

BEFORE THE NATIONAL GREEN TRIBUNAL AT NEW DELHI
ORIGINAL APPLICATION NO. 620 OF 2022

IN THE MATTER OF:

KAUSHAL KISHORE VISHWAKARMA

COMPLAINANT

VERSUS

STATE OF PUNJAB & ORS

RESPONDENTS

NEXT DATE OF HEARING:30.05.2023

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FILED BY



[RIDHI JAIN]

Enrollment No. D 910/2020

Advocate for Resp No. 5

Front Basement, D-10 Prashant Vihar Rohini Delhi 110085

+91 9818332195 advridhijain@gmail.com

New Delhi

Filed on:25.05.2023

BEFORE THE NATIONAL GREEN TRIBUNAL AT NEW DELHI
ORIGINAL APPLICATION NO. 620 OF 2022

IN THE MATTER OF:

KAUSHAL KISHORE VISHWAKARMA

COMPLAINANT

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STATE OF PUNJAB & ORS

RESPONDENTS

REPLY ON THE BEHALF OF M/s SHUBHAM SALES CO., 5.30 KM MILESTONE BHIWANI ROAD ROHTAK HARYANA 124001 (RESPONDENT NO. 5 HEREIN) TO THE COMPLAINT FILED BY THE COMPLAINANT MENTIONED HEREIN ABOVE.

MOST RESPECTFULLY SHOWETH AS UNDER:

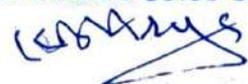
THAT THE PRESENT REPLY IS BEING FILED ON BEHALF OF M/s SHUBHAM SALES CO., 5.30 KM MILESTONE BHIWANI ROAD ROHTAK HARYANA 124001 (RESPONDENT NO. 5 HEREIN) TO THE COMPLAINT FILED BY THE COMPLAINANT MENTIONED HEREIN ABOVE AS THE ABOVE MENTIONED MATTER WAS LISTED BEFORE THIS HON'BLE TRIBUNAL ON 3 MARCH 2023 AND THE ANSWERING RESPONDENT WAS IMPEADED AS RESPONDENT NO.5 BY THIS HON'BLE TRIBUNAL AND WAS DIRECTED TO FILE HIS REPLY.

PRELIMINARY SUBMISSIONS:

1. That the complaint under reply is not maintainable and sustainable qua the Respondent no. 5 being based on untrue averments and on perusal of the complaint, it apparently reflects that the same has been done by Kaushal Kishore

x

For Shubham Sales Co.



Vishwakarma who claims to be a labourer involved in the lifting of Carbon Slurry from National Fertilizers Ltd Bathinda. It is submitted that the answering respondent is not having any godown/ godowns in Bathinda, rather the plant for the processing of the carbon slurry has been installed by the answering respondent at Rohtak Haryana and all the materials as lifted by the answering respondent are being stored and processed at Rohtak Haryana only. On perusal of the complaint it has also been shown that no allegations has been levelled by the complainant against the answering respondents. It is to be noted that the complainant has submitted that he was working at Carbon Ponds of National Fertilizers Ltd Bathinda in the month of April 2022 which is contrary to the true and correct facts of the present matter. It is submitted that no lifting was ever effected by the answering respondents from NFL Bathinda, during the month of April 2022, rather the contract and work pertaining to the contract of answering respondent with NFL Bathinda began in the month of **July 2022**, much later than the complaint made by the complainant herein, where the materials were lifted and directly sent to the plant at Rohtak Haryana. Its is unequivocally submitted that no such person with the name of Kaushal Kishore Vishwakarma has ever worked for or on behalf of the answering respondent herein. Hence the present complaint qua the Respondent No.5 is liable to be dismissed outrightly for which the answering respondent shall ever pray.

2. That the complaint under reply is further bad in the eyes of law as there is no cause of action for sustaining the present complaint and the alleged averments are false, frivolous, baseless and pointless constituting no ground for the any action by this Hon'ble Tribunal and hence in the absence of any cause of action the present complaint is liable to be dismissed outrightly.
3. That the present complaint is further liable to be dismissed as the same is sheer misuse of the process of law and has been

For Shubham Sales Co.



filed by the complainant to harass and traumatise the answering respondent and in order to mislead this Hon'ble Tribunal. In such circumstances the complainant could not be said to be acting bonafidely and as they are acting malafidely, thereby misleading this Hon'ble Tribunal.

4. That the answering respondent has installed its plant for the processing of the Carbon Slurry which falls under Schedule I Category 18.2 of the HOWM Rules 2016 for further utilisation of the same by the actual users.
5. That the answering respondent has established and operated its unit after obtaining the necessary authorisations that is Consent to Establish, Consent to Operate and Authorisations under HOWM Rules 2016 from the Regional Office at Rohtak of the Haryana State Pollution Control Board and Central Pollution Control Board by complying with all the guidelines as laid down by the Central Pollution Control Board for Processing, Handling, Transporting and Collecting of the above mentioned waste.
6. That it is further submitted that as per HOWM rules 2016 the permission has also been obtained from the Punjab Pollution Control Board for Inter-State Transportation of the above mentioned waste by following all the necessary directions laid down by the Central Pollution Control Board from time to time. **Annexed herewith and Marked as Annexure "R5A" Colly are the copies of the Consent to Establish, Consent to Operate and Authorisations under HOWM Rules 2016 from the Regional Office at Rohtak of the Haryana State Pollution Control Board and Central Pollution Control Board along with the permissions by Punjab State Pollution Control Board.**
7. That it is submitted that all the necessary measures which are necessary to prevent any loss to the environment are being taken and maintained by the answering respondent during

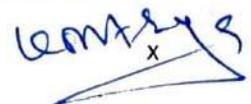
For Shubham Sales Co.



transportation and also during the processing of the above mentioned waste by following the SOP issued by the Ministry of Environment Forest & Climate Change and the Central Pollution Control Board by the answering respondent herein.

8. That it is submitted that till date the answering respondent has lifted 1342.890 Metric Tonnes only of carbon slurry from National Fertilisers Ltd Bathinda which has been transported and processed at our facility at Rohtak in an environment friendly manner by complying with all the guidelines issued by the Central Pollution Control Board and State Pollution Control Board and the same has been sold out to the actual users for further utilisation. It is to be noted that the returns pertaining to the lifting of the material and processing thereafter has also been filed by the answering respondent with the concerned pollution control board.
9. That the averments as made in the present complainant regarding the violation of environmental norms in handling of carbon and hazardous waste with prayer for taking of appropriate steps for saving the lives of the labourers and protection and improvement of the environment are false & frivolous being ill motivated and it is further to be noted by this Hon'ble Tribunal that in the complaint made by the complainant hearing no allegations has been levelled by the complainant against the answering respondents. It is further unequivocally submitted that no such person with the name of Kaushal Kishore Vishwakarma has ever worked for the answering respondent either at Rohtak or at the time of lifting of the materials from National Fertilisers Ltd Bathinda. That the allegations that the complainant has worked earlier in the year 2018 for the answering respondent is also false and hence denied being wrong declaration by the complainant herein. Therefore the present complaint made by the complainant needs to be dismissed outrightly by this Hon'ble Tribunal.

For Shubham Sales Co.



10. That it is submitted that the answering respondent reserves his rights to file the additional documents or to file the additional reply in future in order to support his case/ defence.

PRAYER

In the facts and circumstances aforesaid, the answering respondent most humbly prays that this Hon'ble Court may graciously be pleased to:-

- A. Dismiss the present complaint qua the respondent no.5 being void of merits and being false and baseless.
- B. Pass such order/ orders/ directions as this Hon'ble Court deem fit in the fact and circumstances of the present matter.

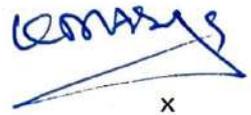
(RESPONDENT NO. 5)
Sh KULBHSHAN ARYA
For M/s SHUBHAM SALES CO
5.30 KM MILESTONE BHIWANI ROAD
ROHTAK HARYANA 124001
shubhamsalescom@gmail.com

THROUGH


[RIDHI JAIN]
Enrollment No. D 910/2020
Advocate for Resp No. 5
Front Basement, D-10 Prashant Vihar
Rohini Delhi 110085.
+91 9818332195
advridhijain@gmail.com

New Delhi
Filed on:25.05.2023

For Shubham Sales Co.


x

BEFORE THE NATIONAL GREEN TRIBUNAL AT NEW DELHI
ORIGINAL APPLICATION NO. 620 OF 2022

IN THE MATTER OF:

KAUSHAL KISHORE VISHWAKARMA

COMPLAINANT

VERSUS

STATE OF PUNJAB & ORS

RESPONDENTS

AFFIDAVIT

I, Kulbhushan Arya S/o Lt Sh Hari Kishan Arya, age 57 years, R/o House No. 1200/4, Purani Anaj Mandi, Rohtak Haryana 124001 do hereby solemnly affirm and declare as under:-

1. That I am the authorised representative of respondent no.5 in the above mentioned matter and well conversant with the facts and circumstances of the case, hence am competent to swear this affidavit.
2. That I have gone through the contents of the accompanying reply and I state that the same have been drafted by my counsel under my instructions and the contents thereof are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.

For Shubham Sales Co.

[Signature]
DEPONENT

VERIFICATION

I, the above named deponent do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.

Verified at _____ on this ___ day of May, 2023.

For Shubham Sales Co.

[Signature]
DEPONENT

Certified that forgoing was made on S.A. before that this..... day of ..20... at Rohtak by Sh..... S/o Sh..... Resident of..... Purani Anaj Mandi, Haryana. Certify by Sh..... who is personally known to me. Certified further that this affidavit has been read & explained to the deponent who seems perfectly to understand the same at the time of making thereof

[Signature]
JITESH
Oath Commissioner
ROHTAK
25-5-23

X





HARYANA STATE POLLUTION CONTROL BOARD

SCF No. 42 & 43, Shopping Centre, Sector-6,
Huda, Bahadurgarh Ph. 01276-243077 (O)

E-mail: hspcb.pkl@sify.com



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ANNEXURE R5A COLLY

No. HSPCB/Consent/ : 344653819ROHCTO6906190

Dated:09/09/2019

To.

M/s :SHUBHAM SALES Co
5.30 km Mile stone, Bhiwani Road Rohtak

Subject: Grant of consent to operate to M/s SHUBHAM SALES Co.

Please refer to your application no. 6906190 received on dated 2019-09-03 in regional office Bahadurgarh. With reference to your above application for consent to operate, M/s SHUBHAM SALES Co is here by granted consent as per following specification/Terms and conditions.

| | |
|-------------------------------|--|
| Consent Under | BOTH |
| Period of consent | 09/09/2019 - 30/09/2024 |
| Industry Type | Units engaged in the activities of handling and management of Hazardous Waste as defined in Hazardous and other Wastes (M & TM) Rules, 2016, other than those covered under any of the category of industrial sectors, such as use, treatment, processing, recovery, pre-processing, co-processing, utilization etc. of the hazardous and other wastes |
| Category | RED |
| Investment(In Lakh) | 9.4861002 |
| Total Land Area(Sq. meter) | 1170.578 |
| Total Builtup Area(Sq. meter) | 836.127 |
| Quantity of effluent: | |
| 1. Trade | 17.0 KL/Day |
| 2. Domestic | 0.12 KL/Day |
| Number of outlets | 2.0 |
| Mode of discharge | |
| 1. Domestic | Septic Tank |
| 2. Trade | For Horticulture after treatment |
| Domestic Effluent Parameters | |
| 1. NA | |
| Trade Effluent Parameters | |
| 1. BOD | 30 mg/l |
| 2. COD | 250 mg/l |
| 3. TSS | 100 mg/l |
| 4. pH | 5.5-9.0 |
| 5. O&G | 10 mg/l |
| Number of stacks | 1 |

For Shubham Sales Co.

| | |
|-----------------------------|-----------------------|
| Height of stack | |
| 1. Stack attached to APCM | 30 Meters |
| Emission parameters | |
| 1. SPM | 150 mg/m ³ |
| Product Details | |
| 1. Carbon Power | 15 Metric Tonnes/day |
| Capacity of boiler | |
| 1. N.A. | Ton/hr |
| Type of Furnace | |
| 1. N.A. | |
| Type of Fuel | |
| 1. Diesel | 0.02 KL/day |
| 2. Electricity | Kilowatt/day |
| Raw Material Details | |
| Carbon Slurry | 100 Metric Tonnes/Day |

*Regional Officer, Bahadurgarh
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 values, 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.

For Shubham Sales Co.

W. M. R. K.

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. 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 not operate before obtaining authorization under HOWM Rules, 2016.
2. Unit will submit analysis report of ETP and APCM installed within the 90 days after issuance of CTO.
3. Unit will comply Standard Operating Procedure (SOP) for utilization of Spent Carbon.
4. Unit will procure the raw material i.e. spent carbon in form of carbon slurry from authorized source of generation may likely be M/s National Fertilizer Ltd. and in compliance of provisions laid down in HOWM Rules, 2016.
- 5.1. That the unit shall apply for renewal of consent to operate 90 days earlier, before the expiry of previous consent to operate obtained from the Board.

Krishan Kumar Digitally signed by Krishan Kumar
Date: 2019.09.29 17:21:28 +05'30'

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



Haryana State Pollution Control Board
SCF No. 42 & 43, Shopping Centre, Sector-6, Huda, Bahadurgarh Ph. 01276-243077 (O)



No. :HWM/ROH/2019/6906134

DT: 09/09/2019

To

M/s SHUBHAM SALES Co
5.30 km Mile stone, Bhiwani Road Rohtak
Rohtak

Sub: Grant of Authorization under Hazardous and Other Wastes (Management & Transboundary Movement) Rules, 2016

- Reference of application: 6906134 dated: 09/09/2019
- Kulbhushan arya of SHUBHAM SALES Co is hereby granted an authorization for generation, collection, storage, transportation, reception, reuse, recycling, recovery, utilisation, disposal on the premises situated at 5.30 km Mile Stone, Bhiwani Road, Rohtak

HARYANA STATE
Details of Authorization

| S.No. | Name of process and Category of Hazardous Waste, as per the Schedules I, II and III of these rules | Authorised mode of disposal or recycling or utilisation or co-processing, etc. | Quantity |
|-------|---|--|------------------|
| 1 | Paint and ink Sludge/ residues | as per SOP guidelines | 100 T/Annum |
| 2 | Purification and treatment of exhaust air, water and waste water from the treatment plants (CEPT's) Chemical sludge from waste water treatment | through CEPTL | 0.6 T/Annum |
| 3 | Industrial operations using mineral/synthetic oil as lubricant in hydraulic systems or other applications, Used/spent oil | authorized recycler | 0.009 T/Annum |

- The authorization shall be valid for a period of 09/09/2019 to 30/09/2024
- The authorization is subject to the following general and specific conditions :-

Regional Officer Bahadurgarh
For Haryana State Pollution Control Board

For Shubham Sales Co.

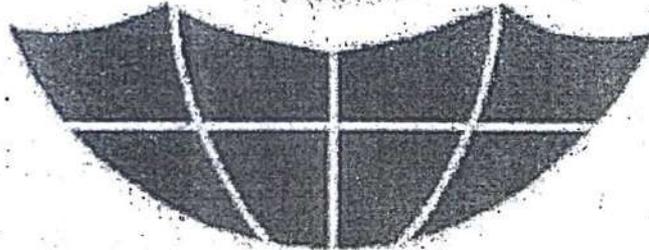
(Signature)

Conditions of Authorization:

1. The authorised person shall comply with the provisions of the Environment (Protection) Act, 1986, and the rules made there under.
2. The authorization or its renewal shall be produced for inspection at the request of an officer authorised by the State Pollution Control Board.
3. The person authorised shall not rent, lend, sell, transfer or otherwise transport the hazardous and other wastes except what is permitted through this authorization.
4. Any unauthorised change in personnel equipment or working conditions as mentioned in the application by the person authorised shall constitute a breach of this authorization.
5. The person authorised shall implement Emergency Response Procedure (ERP) for which this authorization is being granted considering all site specific possible scenarios such as spillages, leakages, fire etc. and their possible impacts and also carry out mock drill in this regard at regular interval of time.
6. The person authorised shall comply with the provisions outlined in the Central Pollution Control Board guidelines on "Implementing Liabilities for Environmental Damages due to Handling and Disposal of Hazardous Waste and Penalty".
7. An application for the renewal of an authorization shall be made as laid down under these Rules.
8. Any other conditions for compliance as per the guidelines issued by the Ministry of Environment, Forest and Climate Change or Central Pollution Control Board from time to time.
9. Annual return shall be filed by June 30 th for the period ensuring 31 st March of the year.
10. It is the duty of the authorised person to take prior permission of the State Pollution Control Board to close down the facility.

HARYANA STATE

Krishan Kumar

Digitally signed by Krishan Kumar
Date: 2019.09.09 19:05:46 +05'30'Regional Officer Bahadurgarh
For Haryana State Pollution Control Board

HARYANA STATE POLLUTION CONTROL BOARD

REGIONAL OFFICE, BAHADURGARH,
SCF No. 42 & 43, SHOPPING CENTRE, SECTOR-6, HUDA, BAHADURGARH
Ph No. 01276-243077-242078, E-Mail: hspcbrobdh@gmail.com, Web: hspcb.gov.in

No. HSPCB/BDR/2019/ 2851

Dated: 11 / 11 / 2019

Corrigendum

To

M/s Shubham Sales Co.
1.30 KM Mile Stone, Bhiwani Road,
Rohtak.

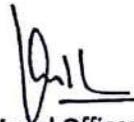
Sub: Correction/Updation of details in Authorization granted to the unit vide no. HWM/ROH/2019/6906134 dated 09.09.2019.

Ref: In continuation to this office letter No. HSPCB/BDR/2019/1944 dated 10.09.2019.

With reference to the Authorization granted to unit through online Consent Management System of Board vide No. 6906134 under Utilization of Hazardous and Other Waste as a resource or after pre-processing either for co-processing or recycling or for any other use under Rule 9 of Hazardous & Other Wastes (Management and Transboundary Movement) Rules, 2016 dated 09.09.2019 for the period 09.09.2019 to 30.09.2024 in pursuance of authorization application submitted by unit vide application no. 6906134 dated 03.09.2019 it is observed that due to clerical mistake following corrections in Sr. No. 1 is required in the grant of authorization certificate.

| Sl. No. | Particulars | As per Consent Letter dt 09.09.2019 | The revised details be considered as per application form |
|---------|--|-------------------------------------|---|
| 1. | Production of nitrogenous and complex fertilizers- Carbon Slurry | 100 T/Annum | 30000 T/Annum |

The details mentioned above may be read with the same terms and conditions mentioned in the consent Letter already been granted to your unit.


Regional Officer
Bahadurgarh Region


REGIONAL OFFICER
Haryana State Pollution Control Board
SCF No. 42 & 43, SHOPPING CENTRE
HUDA, SECTOR-6
BAHADURGARH (JHAJJAR)



FORM IV
(See Rule 14)

Report No.: 72
Dated-May 2, 2023

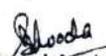
I, hereby, certify that I Narender Hooda as Board Analyst, duly appointed under sub section (2) of section 29 of Air (Prevention and control of Pollution) Act, 1981(14 of 1981) received on the 28th day of April, 2023 from Sh. Sachin Kumar AEE, a sample of air emission of M/s Subham Sales Co., Bhiwani Road, Rohtak, collected on 27.04.2023 from Common Stack attached to Heaters for analysis. The Sample was in a condition fit for analysis reported below:-

I further certify that I have analyzed the afore-mentioned sample on 28/04/2023 to 02/05/2023 and declare the result of analysis to be as follow:-

| | | |
|--|----------------------------------|--------------------------|
| 1. Name of the Plant/emission source monitored | Common Stack attached to Heaters | |
| 2. Stack Identification/Type of Chimney | Common Stack attached to Heaters | |
| 3. Location of sampling Point | As per norms | |
| 4. Stack height (mt) | | |
| (a) From source of emission | --- | |
| (b) From the roof level | --- | |
| © From the ground level | 60 feet | |
| 5. Diameter of Stack | 6" | |
| 6. Sampling duration | 30 min | |
| 7. Product manufactured | Carbon Minerals, Mineal Fuel | |
| 8. Normal operating schedule | ---- | |
| 9. Stack Temperature | 55°C | |
| 10. Wind condition/Direction | Normal | |
| 11. Quantity of Emission m ³ /sec | 0.0553 | |
| 12. Type of Fuel | Electricity | |
| | Results | Prescribed Limits |
| 13. Particulate Matter mg/ Nm ³ | 27.2 | 80 |
| 14. Sulpher Dioxide mg/ Nm ³ | ND | --- |
| 15. Oxides of Nitrogen mg/ Nm ³ | ND | --- |

The condition of the seals, fastening and container on receipt was as follow:
Container had its seals found intact in order; slip on the container had the signature of the representative of the industry and the board representative.
Signed this on **02nd day of May, 2023**

Haryana State Pollution Control Board Laboratory,
Sector-16 A, Faridabad


Board-Analyst

To
The Member Secretary, HSPCB, Panchkula/ Regional Office, HSPCB, Bahadurgarh

Endst. No. HSPCB/LAB/F/2023/ 709

Dated: 02/05/2023

This test report relate only to the particular sample submitted for testing

For Shubham Sales Co.





FORM J
(See Rule 20)

Report No.:-94
Dated - May 03, 2023

I, hereby, certify that I Narender Hooda as Board Analyst, duly appointed under sub section (3) of section 53 of Water (Prevention and control of Pollution) Act, 1974(6 of 1974) received on the 28th day of April, 2023 from Sh. Sachin Kumar AEE, a sample of liquid trade effluent of M/s Subham Sales Co., Bhiwani Road, Rohtak, collected on 27.04.2023 from the Outlet of ETP for analysis. The Sample was in a condition fit for analysis reported below:-

I further certify that I have analyzed the afore-mentioned sample on 28/04/2023 to 03/05/2023 and declare the result of analysis to be as follow:-

| Sr. No. | Parameter | Outlet of ETP | Prescribed Limits | Method of Testing |
|---------|--|------------------|-------------------|---|
| 1. | Colour | Almost Colorless | ---- | As per relevant parts of IS:3025 (Part-1) 1987 & relevant parts and Standard Methods for the Examination of water and waste water APHA(23 rd edition) 2017 |
| 2. | Odour | Mild | --- | |
| 3. | pH Value | 7.8 | 5.5-9.0 | |
| 4. | Conductivity μ S/cm | 3140 | ---- | |
| 5. | Total Suspended Solids mg/l | 38 | 100 | |
| 6. | B.O.D.(3 Days at 27 ^o C) mg/l | 17 | 30 | |
| 7. | Chemical Oxygen Demand mg/l | 92.9 | 250 | |
| 8. | Oil & Grease mg/l | BDL | 10 | |
| 9. | Iron as Fe mg/l | 0.4 | 3 | |

The condition of the seals, fastening and container on receipt was as follow:
Container had its seals found intact in order; slip on the container had the signature of the representative of the industry and the board representative.
Signed this on 03rd day of May, 2023

Haryana State Pollution Control Board Laboratory,
Sector-16 A, Faridabad


Board Analyst

To
The Member Secretary, HSPCB, Panchkula/ Regional Office, HSPCB, Bahadurgarh

Endst. No. HSPCB/LAB/F/2023/ 715

Dated: 03/05/2023

This test report relate only to the particular sample submitted for testing

For Shubham Sales Co.



HARYANA STATE POLLUTION CONTROL BOARD
D
C-11, SECTOR-6, PANCHKULA
Ph-0172-577870-73, Fax No. 2581201
E-mail: hspcbhazardouswaste@gmail.com

HSPCB/HWM/2021/ Dated: 16/03/2021

To

M/s Shubham Sales Co.,
 5.30 KM Mile Stone,
 Bhiwani Road, Rohtak

Sub: Authorization under Rule 6 for collection and transportation of Hazardous Waste from outside the State under the Hazardous and other Wastes (Management & Transboundary Movement) Rules, 2016 – Utilization of Carbon Slurry of Category 18.2 of Schedule-I.

1. Reference of your application dated 31.12.2020.
2. M/s Shubham Sales Co., 5.30 KM Mile Stone, Bhiwani Road, Rohtak is hereby granted an authorization for collection and transportation of hazardous wastes from outside the State for utilization of Carbon Slurry of Category 18.2 of Schedule-I under Hazardous and other Wastes (Management & Transboundary Movement) Rules, 2016.

| S.No | Plant | Type of Hazardous Waste | Category of Hazardous waste | Quantity of Hazardous waste (MT/Annum) |
|------|---|----------------------------|-----------------------------|--|
| 1 | M/s Shubham Sales Co., 5.30 KM Mile Stone, Bhiwani Road, Rohtak | Carbon Slurry/ Spl. Carbon | 18.2 of Schedule-I | 30,000 |

1. The authorization shall be valid upto 30.09.2024.
2. The authorization is subject to the following general and specific conditions :-

General Conditions:

1. The authorised person shall comply with the provisions of the Environment (Protection) Act, 1986, and the rules made there under.

For Shubham Sales Co.


2. The authorisation shall be produced for inspection at the request of an officer authorised by the State Pollution Control Board or Central Pollution Control Board or Ministry of Environment, Forest & Climate Change.
3. The person authorised shall not rent, lend, sell, transfer or otherwise transport the hazardous and other wastes except what is permitted through this authorization.
4. Any unauthorised change in personnel, equipment or working conditions as mentioned in the application by the person authorised shall constitute a breach of his authorization.
5. The person authorised shall implement Emergency Response Procedure (ERP) for which this authorisation is being granted considering all site specific possible scenarios such as spillages, leakages, fire etc. and their possible impacts and also carry out mock drill in this regard at regular interval of time.
6. The person authorised shall comply with the provisions outlined in the Central Pollution Control Board guidelines on "Implementing Liabilities for Environmental Damages due to Handling and Disposal of Hazardous Waste and Penalty".
7. The occupier handling hazardous or other wastes and operator of the treatment, storage and disposal facility shall ensure that the hazardous and other wastes are packaged in a manner suitable for safe handling, storage and transport as per the guidelines issued by the Central Pollution Control Board from time to time. The labelling shall be done as per Form 8 as per the Rules and The label shall be of non-washable material, weather proof and easily visible.
8. The transport of the hazardous and other waste shall be in accordance with the provisions of these rules and the rules made by the Central Government under the Motor Vehicles Act, 1988 and the guidelines issued by the Central Pollution Control Board from time to time in this regard.
9. The occupier shall provide the transporter with the relevant information in Form 9, regarding the hazardous nature of the wastes and measures to be taken in case of an emergency and shall label the hazardous and other wastes containers as per Form 8.
10. In case of transportation of hazardous and other waste for final disposal to a facility existing in a State other than the State where the waste is generated, the sender shall obtain 'No Objection Certificate' from the State Pollution Control Board of both the States. In case of transportation of hazardous and other waste for recycling or utilisation including co-processing, the sender shall intimate both the State Pollution Control Boards before handing over the waste to the transporter.
11. In case of transit of hazardous and other waste for recycling,

utilisation including coprocessing or disposal through a State other than the States of origin and destination, the sender shall give prior intimation to the concerned State Pollution Control Board of the States of transit before handing over the wastes to the transporter. In case of transportation of hazardous and other waste, the responsibility of safe transport shall be either of the sender or the receiver whosoever arranges the transport and has the necessary authorisation for transport from the concerned State Pollution Control Board. This responsibility should be clearly indicated in the manifest. The authorisation for transport shall be obtained either by the sender or the receiver on whose behalf the transport is being arranged.

12. Where an accident occurs at the facility of the occupier handling hazardous or other wastes and operator of the disposal facility or during transportation, the occupier or the operator or the transporter shall immediately intimate the State Pollution Control Board through telephone, e-mail about the accident and subsequently send a report in Form-11.
13. The occupier handling hazardous or other wastes and operator of disposal facility shall maintain records of such operations in Form 3. The occupier handling hazardous and other wastes and operator of disposal facility shall send annual returns to the State Pollution Control Board in Form 4, by 30th June.
14. The sender of the waste shall prepare and maintain the manifest as per Form 10 of Rule 19 of HOWM Rules, 2016.
15. The occupiers of facilities may store the hazardous and other wastes for a period not exceeding ninety days and shall maintain a record of sale, transfer, storage, recycling, recovery, pre-processing, co-processing and utilisation of such wastes and make these records available for inspection.
16. The imported hazardous and other wastes, if any, shall be fully insured for transit as well as for any accidental occurrences and its clean-up operation.
17. The record of consumption and fate of the imported hazardous and other waste, if any, shall be maintained.
18. The hazardous waste including residue generated from the recycling process shall be disposed off as per the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.
19. In case of import of hazardous waste by the unit, the relevant provisions for import of the hazardous waste in the Hazardous and Other Waste (Management and Transboundary Movement) Rules, 2016 shall be complied with and the unit shall bear the cost of import or export and mitigation of damages if any.
20. The responsibility of safe transport shall be of the receiver and responsibility should be clearly indicated in the manifest.

21. The transporter shall not accept hazardous waste from any generator for transport unless it is accompanied with the relevant copies of manifest prescribed under Hazardous & Other Waste (Management & Transboundary Movement) Rules, 2016.
22. The transporter shall be responsible for the cost of mitigation/remediation in case of any damage to the environment due to mishandling and inappropriate transportation of the hazardous waste.
23. Unit shall maintain the Environmentally sound management technologies at site as prescribed by CPCB and declared at the time of inspection and shall meet the Environmental Discharge Standards.
24. An application for the renewal of an authorization shall be made as laid down under these Rules.
25. Any other conditions for compliance as per the guidelines issued by the Ministry of Environment, Forest and Climate Changes or Central Pollution Control Board from time to time.
26. All the vehicles to be used for transportation shall be fitted with GPS Tracking Devices and shall provide the lice feed on the website / server of the Board.
27. The industry shall display data outside the main factory gate on display Board of size (6ft. *4ft.) on quantity and nature of hazardous chemicals being used in the plant, water & Air emissions and hazardous waste generated within factory premises.
28. The Board, may, if in its opinion the holder of the authorisation has failed to comply with any of the conditions of the authorisation or with any provisions of the Environment (Protection) Act, 1986 or Hazardous & Other Waste (Management & Transboundary Movement) Rules, 2016, cancel or suspend the authorisation for such period as it considers necessary in the public interest.

Specific Conditions:

1. Unit will comply the SOP issued by Central Pollution Control Board (CPCB) for utilization of spent carbon.
2. Utilization of spent carbon (dry weight) shall not exceed 5% to the product i.e Carbon black manufactured.
3. Unit will maintain the manifest and intimate both the SPCBs regarding transportation.
4. The unit will submit the Hazardous Waste Manifest through the Hazardous Waste Manifest Tracking Module at hrocmmms.nic.in and HSPCB shall not accept any hard copy of the manifest.

CC to:

For Shubham Sales Co.



A copy of the above is forwarded to the following for information and necessary action please:

1. Member Secretary, Punjab Pollution Control Board, Vatavaran Bhawan, Nabha Road, Patiala.
2. The Regional Officer, Bahadurgarh.

**Digitally signed by NAVEEN
GULIA**

**Date:Tue Mar 16 13:42:38 IST
2021**

Reason:Approved

**Sr. Environmental Engineer (HQ)
For Chairperson
On behalf of HSPCB**

For Shubham Sales Co.





ਪੰਜਾਬ ਪ੍ਰਦੂਸ਼ਣ ਰੋਕਥਾਮ ਬੋਰਡ
PUNJAB POLLUTION CONTROL BOARD

SEE(HQ-3)/2022/ 2225

Reg/Speed post

Dated 31/11/22

To

M/s Shubham Sales Co.,
5.30 K.M., Miles Stone,
Bhiwani Road, Rohtak.

Subject: Extension in the validity of authorization for collection & Transportation of Hazardous Waste under the Hazardous and other Wastes Management Rules, 2016 and addition of vehicles.

Reference: Firm's letter no. 666 dated 31.10.2022.

This has reference to the subject cited application submitted by the firm for extension in the validity of authorization under Hazardous Waste under the Hazardous and other Wastes Management Rules, 2016 and addition of vehicles.

The validity of the authorization granted to M/s Shubham Sales Co., vide no. SSO/HWM/PPCB/2020/5-14 dated 02.11.2020 (valid upto 30.09.2022) under the Hazardous and other Wastes Management Rules, 2016 is hereby extended upto 30.09.2024 subject to terms and conditions mentioned therein except in case of its cancellation or suspension by Punjab Pollution Control Board or having become invalid as a result of any action by the Haryana State Pollution Control Board for any violation of the Water Act, 1974; Air Act, 1981; EPA, 1986 or rules notified thereunder against the firm alongwith following additional conditions:

1. The firm is permitted to transport hazardous waste of category 18.2 in the following vehicles:

| Sr. No. | Vehicle no. | Sr. No. | Vehicle No. | Sr. No. | Vehicle no. |
|---------|-------------|---------|-------------|---------|-------------|
| 1 | PB03AX-2111 | 21 | PB03AC-5411 | 41 | PB03BJ-9264 |
| 2 | PB03AX-2211 | 22 | PB03AC-5511 | 42 | PB03BJ-9364 |
| 3 | PB03AX-2311 | 23 | PB03AC-5611 | 43 | PB03BK-1811 |
| 4 | PB03AX-2411 | 24 | PB03AJ-1211 | 44 | PB03BJ-4314 |
| 5 | PB03AX-2511 | 25 | PB03AJ-1311 | 45 | PB03BJ-5391 |
| 6 | PB03AX-2611 | 26 | PB03BD-7910 | 46 | PB03AF-2111 |
| 7 | PB03AX-2711 | 27 | PB03BD-7896 | 47 | PB03AF-2011 |
| 8 | PB03AX-2811 | 28 | PB03BD-7342 | 48 | PB03AC-2511 |
| 9 | PB03AX-2911 | 29 | PB03BD-7909 | 49 | PB03AC-3211 |
| 10 | PB03AX-3011 | 30 | PB03BD-7329 | 50 | PB03AC-4311 |
| 11 | PB03AX-3111 | 31 | PB31P-0723 | 51 | PB03AC-6411 |
| 12 | PB03AX-3211 | 32 | PB03AF-8711 | 52 | PB03AC-6511 |
| 13 | PB03AX-3411 | 33 | PB03AF-9011 | 53 | PB03AC-6911 |
| 14 | PB03AX-3511 | 34 | PB11BF-6052 | 54 | PB03AC-7311 |
| 15 | PB03AX-3611 | 35 | PB03AF-8631 | 55 | PB03AF-1611 |
| 16 | PB03AX-3711 | 36 | PB03AF-8341 | 56 | PB03AC-8311 |
| 17 | PB03AX-3811 | 37 | PB03AF-8634 | 57 | PB03AJ-2011 |
| 18 | PB03AX-3911 | 38 | PB03AP-9947 | 58 | PB03AC-0753 |
| 19 | PB03AX-4011 | 39 | PB03Z-9875 | | |
| 20 | PB03AC-5311 | 40 | PB03BJ-5161 | | |

For Shubham Sales Co.

Amrta S

2. The vehicles shall be painted / labeled preferably in blue colour with white strip of 15 to 30 cm width running centrally all over the body in Hindi, English and in Vernacular language.
3. The firm shall follow the manifest system as prescribed under rule 19 of Hazardous & Others Wastes (Management & Transboundary Movement) Rules, 2016 before carrying transportation of the hazardous waste and shall comply with the other relevant provisions of the said rules.
4. The firm shall transport the hazardous waste only in the vehicle authorized for transportation of hazardous waste and meeting with guidelines issued under the Motor Vehicle Act, 1988.
5. The firm shall report the accident, if any occurred during transportation of the hazardous waste, immediately to the State Pollution Control Board through telephone, e-mail and subsequently send a report in Form-XI.
6. The firm will be responsible for any damage to the environment during collection and transportation of the waste from the State of Punjab to the State of Haryana.
7. The firm shall take necessary steps to ensure compliance of all the conditions imposed in the authorization issued by the Haryana Pollution Control Board to M/s Shubham Sales Co., Rohtak by the Haryana Pollution Control Board.
8. The firm will have to check up before lifting the waste that the industry generating the hazardous waste has proper authorization for shifting that category of waste to the authorized treatment facility.
9. The firm will only accept the hazardous waste for transport as long as it is operating with valid authorization of the Haryana State Pollution Control Board.
10. Non compatible hazardous waste and material shall not be mixed in the same storage container.
11. The transport vehicles shall be designed suitably to handle and transport the hazardous waste of various characteristics.
12. The firm shall deliver the hazardous waste at designated points only.
13. The firm shall carryout the cleaning (if necessary) of vehicles at designated places i.e. either at TSDF/CETPs etc., or where there are facilities to treat such wastewaters.
14. This authorization shall not, in any way, adversely affect or jeopardize the legal proceeding, if any, could be instituted against the transporter by the Punjab Pollution Control Board for violation of the provisions of the Environment Acts or Rules made there under. ✓

For Shubham Sales Co.



15. The firm shall be liable for levy of Environmental Compensation in case of any violation of the said Rules, as per the protocol laid down by CPCB/SPCB and amended to date.

16. The firm shall submit a copy of manifest for the hazardous waste lifted from the state of Punjab on each consignment to Environmental Engineer, HQ-3, PPCB, Head Office, Patiala.

All other contents shall remain unchanged. This letter be appended with the original authorization no. SSO/HWM/PPCB/2020/S-14 dated 02.11.2020 issued to the firm vide Board's letter no. 24059 dated 02.11.2020 under the Hazardous and other Wastes Management Rules, 2016.

[Signature]
21/11/2022
Environmental Engineer (HQ-3/3)
For Chairman

Endst. No. _____

Dated _____

A copy of the above is forwarded to the Member Secretary, Haryana State Pollution Control Board, 4, Institutional Area, Jhalana Doongari, Jaipur 302004 for information & necessary action, please.

[Signature]
Environmental Engineer (HQ-3/3)
For Chairman

Endst. No. _____

Dated _____

A copy of the above is forwarded to the following for information & necessary action.

1. The Chief Environmental Engineer, PPCB, Ludhiana, Jalandhar, Bathinda & Patiala.
2. The Senior Environmental Engineer, PPCB, Zonal Office-1/2 Patiala, I/II Ludhiana, Jalandhar, Amritsar & Bathinda.
3. The Environmental Engineer, PPCB, Regional Office, Patiala/Sangrur/Bathinda/Faridkot/Jalandhar/II/Amritsar/Batala/Hoshiarpur/Ludhiana-1/2/3/4, Ropar/Fatehgarh Sahib & SAS Nagar.

[Signature]
Environmental Engineer (HQ-3/3)
For Chairman

Endst. No. _____

Dated _____

A copy of the above is forwarded to the Environmental Engineer (Computers), PPCB, Head Office, Patiala along with copy of GPS details of the firm's transportation vehicle. He is requested to place GPS tracking details on the website of the Board under Hazardous Waste Link.

[Signature]
Environmental Engineer (HQ-3/3)
For Chairman

For Shubham Sales Co.

[Signature]



HARYANA STATE POLLUTION CONTROL BOARD, BAHADURGARH
SPOT INSPECTION REPORT

81

23

| | | |
|-----|---|---|
| 1. | Name of the industry | : Shubham Sales Co. 5.3 mile stone, Bhisani Road, Rahtak |
| 2. | Date of Inspection | : 27.4.23 |
| 3. | Location of industry | : Bhisani Road Rahtak. |
| 4. | Raw material | : Carbon Slurry. 100 MTD (at present 0.6 Ton loading) |
| 5. | Product | : Carbon Mineral 100 MTD |
| 6. | Process | : Attached |
| 7. | Name of the M.D/ Director/Partners/Prop. | : Sh. Kulbhushan Arya and others. |
| 8. | Water Pollution a) Source of water pollution b) Status of control devices | : From processing of Carbon Slurry Installed ETP |
| 9. | Air Pollution a) Source of Air pollution b) Status of Control Measures | : Pre heaters Bag house. |
| 10. | Status of Hazardous Waste alongwith H.W. storage size | : ETP Sludge. & process Residue 4'x4' Bags (Shed) |
| 11. | Status Authorization from PPCB | : Obtained vide letter 2225 dated 21/11/22 and from HSPCB vide letter dated 16.3.21 |
| 12. | Status of Manifest | : - |
| 13. | Status of Annual Return | : Submitted |
| 14. | Status regarding display board on relevant information about | : Provided. and adequate. |

For Shubham Sales Co.

BEFORE THE NATIONAL GREEN TRIBUNAL AT NEW DELHI
ORIGINAL APPLICATION NO. 620 OF 2022

IN THE COURT OF _____

Suit /Appeal No./CWP _____ JURISDICTION of 202__

In re:

KAUSHAL KISHORE VISHWAKARMA

Plaintiff /Appellants/ Petitioner/ Complainant

VERSUS

STATE OF PUNJAB & ORS

Defendant/Respondent/ Accused

KNOW ALL to whom these present shall come that I/We _____

Kulbhushan Arya S/o Lt Sh Hari Kishan Arya, age 57 years, R/o House No. 1200/4, Purani Anaj Mandi, Rohtak Haryana 124001

the above named RESPONDENT NO.5 do hereby appoint **Ridhi Jain [D 910/2020 Mob: 9818332195]** having his office at : **Front Basement D-10 Prashant Vihar Rohini Delhi 110085.** (hereinafter called the advocate/s) to be my/our Advocate in the above noted case authorized him :-

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/ us. To sign, file verify and present pleadings, appeals cross objections or petitions for execution review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages.

To file and take back documents to admit and/or deny the documents of opposite party. To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case. To take execution proceedings.

The deposit, draw and receive money, cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case. To appoint and instruct any other Legal Practitioner, authorising him to exercise the power and authority hereby conferred upon the Advocate whenever he may think it to do so and to sign the Power of Attorney on our behalf.

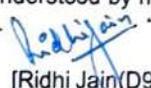
And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes.

And I/We undertake that I / we or my /our duly authorised agent would appear in the Court on all hearings and will inform the Advocates for appearance when the case is called. And I /we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain himself.

And I /we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/ us to be paid to the Advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court.

I/We hereby agree that once the fee is paid. I /we will not be entitled for the refund of the same in any case whatsoever. If the case lasts for more than three years, the advocate shall be entitled for additional fee equivalent to half of the agreed fee for every addition three years or part thereof.

IN WITNESS WHEREOF I/We do hereunto set my /our hand to these presents the contents of which have been understood by me/us on this 25th day of MAY 2023. Accepted subject to the terms of fees.

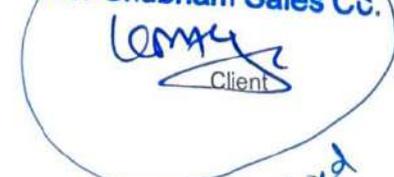

(Ridhi Jain(D910/2020))

Advocates

For Shubham Sales Co.


Client

For Shubham Sales Co.


Client

Identified
Ridhi Jain
25/5/23