

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

Original Application No. 753/ 2019

SITESH KUMAR GUNJAN & OTHERS

..... Applicants

-Versus-

State of Bihar

..... Respondent

INDEX

<i>Sl No.</i>	<i>Particulars</i>	<i>Page No.</i>
1.	The Second Factual & Action Taken Report on behalf of the Answering Respondent (Bihar State Pollution Control Board, Patna).	

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SECOND FACTUAL & ACTION TAKEN REPORT

In compliance with the order dated 15.05.2020 passed by the Hon'ble Tribunal for filing a further Factual & Action Taken Report, the respective report, accordingly, is being furnished as hereunder:-

1. That, the Hon'ble Tribunal, vide Their order dated 15.05.2020 in the instant matter, directed for a joint committee, comprising the Bihar State Pollution Control Board (hereinafter referred to as "the Board") and the District Magistrate, Nalanda, to furnish a further compliance report in the matter. It was, however, directed that the District Magistrate, Nalanda may depute two suitable officers, one from the Revenue Department and one from the Canal

Department for the purpose to enable filing of a further report within two months by email.

2. That the Board, having received a reply of Board's show-cause notice, dated 06.03.2020 to M/s. Pawapuri Rice Mill, conducted an inspection on 02.05.2020 to verify the compliances made by the unit.

During inspection, the Unit was found closed, as reportedly maintenance work in the factory was going on. As for the repairing of the Effluent Treatment Plant (ETP) of the unit, there was no discharge from the ETP. The ETP was made to run for the purpose of testing and it was found that the system was working. The evaluation of ETP's functioning, however, can be assessed only when the unit becomes operational. But the connection of ETP with the kachcha lagoon through a pipe was still under existence. Further, the repairing work of chimney was yet to be completed. Sri Gupta, the proprietor of the rice mill informed that he had contacted one M/s. Karan Boilers, Nasirpur, Hisarpur Road, Ambala City, Haryana for the final repairing work and the process is on.

During inspection, the work of constructing shed for the storage of husk was also not completed and samples of final discharge from the unit could not be collected as the

operation of the plant was closed and Pawa Pyne was also dry, because of which its water sampling was not possible.

On the same day i.e. 02.05.2020, Hotel Rainbasera was also inspected which was found closed due to Covid 19 - Lock Down.

3. That in pursuance of the findings during inspection, a Proposed Direction for Closure u/s 33A of the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as the "Water Act") and 31A of the Air (Prevention and Control of Pollution) Act, 1981 (hereinafter referred to as the "Air Act") was served upon M/s. Pawapuri Rice Mill, asking them to explain as to why their unit should not be closed with immediate effect on the ground that they had not constructed shed; had indulged in the production of par boiled rice for more than the limits allowed; the chimney was not repaired; and the connection of ETP to the kachcha lagoon through pipe was not removed.

M/s. Pawapuri Rice Mill, in their reply to the Proposed Direction, vide their letter dated 03.06.2020, submitted that work of chimney had been completed; work of ETP was completed; and only work relating to storage for husk was incomplete. They requested further for some time to complete the works under progress.

4. That, further in compliance with the Hon'ble Tribunal's order, dated 15.05.2020, the District Magistrate, Nalanda was apprised vide this Board's letter no. 2618, dated 12.06.2020 regarding joint inspection.
5. That in the meantime, since there was no response of Proposed Direction for Closure, issued to M/s. Hotel Rainbasera, they were served with a Direction for Closure u/s 33A of the Water Act and u/s 31A of the Air Act, vide this Board's letter no.2675, dated 15.06.2020, directing them to close their unit with immediate effect till they obtained Consent-to-Operate (CTO) under the Water Act and the Air Act.
6. That before an inspection by the joint committee could be conducted, an inspection by a team of the Board was conducted on 16.06.2020 to ascertain the extent of compliances by M/s. Pawapuri Rice Mill.

During inspection, it was again found that there was no discharge from the ETP due to the closure of the unit. However, the system of ETP was functional. The work of chimney had been completed and Air Pollution Control Device (Cyclone Dust Collector) was installed. The shed for storage of husk was under construction. It was informed by the occupier of the unit that they had already applied before the Board for

Consent-to-Establishment (CTE) for the extension of their production capacity for 1.4 MT per day.

7. That in compliance with the Hon'ble National Green Tribunal's order for a joint inspection report, an inspection of the rice mill was conducted on 01.07.2020, when the joint inspecting officers namely, Sri Iftekhar Ahmed, DCLR, Nalanda; Sri Rajesh Kumar, Executive Engineer, Minor Irrigation, Bihar Sharif, Nalanda; and Sri A.K. Gupta (the deponent), Environmental Engineer, Bihar State Pollution Control Board, Patna participated. The joint inspection was conducted of both the units namely, M/s. Hotel Rainbasera and M/s. Pawapuri Rice Mill.

During inspection, categorically following observations were made by the joint committee:-

Observation of Hotel Rain Basera	i.	It was found closed during inspection.
	ii.	Two outlets were found leading towards Pawa pyne.
	iii.	Solid wastes were found disposed along the Pawa Pyne.
	iv.	Direction for the Closure under section 33A of the Water (Prevention and Control of

		<p>Pollution) Act, 1974 and section 31A of the Air (Prevention and Control of Pollution) Act, 1981 issued by the Board vide letter no.2675, dated 15.06.2020.</p>
	v.	<p>Prima facie it seems to be encroachment of pyne land by the owner of Hotel. Four rooms were observed to be constructed along south pyne.</p> <p>Direction was given to Circle Officer, Giriyak and Assistant Engineer, Minor Irrigation, Bihar Sharif to measure and take necessary steps for removal of the encroachment from the land of the pyne.</p>
<p>Observation of</p> <p>M/s. Pawapuri Rice Mill, Chorsua, Pokharpur, Giriyak, Nalanda.</p>	i.	<p>Shri Dinesh Prasad Gupta, Proprietor was present during inspection.</p>

	ii.	Production of the Mill was found closed during inspection.
	iii.	Effluent Treatment Plant (ETP) of capacity 10 KLD was found installed.
	iv.	Stack height of 30 Metre was found installed by the unit. It was attached with the boiler of the mill. Air Pollution Control System such as Cyclone was provided.
	v.	Closed shed was constructed by unit for storage of husk. But the shed was not adequate.
	vi.	Proposed Direction for the Closure under section 33A of the Water (Prevention and Control of Pollution) Act, 1974 and section 31A of the Air (Prevention and Control of Pollution) Act, 1981 issued by the Board vide letter no. 2471, dated 18.05.2020.
	vii.	Consent to Operate order of the unit had expired on 31.12.2018.

		CTO application no. 2331209, dated 26.09.2019 is under process.
	viii.	Consent to Establish for expansion of production capacity of the unit has been applied to the Board online through OCMMS bearing no. 3769587, dated 16.06.2020. It is under process.
	ix.	No pipeline/drain was found connected from the unit to the pyne.
	x.	The unit was found cleaner than the previous visits.
	xi.	The unit has been closed since 08.03.2020, as reported by Sri Dinesh Prasad Gupta, Proprietor.
	xii.	Related required papers were not shown by the unit's representative during inspection. Documentation was found very poor.
	xiii.	Prima facie it seems that this is not the case of encroachment of

		Pawa Pyne land.
	xiv.	There is a chance of over flow of water from Kachcha pond to pyne in rainy season.
Observation of the Pyne.	i.	Pawa Pyne was found dry during the inspection. It was informed by Executive Engineer, Minor Irrigation, Bihar Sharif, Nalanda that water flows in the pyne during rainy season.

8. That it may be worth submission that this Board has served upon M/s. Pawapuri Rice Mill a show-cause, dated 06.07.2020 before imposition of environmental compensation and asking them to explain as to why Rs.26,93,750/- should not be levied upon them as environmental compensation. The reply, however, is awaited.

The Second Factual & Action Taken Report, as above, in compliance with the order, dated 15.05.2020, may graciously be accepted.

And for this act of kindness, the answering respondent shall ever pray.

Ashish Kumar Gupta

(Ashish Kumar Gupta)
Environmental Engineer

**Bihar State Pollution
Control Board, Patna**