportunity for filing “better affidavit” being granted to appellant Department, no explanation offered as to why application for procuring certified copy of impugned judgment was not filed within prescribed period but was done only after about four months — Moreover, unexplained delay had occasioned at every stage though authorities concerned were well aware of issues involved including prescribed period of limitation — Further held, condonation of delay is an exception and should not be used as an anticipated benefit for government departments and offering usual explanation that file was kept pending due to procedural red tape — Hence held, delay in filing SLPs cannot be condoned — Limitation Act, 1963 — S. 5 — Advocates — Government counsel — Words and Phrases — “Sufficient cause”**

**(Paras 25 to 30)**

*Pundlik Jalam Patil v. Jalgaon Medium Project*, (2008) 17 SCC 448 : (2009) 5 SCC (Civ) 907, followed

*CWT v. Amateur Riders Club*, 1994 Supp (2) SCC 603, relied on

*Collector (LA) v. Katiji*, (1987) 2 SCC 107; *G. Ramegowda v. Land Acquisition Officer*, (1988) 2 SCC 142; *State of Haryana v. Chandra Mani*, (1996) 3 SCC 132; *State of U.P. v. Harish Chandra*, (1996) 9 SCC 309 : 1996 SCC (L&S) 1240; *National Insurance Co. Ltd. v. Giga Ram*, (2002) 10 SCC 176; *State of Nagaland v. Lipok Ao*, (2005) 3 SCC 752 : 2005 SCC (Cri) 906, considered

*Bhag Singh v. Major Daljeet Singh*, 1987 Supp SCC 685; *Union of India v. Jain and Associates*, (2001) 3 SCC 277, cited

**B. Infrastructure Laws — Post, Telegraph and Couriers — Concessional postage rate to registered newspapers/periodicals — Entitlement to — Advertisement booklets inserted in registered newspapers, neither being a supplement nor part and parcel of registered newspaper/periodical — High Court allowing writ petitions against Postal Department denying concessional postage rate on this ground — SLPs thereagainst dismissed on grounds of delay — Questions of law left open**

**(Paras 4 to 9 and 31)**

*Office of the Chief Postmaster v. Living Media India Ltd.*, (2009) 8 AD 201 (Del); *Living Media India Ltd. v. Office of the Chief Postmaster General*, (2007) 140 DLT 228, referred to

Appeals dismissed

P-D/49513/CVLR

Advocates who appeared in this case:

H.P. Raval, Additional Solicitor General, Anoop G. Chaudhari, Senior Advocate (Ashok K. Srivastava, B.K. Prasad and Arvind Kr. Sharma, Advocates) for the Appellants;

Soli J. Sorabjee, Senior Advocate (Darpan Wadhwa, M.R. Shamshad, Ahmad S. A. and Ms Jaishree Shukla, Advocates) for the Respondents.

**Chronological list of cases cited**

**on page(s)**

1. (2009) 8 AD 201 (Del), *Office of the Chief Postmaster v. Living Media India Ltd.* 564h, 565g-h, 569a-b, 573d
2. (2008) 17 SCC 448 : (2009) 5 SCC (Civ) 907, *Pundlik Jalam Patil v. Jalgaon Medium Project* 572d-e, 572f
3. (2007) 140 DLT 228, *Living Media India Ltd. v. Office of the Chief Postmaster General* 565a, 565f-g
4. (2005) 3 SCC 752 : 2005 SCC (Cri) 906, *State of Nagaland v. Lipok Ao* 568b-c
5. (2002) 10 SCC 176, *National Insurance Co. Ltd. v. Giga Ram* 568a-b
6. (2001) 3 SCC 277, *Union of India v. Jain and Associates* 571e
7. (1996) 9 SCC 309 : 1996 SCC (L&S) 1240, *State of U.P. v. Harish Chandra* 568a
8. (1996) 3 SCC 132, *State of Haryana v. Chandra Mani* 567f-g, 568a, 571a-b
9. 1994 Supp (2) SCC 603, *CWT v. Amateur Riders Club* 571g
10. (1988) 2 SCC 142, *G. Ramegowda v. Land Acquisition Officer* 567c, 570g-h
11. (1987) 2 SCC 107, *Collector (LA) v. Katiji* 566d-e, 566e-f, 570g
12. 1987 Supp SCC 685, *Bhag Singh v. Major Daljeet Singh* 570g

The Judgment of the Court was delivered by

**P. SATHASIVAM, J.**— Leave granted.

2. The following issues arise for consideration:

(a) Whether the office of the Chief Postmaster General has shown sufficient cause for condoning the delay of 427 days in filing SLPs before this Court.

Depending on the outcome of the above issue, other issues to be considered are:

(b) Whether the impugned advertisement inserted in the *Reader's Digest* issue of December 2005 is in conformity with the requirement of law.

(c) Whether the Department has made out a case for interference under Article 136 of the Constitution of India to reopen concurrent findings of fact rendered by the High Court.

3. These appeals have been filed against the common final judgment and order dated 11-9-2009 passed by the High Court of Delhi at New Delhi in *Office of the Chief Postmaster v. Living Media India Ltd.*<sup>1</sup> whereby the Division Bench while upholding the judgment and order dated 28-3-2007

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passed by the learned Single Judge of the same High Court in *Living Media India Ltd. v. Office of the Chief Postmaster General*<sup>2</sup> dismissed the appeals filed by the appellants herein.

#### **Brief Facts**

4. Living Media India Ltd., Respondent 1 is a company incorporated under the Companies Act, 1956 which publishes the magazines *Reader's Digest* and *India Today*. These magazines are registered newspapers vide Registration Nos. DL 11077/03-05 and DL 11021/01-05 respectively, issued by the Department of Posts, Office of the Chief Postmaster General, Delhi Circle, New Delhi (in short "the Postal Department"), the appellant herein under the provisions of the Post Office Act, 1898 (in short "the Act") read with the Post Office Rules, 1933 (in short "the Rules") and the Post Office Guide and are entitled for transmission by post under concessional rate of postage.

5. On 14-10-2005, the Manager (Circulation), Living Media India Ltd., submitted an application to the Postal Department seeking permission to post December 2005 issue of *Reader's Digest* magazine containing the advertisement of Toyota Motor Corporation in the form of a booklet with calendar for the year 2006 at concessional rates in New Delhi. By letter dated 8-11-2005, the Postal Department denied the grant of permission for mailing the said issue at concessional rates on the ground that the booklet containing advertisement with calendar is neither a supplement nor a part and parcel of the publication. On 17-11-2005, the Director (Publishing), Living Media India Ltd. once again submitted an application seeking the same permission which was also denied by the Postal Department by letter dated 21-11-2005.

6. In the same way, the Postal Department also refused to grant concessional rate of postage to post the issue dated 26-12-2005 of *India Today* magazine containing a booklet of Amway India Enterprises titled *Amway* vide their letters dated 18-2-2006 and 17-3-2006 stating that the said magazine was also not entitled to avail the benefit of concessional rate available to registered newspapers.

7. Respondent 1, being aggrieved by the decision of the Postal Department filed Writ Petitions (C) Nos. 22679-80 of 2005 and Writ Petition (C) No. 4985 of 2006 before the High Court. The learned Single Judge of the High Court, by order dated 28-3-2007<sup>2</sup> allowed both the petitions filed by Respondent 1 herein.

8. Being aggrieved, the Postal Department filed LPAs Nos. 418 and 1006 of 2007 before the High Court. The Division Bench of the High Court. vide common final

judgment and order dated 11-9-2009<sup>1</sup>, while upholding the judgment of the learned Single Judge, dismissed both the appeals. Challenging the said order, the Postal Department has preferred these appeals by way of special leave before this Court.

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9. Heard Mr H.P. Raval, learned Additional Solicitor General for the appellant Department of Posts and Mr Soli J. Sorabjee, learned Senior Counsel for the respondents.

**Delay in filing the SLPs**

10. Since the learned Senior Counsel for the respondents seriously objected to the conduct of the appellants in approaching this Court after enormous and inordinate delay of 427 days in filing the above appeals, we intend to find out whether there is any "sufficient cause" for the condonation of such a huge delay. In view of the fact that the application for condonation of delay in filing the SLPs dated 10-2-2011 does not contain acceptable and plausible reasons, we permitted the appellant Postal Department to file a better affidavit explaining the reasons for the same. Pursuant to the same, an affidavit has been filed on 26-12-2011. After taking us through the same, the learned Additional Solicitor General submitted that in view of series of decisions of this Court and the appellant being a government department, delay may be condoned and an opportunity may be given to put forth their stand as to the impugned judgment of the High Court.

11. Before going into the reasons furnished by the Department for the delay, let us consider various decisions of this Court relied on by Mr Raval, learned ASG.

12. In *Collector (LA) v. Katiji*<sup>2</sup> while considering "sufficient cause" in the light of Section 5 of the Limitation Act, 1963, this Court pointed out various principles for adopting liberal approach in condoning the delay in matters instituted in this Court.

13. The learned Additional Solicitor General heavily relied on the following principles: (*Katiji case*<sup>2</sup>, SCC p. 108, para 3)

(1) Ordinarily a litigant does not stand to benefit by lodging an appeal late.

(2) Refusing to condone delay can result in a meritorious matter being thrown out at the very threshold and cause of justice being defeated. As against this when delay is condoned the highest that can happen is that a cause would be decided on merits after hearing the parties.

(3) 'Every day's delay must be explained' does not mean that a pedantic approach should be made. Why not every hour's delay, every second's delay? The doctrine must be applied in a rational common sense pragmatic manner.

(4) When substantial justice and technical considerations are pitted against each other, cause of substantial justice deserves to be preferred for the other side cannot claim to have vested right in injustice being done because of a non-deliberate delay.

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(5) There is no presumption that delay is occasioned deliberately, or on account

of culpable negligence, or on account of mala fides. A litigant does not stand to benefit by resorting to delay. In fact he runs a serious risk.

(6) It must be grasped that judiciary is respected not on account of its power to legalise injustice on technical grounds but because it is capable of removing injustice and is expected to do so."

By showing the above principles, the learned ASG submitted that there is no warrant for according step motherly treatment when the "State" is the applicant. It is relevant to mention that in that case, the delay was only of four days.

**14.** In *G. Ramegowda v. Land Acquisition Officer*<sup>1</sup> the principles enunciated in paras 15 and 17 are heavily relied on by the learned ASG. They are: (SCC p. 148)

"15. In litigations to which Government is a party there is yet another aspect which, perhaps, cannot be ignored. If appeals brought by Government are lost for such defaults, no person is individually affected; but what, in the ultimate analysis, suffers is public interest. The decisions of Government are collective and institutional decisions and do not share the characteristics of decisions of private individuals.

\* \* \*

17. Therefore, in assessing what, in a particular case, constitutes 'sufficient cause' for purposes of Section 5, it might, perhaps, be somewhat unrealistic to exclude from the considerations that go into the judicial verdict, these factors which are peculiar to and characteristic of the functioning of the Government. Governmental decisions are proverbially slow encumbered, as they are, by a considerable degree of procedural red tape in the process of their making."

Considering the peculiar facts, namely, the change of Government Pleader who had taken away the certified copy after he ceases to be in office, the High Court condoned the delay which was affirmed by this Court.

**15.** In *State of Haryana v. Chandra Mani*<sup>2</sup> while condoning the delay of 109 days in filing the LPA before the High Court, this Court has observed that certain amount of latitude within reasonable limits is permissible having regard to impersonal bureaucratic set-up involving red-tapism. In the same decision, this Court directed the State to constitute legal cells to examine whether any legal principles are involved for decision by the courts or whether cases required adjustment at governmental level.



**16.** In *State of U.P. v. Harish Chandra*<sup>3</sup> by giving similar reasons, as mentioned in *Chandra Mani case*<sup>2</sup>, this Court condoned the delay of 480 days in filing the SLP.

**17.** In *National Insurance Co. Ltd. v. Giga Ram*<sup>4</sup> this Court, after finding that the High Court was not justified in taking too technical a view of the facts and refusing to condone the delay, accepted the case of the appellant insurance company by protecting the interest of the claimant and condoned the delay. It is relevant to point out that while accepting the stand of the insurance company for the delay, this Court has safeguarded the interest of the claimant also.

**18.** In *State of Nagaland v. Lipok Ao*<sup>5</sup> this Court, while reiterating the principle that latitude be given to the Government's litigation, allowed the appeal filed by the State of Nagaland. It is also relevant to note here that this matter relates to criminal jurisdiction and delay in filing the SLP was only 57 days.

**19.** Though the learned ASG heavily relied on the abovesaid decisions and the

principles laid down, on going through all the factual details, we are of the view that there is no quarrel about the propositions inferred therein. However, considering the peculiar facts and circumstances of each case, this Court either condoned the delay or upheld the order of the High Court condoning the delay in filing appeal by the State. While keeping those principles in mind, let us consider the reasonings placed by the Postal Department with regard to the same.

**20.** In view of the stand taken by the Postal Department as to the reasons for the delay and the serious objections of the respondents, it is desirable to extract the entire statement as placed in the form of "better affidavit" by the officer of the appellant Department:

"I, Aparajeet Pattanayak presently posted as SSRM, Air Mail Sorting Division, New Delhi, do hereby solemnly affirm and state as under:

(1) In the official capacity mentioned above, I am acquainted with the facts of the case on the basis of the information derived from the record.

(2) On the last date of hearing i.e. 5-12-2011 this Hon'ble Court was pleased to allow the petitions to file better affidavit in support of the application for condonation of delay in filing the special leave petition.

(3) It is submitted that the delay is not intentional but is on account of the departmental/administrative procedures involved in filing the petition for special leave. It is submitted that unlike the private litigant the matters relating to the Government are required to be considered at various levels and then only a decision is taken.

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(4) In the present case it would be evident from the following that delay has been caused due to unavoidable circumstances:

11-9-2009 <sup>1</sup>	Date of judgment in LPAs Nos. 418 and 1006 of 2007.
29-10-2009	Certified copy of the judgment not received from the government counsel and hence copy of the judgment was downloaded from the website of the Delhi High Court and office note was put by ASP (Court) proposing to refer the matter to the Postal Directorate for opinion and further course of action for approval of the Chief Postmaster General, Delhi.
12-11-2009	The Chief Postmaster General, Delhi approved to refer the matter to the Directorate.
16-12-2009	The Directorate desired to submit legal opinion and certified copy of the judgment.
8-1-2010	The counsel appearing on behalf of the petitioner had applied for the certified copy of the impugned judgment and order and the same was received by the Department on 8-1-2010.
11-1-2010	The desired documents supplied to the Directorate.
25-1-	The Directorate desired to submit the copies of original

2010	writ petition filed by the party, counter-affidavit thereto, copies of appeals filed by the Department of Posts and counter-reply thereto.
12-2-2010	The desired documents supplied to the Directorate.
17-2-2010	The Directorate desired to send an official/officer well-conversant with the case.
15-3-2010	The Directorate asked to depute an officer well-conversant with the case to collect the UO note along with other documents to pursue the matter with Mr Suresh Chandra, Additional Legal Advisor.
6-4-2010	Shri Suresh Chandra, Additional Legal Advisor was contacted on 6-4-2010 and the matter was briefed thoroughly by ASP (Court).
25-6-2010	Case file collected from the Directorate and handed over to the Central Agency Section on 25-6-2010 under Diary No. 1865 of 2010 dated 25-6-2010 as per advice of the Additional Legal Advisor.
26-6-2010 to 30-6-2010	The Central Agency Section sent the file back to the Postal Department with directions to send the same through the Ministry of Law and Justice.
1-7-2010 to 10-9-2010	After receiving the file through proper channel, the Central Agency Section sent the file to the learned ASG for his considered opinion and the learned Additional Solicitor General opined that it is a fit case for filing the special leave petition.
----- Page: 570	On receiving the opinion of the learned ASG the file was sent to the Central Agency for drafting the special leave petition.
11-9-2010 to 30-9-2010	
1-10-2010	The Directorate informed that the ASG had considered the case and found it fit for a special leave petition.
15-11-2010	The panel counsel prepared the draft of the special leave petition and submitted the draft of the special leave petition with file to the Central Agency Section for further steps. The draft special leave petition was forwarded to the Department by the Central Agency Section for vetting. After factual verification, the draft special leave petition was returned to the Central Agency Section for typing and preparation of paper book which also took some time.
4-1-2011	The special leave petition remained pending due to non-availability of disputed magazines of <i>Reader's Digest</i> and

	<i>India Today</i> . Hence, the ASG was requested to intervene and direct Shri Akash Pratap who handled the case to provide the magazines.
14-1-2011	Shri A.K. Sharma was requested to arrange to collect the above magazines from the record of the Delhi High Court.
31-1-2011	The SSRM, Delhi Sorting Division was authorised to sign the affidavit on behalf of the respondent.
10-2-2011	The special leave petition filed in the Supreme Court.

(5) It is submitted that it is evident from the foregoing reasons that the delay caused in filing the petition was the result of all the necessary and unavoidable office formalities and was bona fide and not deliberate or intentional and the petitioner was prevented by sufficient cause from filing the petition within the period of limitation.

(6) It is further submitted that the petitioner humbly seeks leave to draw the kind attention of this Hon'ble Court to the views expressed by this Hon'ble Court that liberal approach may be adopted and that the Court should not take too strict and pedantic stand which will cause injustice while considering the application for condonation of delay, in terms of its judgments in *Collector (LA) v. Katiji*<sup>3</sup> and *Bhag Singh v. Major Daljeet Singh*<sup>2</sup>. It is submitted that the principles for condonation of delay laid down in the abovesaid cases may therefore be adopted in the present case also.

(7) This Hon'ble Court in *G. Ramegowda v. Land Acquisition Officer*<sup>4</sup> laid down that the expression 'sufficient cause' in Section 5

of the Limitation Act, 1963 must receive a liberal construction so as to advance substantial justice where no gross negligence or deliberate inaction or lack of bona fides is imputable to the party seeking condonation of delay.

(8) In the matter of *State of Haryana v. Chandra Mani*<sup>5</sup>, this Hon'ble Court observed and laid down as follows: (SCC p. 138, para 11)

'11. ... When the State is an applicant, praying for condonation of delay, it is common knowledge that on account of impersonal machinery and the inherited bureaucratic methodology imbued with the note-making, file-pushing and passing-on-the-buck ethos, delay on the part of the State is less difficult to understand though more difficult to approve, but the State represents collective cause of the community. It is axiomatic that decisions are taken by officers/agencies proverbially at slow pace and encumbered process of pushing the files from table to table and keeping it on [the] table for considerable time causing delay—intentional or otherwise—is a routine. Considerable delay of procedural red tape in the process of their making decision is a common feature. Therefore, certain amount of latitude is not impermissible. If the appeals brought by the State are lost for such default, no person is individually affected but what in the ultimate analysis suffers, is public interest. The expression "sufficient cause" should, therefore, be considered with pragmatism in justice-oriented approach rather than the technical detection of sufficient cause for explaining every day's delay.'

(9) This Hon'ble Court in *Union of India v. Jain and Associates*<sup>10</sup> decided on 6-2-2001 has held that delay ought to be condoned when sufficiently explained particularly where party seeking condonation is the Government. It is further submitted that the Hon'ble High Court ought to have condoned the delay in considering the public revenue involved and also because of the genuine difficulties and circumstances beyond the control of the petitioner, on account of which special leave petition could not be filed within time."

**21.** Before considering whether the reasons for justifying such a huge delay are acceptable or not, it is also useful to refer the decisions relied on by Mr Soli J. Sorabjee, learned Senior Counsel for the respondents.

**22.** In *CWT v. Amateur Riders Club*<sup>11</sup>, there was a delay of 264 days in filing the SLP by the Commissioner of Wealth Tax, Bombay. The explanation for the delay had been set out in the petitioner's own words as under: (SCC p. 604, para 2)

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"2. ... (g) The Advocate-on-Record got the special leave petition drafted from the drafting Advocate and sent the same for approval to the Board on 24-6-1993 along with the case file.

(h) The Board returned the case file to the Advocate-on-Record on 9-7-1993 who re-sent the same to the Board on 20-9-1993 requesting that draft SLP was not approved by the Board. The Board after approving the draft SLP sent this file to CAS on 1-10-1993."

After incorporating the above explanation, this Court refused to condone the delay by observing thus: (SCC p. 604, para 3)

"3. ... Having regard to the law of limitation which binds everybody, we cannot find any way of granting relief. It is true that the Government should not be treated as any other private litigant as, indeed, in the case of the former the decisions to present and prosecute appeals are not individual but are institutional decisions necessarily bogged down by the proverbial red tape. *But there are limits to this also.* Even with all this latitude, the explanation offered for the delay in this case merely serves to aggravate the attitude of indifference of the Revenue in protecting its common interests. The affidavit is again one of the stereotyped affidavits making it susceptible to the criticism that the Revenue does not seem to attach any importance to the need for promptitude even where it affects its own interest.

(emphasis supplied)

**23.** In *Pundlik Jalam Patil v. Jalgaon Medium Project*<sup>12</sup> the question was whether the respondent Executive Engineer, Jalgaon Medium Project had shown sufficient cause to condone the delay of 1724 days in filing appeals before the High Court. In para 17, this Court held: (SCC p. 455)

"17. ... The evidence on record suggests neglect of its own right for long time in preferring appeals. The court cannot enquire into belated and stale claims on the ground of equity. Delay defeats equity. The court helps those who are vigilant and 'do not slumber over their rights'."

**24.** After referring various earlier decisions, taking very lenient view in condoning the delay, particularly, on the part of the Government and the government undertaking, this Court observed as under: (*Pundlik Jalam case*<sup>12</sup>, SCC pp. 457-58, paras 29-30)

"29. It needs no restatement at our hands that the object for fixing time-limit for

litigation is based on public policy fixing a life span for legal remedy for the purpose of general welfare. They are meant to see that the parties do not resort to dilatory tactics but avail their legal remedies promptly. Salmond in his *Jurisprudence* states that the laws come to the assistance of the vigilant and not of the sleepy.

30. Public interest undoubtedly is a paramount consideration in exercising the court's discretion wherever conferred upon it by the relevant statutes. Pursuing stale claims and multiplicity of proceedings in no manner subserves public interest. Prompt and timely payment of compensation to the landlosers facilitating their rehabilitation/resettlement is equally an integral part of public policy. Public interest

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demands that the State or the beneficiary of acquisition, as the case may be, should not be allowed to indulge in any act to unsettle the settled legal rights accrued in law by resorting to avoidable litigation unless the claimants are guilty of deriving benefit to which they are otherwise not entitled, in any fraudulent manner. One should not forget the basic fact that what is acquired is not the land but the livelihood of the landlosers. These public interest parameters ought to be kept in mind by the courts while exercising the discretion dealing with the application filed under Section 5 of the Limitation Act. Dragging the landlosers to courts of law years after the termination of legal proceedings would not serve any public interest. Settled rights cannot be lightly interfered with by condoning inordinate delay without there being any proper explanation of such delay on the ground of involvement of public revenue. It serves no public interest."

25. We have already extracted the reasons as mentioned in the "better affidavit" sworn by Mr Aparajeet Pattanayak, SSRM, Air Mail Sorting Division, New Delhi. It is relevant to note that in the said affidavit, the Department has itself mentioned and is aware of the date of the judgment of the Division Bench of the High Court in *Office of the Chief Postmaster v. Living Media India Ltd.*<sup>1</sup> as 11-9-2009. Even according to the deponent, their counsel had applied for the certified copy of the said judgment only on 8-1-2010 and the same was received by the Department on the very same day. There is no explanation for not applying for the certified copy of the impugned judgment on 11-9-2009 or at least within a reasonable time. The fact remains that the certified copy was applied for only on 8-1-2010 i.e. after a period of nearly four months.

26. In spite of affording another opportunity to file better affidavit by placing adequate material, neither the Department nor the person-in-charge has filed any explanation for not applying the certified copy within the prescribed period. The other dates mentioned in the affidavit which we have already extracted, clearly show that there was delay at every stage and except mentioning the dates of receipt of the file and the decision taken, there is no explanation as to why such delay had occasioned. Though it was stated by the Department that the delay was due to unavoidable circumstances and genuine difficulties, the fact remains that from day one the Department or the person/persons concerned have not evinced diligence in prosecuting the matter to this Court by taking appropriate steps.

27. It is not in dispute that the person(s) concerned were well aware or conversant with the issues involved including the prescribed period of limitation for taking up the matter by way of filing a special leave petition in this Court. They cannot claim that they have a separate period of limitation when the Department was possessed with competent persons familiar with court proceedings. In the absence of plausible and acceptable explanation, we are posing a question why the delay is to be condoned

mechanically merely because the Government or a wing of the Government is a party before us.

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**28.** Though we are conscious of the fact that in a matter of condonation of delay when there was no gross negligence or deliberate inaction or lack of bona fides, a liberal concession has to be adopted to advance substantial justice, we are of the view that in the facts and circumstances, the Department cannot take advantage of various earlier decisions. The claim on account of impersonal machinery and inherited bureaucratic methodology of making several notes cannot be accepted in view of the modern technologies being used and available. The law of limitation undoubtedly binds everybody, including the Government.

**29.** In our view, it is the right time to inform all the government bodies, their agencies and instrumentalities that unless they have reasonable and acceptable explanation for the delay and there was bona fide effort, there is no need to accept the usual explanation that the file was kept pending for several months/years due to considerable degree of procedural red tape in the process. The government departments are under a special obligation to ensure that they perform their duties with diligence and commitment. Condonation of delay is an exception and should not be used as an anticipated benefit for the government departments. The law shelters everyone under the same light and should not be swirled for the benefit of a few.

**30.** Considering the fact that there was no proper explanation offered by the Department for the delay except mentioning of various dates, according to us, the Department has miserably failed to give any acceptable and cogent reasons sufficient to condone such a huge delay. Accordingly, the appeals are liable to be dismissed on the ground of delay.

**31.** In view of our conclusion on Issue (a), there is no need to go into the merits of Issues (b) and (c). The question of law raised is left open to be decided in an appropriate case.

**32.** In the light of the above discussion, the appeals fail and are dismissed on the ground of delay. No order as to costs.

<sup>†</sup> Arising out of SLPs (C) Nos. 7595-96 of 2011. From the Judgment and Order dated 11-9-2009 of the High Court of Delhi at New Delhi in LPAs Nos. 418 and 1006 of 2007

<sup>1</sup> (2009) 8 AD 201 (Del)

<sup>2</sup> (2007) 140 DLT 228

<sup>3</sup> (1987) 2 SCC 107

<sup>4</sup> (1988) 2 SCC 142

<sup>5</sup> (1996) 3 SCC 132

<sup>6</sup> (1996) 9 SCC 309 : 1996 SCC (L&S) 1240

<sup>7</sup> (2002) 10 SCC 176

<sup>8</sup> (2005) 3 SCC 752 : 2005 SCC (Cri) 906

<sup>9</sup> 1987 Supp SCC 685

<sup>10</sup> (2001) 3 SCC 277

<sup>11</sup> 1994 Supp (2) SCC 603

<sup>12</sup> (2008) 17 SCC 448 : (2009) 5 SCC (Civ) 907

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VAKALATNAMA

BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI

O.A. NO. OF 2022

HARYANA STATE POLLUTION CONTROL BOARD & ANR PETITIONER(S)/  
APPELLANT(S)

VERSUS

M/S. RATHI MENERAL & CHEMICALS..... RESPONDENT(S)

I/We MANDEEP LAMBA..... Petitioner (s) Respondent (s) in the above OA/Petition/ Suit/ Appeal/ Reference do hereby appoint and retain **TARUN GUPTA, Advocate** to act and appear for me/us in the OA/Suit/ Appeal/ Reference and on my/our behalf to conduct and prosecute or (defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein, including proceedings in taxation and applications for Review, to file and obtain return of documents, and to deposit and receive money on my/our behalf in the said Suit/ Appeal/ Petition/ Reference and in applications for Review and to represent me/us and to take all necessary steps on my behalf in the above matter. I/We agree to ratify all acts done by the aforesaid advocate in pursuance of this authority.

Dated this the 03..... day of OCT....., 2022.

IDENTIFIED, CERTIFIED & ACCEPTED

(TARUN GUPTA)  
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