

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

EA No.06/2024 IN OA No.587/2023

IN THE MATTER OF:

Suman

Applicant

Versus

Asha Devi & Ors.

Respondent(s)

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Dated: 06/05/2024


Regional Officer,
Panipat Region.

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Latest Status report in Execution Application No. 06/2024 in Original Application No. 587/2023 titled as Suman versus Asha Devi & Ors.

1. That the said matter is listed before the Hon'ble NGT on 08/05.2024.
2. That the unit M/s Unique Enterprises operating at land bearing Khasra No. 82//8/2/1, 9/2, 9/1, 10/1 at village Karhans, Tehsil Samalkha, Panipat was engaged in manufacturing hypochlorite solution and bleached cotton has stopped its operation at site permanently. Presently at site the civil structure in the form of tanks are existing which are lying vacant. The machinery used for manufacturing hypochlorite solution and generator has been dismantled from the site. The copy of photographs showing dismantled plant and machinery is attached as **Annexure- A**.
3. That as the unit was found operating after breaking seals imposed upon plant and machinery by HSPCB in compliance of closure order dated 11.10.2023. Therefore, deterrent environmental compensation of Rs.26.40 Lac as per environment policy for the further violation period after breaking the seal has been recommended to the competent authority vide this office letter No. HSPCB/PR/2024/84 dated 16.04.2024. Copy of recommendation for EC is attached as **Annexure-B**.
4. That prosecution case has been vetted by the head office for violation under section 44 read with section 47 for violation of section 25 and under section 41 for violation of section 33A of Water (Prevention and Control of Pollution) Act, 1974 and under section 37 read with section 40 for violation of section 21 and under section 37 for violation of section 31-A of Air Act (Prevention and Control of Pollution) Act, 1981 vide head office

letter No.I/245322/2024 dated 13.03.2024 and approval for prosecution has been sanctioned against the unit through its proprietor vide head office letter Endst.No.HSPCB/2024/245320 dated 14.03.2024 for operating the unit by breaking the seal, operating without CTE/CTO and non-installation of Pollution Control Device by the unit. The Complaint in Special Environment Court, Kurukshetra has been filed against the said unit after approval of competent authority. The copy of approval of prosecution is attached as **Annexure-C**.

5. That presently the unit has closed its operation permanently at site.

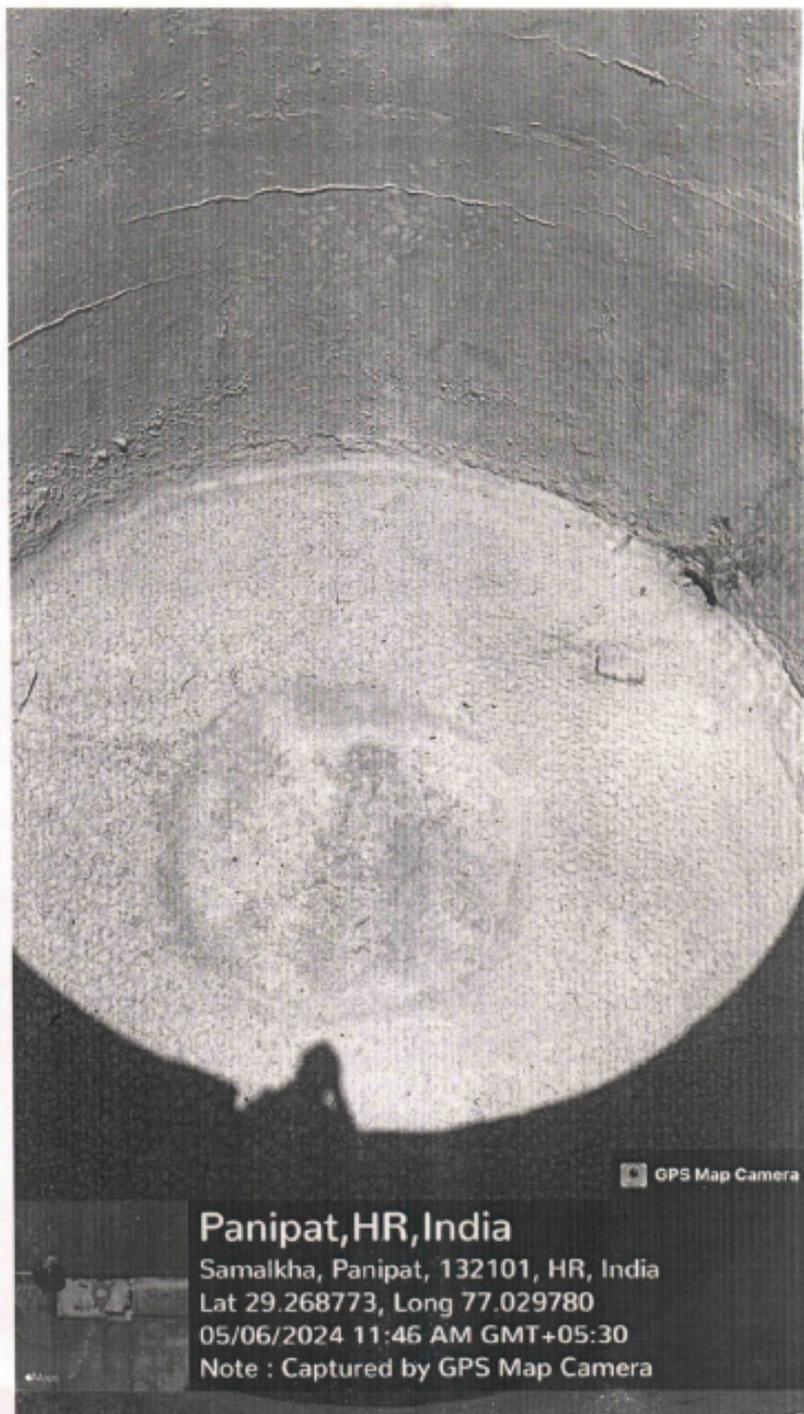
6. That the report is submitted accordingly for kind consideration. It is undertaken to comply with the directions passed by the Hon'ble Tribunal.



Ajay Ahalwat,
Assistant Environment Engineer,
Panipat.



Bhupinder Singh,
Regional Officer,
Panipat.



GPS Map Camera

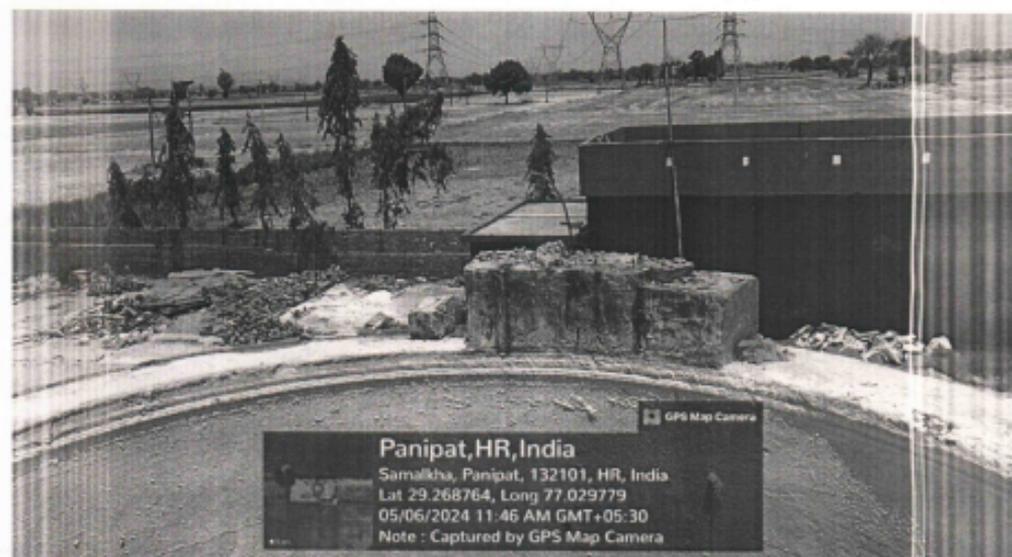
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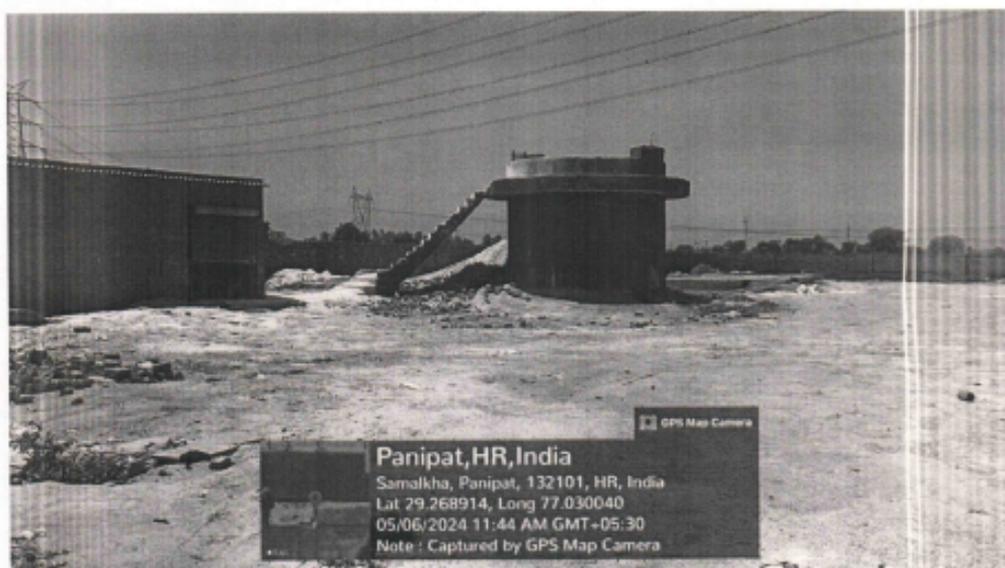
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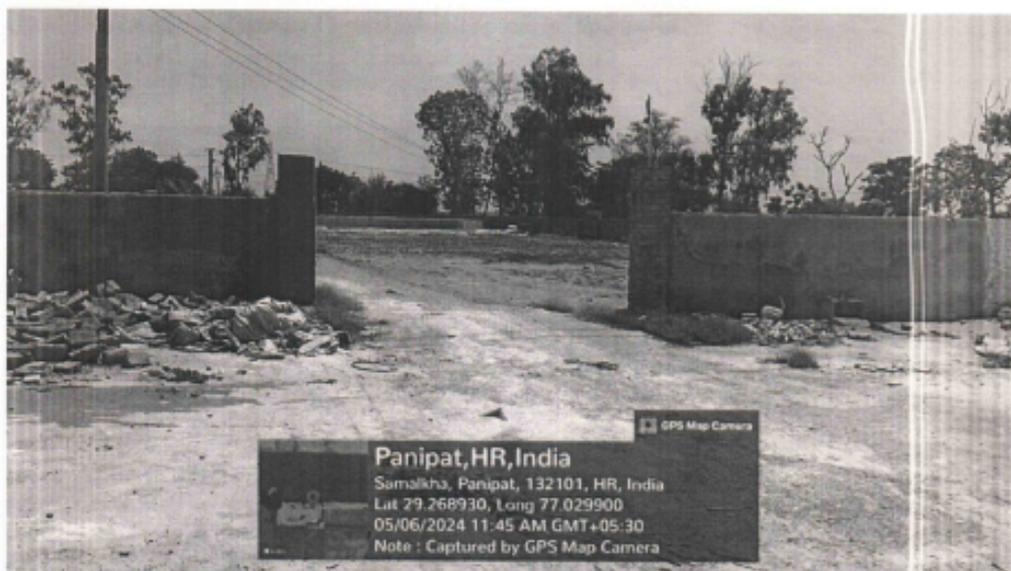
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Note : Captured by GPS Map Camera







GPS Map Camera

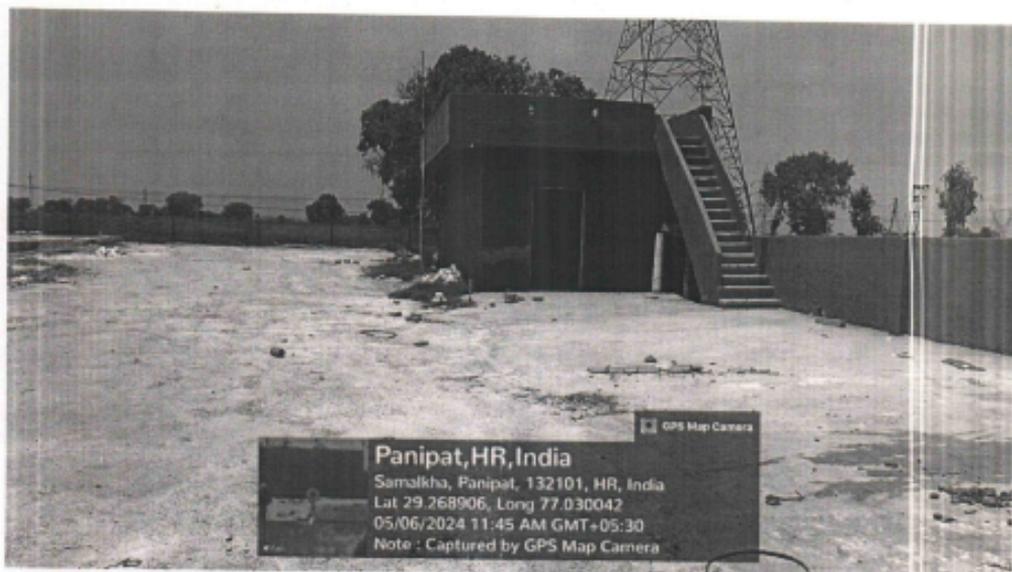
Panipat, HR, India

Samalkha, Panipat, 132101, HR, India

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Note : Captured by GPS Map Camera





HARYANA STATE POLLUTION CONTROL BOARD
SCO No.55, SECTOR-25, HUDA, PANIPAT

Ph. – (0180) 2672037, Telefax – 2664951, E-mail: hspcbprpr@gmail.com

No. HSPCB/PR/2024/ 54

Dated 16/04/24

To

The Chairman,
 Haryana State Pollution Control Board,
 Panchkula.

Kind Attn: SEE, Planning Cell (HQ)

Subject: Revised recommendation for Levying Environmental Compensation on M/s Unique Enterprises, VPO- Karhans, Samalkha, Panipat.

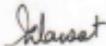
Ref:- This office letter No. HSPCB/PR/2024/3004 dated 12.03.2024 and the meeting held through online dated 16.04.2024.

1.	Name & address of the unit	M/s Unique Enterprises, VPO- Karhans, Samalkha, Panipat
2.	Name and designation of the officer(s) inspected the unit	Sh. Ajay Ahlawat, AEE
3.	Product(s) and bio-products	Bleaching of cotton and manufacturing of bleach chemical.
4.	Manufacturing process	Bleaching of cotton and bleach manufacturing plant.
5.	Status of CTE	Not obtained
6.	Status of CTO	Not obtained
7.	Date of inspection of the unit	26/07/2023, 12/10/2023, 08/12/2023, 07/02/2024, 19/02/2024 & 21/02/2024
8.	Date of commissioning	17.07.2023 (Date of CM window complaint as no other record available)
9.	Detail of violation observed during inspection:	1. Unit has not obtained CTE & CTO from the Board for bleaching of cloth and operating illegally. 2. Unit has not installed any ETP for treatment of trade effluent. 3. Unit has established Hypochlorite manufacture unit in the premises without CTE/CTO.
10.	Category of the unit	ii. Red iv. Small
11.	Complaint/Court case, if any.	CM Window complaint has been received vide No. CMOFF/N/2023/089278 dated 17/07/2023 by Krishan Village Karhans, Samalkha, Panipat
12.	Detail of sampling and analysis of effluent/air emission exceeding the norms.	NA
13.	Reasons for not collection of samples, if not collected.	Premises was filled with rainy water and due to no sampling arrangement at site
14.	Detail of Show Cause Notice for closure and EC issued with date.	SCN issued vide letter No.1313 dated 01/08/2023 for Environment Compensation and for closure action.
15.	Reply of Show Cause Notice, if any received.	No reply received

16. No. and date of closure order issued by the Head Office.	Head Office Endst. No. dated HSPCB/PAN/2023/INS/48232438CONCO001-005 11/10/2023.
17. Compliance of closure order if applicable.	Compliance has been sent to Head Office via HROCEMMS dated 12/10/2023 and Compliance has been sent to Head Office E-mail and E-Office on dated 11/12/2023 and 20/02/2024.
18. Present status of compliance made by the unit, if any after issue of show cause notice.	No compliance made by unit.
19. Cases for levying environmental compensation: -	1. Unit has not obtained CTE & CTO from the Board for bleaching of cloth and operating illegally. 2. Unit has not installed any ETP for treatment of trade effluent 3. Unit has established Hypochlorite manufacture unit in the premises without CTE/CTO.
20. Date of last inspection and sampling i.e. prior present inspection (Water and/or Air and/or other pollution).	21/02/2024 to check seal imposed on 19/02/2024 are intact or not.
21. Justification of imposing environmental compensation for last five year.	NA
22. Final reasoned recommendations in respect of EC and documents attached to be verified.	<p>The unit was inspected on 26.07.2023 and thereafter unit was sealed on 12/10/2023 in compliance of closure order issued by Head Office Endst. No. HSPCB/PAN/2023/INS/48232438CONCO001-005 dated 11/10/2023.</p> <p>Thereafter, Environmental Compensation Rs.8,80,000/- was recommended to Head office vide this office letter No. HSPCB/PR/2023/1734 dated 12.10.2023 and environmental compensation Rs 8.80 Lacs has been imposed on the unit vide head office letter No 1/244117/2024 from dated 17/07/2023 to 12/10/2023.</p> <p>That during routine inspection the unit was again found operating on 08/12/2023 by breaking the seal imposed upon plant & machinery and unit was re-sealed on the same day to stop further operation of the unit and compliance of closure was sent to head office vide this office letter No. HSPCB/PR/2023/2375 dated 11.12.2023</p> <p>That a letter was sent to Deputy Commissioner, Panipat with request to appoint Duty Magistrate and to provide police force for compliance of closure order as the unit found operating by breaking the seal as imposed upon Plant and machinery of the unit. The order of Duty Magistrate was received from Deputy Commissioner, Panipat vide order No.367-69/MD dated 07/02/2024 and the unit was again re-sealed on 19/02/2024 in presence of Duty Magistrate and compliance of closure order was sent to head office vide this office letter No. HSPCB/PR/2023/2869-2871 dated 20.02.2024.</p> <p>The said unit was again inspected on 21/02/2024 by the field officer to check the compliance of closure order but the unit was still found in operation after breaking the seal imposed in presence of Duty Magistrate duly appointed by Deputy Commissioner, Panipat.</p> <p>Therefore, it is recommended that the environmental</p>

		compensation may be imposed on the unit from 13/10/2023 (environmental compensation already imposed upto 12.10.2023) to 21/02/2024 (Date of inspection to check the compliance of closure order) for operating without CTE/CTO from the Board and also breaking the seals imposed in compliance of closure order. As the unit is involved in repeated violations the environmental compensation should be levied two times of original compensation as per "Table 11: Environmental Compensation Charges in case of repeated violation" Environmental compensation policy order dated 22.12.2021.
23.	PI-Pollution Index (Red: 80, Orange: 50 and Green:30)	80
24.	N-No of days of violation	13/10/2023 (environmental compensation already imposed upto 12.10.2023) to 21/02/2024 (Date of inspection to check the compliance of closure order) i.e. 132 Days
25.	R-Factor in Rupees	250
26.	S - Factor for scale of operation (0.5 for micro or small, 1.0 for Medium and 1.5 for large unit)	0.5 (For Small)
27.	LF-Location Factor (as per census)	1
28.	EC=PI x N x R x S x LF	$80 \times 132 \times 250 \times 0.5 \times 1 = 13,20,000/-$
29.	EC Charges in case of repeated violation	Two times the original amount
30.	Total Amount calculated	$13,20,000 \times 2 = 26,40,000/-$

DA/All the required documents are already been sent vide this office letter No. HSPCB/PR/2024/3004 dated 12.03.2024.



Ajay Ahlawat, AEE
Panipat



Bhupinder Singh,
Regional Officer,

HSPCB-030002/266/2023-PLANNING CELL-HSPCB

/245320/2024

HARYANA STATE POLLUTION CONTROL BOARD

C-11 Sector-6, Panchkula

Ph – 0172- 577870-73, Fax No. 2581201

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Approval for Prosecution

Whereas, M/s Unique Enterprises, VPO Karhans, Samalkha- Bapoli Road, Panipat is engaged in the process of bleaching of waste cotton and manufacturing of bleach chemical which is covered under consent management of the Board;

Whereas, the Regional Officer, Panipat vide his letter dated 18.12.2023 has intimated that the site of the unit was inspected by Sh. Ajay Ahlawat on 26.07.2023 and during inspection unit was found established and in operation without obtaining prior CTE & CTO from the Board. Accordingly, the unit was closed in compliance of closure order issued on 11.10.2023. Unit was again inspected by Sh. Ajay Ahlawat, AEE on 08.12.2023 to inquire about the status and during inspection the unit was found in operation by breaking the seal, which was imposed in compliance of the closure order dated 11.10.2023. On the basis of above stated violation of environmental laws, Regional Officer, Panipat of the Board has recommended to accord approval for filing the prosecution case in the Hon'ble Special Environment Court, Kurukshetra under the provision of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 through Ajay Ahlawat, Assistant Environmental Engineer, Regional Office, Haryana State Pollution Control Board, Panipat against the above said unit and its Directors/Partners/Proprietor and other persons responsible for its day to day activities, for the above said violations committed by the unit;

Whereas, the Board vide resolution No. 150.11(S) has authorized Concerned Regional Officers/Area In-charge of the Regional Offices of the Board to file prosecution case against such type of units and their responsible persons which violates the provisions of the Water (Prevention & Control of Pollution) Act, 1974 & the Air (Prevention & Control of Pollution) Act, 1981 subject to the approval of the Chairman of the Board;

Whereas, facts of the case and recommendations of the Regional Officer, Panipat have been examined and it has been found that the unit has committed the offense under Section 41 & 44 for violation of Section 25 & 33-A of Water (Prevention & Control of Pollution) Act, 1974 and under Section 37 & 39 for violation of Section 21 & 31-A of Air (Prevention & Control of Pollution) Act, 1981 as mentioned above;

Therefore, in view of above and in exercise of the powers delegated by the Board vide Board's resolution No. 150.11 (S), I.P. Raghavendra Rao, Chairman, Haryana State Pollution Control Board being the Competent Authority, hereby accord the approval to file prosecution case through Sh. Ajay Ahlawat,

HSPCB-030002/266/2023-PLANNING CELL-HSPCB

/245320/2024

Assistant Environmental Engineer, Regional Office, Haryana State Pollution Control Board, Panipat on behalf of the Board in Hon'ble Special Environment Court, Kurukshetra under Section 41 & 44 for violation of Section 25 & 33-A of the Water (Prevention & Control of Pollution) Act, 1974 and under Section 37 & 39 for violation of Section 21 & 31-A of the Air (Prevention & Control of Pollution) Act, 1981, against against M/s Sh. Kapil Jaglan, S/o Sh. Jitendra Jaglan R/o Jaihind Complex, Samalkha, Panipat, Sole Proprietor of M/s Unique Enterprises, VPO Karhans, Samalkha- Bapoli Road, Panipat and any other person of the unit responsible for the above said violation.

**Dated Panchkula, the
13-03-2024**

**P. RAGHAVENDRA RAO
CHAIRMAN**

Endst.No.HSPCB/2024/ 245320

Dated: 14-3-2024

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

1. The Regional Officer, Haryana State Pollution Control Board, Panipat Region, Panipat for information and further necessary action w.r.t. his letter dated 18.12.2023. He is directed to ensure the compliance of comprehensive policy/procedure issued vide Head Office letter dated 15.12.2020 for filing prosecution cases and will further ensure that the concerned officer shall file proper & complete prosecution case against the above said unit & its owner & others responsible persons in the Special Environment Court, Kurukshetra.
2. Sh. Ajay Ahlawat, AEE, HSPCB, Panipat, Haryana State Pollution Control Board, Panipat. He is asked to file the complete & proper prosecution case against the above said unit & its owner and other responsible persons in the Special Environment Court, Kurukshetra, immediately.
3. District Attorney, HSPCB (HQ), Panchkula.

Satinder Pal

**Sr. Environmental Engineer (HQ).
For Chairman**