

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

Original Application No. 173 of 2023

Shalbhjit Singh

Versus

State of Punjab

Action taken / status report in compliance of order dated 17.7.2023
of the Hon'ble National Green Tribunal

Respectfully Showeth

1. That briefly stated, the matter is related to letter petition dated 05.11.2022 sent by Nanak Shalbh alleging that there is a pharmaceutical unit namely M/s Nectar Life Sciences Limited at Village Haibatpur, Tehsil Dera Bassi, District SAS Nagar (Mohali) which is discharging highly polluted chemical effluents in the agricultural field causing damage to the crops and land. The letter petition was registered as Original Application No. 173 of 2023 titled as Shalbhjit Singh vs State of Punjab.
2. That after consideration of the matter, the Hon'ble National Green Tribunal was pleased to pass an order dated 28.04.2023 thereby issuing the following directions:



"We find it appropriate to obtain a factual action taken report for the

purpose whereof, we constitute a joint Committee comprising State PCB and District Magistrate, SAS Nagar (Mohali) who shall visit the site, collect relevant information and submit factual as well as action taken, if any, report within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR support PDF and not in the form of Image PDF"

3. That in compliance of the orders and directions dated 28.4.2023 of the Hon'ble NGT, a Joint Committee under the chairmanship of Deputy Commissioner, SAS Nagar (Mohali) comprising of following members was constituted vide office order no. 2332-33 dated 29.05.2023 (of the office of Deputy Commissioner, SAS Nagar):
 - i. Sub-Divisional Magistrate, Derabassi.
 - ii. Environmental Engineer, PPCB, SAS Nagar
4. That in compliance to the orders dated 28.04.2023 of the Hon'ble Tribunal, the joint committee visited the industry namely M/s Nectar Life Sciences Limited (Unit-2) on 23.06.2023 and the finding of the Joint Committee was send to Hon'ble NGT through email dated 15.07.2023.
5. That after considering the Joint Committee dated 15.7.2023, the Hon'ble National Green Tribunal was pleased to pass an order dated 17.7.2023 thereby issuing directions to the Punjab State Pollution Control Board for ensuring compliance of environmental norms. The relevant extract of order dated 17.7.2023 is reproduced herein below:

The State PCB is directed to ensure that industry operate on Zero Liquid Discharge (ZLD) mode by taking necessary actions to ensure that there shall not be any discharge of polluted water into the open land or any water bodies and in case if it is found that there is violation of environmental norms the necessary action with calculation of environmental compensation with parameter laid down by the NGT and the parameter prescribed by the CPCB be



calculated, assessed and realized according to the rules and ensure that the unit must have CTO.

An Action taken report based on above observations be filed within three weeks. The amount of environmental compensation shall be utilized for the restoration of water.

6. That it is relevant to mention here that the industry has obtained Consent to Operate under Water (Prevention & Control of Pollution) Act, 1974 vide no. CTOW/Renewal/SAS/2022/20441856 dated 20.12.2022 and under Air (Prevention & Control of Pollution) Act, 1981 vide no. CTOA/Renewal/SAS/2022/20443954 dated 20.12.2022 from the Punjab Pollution Control Board, which has expired on 30.06.2023. The industry was issued notice u/s 33-A of Water (Prevention & Control of Pollution) Act, 1974 and u/s 31-A of Air (Prevention & Control of Pollution) Act, 1981 with an opportunity of personal hearing before Chairman on 01.09.2023. Thereafter, the industry had applied for obtaining renewal of consent to operate under the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 and the application was returned online due to the fact that the decisions of the hearing to be held on 01.09.2023, with regard to notice issued to the industry u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974, were awaited.
7. That the hearing before the Chairman of the Board was held on 1.9.2023. The order dated 17.7.2023 passed by the Hon'ble National Green Tribunal was also considered. After hearing the representative of the industry and the officer of the Board, the Chairman of the Board has decided as under:
- a) Environmental Engineer, Punjab Pollution Control Board, Regional Office SAS Nagar shall immediately encash bank guarantee amounting to Rs. 10 lakhs which is already deposited with the Board by the industry as an assurance and send the report thereafter.



- b) The industry shall submit a new bank guarantee amounting to Rs. 10 lakhs as an assurance to comply environmental laws all the times.
 - c) The industry shall get the re-verification of premises from Director of Factories, Punjab and shall submit certificate to the effect that measures provided by the industry are adequate and all safety measure are in place to avoid any such incident in future within one month.
 - d) The industry shall get safety audit of its premises from institute of repute and shall submit the report within one month.
 - e) The industry shall provide additional precautionary measures such as handheld gas analyzers and highly sensitive gas sensors on overall boundary wall of the unit with siren system.
 - f) Environmental Engineer, Punjab Pollution Control Board, Regional Office, SAS Nagar shall visit the industry in the last week of September, 2023 to verify the contention of the industry w.r.t various compliance made by it and carry out complete monitoring of ETP, APCDs & groundwater and thereafter to send the consolidated report alongwith concrete recommendations so as to enable the Competent Authority to proceed further in the matter.
8. That the Board has encashed the Bank Guarantee amounting to Rs. 10 lakhs of the industry for the violation s and the industry was directed to submit new Bank Guarantee amounting to Rs. 10 lakhs as an assurance to comply with the environmental laws all the times. The proceedings of the hearing have been conveyed to the industry vide letter no. 7337-38 dated 22.9.2023. Copy of letter dated 22.9.2023 is enclosed herewith as **Annexure-A** for kind perusal of the Hon'ble Tribunal. The industry will be visited in the month of October to carry out complete monitoring of ETP, APCDs & groundwater. The report will be considered by the competent authority of the Board for further action in the matter.



9. That it is relevant to mention here that the Punjab Pollution Control Board is taking suitable action from time to time in the matter, for ensuring compliance of the Environmental Laws by the industrial unit.
10. That the factual action taken report is hereby submitted in compliance to order dated 17.07.2023 for kind consideration and appropriate orders of the Hon'ble National Green Tribunal.

Submitted by



12.10.2023

(Er. Gursharan Dass)
Environmental Engineer
Punjab Pollution Control Board
Regional Office, Mohali

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ਪੰਜਾਬ ਪ੍ਰਦੂਸ਼ਣ ਰੋਕਥਾਮ ਬੋਰਡ

ਜ਼ੋਨਲ ਦਫਤਰ-1, ਵਾਤਾਵਰਣ ਭਵਨ, ਨਾਗਾ ਰੋਡ, ਪਟਿਆਲਾ-147001



Phone no. 0175-2301182

ਨੰਬਰ 7337

e-mail : ppcbsee_zp1@yahoo.com

ਮਿਤੀ 22/9/23

REGISTERED

To

M/s Nectar Lifesciences Ltd. (Unit-II),
Village Saidpura, Barwala Road,
Tehsil Dera Bassi, Distt. SAS Nagar

Subject:

Proceedings of the personal hearing given to M/s Nectar Lifesciences Ltd (Unit-II), Village Saidpura, Barwala Road, Tehsil Dera Bassi, Distt. SAS Nagar u/s 33-A of the Water (Prevention and Control of Pollution) Act, 1974 and u/s 31-A of the Air (Prevention and Control of Pollution) Act, 1981 before the Chairman of the Board on 1/9/2023

The following were present:

From Board's side:

Er. G.S. Majithia, Member Secretary
Er. Harbir Singh Multani, Chief Environmental Engineer (P)
Er. Lavneet Kumar Dubey, Senior Environmental Engineer, Zonal Office-I, Patiala
Er. Rajeev Kumar Gupta, EE, ZP-I

From industry side:

Sh. H.P. Singh, President
Sh. Tirupathi Rao, AGM

It was brought out that the industry has been granted consent to operate under the Water (Prevention & Control of Pollution) Act, 1974 vide no. CTOW/Renewal/SAS/2022/20441856 dated 20/12/2022 and the Air (Prevention & Control of Pollution) Act, 1981 vide no. CTOA/Renewal/SAS/2022/20443954 dated 20/12/2022, valid upto 30/6/2023 for manufacturing Menthol Crystals @16.6T/day, Menthol Flakes @6.6T/day, Menthol liquid/powder @16.6T/day, Cefixime Trihydrate @1.786T/day, Cefuroxime Axetil (Amorphous) @1.65T/day, Cefpodoxime Proxetil (Coated) @0.007T/day, Cefpodoxime Proxetil @0.01T/day, Cefditoren Pivoxil @0.0035T/day, Cefdinir @0.05T/day, Ceftriaxone Sodium @0.84T/day, Cefotaxime Sodium @0.4T/day, Cefepime Injection @0.0577T/day, Cefuroxime sodium @0.02723T/day, Cephalothin Sodium @0.05T/day, Cefazolin Sodium @0.00321T/day, Cefprozil @0.0005T/day, Cefoxitin Sodium @0.001T/day, Ceftiofur @0.00003T/day, Ceftaroline @0.00002T/day, Metformin HCL @0.07T/day, Cefcapine Pivoxil @0.00002T/day, Sodium Carbonate @0.002T/day, L-Arginine @0.002T/day, Ceftazime Pentahydrate @0.015T/day, Ceftibutene Hydrate @0.02T/day & Cefotium HCL @0.015T/day subject to certain conditions as mentioned therein.

The Hon'ble National Green Tribunal, New Delhi has passed combined orders dated 25.02.2021 in the matters of OA no. 33/2013 (THC) titled as Karnail Singh & Ors. V/s CPCB & Ors., OA no. 30/2013 (THC) titled as Jai Singh & Ors. V/s Union of India & Ors., OA no. 101/2020 titled as Suhail Dhurani V/s State of Punjab and OA no. 164/2020 Satinder Mohan Singh Grover & Ors. V/s Central Pollution Control Board & Ors. The operative part of the orders of the Hon'ble National Green Tribunal is as under:

"17. In view of the exhaustive report furnished by the Committee which is also available on the website of this Tribunal so as to be accessed by the concerned parties, as per

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procedure being followed by the Tribunal, what is required is further action by the concerned authorities as well as the industrial units for compliance of the norms in the light of observations and recommendations. Such action is particularly required for calculating CEPI (even if it is not in the list of „critically“ or „severely“ polluted category), compiling information about the number of industries in different categories and whether ground water extraction is permissible, water quality monitoring stations, status of execution of action plan for air quality management, action plan for restoration of environmental quality management and its monitoring mechanism at District level. It needs to be verified whether MSIHC Rules, 1989 are being followed by the industries handling hazardous chemicals in respect of onsite and offsite emergency plans and conducting mock drills. This is necessary to prevent industrial accidents resulting in deaths and injuries and damage to the environment, the Tribunal has come across recently several such accidents 2. Menace of rice husk use and ash management also needs to be controlled.

18. Accordingly, the State authorities and the industrial units in question may take further remedial action expeditiously. The State PCB may ensure compliance in exercise of its statutory powers, including those under the Water (Prevention and Control of Pollution) Act, 1974, the Air Prevention and Control of Pollution Act, 1981 and the Environment (Protection) Act, 1986 to ensure compliance by the concerned industries in a time bound manner, including preventing pollution, assessment and recovery of compensation for the past violations and restoration of water, air and soil quality, following due process. Restoration plan be got prepared by the joint Committee of CPCB and State PCB, in consultation with such other individuals / organizations as may be necessary, and timely execution of the action plan may also be overseen. The Committee may specify the authorities responsible for execution, including the role to be played by the industrial units. The restoration plan must provide for treatment of waste water in areas where water quality has deteriorated, particularly the locations identified by the Committee. The action plan may further include, apart from measures already mentioned, restoration of the soil quality where the soil quality has deteriorated and on the same pattern, restoration of drains adversely affected by discharge of pollutants including hazardous waste. The State PCBs may also act on the recommendation for rice husk management and VOCs. The action plan may be prepared within three months, stipulating its execution within six months thereafter. Status of compliance as on 31.12.2021 may be compiled by the joint Committee of CPCB and State PCB and report furnished to the Chairman, CPCB for such further remedial action as may be found necessary. The applications are disposed of, in view of above order, all pending IAs will stand disposed of as the matter will henceforth be dealt with by the joint Committee of CPCB and State PCB in accordance with the statutory provisions of the Water Act, Air Act and EP Act or any other relevant law.

The relative part related to the industry namely M/s Nectar Lifesciences Ltd (Unit-2), Village Saidpura, Tehsil DeraBassi, Distt. SAS Nagar is as under:

- i. Since there is problem of handling of rice husk ash and it flows into the nearby drain and cause obstructions to the flow of drain water, therefore, the industry shall construct a covering shed of 1000 m² within 01 month so that it may store the rice husk ash for the period till its disposal. The dumping yard may be provided quite away from the drain. Proper record of quantity of rice husk generated per day, quantity of rice husk lifted and balance quantity of rice husk at dumping site may be maintained by the industry.
- ii. The industry shall construct a brick wall of adequate length and height not less than 3m towards the residential areas within 01 month so that no fly ash may blow towards residential areas.
- iii. The industry shall provide retaining wall/ structure along the drain towards the rice husk dumping yard to prevent the flow of fly ash into the drain, within 01 month.
- iv. The industry shall collect accumulated rice husk ash/fly ash from the drain and the same may be disposed of in an environmentally sound manner within 01 month.
- v. The industry shall ensure that the vehicles will be covered with the tarpaulin during transportation of ash and ash will be transported in wet conditions to prevent it becoming the same air borne during transportation.

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- vi. Treated / untreated effluent should not be discharged on rice husk dumping yard for quenching purposes. vii. PPCB shall collect and analyze the ground water samples within the premises of the industry to check its quality within 21 days.
- viii. The industry shall ensure that no wastewater from its industrial premises / plantation area or otherwise should be allowed to discharge into storm water drain directly or indirectly under any circumstances.
- ix. The industry shall get the channels carrying wastewater within its premises to the ETP/ MEE lined with impervious material like FRC lining etc. and repair the eroded drains within 01 month.
- x. The industry should install electromagnetic flow meters at all the effluent carrying streams/ pipelines originating from each process /section leading to ETP/ MEE installed within its premises within 03 months.
- xi. The industry shall comply with the guidelines mentioned in the SOP for utilization of the spent solvents and install minimum required facility as delineated in the Standard Operating Procedure issued by the CPCB for recovery of spent solvents, immediately.
- xii. PPCB shall get conduct performance study of ETP of the industry from its Environment Protection squad within 15 days to assess as to whether the ETP is adequate and effective to treat wastewater from both the units of industry. The performance study may be conducted by collecting 4 hourly composite samples of Effluent Treatment Plant for 2 days. Thereafter further action in the matter shall be taken accordingly.
- xiii. The industry shall provide temporary bridge / structure after getting approval from the concerned authorities so that plantation areas across the drain could also be inspected.
- xiv. The industry shall submit its permission for abstraction of ground water from central ground water authority within 01 month.

The industry was given personal hearing before the Chairman of the Board on 8/6/2021, wherein it was decided as under:

1. The industry shall submit the requisite documents in support of the statements made by it within 07 days.
2. The industry will install and commission the ZLD system within two months.
3. A team will visit the industry to check the compliances made by the industry constituted by the Senior Environmental Engineer, Zonal Office-I, Patiala.
4. In case of failure of compliance by the industry, strict action as per law including imposition of environmental compensation shall be initiated.

Regular complaints against the above industry were received regarding the air pollution and illegal discharge of effluent into the nearby drain passing adjacent to the boundary of the industry. Accordingly, the industry was visited by officers of the Board on 8/11/2021. During the visit, it was observed that:

1. The industry has installed incinerator (4.2 MTD), but during the visit the same was not in operation as per requirement of industry. Hence, air emission sample from the stack of incinerator could not be collected.
2. During visit, it was observed that intermittently black smoke was being emitted from the stack of Boiler.

3. During the visit, the stack emission samples were collected by the visiting team. As per the analysis report, the concentration of stack emission was beyond the prescribed limits of the Board.
4. The ETP installed for the treatment of effluent was in operation. During visit, effluent samples (inlet & outlet of ETP) were collected by the visiting team. As per the analysis report, the concentration of effluent samples were beyond the prescribed limits of the Board.
5. New ETP was found partially in operation i.e. Primary clarifier of new ETP lying out of order. As per the representative same happened 02 days back. No effluent observed from final outlet of new ETP.
6. The representative of the industry was guided / advised that plantation area needs to be developed as per Karnal Technology and Furrows & ridges needs to be properly maintained.
7. The industry has not provided proper distribution network in the plantation area to avoid any apprehensive of unscientific /illegal discharge into drain passing through the plantation area.
8. The industry partially pumping its treated effluent through flexible pipe across the drain for irrigation purpose.
9. The industry has not replaced dead trees of the plantation area.
10. The industry is in the process of installation of RO & UF with the new ETP.
11. The industry advised not to do the quenching of fly ash with the treated effluent & not to dump any fly ash without the permission of the Board.
12. MEE's installed presently lying non-operational due to some accident as the short circuit occurred in the PLC installed with the same.
13. During the visit, ground water samples were also collected from the piezometers installed within the premises of the industry however, analysis results of the same area awaited from Head Office Laboratory, Patiala.

The industry has failed to comply with the various observations of the NGT Monitoring Committee as well as decisions of the hearing earlier held before the Chairman of the Board.

The industry has not installed electromagnetic flow meters at all the effluent carrying streams/ pipelines originating from each process / section leading to ETP / MEE installed within its premises as per the timeline. The industry has not constructed a covering shed of 1000 m² so that it may store the rice husk ash for the period till its disposal. The industry has not got its channels carrying wastewater within its premises to the ETP / MEE lined with impervious material like FRC lining etc. and repair the eroded drains. The industry failed to install and commission the ZLD system within two months in light of the decision of the hearing dated 08.06.2021.

Notice regarding non-compliance of the decisions of hearing dated 8/6/2021 given by the Chairman of the Board under the provisions of the Water Act, 1974 and the Air Act, 1981 and revocation/ cancellation of consent to operate under the Water Act, 1974 and the Air Act, 1981 was issued to the industry vide Board's letter no. 1728-29 dated 11/3/2022.

The industry was issued notice vide Board's letter no. 4298-99 dated 15/7/2022 with an opportunity of personal before the Chairman of the Board on 19/7/2022 (postponed to 27/7/2022 and further postponed to 1/8/2022). After hearing, the Chairman of the Board decided as under:

1. The industry shall operate its ZLD system and pollution control devices installed by it, regularly and efficiently.
2. The industry shall not discharge any treated/untreated effluent outside its premises at any time.

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3. The industry shall not use / discharge its treated / untreated effluent in rice husk dumping yard for quenching purposes.
4. The Environmental Engineer, RO, SAS Nagar shall return the consent application of the industry applied under the Air Act, 1981 and guide it to reapply the application properly.
5. The industry shall reapply the consent to operate under the Water Act, 1974 and Air Act, 1981 for existing process / quantities.
6. Environmental Engineer, RO, SAS Nagar shall visit the industry to verify the statements made by the industry during the hearing and shall submit his report/recommendations in the matter and also process the consent applications on merits to be applied by the industry.
7. In case of failure of compliance by the industry, strict action as per law including imposition of environmental compensation shall be initiated.

The industry was issued show cause notice vide Board's letter no. 6430-31 dated 19/10/2022 before refusal of varied consent to operate under the Water Act, 1974 and the Air Act, 1981 alongwith another opportunity of personal hearing before the Chairman of the Board on 11/11/2022. After hearing, the Chairman of the Board decided as under:

- (A) i) On the basis of best assessment and judgment, an environmental compensation of Rs. 5.0 Lakhs is imposed to the industry. The industry shall deposit Rs. 5.0 Lakhs as environmental compensation within one week in the O/o Environmental Engineer, Regional Office, SAS Nagar.
- ii) The industry shall provide garland drain at a plinth level of retaining wall alongwith collection tank to be collected the seepage water received from ash quenching so as to stop the discharge into drain through weep whole.
- iii) The industry shall not dump the fresh ash within its premises. Fly ash generated from the industry in future shall be transported and dumped in an environmentally/ scientific sound manner onto own land of measuring 100 acres at Village Nimbua.
- iv) The industry shall provide water meter on its difference streams to check the water balance of the both units.
- v) The industry shall make the adequate arrangement to hold all wastewater from a process atleast for 4-days in case of no demand period.
- vi) The entire sludge generated from the process of the industry shall be disposed off to TSDF, Nimbua and no sludge disposed off outside the premises under any circumstances.
- vii) The industry shall comply with decisions of the hearing dated 8/6/2021 & 28/3/2022, and the Hon'ble NGT order dated 25/2/2021 passed in OA no. 33 of 2013, OA no. 30 of 2013, OA no. 101 of 2020 and also comply with the SOP framed by CPCB for such type of industries.
- viii) The Environmental Engineer, Regional Office, SAS Nagar shall personally visit the industry to mark the plantation area developed as per Karnal Technology within industrial premises to be used for mode of disposal for R.O permeate in future.
- ix) In case of failure of compliance by the industry, strict action as per law including imposition of environmental compensation shall be initiated.
- x) The Environmental Engineer, RO, SAS Nagar shall return the consent application of the industry applied under the Water Act, 1974 and the Air Act, 1981 and guide it to reapply the application as discussed during the hearing.

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- (B) Directions u/s 33-A of the Water (Prevention and Control of Pollution) Act, 1974 be issued to the industry that:
- i) The industry shall achieve ZLD by operating ZLD system and pollution control devices installed by it, regularly and efficiently.
 - ii) The industry shall not discharge any treated/ untreated effluent outside its premises at any time.
 - iii) The industry shall reuse RO permeate for domestic purposes and for onto land for irrigation/ plantation within its industrial premises.
 - iv) The industry shall not discharge any treated effluent/ R.O permeate onto land for plantation which has already been developed outside the premises by the industry.
 - v) The industry shall remove the flexible pipes/ motors provided in the plantation area.

The industry was not serious to comply with the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981, wilfully causing water and air pollution in the vicinity as well as operating its unit without the valid consent to operate of the Board as required under the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981. Thus, the industry was found violating the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 intentionally and deliberately.

A telephonic complaint was received from Mr. Sonu, Panch, Village Haripur Hinduan on 22/6/2023 regarding problem of smell & release of effluent from the main gate of the premises of M/s Nectar Lifesciences Ltd, Unit-II, Village Haripur Hinduan, Derabassi. Accordingly, the site was visited by the officers of the Board and complainant Mr. Sonu was contacted and it was observed as under:

- i) Water was found coming outside the premises of the industry and entering the stormwater drain laid near Rajasthan Liquors Limited since the slope of the terrain is towards the Dera Bassi-Barwala Road. At the entrance, pungent smell of Ammonia gas was felt, further the color of water coming from the factory was found clear.
- ii) Thereafter, the premises of the unit were visited along with complainant and Mr. Manjit Singh, Assistant Manager, HR was contacted.
- iii) The representative of the industry informed that there was leakage of Ammonia gas in Vapour absorption machine in utility block at around 7:00 PM. As a result of leakage, they started spraying fresh water to suppress the ammonia gas & the same water was coming out from the premises of industrial unit. The site of utility block was visited and observed that there was no release of ammonia gas from the Vapour absorption machine, however, water was flowing from the utility block to the main gate of the industry.
- iv) No camera has been installed by the industry in the utility. The CCTV camera installed by the industry at Entry Gate was check and observed that effluent started coming out of the gate.
- v) One Ltr sample was collected from the water coming out of the gate of the factory and sent to HO lab for analysis. It is pertinent to mention here that no official information was given by the industry about the leakage to PPCB. As per MSDS available online for ammonia gas, it is a flammable gas, may form explosive mixtures with air, may displace oxygen and cause rapid suffocation, Harmful if inhaled, causes severe skin burns and eye damage and very toxic to aquatic life. Ammonia dissolves abundantly in water and can minimize the spreading of gas into atmosphere, water contaminated with this material must be contained and prevented from being

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discharged to any waterway, sewer or drain. However, the industry has failed to contain the water contaminated with ammonia within its premises and same had not been adequately treated.

A complaint was sent by Nanak Shalbh vide application dated 5/11/2022 through email to Hon'ble NGT alleging that there is a pharmaceutical unit namely M/s Nectar Life Sciences Limited at Village Haibatpur, Tehsil DeraBassi, District SAS Nagar (Mohali) which is discharging highly polluted chemical effluents in the agricultural field causing damage to the crops and land.

Hon'ble NGT has registered the case as OA u/s 14 & 15 of National Green Tribunal Act, 2010 and in order to obtain factual action taken report for the purpose has constituted a joint Committee comprising State PCB and District Magistrate, SAS Nagar (Mohali) who shall visit the site, collect relevant information and submit factual as well as action taken, if any, report within two months by e-mail. The above said matter has been listed for further consideration on 17.07.2023.

Thereafter, in compliance of Hon'ble NGT orders, the site of the industry was visited by EE, RO, Mohali and SDM, Derabassi on 23.06.2023 and contacted Sh.CH Tripathi Rao, Senior Manager (9885042872). During the visit, it was observed as under:

- 1) The industry M/s Nectar Lifesciences, Unit-II is a bulk drugs manufacturing unit was in operation. The industry is also having its sister concern company involved in manufacturing of bulk drugs located in Village Haripur Hinduan namely Nectar Lifesciences, Unit-I and the effluent generated from this company is also treated along with its own effluent and the effluent is being carried using underground/ overhead pipeline.
- 2) The industry has been installed 3 no. boilers, 2 no. boiler of capacity 40 TPH (with Economiser, APH & ESP as APCD) each which were in operation and 1 no. standby boiler @ 25 TPH (Trima cyclone + Bag house filter as APCD) which was not in operation during visit. The industry has provided an Ash storage silo of 50 tonne capacity. The industry is using rice husk, wood chips, sarkanda and wood chopped nada as fuel. The representative informed that the average fuel consumption is 350 TPD and about 15- 16% ash generation is generated. The industry was found dumping fresh boiler within its premises as landfill in non-compliance of the hearing decision dated 11/11/2022. The representative informed that they have sold off the land measuring 100 acres earlier lying with it at village Nimbua on which it was asked to dispose off boiler ash during hearing dated 11.11.2022.
- 3) Stack emission monitoring of both the boiler of 40 TPH capacity was carried out and the results are within the prescribed limits. The industry has provided OCEMS with the 2 boilers of 40 TPH only. As per OCEMS, the SPM was 43 mg/Nm³ and 67 mg/Nm³. The OCEMS has been linked with the server of the Board. The industry has not installed OCEMS on stand-bye boiler.
- 4) The industry has provided 3 no. SRPs, which was in operation during visit. The industry has provided only VOC meters with the SRPs & no TOC meter is installed in compliance of SOP of CPCB. The OCEMS with the SRP plant was not connected with the PPCB server. Storm water drain near SRP-A area was found filled with contents of effluent along with rain water and sample was collected and sent to HO lab for analysis. Large no. of spent solvent drums were found lying in open and some of the drums were even corroded.
- 5) The industry has installed 3 no. DG sets of capacity 750 KVA and 2 of capacity 1250 KVA with canopy & adequate stack height. However, as per 'Consent to Operate' under Air Act, 1981 granted to the industry, it has been permitted for installation of DG set of 1250 KVA x 2 and 1000

KVA x 1 .

- 6) The industry has installed 2 no. borewells and has provided flow meter over them. The reading of borewell near admin building was 530848 m³, however, the reading was not matching with the record. As per record checked for the month of April' 23, 915 KLD of fresh water has been abstracted and as per record for the month of May'23, 881 KLD of fresh water has been abstracted from both the bore wells. The industry has obtained permission from CGWA for abstraction of ground water @ 1015 KLD vide no. 21-4(250)/NWR/CGWA/2009-1614 dated 01.11.2011.
- 7) The industry has installed 2 no. Piezometers, however, only 1 piezometer installed near admin building was functional and the other was found non-functional. The representative was advised to make the other piezometer also in functional. Sample from the piezometer was collected and results are within limits as per IS : 10500 - 2012.
- 8) The industry has installed CCTV cameras at the treated water outlet and on the storm water drain further leading to garland drain running at back side of the industry. However, the same is yet to be linked with the PPCB server. The representative was advised to link it with PPCB server.
- 9) The industry has installed one incinerator of capacity 4.22 TPD with quencher, equipped with scrubber as APCD and followed by stack of adequate height. But, the incinerator was not in operation during visit. The representative informed that category 28.1 (Process waste) and category 36.2 (Centrifuge bags) are being incinerated in the said incinerator. No arrangement for disposal of scrubber water into ETP has been provided by the industry. The industry has not installed OCEMS on the Incinerator. Huge quantity of hazardous waste of category 36.2 i.e filter pads were found lying near the incinerator area in open and not stored dedicated hazardous waste room. The industry has not made any provision for drying the sludge left at the bottom of scrubber water tank.
- 10) The industry has provided a High TDS Effluent Storage Tank of 300 KL capacity for the storage of High TDS effluent generated from its Oral-D section, Oral-F section, Oral-C section, Oral-H section, SRP-A, SRP-B and SRP-C. The industry has provided individual water meter on the effluent streams coming from process. Leakage were observed in the tank and the wastewater was found stagnated on ground. The tank was almost 90% filled and the industry has not provided any mechanism for measuring the level of the water in the said tank. The industry has provided a Low TDS Effluent Storage Tank of 300 KL capacity for the storage of Low TDS effluent generated from its Cooling tower blown down, floor washing in process blocks and Boiler blow down. The domestic effluent is directly feed into Aeration-1 of ETP installed by the industry. Besides the above tank, the industry has also provided High TDS effluent storage tanks of capacity 1200 KL and Low TDS effluent storage tanks of capacity 1200 KL for the storage of effluent generated from sister concern company Unit-I. The HTDS tank was almost full with effluent.
- 11) The industry has installed 2 MEEs of capacity 350 KLD & 90 KLD for the treatment of High TDS effluent generated from its process, reactor washing, water distilled from SRP tanks, RO reject and ML of this industry as well as its sister concern company Nectar (Unit-1) premises and MEE of capacity 350 KLD was in operation. The industry has provided a High TDS collection tank near the MEE in which neutralization of the effluent is being done using caustic and the industry has provided a water meter on the line carrying water to MEE feed and reading was 88980 KL (11 m³/hr flow). No arrangement for measurement of the level of water in the High TDS tank has been

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- provided. The industry has not done color coding of the pipeline carrying High TDS effluent to MEE. There was leakage in glands of the motors of the pipeline carrying MEE concentrate to ATFD. The industry has also installed flow meter on the MEE condensate line. The MEE condensate is further treated into ETP. Sample was collected from MEE feed, MEE condensate and MEE concentrate to adjudge the efficiency of MEE and results are within prescribed limits of the Board.
- 12) The industry has installed ATFD and same was in operation during visit. The industry has also provided a flexible line for carrying the MEE concentrate to ATFD feed tank and the representative was advised to remove it immediately. The industry has provided flow meter on the ATFD feed.
 - 13) The industry has installed ETP of 1500 KLD capacity based on physico-chemical and biological treatment for the treatment of low TDS effluent generated from floor washing, cooling tower blow down, boiler blow down, domestic effluent generated from this industry and its sister concern (Unit-I), MEE condensate and line coming from storm water drain collection pit.
 - 14) The industry has provided hazardous waste room for storage of hazardous waste of category 5.1, 36.2, 36.1, 28.1, 28.3, 37.2 and 35.3 having compartments. During visit, 19 drums of used oil @ 200 litre, 5 drums of category 36.1, 2 drums of 28.1(process residue), 3 bags of 28.3 (spent carbon) were found stored. No marking on bags of category 36.2 and 37.2 and stacking has been made by the industry. No quantity of hazardous waste of category 5.2 and 33.2 was found lying in the room. The walls of the hazardous waste room were damped from inside. The representative was advised to do proper stacking of the hazardous waste, mention date of generation, bag number and qty of waste on the bags. The industry is maintaining record of generation and disposal of hazardous waste. The industry has not provided dedicated room for storage of hazardous waste of category 33.1 and same were found stored in open.
 - 15) The site of old ETP which has now been made redundant by the industry. The collection tank of capacity 90 KL of ETP was filled with effluent and sample was collected from the collection tank. The motor for disposing off the waste water to the newly installed ETP was not in operation. The other components of the old ETP were also filled with effluent and sludge and the representative was asked to treat the same.
 - 16) A large no. of solvent drums and empty drums were found lying in the open area and some empty drums were also found lying in the said area. Most of the drums were found filled with solvent and corroded.
 - 17) The industry has provided a collection pit near the MEE area as an arrangement for storage of spillage effluent mixed with storm water from where the industry pumps the same back to ETP as per requirement. The representative informed that in case the industry is confirmed that the storm water drain is not carrying any effluent in it, the storm water is disposed into garland drain coming village Haripur Hinduan. The sample of the drain coming from village Haripur Hinduan upstream of the industry and downstream of the industry to adjudge any contamination due to industry water was collected. As per results, the contamination in the drain at the upstream of the industry is due to domestic effluent and at the downstream side of the industry there is no significant increase in parameters after the drain passes the industry which shows that there is no contamination due to industrial effluent.
 - 18) The industry has developed plantation area as per Karnal Technology near Admin Building measuring 4.5 acres and at the backside of the industry measuring 44 acres. The plantation area

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was found dry. Besides the plantation area developed as per Karnal Technology, the industry has also developed green area measuring 13 acres near the admin building and 7 acres at the backside of the industry. The industry has laid pipeline for using the treated water of ETP in these areas.

- 19) The records maintained by the industry w.r.t groundwater abstracted, trade effluent generated and treated were scrutinized by the visiting team and same were found not in order. It is apprehended that the industry has manipulated the said records.

The industry was surprisingly visited by officer of the Board on 7/7/2023 and it was observed that:

1. The boiler ash in the shape of slurry is being transported to brick kiln owner.
2. The housekeeping near the boiler area was observed to be very poor and lots of boiler ash and solid waste/ containers were observed in this area.
3. The industry has provided 03 SRP lines for recovery of spent solvent. The VOC analyser have been provided in all, however, TOC analyser has not been provided.
4. The residue/ by product from the SRP area is being stored in open near the SRP lines and a lot of spillage was observed in this area. There is open storm water drain near this area and there are high chances of spillage to be discharged into storm water drain ultimately leading to Haibatpura Drain.
5. The industry has installed incinerator, which is provided with quencher, scrubber as APCD. The incinerator was not in operation during the visit. However, some hazardous waste of category 28.1, 36.2 was lying stored near incinerator in open and old solid waste was also found dump near this area.
6. The industry has provided collection tank for the high TDS effluent. The high TDS effluent is treated in MEE of capacity 90 KLD and 350 KLD. Only MEE of capacity 350 KLD was in operation. The industry has installed ATFD having capacity 850 lt/hr, which was in operation. Leakages were observed in this area.
7. The hazardous waste room was also inspected and tags were found missing on some bags containing MEE salt.
8. The industry has provided ETP for treatment of LTDS effluent of capacity 1500 KLD and same was found in operation during the visit.
9. The industry has provided separate water meters. However, the old record of these meters was not available with the industries.
10. The industry has provided OCEMS with the ETP. However, the probe of the same shall be provided on the live line carrying RO Permeate to the utility / plantation area.
11. Lots of empty drums/ filled drum were observed near the boiler area, ETP area, SRP area lying in open, without proper demarcation. Some of these drums were even corroded.
12. High TDS effluent was observed in the collection tank on the old ETP and the industry has not dismantled the component of old ETP.
13. The storm water line was checked from the ETP leading to the Haibatpura Drain and was found empty/ dry.

The consent to operate granted to the Industry under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 has already been

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expired on 30/6/2023 and the industry has failed to apply for renewal of consent to operate under the provisions of the said Acts to the Board.

The industry has failed to comply with the decisions of hearing given before the Competent Authority of the Board from time to time and conditions of consents granted to it under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 intentionally and deliberately. Thus, the industry is violating the provisions of the said Acts and operating its unit in violation of the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 causing pollution in the area.

The matter was considered by the Competent Authority and it has been decided to issue notice u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 and the 31-A of the Air (Prevention & Control of Pollution) Act, 1981 for proposing closure of the unit after affording an opportunity of personal hearing, due to aforesaid violations.

Therefore, the industry was served notice to issue directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 31-A of the Air (Prevention & Control of Pollution) Act, 1981 vide Board's letter no. 4912-13 dated 14/7/2023 alongwith an opportunity of personal hearing before the Chairman of the Board on 25/7/2023 with the following proposed directions:

- 1) That the industry shall take all necessary steps to close down its operations and stop forthwith discharging any effluents/ wastewater into sewer/ into storm water drain/ inland surface water/ onto land for stagnation/ irrigation or through any mode.
- 2) That the industry will immediately stop its activities and will not restart the same unless all necessary water pollution control measures are taken and it obtains valid consent to operate of the Board as required under the provisions of Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981.
- 3) That the Punjab State Power Corporation Ltd. authorities shall be directed to disconnect the supply of electricity available to the industry.
- 4) That the DG set installed by the industry shall be sealed.

Thereafter, the industry was served notice to issue directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 31-A of the Air (Prevention & Control of Pollution) Act, 1981 vide Board's letter no. 4912-13 dated 14/7/2023 alongwith an opportunity of the personal hearing before the Chairman of the Board on 25/7/2022. But, the industry has sent the request letter for adjournment of hearing to some other date.

The matter was again considered by the Competent Authority and decided to afford another opportunity of personal hearing to the industry before taking further action in the matter as mentioned in the notice issued vide Board's letter no. 4912-13 dated 14/7/2023.

Therefore, the industry was given another opportunity of personal hearing u/s 33-A of the Water (Prevention and Control of Pollution) Act, 1974 and u/s 31-A of the Air (Prevention and Control of Pollution) Act, 1981 vide Board's letter no. 6454-55 dated 24/8/2023 alongwith an opportunity of personal hearing before the Chairman of the Board on 1/9/2023.

During hearing, representatives of the industry have submitted written reply which was taken on record. They failed to give any satisfactory reply w.r.t continuous violations made by the industry under the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981. However, they informed that the industry has made lot of improvement and also

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comply all the observations earlier made by the visiting officer. It was also apprised that a complaint made by Nanak Shalbh is pending in the Hon'ble NGT and a Joint Committee has already been constituted by the Hon'ble NGT to monitor the industry w.r.t various compliances. Also, it was apprised to the industry that the matter is also raised in the Hon'ble Vidhan Sabha w.r.t the pollution being caused from the operations of the industry.

After hearing the representative of the industry and officers of the Board, the Chairman of the Board decided as under:

- 1) Environmental Engineer, Punjab Pollution Control Board, Regional Office, SAS Nagar shall immediately encash bank guarantee amounting to Rs. 10.0 Lakhs which is already deposited with the Board by the industry as an assurance and send the report thereafter.
- 2) The industry shall submit a new bank guarantee amounting to Rs. 10.0 Lakhs as an assurance to comply environmental laws all the times.
- 3) The industry shall get the re-verification of premises from Director of Factories, Punjab and shall submit certificate to the effect that measures provided by the industry are adequate and all safety measure are in place to avoid any such incident in future within one month.
- 4) The industry shall get safety audit of its premises from institute of repute and shall submit the report within one month.
- 5) The industry shall provide additional precautionary measures such as handheld gas analysers and highly sensitive gas sensors on overall boundary wall of the unit with siren system.
- 6) Environmental Engineer, Punjab Pollution Control Board, Regional Office, SAS Nagar shall visit the industry in the last week of September, 2023 to verify the contention of the industry w.r.t various compliance made by it and carry out complete monitoring of ETP, APCDs & groundwater and thereafter to send the consolidated report alongwith concrete recommendations so as to enable the Competent Authority to proceed further in the matter.

You are, therefore, requested to comply with the aforesaid decisions of the personal hearing.


22/9/2023
Environmental Engineer
for & on behalf of the
Punjab Pollution Control Board

Endst. no. 7338.....

Dated 22/9/2023

A copy of the above is forwarded to the Environmental Engineer, Punjab Pollution Control Board, Regional Office, SAS Nagar. He is requested to verify the compliance made by the industry and shall submit further report and recommendations.


22/9/2023
Environmental Engineer
for & on behalf of the
Punjab Pollution Control Board