

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

IN OA No. 287 of 2020

Dastak N.G.O.

-----Petitioner

Versus

Synochem Organics Pvt. Ltd. & Ors.

-----Respondent(s)

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Place: Chandigarh  
Dated:- 03.03.2021

  
Superintendent  
for Additional Chief Secretary to Govt. Haryana,  
Environment & Climate Change Department

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-----Respondent(s)

Reply in compliance of order dated 09.12.2020 by  
Shekhar Vidyarthi, Secretary to Government Haryana  
Environment & Climate Change Department, Haryana.

I the above named deponent do hereby solemnly affirms and declare as  
under:-

-  1. That State of Haryana through Environment & Climate Change Department is committed to provide clean and healthy environment to people, animals, flora and fauna. To achieve the objectives of article 48A of the constitution of India and in exercise of power conferred under section 5 of Environment Protection Act, 1986 various notifications has been issued and rules has been framed to protect the environment and to maintain ecological

balance in the State to prevent environmental degradation and to avoid human health hazards.

2. That the Hon'ble NGT vide its order dated 09.12.2020 in case O.A. No.287 of 2020, titled as Dastak N.G.O. Vs. Synochem Organics Pvt. Ltd. & Ors. directed the contesting respondents to show cause why the order dated 10.11.2020 of Government of Haryana allowing manufacturers of formaldehyde, requiring prior Environmental Clearance, to operate for six months without EC, subject to making application for EC within 60 days. The relevant portion of order is reproduced here under:-

*2. "We prima facie find the impugned order to be without jurisdiction. Requirement of prior environmental clearance cannot be dispensed with. This legal position has been recently reiterated in Alembic Pharmaceuticals Ltd. Vs. Rohit Prajapati & Ors., 2020 SCC Online 347. Learned Counsel for Respondent Nos. 1 and 6 have put in appearance without notice and have relied upon specific condition in the Notification dated 14.09.2006 to the effect that prior EC is not required where such prior EC is obtained by the industrial area, where a unit is set up. There is no merit in the submission as there is nothing to show that such prior EC has been obtained by the industrial area in question.*

*3. Accordingly, let the contesting respondents show cause why the impugned order be not quashed by their response by email before the next date. The applicant may provide a set of papers and a copy of this*

*order to all the contesting respondents and file an affidavit of service within one week."*

3. That for the purpose of environmental protection certain restriction and prohibition on new projects and activities, or on the expansion or modernization of the existing project or activities based on their potential environmental impact were imposed vide S.O. 1533 dated 14.09.2006 by MoEF, GOI. under schedule to the aforementioned notification, the process of manufacturing of Formaldehyde is covered under provision 5(f) which requires prior Environmental Clearance (EC) from the competent authorities State Environment Impact Assessment Authority(SEIAA)/MoEF & CC, GOI, before establishment and operation of such units, besides other mandatory clearances as applicable.

4. That 15 formaldehyde units (list attached at Annexure – R/1) were issued consent to establish and consent to operate by Haryana State Pollution Control Board at different times which were later revoked by the HSPCB for violating provision 5(f) of schedule to EIA Notification 2006 on the ground that no prior environmental clearance was obtained before establishment and operation of these units.

5. That a representation was received from all Haryana formaldehyde manufacturing association, Yamunanagar dated 23.10.2020 addressed to Additional Chief Secretary to Govt. of Haryana department of Environment and Climate Change, Chandigarh requesting to allow such formaldehyde units to operate and give sufficient time reasonable to obtain the Environmental Clearance from MoEF & CC and SEIAA on the basis of parity that same

decision was taken by State of Rajasthan in similar case (Annexure -R/2). The copy of order of Rajasthan State Pollution Control Board was annexed with aforementioned representation.

6. That keeping in view the fact that units were established with the requisite consent from Haryana State Pollution Control Board and were operating with the necessary pollution control measures, as prescribed by Board, along with the investment in plant and machinery incurred by the individual units in establishing their plants, possible stock of raw material used for production, the case was referred to Government of Haryana by Haryana State Pollution Control Board for granting interim relief to these units for obtaining environmental clearance from the appropriate authority.

7. The units were granted interim relief on basis of the fact that notification dated 14.09.2006 is being re-drafted by MoEF & CC and the zero draft has been circulated to all the States and other Stake holders for comments. The finalization and publication of revised notification is likely to take some time and that window for accepting application seeking environmental clearance is not kept open at present by the MoEF & CC.

Further, it is to mention here specifically that from the facts and circumstances of the given case, it can easily be inferred that the industries were operating in good faith with valid CTE/CTOs granted by Haryana State Pollution Control Board. Alongside it was admitted by Haryana State Pollution Control Board that the units in question were posing any pollution hazards and that only procedural laps was the deficiency against these units.

8. That keeping in view all the aforementioned facts, Government of Haryana vide order No. 16/14/2020-3Env. dated 11.11.2020 (Annexure-R/3) decided to allow these units to continue their operation for a period of 6 months without invoking any legal action against the procedural laps occurred, with the condition that these units will apply for environmental clearance within a period of 60 days from the date of issuance of this communication.

On the basis of above mentioned submissions, it is prayed to kindly accept the reply.

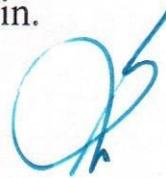


Place:-Chandigarh  
Dated:-07.03.2021

(Shekhar Vidyarthi)  
Secretary to Govt. Haryana,  
Environment and Climate Change, Haryana

**Verification:**

Verified that the contents of para No. 1 to 8 of the action taken report are correct and true to my knowledge and belief. No part of it is false and nothing material has been concealed therein.



Place:-Chandigarh  
Dated:- 07.03.2021

(Shekhar Vidyarthi)  
Secretary to Govt. Haryana,  
Environment and Climate Change, Haryana

Status of Formaldehyde Manufacturing units in Haryana established after 14.09.2006 but not obtained Environmental Clearance under EIA notification 2006 (as on 22. 10.2020)

Sr No.	Region	Name & Address of the unit	Location	Status of CTE	Status CTO	Operational Status	Status of Appeal
1	YNR	Synochem Organics Pvt. Ltd, Plot No. 54, HSIDC, Industrial Estate, Manakpur, Jagadhri, Yamuna Nagar	Approved Industrial Area	Granted but revoked.	Granted but revoked.	Closed by Board (under EPA)	Dismissed
2	YNR	Apcolite Polymer Pvt. Ltd., Vill- Ghespur, 21 KM Road Ladwa Road, Radour, Yamuna Nagar	Outside Industrial Area	Granted but revoked.	Granted but revoked.	Closed by Board (under EPA & Water & Air Act)	Dismissed
3	YNR	Jai Bharat Polymer and Chemicals, Plot No 211 HSIDC Manakpur, Jagadhri	Approved Industrial Area	Granted but revoked.	Granted but revoked.	Closed by Board (under EPA)	Stay granted but Pending for final Order
4	YNR	Pahwa Plastics Pvt Ltd, Village Jathlana, Radaur, Yamuna Nagar	Outside Industrial Area	Granted but revoked.	Granted but revoked.	Closed by Board (under EPA & Water & Air Act)	Dismissed
5	YNR	Goyal Overseas, Village Shehzadpur Tehsil Jagadhri	Outside Industrial Area	Granted but revoked.	Granted but revoked.	Closed by Board (under EPA & Water & Air Act)	Dismissed
6	YNR	OM CHEM, Village Kurali Sabapur Road Tehsil Bilaspur, Yamuna Nagar	Outside Industrial Area	Granted but revoked.	Granted but revoked.	Closed by Board ( under Water & Air Act)	Dismissed
7	YNR	ChemWood Industries, Village Bhagwanpur, Kharwan Road, Jagadhri,	Outside Industrial Area	Granted but revoked.	Refused	Not came in Operation	Dismissed
8	YNR	Decent Drugs Pvt. Ltd., Salempur, Bangar Road, Chhachrauli, Yamuna Nagar.	Outside Industrial Area	Granted but revoked.	Granted but revoked.	Closed by Board (under EPA)	Stay granted but Pending for final Order
9	YNR	Guruji Overseas, Khajuri Road, Vill Jathlana, Tehsil, Radaur, Yamuna Nagar	Outside Industrial Area	Granted but revoked.	Not applied	Not came in Operation	No appeal filed

Sr No.	Region	Name & Address of the unit	Location	Status of CTE	Status CTO	Operational Status	Status of Appeal
10	YNR	Globe Panel, Unit-III, M-28, E-57 Industrial Area, Yamuna Nagar.	Approved Industrial Area	Granted	Granted	In Operation	SCN stayed by Civil Court
11	KNL	M/s NMR Phyrochem Pvt. Ltd. Village Pundri, Gharanda, Distt. Karnal	Outside Industrial Area	Granted but revoked.	Refused.	Closed by Board ( under Water & Air Act)	Dismissed being premature. Refrred to board to take appropriate decision.
12	KNL	M/s JRS Industries Alipur Khalsa Road, Kohand, Distt. Karnal	Outside Industrial Area	Granted but revoked.	Refused.	Closed by Owner	Dismissed being premature. Refrred to board to take appropriate decision.
13	BGD	G.B. Overseas (P) Ltd, Vill-Rohad, Distt. Jhajjar	Outside Industrial Area	Granted	Granted but Revoked	Operational	Stay granted but Pending for final Order
14	BGD	Banke Bihari Overseas Pvt. Ltd.Sampla-Beri Road, Ismaila 11-B, Sampla, Distt. Rohtak	Outside Industrial Area	Granted	Granted but Revoked	Operational	Stay granted but Pending for final Order
15	AMB	Gaytri Industries, Plot No. 83, Sector-1, HSIIDC, Saha, Ambala.	Approved Industrial Area	Granted but revoked.	Granted but Revoked	Operational	Stay granted but Pending for final Order

*Seema Bhatia*  
 (Seema Bhatia)  
 Deputy Secretary,  
 Haryana Civil Secretariat,  
 Chandigarh

## Rajasthan State Pollution Control Board

Headquarter, 4, Institutional Area, Jhalana Doongri, Jaipur-302004  
Phone: 0141-3159699, email id:- member-secretary@rpcb.nic.in

### Office-Order

The matter of applicability of provisions of Environment Impact Assessment, 2006 in "formaldehyde Manufacturing" unit was examined and it was observed that the "formaldehyde Manufacturing" is covered under synthetic organic chemical listed at Sr. No. 5 (f) of the schedule 1 of EIA Notification, 2006. Therefore to ensure that provisions of EIA, 2006 are complied with, Environmental Clearance shall be sought in case of "Formaldehyde Manufacturing" units before considering the Consent to Establish/Consent to Operate applications.

All pending Consent to Establish/Consent to Operate applications of "Formaldehyde Manufacturing" units shall be considered only after submission of Environmental Clearance under EIA Notification, 2006.

In case of the units which have been granted Consent to Establish/Consent to Operate on or after 14/09/2006, the unit shall be asked to submit Environmental Clearance under EIA Notification, 2006 as soon as possible, but shall apply at SEIAA/MOEF & CC (whichever applicable) and submit evidence of same to State Board within a period of 60 days.

This bears approval of the competent authority.

-Sd-  
(Shailaja Deval)  
Member Secretary

No. F.14(23) Policy/Plg/Vol IV/471-510

Date:- 19/8/2019

Copy to following for information and necessary action.

1. P.S. to chairperson, RSPCB, Jaipur.
2. Sr. P.A. to Member Secretary, RSPCB, Jaipur.
3. Chief Environmental Engineer/Chief Scientific Officer/Chief Account Officer, RSPCB, Jaipur.
4. Group Incharge, SWMC / HOP / Planning / BMW / Hazardous / Testle / CPM / MUID / Plastic / SCMG & DS / CD & Project / IT & PDF / Mines / Admin / MSW / PAAC / Legal / EC / VTR / SPIO / Establishment RSPCB, Jaipur.
5. Regional Officer, Regional Office, RSPCB, Jaipur (South) / Jaipur (North) / Alwar / Bhiwadi / Balotra / Bhartpur / Bhilwara / Bikaner / Jodhpur / Pali / Kota / Chittorgarh / Kishangarh / Sikar / Udaipur.
6. Group Incharge (IT), with request to upload on board website.

True Type Copy

*Seema Bhatia*  
(Seema Bhatia)  
Deputy Secretary,  
Haryana Civil Secretariat,  
Chandigarh

Haryana Government  
Environment and Climate Change Department  
ORDER

Whereas, the process of manufacturing of Formaldehyde is covered under the provisions of 5 (f) of Schedule of Environment Impact Assessment Notification (EIA), 2006 of Government of India, and requires the prior Environmental Clearance (EC) from the competent authority State Environment Impact Assessment Authority (SEIAA) / Ministry of Environment, Forest and Climate Change, Government of India, before establishment and operation of such units, besides other mandatory clearances, as applicable;

Whereas, it has come to the notice of Government that around 15 such units have been permitted to establish operate in the State of Haryana, without obtaining the necessary Prior Environmental Clearances, but with the Consent of the Haryana State Pollution Control Board (HSPCB), which misinterpreted the category of such units and on realizing the requirement of EC in these cases, has revoked its consents issued earlier to these units recently;

Whereas, some of these units approached the Government explaining their hardship due to such sudden revocation of their consents and have sought time for obtaining the necessary EC from the competent authority as the process is likely to take a minimum of 6 months to one year period, and to allow them to operate with all pollution control measures, following the pollution control norms applicable; and,

Whereas, the Government has carefully considered their request and the competent authority has decided that these units shall be allowed to continue their operations for a period of six months, without prejudice to any legal action taken against the violations committed by them, by the competent authorities, with the conditions that they will immediately apply for Environmental Clearance from the competent authority and provide the proof of such application within 60 days from the issuance of this communication to Environment and Climate Change Department and to Haryana State Pollution Control Board.

Therefore, it is ordered accordingly.

Dated: 10.11.2020  
Chandigarh

Dheera Khandelwal  
Additional Chief Secretary to Government of Haryana  
Environment and Climate Change Department

Endst No. 16/14/2020-3Env.

Dated: 11.11.2020

A copy is forwarded to the following for information and necessary action.

1. Chief Secretary, Government of Haryana
2. Principal Secretary, Industries and Commerce Department, Government of Haryana
3. Director General, Environment and Climate Change Department, Government of Haryana
4. All Deputy Commissioners of State of Haryana



Endst No. 16/14/2020-3Env.

o/c Superintendent Environment,  
for Additional Chief Secretary to Govt. Haryana,  
Environment and Climate Change Department.

Dated: 11.11.2020

A copy is forwarded to Chairman, Haryana State Pollution Control Board, C-11, Panchkula w.r.t their note bearing No. 52386 dated 29.10.2020 (copy enclosed) for further necessary action.

o/c Superintendent Environment,  
for Additional Chief Secretary to Govt. Haryana,  
Environment and Climate Change Department.