

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

EXECUTION APPLICATION NO. 11/2017

IN

O.A. NO. 159/2013

(M.A. NO. 1169/2018, M.A. NO.1715/2018 & M.A. NO.20/2019)

WITH

ORIGINAL APPLICATION NO. 77/2016
(I.A. NO. 74/2019 & M.A. NO. 204/2019)

IN THE MATTER OF:-

ALL INDIA LOKADHIKAR SANGATHAN

APPLICANT(S)

VERSUS

GOVT. OF NCT OF DELHI & ORS.

RESPONDENT(S)

WITH

M/s ASHOK VIHAR MITRA MANDEL

APPLICANT(S)

VERSUS

GOVT. OF NCT OF DELHI & ORS.

RESPONDENT(S)

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(AJAY AGGARWAL)
SCIENTIST 'E'

CENTRAL POLLUTION CONTROL BOARD,
PARIVESH BHAWAN, EAST ARJUN NAGAR,
DELHI-110032

DATE: 30.04.2020
PLACE: DELHI

Status Report and Request for Extension of Time line in the Matter of M.A. No. 1715/2018 & M.A. No. 20/2019 In Execution Application No.11/2017, In O.A. No. 159/2013 With Review Application No. 01/2019 (I.A. No. 34/2019, I.A. No. 35/2019 & I.A. No. 49/2019, In Execution Application No.11/2017, In O.A. No. 159/2013 & O.A. No. 77/2016 With Review Application No. 07/2019 (I.A. No. 72/2019), Execution Application No.11/2017, In O.A. No. 159/2013 & O.A. No. 77/2016 With I.A. No. 74/2019 , In Original Application No. 77/2016; All India Lokadhikar Sangathan Versus Govt. of NCT of Delhi &Ors. With All India Lokadhikar Sangathan Versus Govt. of NCT of Delhi & Ors. With All India Lokadhikar Sangathan Versus Govt. of NCT of Delhi & Ors. With M/s. Ashok Vihar Mira Mandal Versus Delhi Pollution Control Committee & Ors.

In the above matter, the Expert Committee, in its report of April 4, 2019, in compliance of order dated 7/2/2019, recommended to conduct a detailed study including assessment of carrying capacity considering all type of industries and other activities with potential of air, soil and water pollution generation in **Wazirpur Industrial Area (WIA)**, since Pickling is only one of the intermediate process industries linked with a number of other upstream and downstream industries in the region. This study will also involve evaluation of CETP for suggesting better pre-treatment of pickling liquor, cleaner production, improved air pollution control measures and upgradation of CETP for tertiary treatment including nitrogen removal. This study will be undertaken under the supervision of the Expert Committee constituted as per Hon'ble NGT Order in this matter and is estimated to take 6 months' time for completion of the study and preparation of the report.

In its order dated 18/7/2019, Hon'ble NGT allowed to undertake further study on the subject of carrying capacity and evaluation of CETP. The Joint Committee was also directed to examine the compensation to be recovered from CETP for damage caused for storing hazardous waste and for releasing untreated effluent in the environment and also suggest the manner of handling and disposal of hazardous waste, having regard to CPCB Guidelines on the subject. Hon'ble NGT also directed the issue of closing other polluting industries in this area.

In compliance of the orders of Hon'ble NGT, the Joint Committee finalized terms of reference (TOR) for getting a study conducted from an Expert Institute. On the basis of

the terms of reference prepared by the Joint Committee, CPCB invited proposal from CSIR-NEERI, Nagpur for conducting the proposed study. The proposal was received from CSIR-NEERI on 7/8/2019 and the timeline given for completion of the assignment after receipt of the 1st installment of the fee, was six months. The proposal received from CSIR –NEERI was put up before Scientific and Technical Evaluation Committee (S&TEC) and Standing Finance Committee (SFC) of CPCB for obtaining necessary approval as per General Finance Rules, 2017, for awarding the assignment to CSIR-NEERI. The Memorandum of Understanding (MoU) was finalized & signed between CPCB and NEERI on November 6, 2019 for executing the task as per the orders of Hon'ble NGT.

It was requested by CPCB vide submission dated 15/11/2019, to Hon'ble NGT , for grant of extension of time line by seven months, for submission of the final report.

Hon'ble NGT vide its order dated 19/11/2019 directed CPCB to complete further study including assessment of carrying capacity considering all type of industries and other activities with potential of air, soil and water pollution generation in Wazirpur industrial area within three months.

Accordingly, preliminary report of the study, was provided by NEERI on 12/3/2020 with a request for extension of 2 months' time for completion of the study. The major findings of the preliminary report of the NEERI, which were submitted to Hon'ble NGT, by CPCB, were as follow:

- The PM₁₀ and PM_{2.5} concentrations exceeded the daily average NAAQS of 100 µg/m³ and 60 µg/m³ respectively throughout the study period except on 16 December, 2019.
- The PM₁₀ and PM_{2.5} concentrations were higher at Wazirpur when compared to Ashok Vihar throughout the year. Also, both the sites violated the daily average NAAQS of 100 µg/m³.
- Metal content in the soils was assessed and was compared with Canadian standards 2007. It was found that the concentration of trace metals was higher with respect to

Cu, Pb, Ni & Cr in the park soil and Cr in garden outside CETP office soil.

- pH of the waste water reaching the Wazirpur CETP was acidic in nature. This indicates that the industrial units are not neutralizing the acid before its discharge into the CETP conveyance system.
- High concentration of Fixed Dissolved Solids (FDS) was observed in inlet and outlet samples. The Wazirpur CETP is not capable to achieve the effluent discharge standards for FDS. The Wazirpur CETP is not capable to achieve the effluent discharge standards for Fluoride.
- pH of the influent to the CETP as well as of the drain water is acidic in the nature. The water quality characteristics of the drain water are almost similar to the waste water reaching the Wazirpur CETP through the conveyance system, indicating discharge of untreated waste water of the area in the drain.

In the preliminary report, two months' time was required by NEERI, to further study, analyse and validate data generated so far in consultation with other stakeholders including DSIIDC, DJB, DPCC, MCD, Deptt. of Industries etc. for subsequent analysis, for carrying capacity assessment as well as for damage cost/restoration cost assessment.

Accordingly, a prayer was made by CPCB to Hon'ble NGT on 13/03/2020 alongwith progress report, for granting time upto May 20, 2020, for submission of final report. After hearing the matter, in its order dated 16/3/2019, Hon'ble NGT observed and directed CPCB as under:

"Further time has been sought upto May 20, 2020 for submitting final report.

...CPCB may also ensure that final report of NEERI is furnished latest by 15.04.2020...."

In compliance of the directions of Hon'ble NGT, NEERI was requested to furnish the final report by 15/04/2020. Accordingly, NEERI submitted partial draft report on 14/04/2010 and final draft report on 22/04/2020 to CPCB, for comments.

While providing the final draft report vide email dated 22/04/2020 (**Annexure-1**), NEERI also informed that (i) since, a lot of data has been taken from different sources, it will be desirable to have meeting/discussions with different stakeholders for the finalization and incorporate their view point/suggestions and also (ii) since the entire report has been prepared while working from home during lockdown period due to Covid-19 Crisis, cross verification of certain data is required.

It is further submitted that due to Covid-19 Crisis, (i) the entire period of one month granted by Hon'ble NGT for submission of Final Report by NEERI, has been spent under complete lockdown & working from home conditions and also (ii) the consultation with other stakeholder agencies viz. DSIIDC and DPCC, which are still under lockdown and working from home situation, could not be done for validation of data.

Therefore, Hon'ble NGT is humbly requested to kindly consider the request for granting one & half month time, after lockdown period is over on May 3, 2020, for submission of final report based on validated data, by NEERI, in this matter.



(Ajay Aggarwal)
Scientist 'E',
Central Pollution Control Board,
Delhi

Date 30.04.2020

Annexure-1

From: "Sanjeev Goyal" <sk_goyal@neeri.res.in>
To: "Narender Sharma" <narendersharma.cpcb@gov.in>
Cc: "ajay aggarwal" <ajayaggarwal.cpcb@nic.in>
Sent: Friday, April 24, 2020 9:50:02 PM
Subject: Re: NGT Case No. 159/2013 and 77/2016: Draft Report for Discussions (Single File)

Dear Sir,

As indicated, please find attached single file of draft report for kind perusal.

Regards,
SK Goyal

From: "Sanjeev Goyal" <sk_goyal@neeri.res.in>
To: "Narender Sharma" <narendersharma.cpcb@gov.in>
Cc: "ajay aggarwal" <ajayaggarwal.cpcb@nic.in>
Sent: Wednesday, April 22, 2020 5:01:43 PM
Subject: NGT Case No. 159/2013 and 77/2016: Chapter 5: Conclusion & Recommendations - Draft for Discussions

Dear Sir,

Hope everything is fine at your end.

Please find attached Draft Chapter 5 on Conclusion and Recommendation for the Study on "Carrying Capacity of Wazirpur Industrial Area with Possibility of Continuation of Pickling Industries". Chapters 1-4 were sent earlier on April 14, 2020. Kindly go through the Chapters, and suggest if any changes are required.

Kindly acknowledge the receipt of all the 5 Chapters.

Since a lot of data has been taken from different sources, it will be desirable to have meeting/discussions with different stakeholders for the finalization and incorporate their view point/suggestions.

Further, since the entire report is prepared while working at home, wherein printout was not possible, cross verification of certain data will be done again along with checking for editorial corrections.

with best regards,

SK Goyal

Dr. S.K. Goyal
Sr. Principal Scientist & Head
(Professor, AcSIR)
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Tel: 011-45609107; Fax: 011-45609106
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Item Nos. 02 & 03

Court No. 1

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

Execution Application No. 11/2017

IN

O.A. No. 159/2013

(M.A. No. 1169/2018, M.A. No.1715/2018 & M.A. No.20/2019)

WITH

Original Application No. 77/2016

(I.A. No. 74/2019 & M.A. No. 204/2019)

All India Lokadhikar Sangathan

Applicant(s)

Versus

Govt. of NCT of Delhi & Ors.

Respondent(s)

With

M/s Ashok Vihar Mitra Mandel

Applicant(s)

Versus

Govt. of NCT of Delhi & Ors.

Respondent(s)

Date of hearing: 16.03.2020

Date of uploading of order: 20.03.2020

CORAM:

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SHEO KUMAR SINGH
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

ORDER

1. This order is being passed in continuation of order dated 19.11.2019. The proceedings in the matter are off shoot of directions of the Hon'ble Supreme Court in *M.C Mehta Vs. Union of India & Ors. (2004) 6 SCC 588*. The subject matter is illegally operating stainless steel pickling industries in violation of Master

Plan of Delhi in spite of orders of the Hon'ble Supreme Court and this Tribunal directing closing thereof.

2. The matter was last considered on 19.11.2019 in the light of earlier order of this Tribunal dated 16.10.2018, order of the Hon'ble Supreme Court dated 14.12.2018 in C.A. No. 11726-11727 of 2018, giving liberty to file a review and further order of this Tribunal dated 07.02.2019 in the light of the said order of the Hon'ble Supreme Court. The Tribunal considered the report of the Expert Committee comprising representatives of CPCB, NEERI and IIT Roorkee dated 05.04.2019 recommending as follows:

- “
- ***The operator of the CETP facility is liable for environmental damages caused due to improper handling of hazardous waste and shall be directed to take immediate response measures and environmental site assessment and remediation (if required) as per the guidelines published by CPCB "Guidelines on Implementing Liabilities for Environmental Damages due to Handling & Disposal of Hazardous Waste and Penalty.***
 - *CETP society may be directed to engage a 3rd party consultant having relevant experience to carry out detailed environmental site assessment as per the aforesaid guidelines of CPCB within one month. They shall submit a report to DPCC on detailed site assessment within 4 months thereafter.*
 - *Penalty may be imposed on CETP society for improper handling or disposal of CETP sludge.*
 - ***Since there is no common TSDF in Delhi/ CETP society shall create additional sludge storage facility till the time such common facility is established.***
 - *CETP society shall provide shed on the sludge storage area near the tertiary treatment units.*
 - *CETP society shall ensure that sludge removed from filter press should not be stored in open and it shall be ensured that dewatered sludge is lifted immediately and shifted to sludge storage area.”*

“9. The report further refers to the CPCB assessment of the performance of CETPs conducted in January – February, 2019 finding as follows:

“Analysis of the performance data of CETPs reveals that none of the three CETPs is achieving the prescribed standards.

In Wazirpur CETP/ the parameters of BOD (70 mg/I>30 mg/I/ F (14 mg/I>2 mg/I/ NO₃-N (96 mg/I>10 mg/I/ O&G (18 mg/I>10 mg/I/ FDS (6388 mg/I>2100 mg/I/ Fe (7.82 mg/I >3 mg/I) and Mn (719 mg/I >2 mg/I) were found significantly higher in concentration than prescribed standards.

In Badli CETP, the parameters of BOD (78 mg/I>30 mg/I) F (19. 66 mg/I>2 mg/I/NO₃-N (26 mg/I>10 mg/I) SO₄(1209 mg/I>1000 mg/I)FDS (2396 mg/I>2100 mg/I) and Fe (4. 74 mg/I>3 mg/I) were found much beyond the prescribed standards.

In SMA CETP, the parameters of FDS (5360 mg/I>2100 mg/I), SO₄ (1639 mg/I>1000 mg/I/ Cl (1104 mg/I>1000 mg/I), CN- (0.66 mg/I>0.2 mg/I) were reported higher than prescribed standards.

It is evident from the above assessment carried out by CPCB that CETPs having membership of Steel Pickling units are not meeting the prescribed norms even in the absence of Effluents from Steel Picking Units. Once these CETPs start receiving effluents from Steel Pickling units/ the values of parameters specific to steel pickling units such as Fe/ NO₃-N SO₄ and Fare expected to further go up.”

“10. The Expert Committee visited site on 28.03.2019. Conclusions and recommendations of the Expert Committee are as follows:

“The Expert committee could neither see nor study the adequacy and performance of Primary Effluent Treatment facilities of the Pickling Industries/ since the pickling industries were not in operation as per directions of DPCC. For the same reasons/ the Expert Committee could not assess the impact of pickling industries on air and river Yamuna as well.

Since, CETP is not receiving effluent from Steel pickling Units at the moment the assessment of the performance of CETPs for treatment of effluents from Steel Pickling Units could not be made by Expert Committee.

The findings of earlier reports (CPCB and NEER!) indicate that CETP installed to treat the wastewater/ effluent generated in the Wazirpur Industrial Area needs to be revisited to ensure proper treatment of the

effluent generated not only from Steel Pickling Industries but also from mixed effluents received from other industries/activities of the area as well.

It is recommended to conduct a detailed study including assessment of carrying capacity considering all types of industries and other activities with potential of air, soil and water pollution generation in this industrial area, since Pickling is only one of the intermediate process industries linked with a number of other upstream and downstream industries in the region. This study will also involve evaluation of CETPs for suggesting better pre-treatment of pickling liquor, cleaner production improved air pollution control measures and upgradation of CETPs for tertiary treatment including nitrogen removal. This study may be undertaken under the supervision of the Expert Committee constituted as per Hon'ble NGT Order in this matter and is estimated to take 6 months' time for completion of the study and preparation of the report.

The Joint Expert Committee shall abide by the directions of Hon'ble NGT in this matter."

3. It was further observed:

"13. The order dated 18.07.2019 shows serious ground situation on account of unscientific storage of hazardous waste. According to the Chief Secretary, the hazardous waste stored is 60,000 tonnes. We are informed that the said hazardous waste is lying since 2014. No serious action has been taken by the Authorities in Delhi on the subject. Liability of CETP for such serious violation has not been determined in spite of directions of this Tribunal. Since all these facts have been brought to the notice of the Chief Secretary, we expect further complete action in the matter within two months and a report from the Chief Secretary.

14. We may also note the allegation that apart from units connected to CETP, huge pollution is being caused by the units not so connected to CETP. The DPCC has not carried out any serious assessment in respect thereof. It is necessary to ascertain the manner of disposal of hazardous waste by such units and impact on the recipient environment so as to plan further remedial action in accordance with the Water (Prevention and Control of Pollution Act, 1974, the Air (Prevention and Control of Pollution Act, 1981, the Environment (Protection) Act, 1986 and ruled framed including Hazardous (Waste Management and Handling) Rules,

2016. Let the whole process be completed positively by 15.01.2020 including the tangible progress on setting up of TSDF and affidavit of compliance by 20.01.2020 by e-mail at judicial-ngt@gov.in.

15. The CPCB has not completed the task assigned under order dated 18.07.2019 and has filed a report seeking more time. Let complete steps for the purpose be taken in the same manner and further status report filed by 20.01.2020 by e-mail judicial-ngt@gov.in.

16. The study to be carried out at the instance of CPCB by NEERI may be completed within three months as the same data base is already available. **Setting up of TSDF may also be completed latest by June, 2020 positively failing which the Managing Director, DSIIDC may not be entitled to draw salary from 01.07.2020, till compliance and entry about non performance may have to be made in service record."**

4. Accordingly, following reports / responses have been filed:

- i. Affidavit of compliance for setting up of Treatment, Storage and Disposal Facility (TSDF) by Delhi State Industrial & Development Corporation Ltd. (DSIIDC) filed on 12.03.2020.
- ii. Action taken report on behalf of the Delhi Pollution Control Committee (DPCC) in terms of the order dated 19.11.2019 filed on 12.03.2020.
- iii. Progress report filed by CPCB on the subject of carrying capacity of the Wazirpur Industrial Area and also evaluation of CETP and request for extension of time line in the matter of O.A. No. 159/2013 titled as All India Lokadhikar Sangathan Vs. Govt. of NCT of Delhi & Ors. filed on 13.03.2020.

5. We proceed to consider the matter further in the light of the above.

6. The stand of the DSIIDC is that work of development of TSDF has been awarded to M/s TNWML. Letter of Commencement of work has been issued to the said party on 17.12.2019. The work is to be

completed by June 2020. The EAC of MoEF&CC has issued Terms of Reference (ToR) for grant of Environmental Clearance (EC) on 26-27/12/2019. Further action is to be taken only after grant of EC by MoEF&CC and Consent to Establish by DPCC and other statutory clearances.

7. Action taken report of DPCC is that in the light of directions issued by DPCC on 06.12.2019, 19 pickling units were closed which was followed by further directions for vigil on the said units. Surveillance team was constituted and it was found that 15 units had restarted their operations in the first quarter of 2019 which were again closed and compensation assessed for the violation. Recovery certificates have been issued for unrealized compensation. In December 2019 and January 2020, nine units more were found to be operating clandestinely which have been closed and FIR lodged. DPCC has asked the pickling units to remove plant and machinery. 29 units have removed plant and machinery and four are in the process.

Action has also been initiated to fix liability on CETP for failing to handle hazardous waste. DPCC has assessed compensation of Rs. 13.5 crores on 09.03.2020. Further action has been initiated to detect the units which are not connected to the CETP. 91 such units have been identified. 86 units have been connected and five are yet to be connected. Compensation has been assessed against 67 units out of 91 units and recovery certificates have been issued on 06.03.2020 for unrealized compensation. 23 units were engaged in discharge of effluents. Seven units were found violating the Hazardous Waste Rules for

which compensation has been assessed and recovery certificate has been issued on 06.03.2020. 60000 MT of hazardous waste is lying stored. Contract has been given for TSDF facility by the DSIIDC for which EC has yet to be issued.

8. Report of the CPCB deals with the carrying capacity of the Wazirpur Industrial Area and also evaluation of CETP in the said area. It is stated that the study was entrusted to NEERI which has furnished preliminary draft report on 12.03.2020, inter-alia, as follows:

I. Soil:

*Metal Content in the soils was assessed and was compared with Canadian standards 2002. **It was found that the concentration of trace metals was higher with respect to Cu, Pb, Ni & Cr in the park soil and Cr in garden outside CETP office soil.***

II. Water and Waste Water (WIA and Wazirpur CETP):

*The data generated for assessing the carrying capacity on Air, Soil and water indicates **that exceedance of various environmental parameters.** However, further analysis is required w.r.t adequacy of pretreatment facilities of individual industries of the area and CETP as well, to take care of effluent from all the industries, if connected to CETP and subsequent impact on the carrying capacity, in order to decide the number and type of industries which could co-exist in the Wazirpur Industrial area.*

III. Damage Assessment:

*The data generated by CSIR-NEERI was reviewed. **The data indicates the damage caused to the air, water and soil on account of exceedance of various environmental parameters.** However, further study and analysis is required for quantification in terms of contribution by different sources, environmental damage in monetary terms and Cost of restoration.”*

9. Further time has been sought upto May 20, 2020 for submitting final report.

10. In the light of the above reports, while the unsatisfactory state of affairs is self-evident and so is failure of the statutory authorities to take adequate remedial action, there is continuing harm to the environment and public health for which not only the violators of law but also the authorities have to be held accountable by way of prosecution, recovery of compensation and/or disciplinary action. We particularly find and record serious failure on the part of Managing Director of DSIIDC who may be liable to be dealt with individually for his failure. We hope that adequate demonstrable steps are now taken in the matter.
11. Having regard to the continuing damage to the environment, we direct MoEF&CC to adopt a shortened timeline for grant of EC by using a special mechanism for dealing with the emergency situation so as to ensure that grant of EC is not delayed beyond 15.04.2020 which is the date fixed for public hearing.
12. CPCB may also ensure that final report of NEERI is furnished latest by 15.04.2020. DPCC may ensure recovery by closing the defaulting units including the members of the association of CETP in view of emergency situation existing on the ground noticed above.
13. Delhi Government has not paid the amount of Rs. 35 crores liable to be paid in the light of order dated 16.10.2018 passed by this Tribunal read with order of the Hon'ble Supreme Court dated 14.12.2018 and further order of this Tribunal dated 18.07.2019. The same may now be deposited within one month which will be the responsibility of the Chief Secretary, Delhi. CPCB may take

steps in case of default. The amount recovered may be spent for restoration as per an approved action plan.

14. DPCC must ensure stringent action against clandestine operation of industries in violation of orders of this Tribunal and for recovery of compensation already assessed. Action may also be taken to ensure that CETP performance is as per standards. If the defaults continue further action may be taken in accordance with law. The amount recovered may be spent for restoration as per an approved action plan. Till establishment of TSDF and upgradation of CETP no new industry be permitted in the industrial areas.

15. Let a further action taken reports be filed before the next date by e-mail at judicial-ngt@gov.in.

A copy of this order be sent to the Chief Secretary, Delhi, MoEF&CC, CPCB, DSIIDC and DPCC by e-mail.

List for further consideration on 05.05.2020.

Adarsh Kumar Goel, CP

S.K. Singh, JM

Dr. Nagin Nanda, EM

March 20, 2020
Execution Application No. 11/2017
& other connected matter
DV