

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

Original Application No. 527 of 2019

Ravinder Singh and Ors.

Applicant(s)

Versus

State of Punjab and Ors.

Respondent(s)

Interim report in compliance of order dated 14.10.2019 of the Hon'ble Tribunal through Er. Harpal Singh, Environmental Engineer, Punjab Pollution Control Board, Regional Office, Batala.

Respectfully Showeth

1. That the Hon'ble National Green Tribunal was pleased to constitute a Joint Committee comprising of senior officer of the Punjab Pollution Control Board and Deputy Commissioner, Gurdaspur in the above mentioned case by passing an order dated 4.6.2019 and called for a report in the matter.

2. That in compliance to order dated 4.6.2019 of the Hon'ble Tribunal, the factual status report of the joint team constituted for the purpose was furnished to the Hon'ble Tribunal via e-mail dated 2.8.2019 and 22.9.2019 at judicial-ngt@gov.in.
3. That after considering the report of the joint team, the Hon'ble National Green Tribunal was pleased to issue directions to the State Pollution Control Board vide order dated 14.10.2019 to take remedial action in accordance with law and to furnish further action taken report in the case. Relevant extract of order dated 14.10.2019 passed by the Hon'ble Tribunal is reproduced below for kind perusal and reference:

"Since the joint Committee has found deficiencies in the height of the stack and inadequacy in adopting safety measures, remedial action needs to be taken by the SPCB in accordance with law and further action taken report furnished. The remedial action may include stopping of illegal activity, recovering compensation for the damage to the environment and public health and prosecution of the violators. Let further action taken report be furnished to this Tribunal by e-mail at judicial-ngt@gov.in within one month."

4. That in compliance to the order dated 14.10.2019 of this Hon'ble Tribunal, the Punjab Pollution Control Board had issued notice u/s 31-A of Air (Prevention & Control of Pollution) Act, 1981 as amended in 1987 alongwith Show Cause Notice for refusal of Consent to Operate Under Air (Prevention & Control of Pollution) Act, 1981 as amended in 1987 vide letter no.6254 dated 13.11.2019 with an opportunity of personal hearing to the Hot Mix Plant before the Chairman, Punjab Pollution Control Board on 19.11.2019.

5. That the personal hearing before the Chairman of the Board was attended by Sh. Amarjit Singh, Project proponent of the Hot Mix Plant on 19.11.2019, wherein he informed that he has removed all the observations raised by the Board before time. He further submitted that the complainant has no grievance and the complainant is harassing him. He further informed that the Hot Mix Plant was operated only 3-4 days for testing and no health or any other harm due to running of hot mix plant has happened. After hearing the officers of the Board, representatives of the industry and considering the facts on the record file, the Chairman of the Board decided to direct the Environmental Engineer to verify the statement of the industry and file a report. The relevant extract of the direction is reproduced below for kind perusal:

"Environmental Engineer, Regional Office to verify the Statement of the industry and submit his report

alongwith recommendations with regarding to operation of the Hot Mix Plant viz-a-viz the order of the Hon'ble NGT and the detailed report be submitted by 30.11.2019 positively"

The proceedings of the hearing held on 19.11.2019 have been conveyed to the owner of the Hot Mix Plant namely M/s Amarjit Singh and Co. (HMP), Village Khojapur, Gurdaspur vide letter no. 6525 dated 9.12.2019. A copy of letter no. 6526 dated 09.12.2019 is enclosed herewith as **Annexure-A** for kind perusal of this Hon'ble Tribunal.

6. That further, action in the case is under active consideration of the Board and will be taken and concluded at the earliest.
7. That at this stage the Board is filing the interim action taken report for kind consideration of the Hon'ble Tribunal.

Place

Date

(Harpal Singh)
Environmental Engineer
Punjab Pollution Control Board
Regional Office, Batala



No. 6525

Regd.

Date: 09.12.2019

To

M/s Amarjit Singh & Co. (HMP),
Vill Khojpur,
Gurdaspur.

Subject: Proceedings of the hearing before the Chairman of the Board on 19.11.2019 in reference to Notice u/s 31-A of Air (Prevention & Control of Pollution) Act, 1981 as amended in 1987 alongwith Show cause notice for refusal of consent to operate under Air (Prevention & Control of Pollution) Act, 1981 as amended in 1987.

Following were present:-

On behalf of Board: - **Er. G.S. Majithia, CEE (J)**
Er. Harbir Singh, SEE, ASR

On behalf of Industry: - **Sh. Amarjit Singh**

The officers of the Board informed that the industry has applied consent to operate under the Water (Prevention & Control of Pollution) Act 1974 as amended in 1988 and Air (Prevention & Control of Pollution) Act, 1981, as amended in 1987 through OCMMS.

A case has been filed in the Hon'ble NGT in OA No. 527/2019 (I.A. No. 376/2019 & I.A. No. 377/2019) titled as Ravinder Singh & ors. v/s State of Punjab & Ors.

The Board has received orders of Hon'ble NGT in OA No. 527/2019 (I.A. No. 376/2019 & I.A. No. 377/2019) titled as Ravinder Singh & ors. v/s State of Punjab & Ors. The operative part of the orders are reproduced as below:-

" Considering the circumstances before admitting the matter, we feel it necessary to get a report from the concerned authorities. For that purpose, we constitute a joint committee consisting of the Senior Officer of the PPCB and the Deputy Commissioner, Gurdaspur, Punjab who shall inspect the unit and ascertain the genuineness of allegations mentioned in the application and if they are satisfied that there is any violation and if any action is to be taken, further 3 action be taken in the matter and submit a factual and action taken report to this Tribunal within one month by e-mail at judicialngt.gov.in. The PPCB will be nodal agency for coordination and compliance.

The Committee is directed to consider the question as to whether there are any violation and whether there is any pollution caused and whether there is any adverse effect nearby to agricultural land and that causes any damage to the children in that area and whether the siting criteria is fully complied for the purpose of establishment of the unit and if there is any violation, they are at liberty to take appropriate action in accordance with law."

In compliance to the order of the Hon'ble NGT, the Board has constituted committee vide officer order no. 465 dated 02.08.2019 and nominated Er. R.K. Ratra, Senior Environmental Engineer (HQ-2), Patiala and Er. Rajeev Goyal, Environmental Engineer (HQ-2), Patiala as a members of joint committee

and directed to coordinate with the D.C., Gurdaspur for visiting the site of the Hot Mix Plant.

The site of the hot mix plant M/s Amarjit Singh & Company (Hot Mix Plant) Village Khojpur Tehsil and Distt Gurdaspur was visited by the committee consisting of Sh. Tajinder Singh Sandhu(PCS), ADC, Gurdaspur on behalf of the Deputy Commissioner Gurdaspur, Sh. Surlinder Kumar, DTP, Gurdaspur, Sh. Balwinder Singh, Deputy Director, Horticulture, Dr. Sunita Bhalla, Assistant Civil Surgeon, Gurdaspur along with Er. R.K. Ratra ,SEE (H.Q-2), Patiala and Er. Rajeev Goyal EE. (H.Q-2), Patiala on 22.08.2019 and observed that the hot mix plant was not in operation. However, the Conditions at site indicates that the plant has been commissioned. Raw material was also found stored at site. The plant can be operated at any time as a DG set is also lying at site.

The observations of the various departments who have visited the industry are as under:-

a) **Department of Town and Country Planning:**

The District Town Planner, Gurdaspur checked the compliance status of siting guidelines prescribed by the PPCB vide notification no. Admn/SA-2/F.No.178/99/03 dated 26.04.1999 and reported as under:

Distance from	Minimum required distance	Distance of various parameters from the hot mix plant
Municipal Corporation Limits	5km	No Municipal Corporation within 5 km.
Class A Towns & Cities Limits	2km	No Class A Towns & Cities within 2 km.
Other Towns & Cities Limits	1 km	MC limit of nearest Town/City i.e. Gurdaspur, falls at a distance of more than 1 km.
Village Laldora/Phirni	500m	The Laldora/Phirni of nearest village falls at a distance of more than 500 meter.
Wild Life Sanctuary/Zoo	500m	No Wild Life Sanctuary/Zoo within 500m.
National Highway	500m	National Highway more than 1500m.
State Highway/Scheduled Road	300m	No State Highway/Scheduled Road within 300m.
Residential Area (15pucca house)	300m	No Residential Area (15pucca house) within 300m. Only three houses exist at a distance at about 100m.
Educational Institute/Historical Religious Places/Protected Monuments.	300m	No Educational Institute/Historical Religious Places/Protected Monuments.
Other Observations		While granting the NOC to the Hot Mix Plant, condition was imposed for leaving 10 feet wide strip towards East and South side for widening of road from their land. <u>However, the owner of the Hot Mix Plant has not complied with the above stipulation.</u>

b) Punjab Pollution Control Board:

The status of compliance of important points for prevention of pollutions prescribed by PPCB, observed during inspection is as under:

<p>The industry should plant 3 rows of spreading crown and fast growing varieties of ever green broad leaved trees all along with its boundary.</p>	<p>The industry has planted only one row of trees along with its boundary.</p>
<p>A suitable dust control system for the dryer and mixer to contain/recycle permissible lines in the mix should be provided. It should be capable of preventing the exhaust of the dust into atmosphere from both ends of the dryer drum by creating adequate negative pressure.</p>	<p>Wet scrubber has been installed to control emissions from mixing drum. However, its efficiency and adequacy could not be checked due to non-operation of the plant.</p>
<p>The plant should have centralized control panel/cabin capable of presetting controlling/synchronizing all operations, starting from feeding of cold aggregates to the discharges of the hot mix to ensure proper mixing. It should have adequate water scrubbing mechanism to completely remove/control the dust coming out the drier with proper provision of re-circulation system for the scrubber water.</p>	<p>Centralized control panel install at site.</p>
<p>Bitumen must be mixed with aggregate as soon as it is heated and second time lifting of the dried aggregate for proper batching should be avoided.</p>	<p>This parameter could not be verified due to non-operation of the plant.</p>
<p>All roads/vehicular movement areas at the site of Hot Mix Plant should be pucca/stabilized with stone aggregates and regular sprinkling of the water be ensured so that no dust is generated with vehicular movement.</p>	<p>Vehicle movement area has not been established. No sprinkling of water arrangement has been provided so as to ensure that no dust is generated with vehicular movements.</p>
<p>Hot Mix Plant must have proper stack heights for its scrubbed fire gases and bitumen heating system with proper platform and port holes as per the Punjab Pollution Control Board norms.</p>	<p>Stack of 20 feet provided with the scrubber installed with the rotary drum, which is inadequate. Port hole and platform provided with the stack of wet scrubber, whereas no such arrangements are provided with the bitumen heating system.</p>
<p>Fine Dust arrested by water scrubber and collected in the re-circulation water tank should be collected and filled in a pit to be</p>	<p>This parameter could not be verified due to non-operation of the plant.</p>

covered with fresh earth. This exercise should be repeated as and when dust is removed from re-circulation tank.	
Other Observations	Stack of adequate height is not provided with DG set. No septic tank provided for treatment of domestic effluent for the toilet meant for workers. Soakage pit provided with the toilet, which is not an acceptable mode of disposal. Provision has been made for the toilet in office, but no disposal and treatment arrangement provided.

c) Department of Horticulture

Deputy Director(Horticulture) informed to the Committee that there is no criteria/guidelines prescribed by the Department of Horticulture with regard to establishment of any industrial unit from orchards, However, there are Instruction Issued under clause 4(l)of the Punjab Control of Bricks Order,1972 (Government Gazette. Legislative Supplement part 3 notification dated 29.10.1976),wherein, a distance of 700m Mango Orchard or Mango Plantation has been prescribed. However, there is no such notification available with them for the distances if any prescribed for hot mix plants informed that there are orchards of Lichi, Mango, Aaloo Bukhara in the nearby vicinity. Three mango orchard are located within radius of 400m from the disputed site. In south direction is at only 20 feet distance. Other orchards in the west direction is at about 120 feet, in west north direction is at about 400 feet and in north direction is at about 700 feet. Lichi being sensitive to the high temperature may be affected with the establishment/operation of such units in the locality.

d) Department of Health and Family Welfare

There is no village abadi within 500m from the site of the Hot Mix Plant. However, there are three (03) houses exists at a distance of 100m. Assistant Civil Surgeon met the family members as well as children of these houses and found that there is no signs of any illness. However, she observed that as the Hot Mix Plant is recently established and is not being operated presently, it will not be appropriated to comment upon the affect of this particular Hot Mix Plant on the residents of nearby houses at this stage.

The matter considered by the Competent Authority and decided that industry may be given personal hearing before the Senior Environmental Engineer at Zonal Office level.

The industry was given personal hearing before the Senior Environmental Engineer on 27.09.2019.

During hearing the representative of the Industry informed that the Board has granted NOC to the Hot Mix Plant up to 2020 and has now applied for consents. The site of the Hot Mix Plant was visited by team constituted by Hon'ble NGT and made some observations regarding D.G. sets, plantation, movement of vehicles and stack height/ platform of wet scrubber. He further told that the observations of the team has been removed and requested to grant consents.

After hearing the officer of the Board, representative of the Industry and facts on the record file, the Senior Environmental Engineer decided that:-

1. The Environmental Engineer, Regional Office shall verify the contentions made by the Industry during the hearing.
2. Environmental Engineer, Regional Office shall verify the compliance of the recommendations/ observations of the committee to be complied with by the industry and submit report with recommendations to decide the cases of the industry, within 07 days.
3. Environmental Engineer, Regional Office submit the proceedings of the NGT case and the next date of the case.
4. Further action on the consent cases shall be taken after the receipt of the report from Regional Office.

The Regional office has not submitted the compliance of the proceedings so far.

The case was listed in the Hon'ble NGT, New Delhi on 14.10.2019 in Original Application No. 527/2019 (I.A. No. 376/2019 & I.A. No. 377/2019) Ravinder Singh & Ors. Versus State of Punjab & Ors. The operative part of the orders of the NGT is reproduced as below:-

1. *A factual and action taken report was required to be furnished by the Punjab Pollution Control Board (PPCB) and the Deputy Commissioner, Gurdaspur, Punjab with regard to the allegation of illegal operation of a hot mix plant in Mehandipur Village, P.O. Ranjit Bagh, District Gurdaspur, Punjab. According to the applicant, the plant was close to the houses and orchards and was detrimental to the environment and public health.*
2. *The report dated 22.09.2019 has been filed which, inter-alia, finds: "The height of stack provided with the scrubber installed with the rotary drum, bitumen heating system and DG Set was found to be inadequate by the officers of the PPCB. Sampling arrangements for bitumen heating system, Water Sprinkling Arrangements & septic tanks for disposal of domestic effluents were not provided. However, the conditions at the site indicated that the plant has been commissioned. Raw material was also found stored at site. As per the observation of the committee, the plant can be operated at any time as a DG set was also lying at the site." However, it has been stated that the plant was not in operation at the time of visit of the joint Committee.*
3. *Since the joint Committee has found deficiencies in the height of the stack and inadequacy in adopting safety measures, remedial action needs to be taken by the SPCB in accordance with law and further action taken report furnished. The remedial action may include stopping of illegal activity, recovering compensation for the damage to the environment and public health and prosecution of the violators.*
4. *Let further action taken report be furnished to this Tribunal by e-mail at judicial-ngt@gov.in within one month.(next date is fixed for 18.12.2019).*

The matter has been considered by the Competent Authority and decided to issue notice u/s 31-A of Air Act, 1981 alongwith personal hearing before the worthy Chairman of the Board.

Now, therefore, Punjab Pollution Control Board in exercise of the powers conferred upon it u/s 31-A of the Air (Prevention & Control of Pollution) Act, 1981 as amended in 1987 proposes to issue the following directions:-

1. That the industry will stop operating an Industrial Plant & stop forthwith discharging any emissions from its industrial premises into atmosphere.
2. That industry shall not restart any process/plant unless all necessary air pollution control measures are taken and concentration of various pollutants conforms to the emissions standards laid down by the Board.
3. That consent under Air (Prevention & Control of Pollution) Act, 1981 as amended in 1987 applied by the Industry through OCMMS will be refused.

4. That the industry shall not restart discharging air pollutants until it obtains the consent of the Board to operate an Industrial Plant refused u/s 21 of the Air (Prevention & Control of Pollution) Act, 1981 as amended in 1987.
5. That Punjab State Power Corporation Ltd. will disconnect the supply of electricity available to industry.

Accordingly, the industry was issued Notice u/s 31-A of Air (Prevention & Control of Pollution) Act, 1981 as amended in 1987 alongwith Show cause notice for refusal of consent to operate under Air (Prevention & Control of Pollution) Act, 1981 as amended in 1987 alongwith opportunity of personal hearing before the Chairman of the Board on 19.11.2019.

During hearing, the representative of the industry informed that the hot mix plant has already been granted NOC from Board, which is valid upto 17.02.2020. He told that the hot mix plant has already applied consent to operate under Water Act & Air Act through OCMMS. After that NGT team was visited by the hot mix plant and we are submitted the reply of show cause notice dated 17.09.2019 issued by your office. After that the hot mix plant was visited by RO, Batala to verify the reply. We are removed the all observations raised by the Board before time. He further told that the complaint has no grievance and the complainant is harassing me. The representative requested to grant consent to operate.

He informed that the Hot Mix Plant was operated only 3-4 days for testing and no health or any other harm due to running of hot mix plant.

After hearing, the officers of the Board, representatives of the industry and facts on the record file, the Chairman of the Board decided as under:-

"Environmental Engineer, Regional office to verify the Statement of the industry and submit his report alongwith recommendations with regarding to the operation of the Hot Mix Plant viz-a-viz the order of the Hon'ble National Green Tribunal (NGT) and submit the detailed report be submitted by 30.11.2019 positively."


Environmental Engineer
For Senior Environmental Engineer

Endst. No. 6526

Dated. 09.12.2019

A copy of the above is forwarded to the Environmental Engineer, Punjab Pollution Control Board, Regional Office, Batala for information & necessary action.


Environmental Engineer
For Senior Environmental Engineer