

Regd.
Court Matter

**HP STATE POLLUTION CONTROL BOARD,
BELOW BCS, PHASE-III, NEW SHIMLA**

No. PCB/OA No. 801/2018 /- 21835

Dated:- 01-01-2021

From: The Member Secretary

To

The Registrar General,
Hon'ble National Green Tribunal
Faridkot House, Copernicus Marg, near India Gate, New Delhi,
Delhi 110001.

Subject:- Compliance report in compliance of order dated 18-6-2020 passed in OA No. 801/2018 titled Jasmeet Singh V/s State of HP others pending before the Hon'ble NGT Delhi.

Sir,

This has reference to order dated 18-6-2020 passed in afore-cited matter related to alleged pollution in river Balad located at Baddi industrial area in District Solan HP on account of leakage of CETP in the area. In this connection, it is submitted that vide order dated 18-6-2020 Hon'ble NGT had passed the following directions:-

"...We do not find the report to be as per the mandate of law. If the pollution is continuing, the State PCB is under obligation to close the polluting activities by exercising its jurisdiction under the Water Act, 1974 and recover compensation from the polluters. Till pollution is stopped, polluting activities, which are punishable crime under the law, cannot continue. The State PCB has failed to take action merely on the ground that action plan was being prepared or had been prepared which was not satisfactory. None appears for the State PCB. The State PCB may take appropriate action against the CETP operator and other polluters for the violation of law and furnish a compliance report within one month from today by e-mail at judicialngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. A copy of this order be sent to the State PCB for compliance by e-mail. List for further consideration on 25.08.2020...."

In compliance to afore-cited order dated 18-6-2020, the State Board had filed a detailed report dated 31-8-2020 indicating action taken

by the Board against the CETP Baddi and other polluting units. The brief points of action taken in furtherance to it by the Board submitted as under :-

- The HP State Pollution Control Board had issued show cause notices on 23-6-2020 (**Annexure R-1 Colly**) to the four textile units named i.e Auro Textile unit-1, Auro Textile-II, Auro Dying unit of M/s Vardhman Textiles Limited and one unit of M/s Winsome Textile Industries Limited, Baddi for closure of their units and levy of Environment Compensation of Rs. 01 Crore each for discharging untreated Category -IV dyeing effluent to CETP, Baddi. The said units approached Hon'ble High Court of H.P and filed 4 CWPs Nos. 2114, 2231, 2250 and 2251 of 2020 for quashing of show cause notices issued by HPSPCB. The Hon'ble High Court of HP vide order dated 22-07-2020 (**Annexure R-2**) disposed off the four writ petitions with directions that matter shall be heard by Principal Secretary (Environment S&T) and appropriate direction be issued and for the time being the impugned show cause notices shall remain inoperative.
- That in pursuance to Hon'ble High Court's order the matter was heard by Principal Secretary (Environment, Science & Technology) Government of HP on 30-7-2020, 17-8-2020, 8-9-2020, 15-10-2020, 24-11-2020 and finally disposed off vide order dated 30-12-2020 with following directions:-

"....Based on the oral submissions made and documents produced by both parties during the course of successive hearings, some progress on the implementation of the action plan is discernible which can be attributed to the efforts made by the parties. But there is no reduction in the timelines given by industry to achieve compliance, when compared to the timelines submitted by industry in their action plan to NGT, despite all these efforts. It also appears that implementation of the action plan has been hindered to some extent owing to Covid-19 pandemic. But this fact cannot be ignored that effluent discharge, FDS in particular, by these units is beyond the prescribed limits which is contributing to pollution. in the light of this discussion, I am of considered view that, keeping in view the

above position, SPCB may take action strictly according to the provisions of Law and rules applicable in this case. the orders of Hon'ble Supreme Court may also be kept in view while taking action against these industrial units. The proceedings which were started in compliance of the order of Hon'ble High Court are accordingly concluded and matter is disposed off. ...". The copy of final order dated 30-12-2020 is annexed as **Annexure-R-3**.

- The State Board had asked the CETP to submit a performance guarantee amount of Rs 25 lakhs, which had been deposited by the CETP, Baddi on 1-3-2019.
- That State Board had also imposed environmental compensation of Rs. One crore and Eighty seven lakhs ninety thousand upon the M/s Baddi Infrastructure (operator of CETP) vide its orders dated 15-10-2019 (**Annexure-R-4**) and 18-10-2019 (**Annexure-R-5**) but the CETP operator approached Hon'ble High Court on this account which was stayed by the Hon'ble High Court of HP in CWP No. 3462/2019 filed by the Baddi Infrastructure vide orders dated 16-11-2019 and 5-12-2019. (**Annexure-R-6 and Annexure R-7**). State Board is pursuing the matter at High Court also and matter is still pending before the Hon'ble High Court of HP.
- That the State Pollution Control Board had filed a Criminal Complaint against the CETP Operators before the Ld. Judicial Magistrate 1st Class Nalagarh under Sections-33,41,42(d), 43, 44 & 49 of the Water (Prevention and Control of Pollution) Act, 1974 and sections 15, 16 & 19 of the Environment (Protection) Act,1986. The proceedings before the Ld. Judicial Magistrate was stayed by the Hon'ble High court of HP in Cr.MMO Nos. 128, 129 and 130 of 2020 filed by the operators of CETP. Copy of order of Hon'ble High Court annexed as **Annexure -R-8 colly**. This matter is still pending before the Hon'ble High Court of HP.
- That the State Board continued monitoring/sampling the CETP Baddi. The fresh samples are also not meeting the norms hence State Board has again issued a show cause notice to the CETP operator on dated 28-12-2020 (copy annexed as **Annexure -R-9**).

- That the CETP operator has filed multiple litigation against action being taken against it, the State Board is also keenly pursuing the matter in Hon'ble Court also w.r.t CETP.
- The State Board in pursuance to order dated 30-12-2020 passed by the Govt of Himachal Pradesh issued directions to four textile industries namely Auro Textile unit-1, Auro Textile-II, Auro Dying unit of M/s Vardhman Textiles Limited and one unit of M/s Winsome Textile Industries Limited, Baddi to shut down their dying section immediately and pay Environmental Compensation on the basis of Polluter Pays Principle methodology approved by the Hon'ble NGT in OA No 593/2017 titled Paryavaran Surksha Samiti vs Union of India. Copies of directions dated 01-01-2021 are annexed as **Annexure R-10 Colly**.

(Encl: as above)

Yours faithfully

N. J. J.
11/1/21
Member Secretary
HPSPCB, Shimla-9,
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O/e

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Annexure - R-1 (Copy)



**H.P. STATE POLLUTION CONTROL BOARD
HIM PARIVESH, PHASE-III
NEW SHIMLA-171009**

No. PCB/69/M/s. Auro Textiles, Baddi/2019-

Dated:

To

M/s. Auro Textiles,
Sai Road Baddi, Distt. Solan, HP.

Subject: **Show Cause Notice under Water (Prevention and Control of Pollution) Act, 1974.**

Whereas order dated 18-06-2020 passed by Hon'ble NGT in the OA No. 801/2018 titled **Jasmeet Singh V/s State of HP others pending before the Hon'ble NGT Delhi** related to alleged pollution in river Balad located at Baddi industrial area in District Solan HP on account of leakage of CETP in the area. The Hon'ble NGT while considering the report of the HPPCB dated 11-6-2020 passed the following directions:-

".....5. We do not find the report to be as per the mandate of law. If the pollution is continuing, the State PCB is under obligation to close the polluting activities by exercising its jurisdiction under the Water Act, 1974 and recover compensation from the polluters. Till pollution is stopped, polluting activities, which are punishable crime under the law, cannot continue.

Whereas as per the Joint Committee report comprising of the members from CPCB, Himachal Pradesh State PCB and the District Magistrate, Solan, dated 6-11-2019, reported that the **CETP, Baddi is failing to meet the outlet standards prescribed under Environment Protection, Rules, 1986 and textile industries (Category-IV Dying Units) are responsible for making CETP, Defunt.** Whereas, the final results of CETP, Baddi is still non complying with regard to the parameter of Fixed Dissolved Solids and your unit is responsible for the non-compliance of CETP, Baddi with respect to discharge standard.

Now, therefore, you are hereby directed to show cause within 7 days as to why :

1. Closure directions as per section 33-A of Water Act, 1974 and Section 07 & 15 of Environment Protection Act, 1986, by disconnecting the power supply, and further legal action may not be initiated against you.
2. Environment Compensation of Rs. 1 Crore may not be imposed against you in reference to Hon'ble NGT order vide OA. No. 95/2018 titled **Aryavart Foundation Vs M/s Vapi Green Enviro Ltd and Ors.**

Please note that in the event of failure to comply, actions as proposed shall be initiated against you at your own risk and cost.

(Aditya Negi, IAS)
Member Secretary

No. PCB/69/M/s. Auro Textiles, Baddi/2019- 10674-75
Copy forwarded to the following:

1. The Regional Officer, H.P. State Pollution Control Board Baddi, Distt. Solan, HP for information and necessary action please.
2. Case File.

Dated: 23-6-2020

(Aditya Negi, IAS)
Member Secretary



H.P. STATE POLLUTION CONTROL BOARD
HIM PARIVESH, PHASE-III
NEW SHIMLA-171009

No. PCB/96/M/s. Auro Dyeing, Baddi/2019-

Dated:

To

M/s. Auro Dyeing
Sai Road Baddi, Distt. Solan, HP.

Subject: Show Cause Notice under Water (Prevention and Control of Pollution) Act, 1974.

Whereas order dated 18-06-2020 passed by Hon'ble NGT in the OA No. 801/2018 titled **Jasmeet Singh V/s State of HP others pending before the Hon'ble NGT Delhi** related to alleged pollution in river Balad located at Baddi industrial area in District Solan HP on account of leakage of CETP in the area. The Hon'ble NGT while considering the report of the HPPCB dated 11-6-2020 passed the following directions:-

".....5. We do not find the report to be as per the mandate of law. If the pollution is continuing, the State PCB is under obligation to close the polluting activities by exercising its jurisdiction under the Water Act, 1974 and recover compensation from the polluters. Till pollution is stopped, polluting activities, which are punishable crime under the law, cannot continue.

Whereas as per the Joint Committee report comprising of the members from CPCB, Himachal Pradesh State PCB and the District Magistrate, Solan, dated 6-11-2019, reported that the *CETP, Baddi is failing to meet the outlet standards prescribed under Environment Protection, Rules, 1986 and textile industries (Category-IV Dying Units) are responsible for making CETP, Defunct.* Whereas, the final results of CETP, Baddi is still non complying with regard to the parameter of Fixed Dissolved Solids and your unit is responsible for the non-compliance of CETP, Baddi with respect to discharge standard.

Now, therefore, you are hereby directed to show cause within 7 days as to why :

1. Closure directions as per section 33-A of Water Act, 1974 and Section 07 & 15 of Environment Protection Act, 1986, by disconnecting the power supply, and further legal action may not be initiated against you.
2. Environment Compensation of Rs. 1 Crore may not be imposed against you in reference to Hon'ble NGT order vide OA. No. 95/2018 titled Aryavart Foundation Vs M/s Vapi Green Enviro Ltd and Ors.

Please note that in the event of failure to comply, actions as proposed shall be initiated against you at your own risk and cost.

(Aditya Negi, IAS)
Member Secretary

No. PCB/96/M/s. Auro Dyeing, Baddi/2019- 10672-73 Dated: 23.6.2020
Copy forwarded to the following:

1. The Regional Officer, H.P. State Pollution Control Board Baddi, Distt. Solan, HP for information and necessary action please.
- 2 Case File.

(Aditya Negi, IAS)
Member Secretary



**H.P. STATE POLLUTION CONTROL BOARD
HIM PARIVESH, PHASE-III
NEW SHIMLA-171009**

No. PCB/1510/M/s. Auro Textiles-II, Baddi/2019-

Dated:

To

M/s. Auro Textiles-II,
Sai Road Baddi, Distt. Solan, HP.

Subject: Show Cause Notice under Water (Prevention and Control of Pollution) Act, 1974.

Whereas order dated 18-06-2020 passed by Hon'ble NGT in the OA No. 801/2018 titled **Jasmect Singh V/s State of HP others pending before the Hon'ble NGT Delhi** related to alleged pollution in river Balad located at Baddi industrial area in District Solan HP on account of leakage of CETP in the area. The Hon'ble NGT while considering the report of the HPPCB dated 11-6-2020 passed the following directions:-

".....5. We do not find the report to be as per the mandate of law. If the pollution is continuing, the State PCB is under obligation to close the polluting activities by exercising its jurisdiction under the Water Act, 1974 and recover compensation from the polluters. Till pollution is stopped, polluting activities, which are punishable crime under the law, cannot continue.

Whereas as per the Joint Committee report comprising of the members from CPCB, Himachal Pradesh State PCB and the District Magistrate, Solan, dated 6-11-2019, reported that the *CETP, Baddi is failing to meet the outlet standards prescribed under Environment Protection, Rules, 1986 and textile industries (Category-IV Dying Units) are responsible for making CETP, Defunt.* Whereas, the final results of CETP, Baddi is still non complying with regard to the parameter of Fixed Dissolved Solids and your unit is responsible for the non-compliance of CETP, Baddi with respect to discharge standard.

Now, therefore, you are hereby directed to show cause within 7 days as to why :

1. Closure directions as per section 33-A of Water Act, 1974 and Section 07 & 15 of Environment Protection Act, 1986, by disconnecting the power supply, and further legal action may not be initiated against you.
2. Environment Compensation of Rs. 1 Crore may not be imposed against you in reference to Hon'ble NGT order vide OA. No. 95/2018 titled Aryavart Foundation Vs M/s Vapi Green Enviro Ltd and Ors.

Please note that in the event of failure to comply, actions as proposed shall be initiated against you at your own risk and cost.

(Aditya Negi, IAS)
Member Secretary

No. PCB/1510/M/s. Auro Textiles-II, Baddi/2019- 10670-71

Dated: 23-6-2020

Copy forwarded to the following:

1. The Regional Officer, H.P. State Pollution Control Board Baddi, Distt. Solan, HP for information and necessary action please.

✓ 2 Case File.

(Aditya Negi, IAS)
Member Secretary

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 2114 of 2020 a/w CWPs
No. 2231, 2250 & 2251 of 2020

Decided on: 22.07.2020

CWP No. 2114 of 2020

Vardhman Textiles Limited

...Petitioner

Versus

The State of Himachal Pradesh and another

...Respondents

CWP No. 2231 of 2020

M/s. Winsome Textile Industries Limited

...Petitioner

Versus

The State of Himachal Pradesh and another

...Respondents

CWP No. 2250 of 2020

Vardhman Textiles Limited

...Petitioner

Versus

The State of Himachal Pradesh and another

...Respondents

CWP No. 2251 of 2020

Vardhman Textiles Limited

...Petitioner

Versus

The State of Himachal Pradesh and another

...Respondents

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The Hon'ble Mr. Justice L. Narayana Swamy, Chief Justice.
The Hon'ble Mr. Justice Anoop Chitkara, Judge.

*Whether approved for reporting?*¹

For the petitioner(s): Mr. R.L. Sood, Senior Advocate, with
 Mr. Arjun Lall, Advocate, in all the
 writ petitions.

For the respondents: Mr. Ashok Sharma, Advocate General,
 with Ms. Ritta Goswami, Additional
 Advocate General, for respondent No.
 1, in all the writ petitions

Mr. Nalin Kohli and Mr. Maan Singh,
 Advocates, for respondent No. 2, in all
 the writ petitions.

L. Narayana Swamy, Chief Justice. *(Oral)*

All these writ petitions are being disposed of by
 this common judgment since the issue involved in these writ
 petition is same.

2. The petitioners have invoked the jurisdiction of
 this Court challenging the Show Cause Notices, dated 23rd
 June, 2020 (Annexure P-26) issued by the Himachal Pradesh
 State Pollution Control Board (hereinafter referred to as 'the
 Board') on various grounds, including, jurisdiction, want of

¹ *Whether reporters of the local papers may be allowed to see the judgment?*

authority, vagueness, cryptic and non-compliance of the provisions of Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as 'Water Act') and the Environment (Protection) Act, 1986 (hereinafter referred to as 'the Environment Protection Act').

3. It is the submission of the learned Senior Counsel appearing for the petitioners that the impugned Show Cause Notices have been issued by the Board in terms of Section 33A of the Water Act, which empowers the Board to issue any direction or notice, whereas the impugned Show Cause Notices in the instant writ petitions have been issued by the Member Secretary of the Board, who is only an Officer/Authority of the Board and cannot be considered as a 'Board'. He further submits that the resolution, dated 10th June, 1996, as submitted by the Board, authorizing the Member Secretary of the Board to issue notices/directions under the provisions of Water and Environment Protection Acts, is impermissible and contrary to law and legislative intent as Section 33A of the Water Act authorizes the Board to exercise power to give

directions whereas the impugned Show Cause Notices have been issued by the Member Secretary and not by the Board. ◊

4. His next ground of attack is that the Member Secretary, who has issued the impugned Show Cause Notices, has referred the case pending before the National Green Tribunal wherein the petitioners are not a party.

5. He further submitted that it has been recorded in the Show Cause Notices that the petitioners have emitted the treated effluent into the river and in case the reply is not given within the time stipulated, the respondent-Board would close down the effluent plant by exercising powers under Section 33A of the Water Act and Sections 7 & 15 of the Environment Protection Act and also that Environment Compensation to the tune of ₹ One Crore will be imposed on the petitioners for polluting the river, however, there is no such provision under the Acts mentioned (supra) and moreover, before imposing any Environment Compensation and passing the orders exercising the powers under Section 33A of the Water Act, the petitioners should have been given an opportunity of hearing in this regard.

6. In this background, learned Senior Counsel appearing for the petitioners submitted that the impugned Show Cause Notices issued by the Member Secretary of the Board deserve to be quashed and set aside.

7. On the other hand, learned counsel appearing for respondent-Board supported the Show Cause Notices issued by the Member Secretary of the Board. Apart from the grounds taken in the Grounds of Defence submitted on maintainability, learned counsel for the respondent-Board, in order to substantiate his submissions, has referred to the judgments in **Panj Peer Stone Crusher versus State of Punjab, 2012 SCC OnLine P&H 8046; Laxmi Suiting and Ors. versus State of Rajasthan and Ors., 2013 LawSuit (Raj) 1110; Goa Foundation versus Union of India (UOI) and Ors., (2014) 6 SCC 590; and M.C. Mehta and Ors. Versus Union of India and Ors., MANU/GT/0067/2017.**

8. It is his submission that the Water Act provides an alternative remedy under Section 33B of the Water Act to prefer an Appeal before the National Green Tribunal if any

person is aggrieved by any order/directions issued by the Board under Section 33A of the Water Act and in case the petitioners were aggrieved, they should have preferred an Appeal before the National Green Tribunal instead of approaching this Court. He has, therefore, prayed for dismissal of all the writ petitions being not maintainable. ◇

9. While referring to Rule 8 (13) of the Himachal Pradesh Water (Prevention and Control of Pollution) Rules, 1977 (hereinafter referred to as 'H.P. Water Rules') read with Section 12 (2) of the Water Act, the learned counsel for respondent-Board submits that the Member Secretary was competent to issue the impugned Show Cause Notices on behalf of the Board.

10. At this stage, learned Advocate General appearing for respondent-State submits that in such a situation when an industry is stated to have been causing pollution to the environment/water bodies and pursuant thereto, the Board, exercising its powers under Water Act and Environment Protection Act, is proceeding to shut down the petitioners-Unit, the ultimate sufferer, in both the situations, will be the

State, since the emission of the treated effluent into the river will destroy the environment of the State and due to the shutting down of the petitioners-Unit, it is the State who ultimately will suffer loss of revenue and employment opportunities as the industries in the State, directly or indirectly, are helping the State in generating revenue as well as employment opportunities. ◊

11. He has, therefore, prayed that instead of passing some orders on merits of the cases, permission be granted to the State Government to make an endeavour to make understand the parties to sit together in order to amicably resolve the dispute and the Authorities under the Water Act, Environment Protection Act and H.P. Water Rules will work out the level of pollution caused by the petitioners, if any, and, accordingly, the steps to prevent the same will be taken.

12. This Court has given a thoughtful consideration to the submissions made by the learned Advocate General as also by the learned counsel representing the respective parties and are of the opinion that in the peculiar facts and circumstances of the case, we deem it appropriate to dispose of these writ

petitions, at this stage, with liberty to the Principal Secretary (Environment, Science & Technology) to the Government of Himachal Pradesh and also the Authorities under the Water Act, to issue appropriate directions to the petitioners to prevent emission of the treated effluent strictly in terms of the provisions of Law. In case, even after the efforts made by the State and the Board, the petitioners fail to prevent the emission of treated effluent into the river, then it is for the State and Board to take appropriate action(s), in accordance with law.

13. We feel that the Show Cause Notices, dated 23rd June, 2020, impugned in all the writ petitions, may come in the way of the petitioners and the Board to proceed further in case these are allowed to stand. Therefore, in the light of above submissions, more particularly, on the submissions made by the learned Advocate General, we hold that the impugned Show Cause Notices, dated 23rd June, 2020 shall remain inoperative for the time being.

14. Before parting with, it would be appropriate to record herein that the water bodies, like streams, lakes, rivers,

are the precious gift from the nature to the mankind since time immemorial and it is our duty and responsibility to protect and preserve them. No industry can be allowed to pollute the water bodies by discharging or emitting the treated effluents or pollutants into the water. All the industries should adhere to the rules and regulations framed by the State/Central Governments with respect to environment protection.

15. Viewed thus, all the writ petitions are disposed of with a direction to the petitioners and respondent-Board to appear before the Principal Secretary (Environment, Science & Technology) to the Government of Himachal Pradesh, without awaiting any notice, on 30th July, 2020, who is further directed to proceed in matter after hearing both the parties.

All the miscellaneous applications/Caveat Petitions are disposed of accordingly.

(L. Narayana Swamy)
Chief Justice

(Anoop Chitkara)
Judge

July 22, 2020
(rajni)

Before the Pr. Secretary (Environment, Science & Technology) to
the Government of Himachal Pradesh

Petitioner(s) : (1) M/s Vardhman Textiles Limited
(2) M/s Winsome Textile Industries Limited

Respondent : HP State Pollution Control Board

For the petitioner(s): Mr. I.M.J.S. Sidhu, Mr. A. Puri on behalf of M/s Vardhman Textiles Limited.
with Mr. Ashish Bagrodia, Mr. Anil Sharma on behalf of M/s Winsome
Textile Industries Limited.

For the respondents: Member Secretary, HP State Pollution Control Board

The writ petitions CWP No.2114 of 2020 a/w CWPs No.2250 and 2251 of 2020 titled M/s Vardhman Textiles Limited Verses The State of Himachal Pradesh and another and CWP No. 2231 of 2020 titled M/s. Winsome Textile Industries Limited Verses The state of Himachal Pradesh and another decided on: 29-12-2020 were disposed of by a common judgment passed on 22-07-2020 by the Hon'ble High Court of Himachal Pradesh. Operative part of the judgment is reproduced below.

".....12. This court has given a thoughtful consideration to the submissions made by the learned Advocate General as also by the learned counsel representing the respective parties and are of the opinion that in the peculiar facts and circumstances of the case, we deem it appropriate to dispose of these writ petitions, at this stage, with liberty to the Principal Secretary (Environment, Science & Technology) to the Government of Himachal Pradesh and also the authorities under the Water Act, to issue appropriate directions to the petitioners to prevent the emission of treated effluent strictly in terms of the provisions of law. In case, even after the efforts made by the State and the Board, the petitioners fail to prevent the emission of treated effluent into the river, then it is for the State and Board to take appropriate actions(s), in accordance with law.....

.....15. Viewed thus, all the writ petitions are disposed of with a direction to the petitioners and respondent -board to appear before the Principal Secretary (Environment, Science & Technology) to the Government of Himachal Pradesh, without awaiting any notice, on 30th July, 2020, who is further directed to proceed in matter after hearing both the parties. All the miscellaneous applications/Caveat Petitions are disposed of accordingly."

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In terms of aforesaid order of the Hon'ble High Court, *this matter was heard on 30-07-2020* wherein the representatives of 'Industry' (M/s Vardhman Textiles limited and M/s Winsome Textile Industries Limited) sought time to file their written submissions. Time was granted and accordingly written submissions were filed by them on 07-08-2020. Industry submitted that they are not violating any of the pre-treatment discharge norms currently applicable to them and also re-iterated their commitment to complete the FDS control project within the given timeline as per the Plan submitted to NGT and requested to take sympathetic view of the matter for an amicable resolution. However, status of steps taken to abate the pollution (including TDS) and progress on the Action Plan submitted to Hon'ble NGT alongwith efforts made to reduce timelines of implementation of the Action plan was not given by them in their written submissions. *The matter was again heard on 17-08-2020* and they further sought time for filing the aforesaid plan. Time was granted till 21 August, 2020. *During the third hearing on 08-09-2020*, additional submissions made by industry on 04-09-2020, delineating the status on the aforesaid points were considered. State Pollution Control Board (SPCB) also filed reply to the additional submissions made by the industry. A careful perusal of the written submissions, status and Action Plan, prepared by the Industry and the reply of SPCB thereon reveals the following position till 09-09-2020:

(i) *the sample results of effluent provided by HPPCB w.e.f 11.05.2016 to 23.07.2020 (specifically for TDS/FDS and chloride etc.) shows that the effluent of the industry is not meeting the norms under Environment Protection Rules, 1986. Even the latest result of July, 2020 are non-compliant.*

(ii) *despite the progress claimed by the industry in implementing the Action Plan, it is evident that the real progress on ground has been rather slow because the industry has not yet placed orders for procurement of the ETP to revamp their capacity to treat TDS/FDS within the inlet norms notified on 26-12-2019 by Government of HP.*

(iii) *the industry has not reduced the timelines for implementation of Action Plan, which still aims to put the ETP in place by 30.06.2021. The Industry has cited Covid-19 as reason for not being able to reduce timelines which extend to 15 months.*

Therefore, another opportunity was provided to industry to review it's Action Plan and come up with a strategy to expedite implementation, wherever feasible, by carrying out parallel activities for independent components in implementing of the Action Plan. Reduce the over-all timelines for implementation of Action Plan. It was also observed in the directions passed on 08-09-2020 that the industry still continues to pollute and it is also at liberty to file response on the issue of interim environmental compensation to be recovered from them.

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Fourth hearing was afforded to the parties on 15-10-2020. Industry filed its response and the SPCB also submitted report in response to orders dated 08-09-2020. Following transpired on perusal of responses of the parties.

- (i) the industry, despite the steps maintained by them, is still continuing to pollute and release FDS beyond the permissible limits.*
- (ii) the time period of commissioning of the upgraded ETF provided by M/s Vardhman Textiles Ltd. is 41 weeks from date of issue of Letter of Intent (as per Letter of Intent submitted by M/s Vardhman Textiles Ltd.), which makes it 28th July, 2021 (Date of Letter of Intent: 14.10.2020 to 41 weeks). M/s Winsome Textiles Ltd. is claiming to commission upgraded ETF by 30.06.2021, however, they have not yet formally placed Letter of Intent or selected the vendor. The vendor selection is expected by 4th week of October, 2020, hence the actual contracted timelines can be ascertained only thereafter. However, the industry has not indicated any possibility of reducing timeline of implementation of Action Plan submitted to the Hon'ble NGT.*
- (iii) The industry has not submitted any response on the issue of recovery of interim compensation as ordered by Hon'ble NGT vide its judgment dated 18.06.2020 in OA No. 801/2018 and instead are trying to avoid compliance on this front.*

Yet another opportunity was provided to the industry to review its Action Plan and come up with a strategy to expedite implementation, wherever feasible, by carrying out parallel activities for independent components in implementing of the Action Plan. Reduce the over-all timelines for implementation of Action Plan and also to file response on interim environmental compensation to be recovered from them.

Fifth hearing was afforded to the parties on 24-11-2020. Efforts were made during these hearings and ample opportunities have been given to the industry to sit together with the State Pollution Control Board (SPCB) to review their Action Plan(s) and expedite implementation.

During the course of hearing, the industry maintained that they are making all out efforts to put up upgraded effluent treatment facility and also submitted documents in support of their claim such as Letter of Intent for supply of necessary equipments. Industry further stated that they have also started commensurate activities on site in parallel. They reiterated that despite all efforts, the expected commissioning date for setting up upgraded effluent treatment facility would not be earlier than 30th June, 2021 mainly owing to the Covid-19 pandemic. They also maintained their claim that revised inlet parameters notified by the State Government on 26-12-2019 shall become applicable on them only on 25-12-2020 on completion of one year as per the Environment Protection Rules, 1986. They also claimed that inlet norm of FDS as 2100 mg/l is

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prescribed for CETP and the effluent being sent by them to CETP having FDS level more than 2100 mg/l is meeting pre-treatment norms. Industry also claimed that PCB has no evidence of any pollution caused to the river by them due to discharge of higher FDS. They also cited the Hon'ble Supreme Court order passed on dated 22-09-2020 in Civil Appeal No. 19271/2020 vide which the impugned orders passed by the Hon'ble NGT in OA No. 1038/2018 have been stayed and submitted that they are not liable to pay interim environmental compensation in view of these stay orders passed by the Hon'ble Apex Court.

To sum up their submissions made during successive hearings, the following key points have emerged.

- (i) The industry has maintained that despite all out efforts, they are unable to reduce timelines and are not in a position to set up upgraded facility before 30th June, 2021. They submitted that delay is mainly due to Covid-19 pandemic and it is not possible to expedite the commissioning to a date before June 2021, by any means.
- (ii) The industry maintained their claim that inlet parameters notified by the State Government on 26-12-2019 shall become applicable to them on 25-12-2020 on completion of one year.
- (iii) The industry made averments claiming that they are meeting pretreatment norms and there is no evidence with PCB that pollution is being caused in the river due to effluent discharge. The FDS norms prescribed for CETP as 2100 mg/l should not be made applicable on them. In fact FDS norms prescribed should be higher than 2100 mg/l for these Industrial Units.
- (iv) They cited the order of the Hon'ble Supreme Court in Civil Appeal Diary No. 19271/2020 passed on 22-9-2020 staying the operation of the impugned orders passed by the Hon'ble NGT regarding deposit of interim environmental compensation in OA No. 1038 of 2018 and have submitted that they are not liable to pay the interim environmental compensation.

Response of the SPCB was also called for on the averments made by the industry. *In response to afore cited point no. (i)*, the SPCB submitted that the timelines submitted by industry with regard to completion of the Action Plan for the control of Fixed Dissolved Solid (FDS) by installation of advance treatment system is not satisfactory. They could have executed the Action Plan within a much reduced timeframe as compared to their projection in the Action Plan, by undertaking activities like civil construction work in parallel to the equipment procurement. The Board also cited example of similar Unit named M/s Sara Textiles Ltd. Baddi

hmmmm?

involved in same manufacturing process who has installed Reverse Osmosis System of 200 KLD capacity within 4 months.

In response to point no. (ii), SPCB submitted that as per Rule 3 (3) of Environment Protection Rules, 1986, the standards for the emission/ discharge of environment pollutants specified shall be complied by the units within a period of one year of being so specified. As such this provision is not applicable to the present case(s) in view of the specific averments being made as under:

The Rule 3 (1) of Environment Protection Rules, 1986, reads: *"The standards for the emission or discharge of environment pollutants from the industries, operation or process shall be specified in schedule-I to IV"*.

The Rule 3(2) of Environment Protection Rules, 1986, provides that the *"State Board may specify more stringent standards from those provided in schedule-I to Schedule - IV in respect of any specific industry depending upon the quality of the recipient system and after recording the reasons."*

Board submitted that the incorporation of the standards for discharge of effluents from Textile industry was notified by MoEF& CC, Government of India vide Notification dated 10-10-2016 wherein, the standards for TDS were prescribed as 2100 mg/litre. Further submitted that the standards were never made more stringent in respect of Textile Industries by the Board. Further, as per Rule 3(3) of Environment Protection Rules, 1986, the Standards for emission or discharge of environmental pollutants specified under Sub Rule (1) or Sub Rule (2) shall be complied with by an industry, operation or process within a period of one year of being so specified. From the bare perusal of these provisions, it is clear that it was incumbent upon the individual Textile units to comply with these norms within a period of one year from the date of aforesaid notification issued by MoEF&CC, GoI on 10-10-2016. Thus the specific pleading that the discharge norms shall be applicable from the period of one year after the prescription of inlet standards by the State Government on 26-12-2019 is not maintainable. As per the standards prescribed for discharge of effluent from the Textile industries notified by the MoEF& CC, Government of India on dated 10-10-2016, it has been clearly provided as under:

"Any textile unit attached with the CETP shall achieve the inlet and treated effluent quality standards as specified in Sr. No. 55 of Schedule-I of Environment (Protection) Rules, 1986 and shall also be jointly and severally responsible for ensuring the compliance."

The notification dated 26-12-2019 issued by the State Government neither covers the aspect of laying standards for any specific industry/process /operation as specified in schedule-I nor does the standards have been made stringent by the State Board and thus is squarely out of the ambit of the Rule 3 of the Environment Protection Rules, 1986. The aforesaid notification is



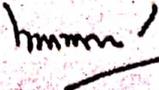
for prescribing the inlet quality standards for CETP, Baddi in compliance to MoEF& CC, Government of India, notification dated 01-01-2016. Thus, the claim of the industry regarding applicability of standards after completion of one year of prescription of inlet standards, that too for CETP, is not maintainable.

As regards to the point no. (iii), SPCB submitted that the inlet quality standard of FDS for CETP, Baddi were notified to be 2100 mg/l by the State Government vide notification dated 26-12-2019 and State Board is bound to regulate the units as per the provisions of the said notification as well as under the provisions of Water Act, 1974 and Air Act, 1981.

The SPCB denied that the Industrial Units are complying with the pre-treatment norms and that no pollution is being caused due to effluent discharge. The Board shared the sampling results of these Units for the last 4 samples collected in their submissions which clearly indicate that the level of FDS is much more than the limit prescribed as per Schedule I of the EP Rules, 1986.

In response to point no. (iv), the SPCB submitted that a formula /methodology has been devised by CPCB to levy final Environment Compensation based on the 'Polluter Pays Principle'. The methodology has also been approved by Hon'ble NGT vide order dated 19-02-2019 in OA no. 593/2017 titled *Paryavaran Suraksha Samiti Vs Union of India*. As the Textile industries are failing to meet the prescribed norms and individual member units are equally responsible for the violation as per notification issued by MoEF& CC, Government of India dated 10-10-2016. Thus, both these industrial groups are liable for payment of Environment Compensation as per directions of the Hon'ble NGT passed in OA no 801/2018 and OA no. 593/2017.

As regard to the Order of Hon'ble Supreme Court of India dated 22-9-2020 in Civil Appeal Diary No. 19271/2020, staying the operation of the Hon'ble NGT's order with respect to levying of interim compensation, Board submitted that on perusal of the order available on the website of Hon'ble Supreme Court, the interim compensation as directed to be levied vide Order of Hon'ble NGT dated 10-07-2019, 23-08-2019 and 14-11-2019 has been stayed. Further, in Civil Appeal Diary no. 43253 of 2019, the Hon'ble Supreme Court vide Order dated 04-12-2019 has stayed the interim compensation as directed to be levied upon the defaulting units by the Order of Hon'ble NGT dated 28-08-2019 in OA no. 95/2018. Board submitted that the final formula /methodology devised by CPCB to calculate Environment Compensation which is based on the Polluter Pays Principle has been approved by Hon'ble NGT vide order dated 19-02-2019 in OA no. 593/2017 titled *Paryavaran Suraksha Samiti Vs Union of India* which is still in force and not

 6/10/20

been stayed by any Court of Law and can be applied against the industries which are failing to meet the prescribed norms.

Based on the oral submissions made and documents produced by both the parties during the course of successive hearings, some progress on implementation of the Action Plan is discernible which can be attributed to the efforts made by the parties. But there is no reduction in timelines given by industry to achieve compliance, when compared to timelines submitted by industry in their Action Plan to NGT, despite all these efforts. It also appears that implementation of the Action Plan has been hindered to some extent owing to Covid-19 pandemic. But this fact can not be ignored that effluent discharge, FDS in particular, by these Units is beyond the prescribed limits which is contributing to pollution. In the light of this discussion, I am of considered view that, keeping in view the above position, SPCB may take action strictly according to the provisions of Law and rules applicable in this case. The orders of the Hon'ble Supreme Court may also be kept in view while taking action against these Industrial units. The proceedings, which were started in compliance of the order of Hon'ble High Court are accordingly concluded and matter is disposed off.



(Kamlesh Kumar Pant. IAS)
Pr. Secretary (Env.S&T) to the
Government of Himachal Pradesh

Annexure - R-4



H.P. STATE POLLUTION CONTROL BOARD,
Regional Office "HIMUDA COMPLEX" Phase-I, Baddi
Tehsil Baddi, Distt. Solan (HP) Phone-01795-245374

No. PCB/RO Baddi/B-121/Baddi Infrastructure (CETP Kenduwal)/2019 868

Dated: 15/10/19

To

M/s Baddi Infrastructure (CETP Kenduwal),
Baddi Technical Training Institute (BTI) Complex,
EPIP Phase-I Jharmajri Tehsil Baddi PO
Barotiwala District Solan HP.

Sub: - Order passed by Hon'ble National Green Tribunal in O.A. No. 593/2017 titled Paryavaran Suraksha Samiti & Anr. V/s Union of India & Ors dated 19.02.2019 and Original Application No. 1038/2018 dated 10.07.2019 and 23.08.19.

Sir,

This is in reference to orders passed by Hon'ble National Green Tribunal in O.A. No. 593/2017 titled Paryavaran Suraksha Samiti & Anr. V/s Union of India & Ors dated 19.02.2019 and Original Application No. 1038/2018 dated 10.07.2019 and 23.08.19.

The Hon'ble National Green Tribunal in O.A. No. 593/2017 titled Paryavaran Suraksha Samiti & Anr. V/s Union of India & Ors dated 19.02.2019 passed the following directions:

"... Committee has come up with following formula for levying the Environmental Compensation in instances as mentioned at a, b and c including non-compliance of the environmental standards / violation of directions."

Further Hon'ble National Green Tribunal in O.A. 1038/2018 dated 10.07.2019 and 23.08.19 passed following directions:

"...The essence of rule of law is that no activity which is against the law is allowed to continue and the person violating the law is punished according to law. Thus merely requiring improvement does not obviate the need for punishing the law violators/polluters; stopping polluting activity and recovering compensation for the damage already caused so as to recover the cost of restoration is the mandate of law...."

Whereas it has been observed that since November 2018 to September 2019, the samples collected from the final outlet of CETP are not conforming to the prescribed norms which is gross violation of Water (Prevention & Control of Pollution) Act 1974. Hence in as per the directions passed by Hon'ble National Green Tribunal, the Environmental Compensation amounting to ₹ 87,90,000/- is applicable on you. It is hereby directed to deposit the aforesaid amount in the account of Member Secretary, H.P. State Pollution Control Board, Axis Bank, The Mall Shimla, account no. 9170100825663915, IFSC code AXIS0003651 under intimation to this office within a week time failing which action under the provisions of Water (Prevention & Control of Pollution) Act 1974 & Air (Prevention & Control of Pollution) Act 1981 shall be initiated against you at your own risk and cost.

Yours faithfully,

(P. C. Gupta),

Sr. Environmental Engineer.



HP State Pollution Control Board

HIM Parivesh Bhawan, Phase-III, Below BCS, New Shimla-09
Phone No. 0177-2673766, 2673020 FAX-0177-2673018

Recd
Annexure-R-5

No. PCB/NGT/ETP/CETP/STP/ CPCB Misc. Matter/19- 22322-23

Dated: 18.10.2019

URGENT

To,

M/s Baddi Infrastructure (CETP Kenduwal),
Baddi Technical Training Institute (BTI) Complex,
EPIP Phase-I Jharmajri, Tehsil Baddi P.O
Barotiwala, District Solan (H.P.).

Sub: - **DIRECTIONS UNDER SECTION 33A OF WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974 AND SECTION 5 OF ENVIRONMENT (PROTECTION) ACT, 1986.**

WHEREAS, Monitoring committee constituted by the Hon'ble National Green Tribunal in OA No. 916 of 2018 in the matter of Sobha Singh and Others V/s State of Punjab and others has visited common effluent treatment plant of capacity 25 MLD installed at village Kenduwal Mallpur, P.O Bhud, Tehsil Baddi, District Solan (HP) on 9th September, 2019.

WHEREAS, Monitoring committee has prepared its report (copy enclosed) and the observations and recommendations made by the monitoring committee which are as follow:-

1. Since the outlet of CETP has been maintained to discharge its effluent into Sarsa River further leading to River Sutlej and CETP is not meeting with the prescribed standards for the parameters namely BOD, TSS, TDS, Sulphide and Bioassay. As such, it degrades the quality of water of Sarsa River exorbitantly and also affects aquatic life. Therefore, an environmental compensation amounting to Rs. 1.00 crores may be imposed upon the industry. In case any Bank Guarantee earlier submitted by the CETP operator/SPV, Baddi, the same may also be encashed. Accordingly, the Chairman, Himachal Pradesh Pollution Control Board shall issue necessary orders/directions under the provisions of the Water Act, 1974 w.r.t. imposition of the said environmental Compensation and encashment of Bank guarantee. The said environmental compensation amount may be utilized for rejuvenation of water quality of River Sarsa and subsequently River Sutlej.
2. M/s Baddi Infrastructure, Baddi, the SPV or CETP operator shall upgrade its CETP with Zero Liquid Discharge Technology within 6 months to achieve Zero Liquid Discharge and ensure that no treated/untreated effluent is discharged into Sarsa River further leading to river Sutlej.
3. The Chairman, Himachal Pradesh Pollution Control Board shall get performance guarantee amounting to Rs. 50.00 lakhs to ensure that CETP is upgraded to achieve the zero liquid discharge in a time bound manner and necessary directions under the provisions of the water Act, 1974 shall be issued by Chairman, HPSPCB to SPV namely M/s Baddi infrastructure, Baddi and CETP Operator.
4. The Chairman, Himachal Pradesh Pollution Control Board shall revoke the consent, if granted, under the provisions of Water Act, 1974.
5. Since, the pretreatment systems are to be provided by member industries, as such, the sludge/Solid waste generated from pretreatment system of these industries may not be allowed to be sent to CETP site. The hazardous waste generated from pre-treatment system of the member industries shall be sent to nearby TSDF by individual industries.
6. SPV/CETP operator shall install electromagnetic flow meter at the inlet and outlet of the collection tank. After installation of zero liquid discharge technology, the recovered effluent from CETP shall be recycled back into the processes of the industry and the residue in the form of hazardous sludge after drying into the drier shall be sent to nearby TSDF.

- leaf*
7. An environmental management cell including NGOs and Civil Society may be setup. SPV/CETP operator. In the Environmental Management Cell, the qualified Engineers/Scientists shall also be employed by SPV/CETP operator.
 8. All the tankers deployed for collection of effluent from member industries may be provided with GPS system having its connectivity at CETP site and HPPCB site.
 9. Online Continuous Effluent Monitoring Systems (OCEMS), which was not in operation on the day of visit, shall be got calibrated and made operational within 15 days and the system shall have its connectivity with HPPCB and CPCB Servers.
 10. Necessary CCTV cameras, for e-surveillance of the various components of CETP, shall be installed by SPV/CETP operator within 15 days and these cameras shall have its connectivity with HPSPCB server.
 11. The Chairman, Himachal Pradesh Pollution Control Board shall take up the matter with the Department of Irrigation and Public Health Engineering for early installation of Sewage treatment Plant for the treatment of the sewage of the town.

Now, therefore, in view of the above mentioned recommendations and in exercise powers vested to the Chairman, Himachal Pradesh State Pollution Control Board under Section 5 of the Environment (Protection) Act, 1986. **You are, hereby directed to comply on above mentioned recommendations and deposit Environment Compensation of Rs. One (1) Crore immediately in the account of Member Secretary, HP State Pollution Control Board, Axis Bank, The Mall Shimla, account no. 9170100825663915, IFSC code UTIB0003651 under intimation to this office failing which action under the provisions of 41 of Water (Prevention & Control of Pollution) Act 1974 and section 15 of Environment (Protection) Act, 1986 shall be initiated against you at your own risk and cost.**

Encl: As Above

R.D.
(R.D. Dhiman, IAS)
ACS (Env. S&T)-cum-Chairman,
HPSPCB, Shimla (H.P)

Copy to:

1. The Member Secretary, H.P. State Pollution Control Board, Him Parivesh Building, Phase-III, BCS, New Shimla-9 for information and necessary action.

(R.D. Dhiman, IAS)
ACS (Env. S&T)-cum-Chairman,
HPSPCB, Shimla (H.P)

Annexure-R-6

CWP No.3462/2019

16.11.2019 Present: Mr. R.L. Sood, Sr. Advocate with Mr Arjun Lal, Advocate, for the petitioner.

Mr. Ashok Sharma, Advocate General with M/s. Ranjan Sharma, Adarsh Sharma, & Nand Lal Thakur, Additional Advocate Generals, for respondent No.1

Mr. Maan Singh, Advocate, for respondents No.2 to 4.

CMP No.12715 of 2019

Allowed and disposed of.

CWP No.3462/2019 & CMP No.12716/2019

Notice. Mr. Adarsh Sharma, learned Additional Advocate General and Mr. Maan Singh, learned standing counsel, appear and accept service of notice on behalf of respondents No.1, 2 to 4, respectively. Reply be filed within two weeks. List on **5th December, 2019.**

Till then, the operation and execution of Annexures P-17 and 18, shall remain stayed.

Copy dasti.

**(L. Narayana Swamy),
Chief Justice**

**(Jyotsna Rewal Dua),
Judge**

16th November, 2019
(Rohit)

Annexure-R-7

CWP No. 3462 of 2019-G

05.12.2019 Present:

Mr. R.L. Sood, Senior Advocate with Mr. Arjun Lal, Advocate, for the petitioner.

Mr. Ashok Sharma, Advocate General with Mr. Ranjan Sharma, Ms. Ritta Goswami and Mr. Nand Lal Thakur, Additional Advocate Generals, for respondent No. 1.

Mr. Maan Singh, Advocate, for respondents No. 2 to 4.

Reply, if any, be filed by or before the next date.

List on 19.12.2019. In the meanwhile, interim order dated 16.11.2019 to continue.

(L. Narayana Swamy)
Chief Justice.

December 5, 2019
(hemlata)

(Jyotsna Rewal Dua)
Judge.

Annexure - R-8 (copy)

Cr.MMO No.128 of 2020

6.03.2020 Present: Mr. R.L.Sood, Senior Advocate with Mr. Arjun Lall, Advocate, for the petitioner.
Mr. J.R. Poswal, Advocate vice Mr. Maan Singh, Advocate, for the respondent.

Cr.MMO No.128 of 2020

Issue notice. Mr. J.R.Poswal, Advocate, appears and waives service of notice on behalf of the respondent. He prays for and is granted four weeks' time to file reply. List thereafter.

Cr.MP No.535 of 2020

Notice in the aforesaid terms. Reply, if any, be filed on or before the next date of hearing. In the meanwhile, further proceedings in Case No.148/2 of 2019, pending in the Court of learned Judicial Magistrate,1st Class, Court No. II, Nalagarh, District Solan, H.P., shall remain stayed.

Copy dasti.

**(Sandeep Sharma)
Judge**

6th March, 2020
(shankar)

6.03.2020

Cr.MMO No.129 of 2020
Present: Mr. R.L.Sood, Senior Advocate with Mr. Arjun Lall, Advocate, for the petitioner.

Mr. J.R. Poswal, Advocate vice Mr. Maan Singh, Advocate, for the respondent.

Cr.MMO No.129 of 2020

Issue notice. Mr. J.R.Poswal, Advocate, appears and waives service of notice on behalf of the respondent. He prays for and is granted four weeks' time to file reply. List thereafter.

Cr.MP No.536 of 2020

Notice in the aforesaid terms. Reply, if any, be filed on or before the next date of hearing. In the meanwhile, further proceedings in Case No.148/2 of 2019, pending in the Court of learned Judicial Magistrate,1st Class, Court No. II, Nalagarh, District Solan, H.P., shall remain stayed.

Copy dasti.

(Sandeep Sharma)
Judge

6th March, 2020
(shankar)

6.03.2020

Present: Mr. R.L.Sood, Senior Advocate with Mr. Arjun Lall, Advocate, for the petitioner.
Mr. J.R. Poswal, Advocate vice Mr. Maan Singh, Advocate, for the respondent.

Cr.MMO No.130 of 2020

Cr.MMO No.130 of 2020

Issue notice. Mr. J.R.Poswal, Advocate, appears and waives service of notice on behalf of the respondent. He prays for and is granted four weeks' time to file reply. List thereafter.

Cr.MP No.537 of 2020

Notice in the aforesaid terms. Reply, if any, be filed on or before the next date of hearing. In the meanwhile, further proceedings in Case No.148/2 of 2019, pending in the Court of learned Judicial Magistrate,1st Class, Court No. II, Nalagarh, District Solan, H.P., shall remain stayed.

Copy dasti.

**(Sandeep Sharma)
Judge**

6th March, 2020
(shankar)



H.P. STATE POLLUTION CONTROL BOARD

HIM PARIVESH, PHASE-III

NEW SHIMLA-171009

No. PCB/Baddi Infrastructures/2020/- 21154-55

Dated: 28/12/2020

To

✓
M/s. Baddi Infrastructure (CETP Kenduwal),
Baddi Technical Training Institute (BTTI) Complex,
EPIP Phase-I Jharmajri, Tehsil Baddi P.O
Barotiwala, District Solan (H.P)

Subject: Show Cause Notice under Water (Prevention and Control of Pollution) Act, 1974.

Whereas, CETP of 25 MLD capacity has been setup at Kainduwal, Baddi which is being operated by Baddi Infrastructure. The State Board is continuously monitoring the operation of CETP with regard to the outlet discharge norms as prescribed by MoEF & CC, Government of India vide notification dated 01.01.2016.

Whereas the Hon'ble High Court in CWP no. 3462/2019 vide order dated 16-11-19 has stayed the Environment Compensation levied on CETP for the non-compliance during the period of November 2018 to September 2019 including the EC imposed on the recommendation of NGT monitoring committee in OA no. 916/2018 (Sobha Singh Vs State of Punjab and Ors.)

Whereas, it is again observed from sample analysis reports of the out let discharge of CETP Baddi that the CETP is consistently non complying to the norms for the parameters FDS & Chloride since 17.11.2019 to 5.10.2020 till date. (Except one sample drawn on 29-02-2020)

Whereas Hon'ble NGT has also taken cognizance of the non-compliance of CETP, Baddi in O.A. 801/2018 titled Jasmeet Singh V/s State of HP and vide order dated 18-06-2020 passed the following directions:-

".....5. We do not find the report to be as per the mandate of law. If the pollution is continuing, the State PCB is under obligation to close the polluting activities by exercising its jurisdiction under the Water Act, 1974 and recover compensation from the polluters. Till pollution is stopped, polluting activities, which are punishable crime under the law, cannot continue. The State PCB has failed to take action merely on the ground that action plan was being prepared or had been prepared which was not satisfactory. None appears for the State PCB.

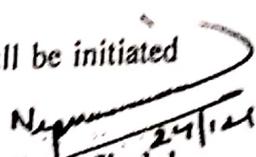
.....6. The State PCB may take appropriate action against the CETP operator and other polluters for the violation of law and furnish a compliance report within one month from today by e-mail at judicialngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

Whereas, Baddi infrastructure had to install/provide advanced treatment system and to install activated carbon, pressure, sand filters and ozoniser which was proposed by CETP, Baddi in the proposal of the project but the same has not been provided by M/s Baddi Infrastructure till date.

Now, therefore, in exercise of the powers conferred under the Water (Prevention & Control of Pollution) Act, 1974 and in consideration of the facts stated above, the H.P. State Pollution Control Board hereby directs you to Show Cause returnable within 7 days as to why:

1. Penal actions may not be initiated against the unit as per the aforesaid provisions.
2. Environment Compensation may not be imposed against you in reference to Hon'ble NGT orders for the violation period.

Please note that in the event of failure to comply, actions as proposed shall be initiated against you at your own risk and cost.


24/12/20
Dr Nipun Jindal
Member Secretary

Dated:

No. PCB/M/s. Baddi Infrastructures/2020-
Copy forwarded to the following:

1. The Regional Officer, H.P. State Pollution Control Board Baddi, Distt. Solan, HP for information and directed to submit ATR within stipulated period to HQ for further action in the matter.
2. Case File.


Dr Nipun Jindal
Member Secretary




H.P. STATE POLLUTION CONTROL BOARD
HIM PARIVESH, PHASE-III
NEW SHIMLA-171009

Annexure-R-10

No. PCB-1435/ M/s Winsome Textiles Ltd/2020/-

Dated:

Order

Whereas the Hon'ble National Green Tribunal in OA No. 801/2018 showed concern about pollution in River Balad in Baddi industrial area Distt Solan H.P and has passed the following directions on 18-6-2020:

"..If the pollution is continuing, the State PCB is under obligation to close the polluting activities by exercising its jurisdiction under the Water Act, 1974 and recover compensation from the polluters. Till pollution is stopped, polluting activities, which are punishable crime under the law, cannot continue... "

Whereas a Joint Inspection committee constituted by Hon'ble NGT in the said matter comprising of representatives of CPCB, HP PCB and DC Solan vide its Report dated 06.11.2019 had observed that textile industries engaged in dyeing process generating effluent of Cat-IV are responsible for making the CETP defunct.

Whereas in pursuance to Hon'ble NGT's order dated 18-6-2020, State Board had issued a show cause notice on 23-06-2020 to the unit M/s Winsome Textiles Industries Ltd, 1, Industrial Area, Baddi, Distt. Solan, H.P. for contributing category-IV effluent to CETP, Baddi making it non-compliant to the effect as to why:

- Closure directions as per section 33-A of Water Act, 1974 and Section 07 & 15 of Environmental Protection Act, 1981 by disconnecting the power supply, and legal action may not be initiated.
- Interim Environment Compensation may not be imposed.

Whereas the textile unit challenged the Board's show cause notice before Hon'ble High Court of HP in CWP No. 2231/ 2020, wherein vide order dated 22-7-2020, Hon'ble High Court disposed off the matters with following directions:-

".....This Court has given a thoughtful consideration to the submission made by the learned Advocate General as also by the learned Counsel representing the parties and are of the opinion that in the peculiar facts and circumstance of the case, we deem it appropriate to dispose of these writ petitions at this stage with liberty to Principal Secretary (Environment, Science & Technology to the Govt. of HP. and also the authorities under the Water Act, to issue appropriate directions to the petitioners to prevent emission of treated effluent strictly in terms of the provision of law. In case even after efforts made by the State & the Board, the petitioners fail to prevent the emission of treated effluent into the river, then it is for the State and the Board to take appropriate action(s) in accordance with law." Further it was directed that "we hold that the impugned show cause notices dated 23-06-2020 shall remain inoperative for the time being." But nevertheless it was also emphasized that "water bodies like streams lakes rivers are the precious gift from the nature to the mankind since time immemorial and it is our duty and responsibility to protect and preserve them. No industry can be allowed to pollute the water bodies by discharging or emitting the treated effluent or pollutants into the water. All industries should adhere to the rules and regulations framed by the State/Central Government with respect to environment protection..."

Whereas the Principal Secretary (Environment S&T) Govt. of HP has disposed off the matter vide order dated 30-12-2020 with following directions:-

"....Based on the oral submissions made and documents produced by both parties during the course of successive hearings, some progress on the implementation of the action plan is discernible which can be attributed to the efforts made by the parties. But there is no reduction in the timelines given by industry to achieve compliance, when compared to the timelines submitted by industry in their action plan to NGT,

20-11-21

despite all these efforts. It also appears that implementation of the action plan has been hindered to some extent owing to Covid-19 pandemic. But this fact cannot be ignored that effluent discharge, FDS in particular, by these units is beyond the prescribed limits which is contributing to pollution. In the light of this discussion, I am of considered view that, keeping in view the above position, SPCB may take action strictly according to the provisions of Law and rules applicable in this case. The orders of Hon'ble Supreme Court may also be kept in view while taking action against these industrial units. The proceedings which were started in compliance of the order of Hon'ble High Court are accordingly concluded and matter is disposed off. ..."

Whereas the Hon'ble Supreme Court of India has stayed the order passed by Hon'ble NGT in OA no. 1038/2018 related to calculation and levy of Interim Environment Compensation in Civil Appeal Diary no. 19271/2020 dated 22-09-2020.

Whereas, the effluent of category-IV being contributed by the unit M/s Winsome Textiles Industries Ltd, 1, Industrial Area, Baddi, Distt. Solan, H.P to the CETP for final disposal and treatment is not complying since 25-7-2020 till date to the discharge standards as prescribed in the schedule-I of EP Rules, 1986 as well as the inlet quality standards notified by the State Government and thereby causing water pollution.

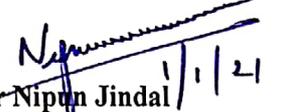
Whereas the Hon'ble NGT in OA no. 593/2017 titled Paryavaran Suraksha Samiti v/s UoI, dated 19-02-2019 have approved the regime for final environmental compensation against all the violating units on the basis of Polluter Pays Principle by assessing the period of violation. The formula as devised by CPCB is primarily based on the Pollution Index (PI) of the concerned sector, for levying environmental compensation on a defaulting industry which is as under:

$$EC = PI \times N \times R \times S \times LF$$

Now, therefore, in consideration of the facts stated above, in view of the directions of Hon'ble High Courts orders, Hon'ble NGT and the orders passed by Principal Secretary (Env,S&T) Govt of HP and in exercise of the powers conferred under section 32 and 33-A of Water (Prevention & Control of Pollution) Act, 1974 M/s Winsome Textiles Industries Ltd, 1, Industrial Area, Baddi, Distt. Solan, H.P is hereby directed to:

1. Immediately shut down the dyeing process of the textile unit contributing towards the category-IV effluent to CETP, Baddi, till the unit becomes compliant.
2. Pay Environment Compensation of to the tune of Rs. 48 lakhs (Forty Eight Lakhs only) for the violation period w.e.f. 25-07-2020 to 31-12-2020 (160 days).

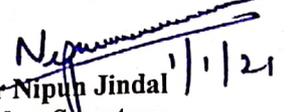
Strict compliance from all concerned is solicited to avoid legal liability at their end.


Dr Nipun Jindal
Member Secretary

Dated: 01-01-2021

No. PCB-1435/ M/s Winsome Textiles Ltd /2020/- 2/833-34
Copy forwarded to the following:

1. M/s Winsome Textiles Industries Ltd, 1, Industrial Area, Baddi, Distt. Solan, H.P. for strict compliance.
2. The Regional Officer, H.P. State Pollution Control Board Baddi, Distt. Solan, HP for information with a direction that unit does not operate the dying section of the plant and submit an action taken report to this office within 7 days.
3. Case File.


Dr Nipun Jindal
Member Secretary

Dated: 01-01-2021



H.P. STATE POLLUTION CONTROL BOARD
HIM PARIVESH, PHASE-III
NEW SHIMLA-171009

No. PCB-69/ M/s Auro Textile Ltd /2020/- 21829-30

Dated: 01-01-2021

Order

Whereas the Hon'ble National Green Tribunal in OA No. 801/2018 showed concern about pollution in River Balad in Baddi industrial area Distt Solan H.P and has passed the following directions on 18-6-2020:

"..If the pollution is continuing, the State PCB is under obligation to close the polluting activities by exercising its jurisdiction under the Water Act, 1974 and recover compensation from the polluters. Till pollution is stopped, polluting activities, which are punishable crime under the law, cannot continue...".

Whereas a Joint Inspection committee constituted by Hon'ble NGT in the said matter comprising of representatives of CPCB, HPPCB and DC Solan vide its Report dated 06.11.2019 had observed that textile industries engaged in dyeing process generating effluent of Cat-IV are responsible for making the CETP defunct.

Whereas in pursuance to Hon'ble NGT's order dated 18-6-2020 State Board had issued a show cause notice on 23-06-2020 to the unit M/s Auro Textiles, Sai Road Baddi, Distt. Solan, H.P for contributing category-IV effluent to CETP, Baddi making it non-compliant to the effect that as to why:

- Closure directions as per section 33-A of Water Act, 1974 and Section 07 & 15 of Environmental Protection Act, 1981 by disconnecting the power supply, and legal action may not be initiated.
- Interim Environment Compensation may not be imposed.

Whereas the textile units challenged the Board's show cause notice before Hon'ble High Court of HP in CWP 2250 / 2020 wherein vide order dated 22-7-2020 Hon'ble High Court disposed off the matters with following directions:-

".....This Court has given a thoughtful consideration to the submission made by the learned Advocate General as also by the learned Counsel representing the parties and are of the opinion that in the peculiar facts and circumstance of the case, we deem it appropriate to dispose of these writ petitions at this stage with liberty to Principal Secretary (Environment, Science & Technology to the Govt. of HP. and also the authorities under the Water Act, to issue appropriate directions to the petitioners to prevent emission of treated effluent strictly in terms of the provision of law. In case even after efforts made by the State & the Board, the petitioners fail to prevent the emission of treated effluent into the river, then it is for the State and the Board to take appropriate action(s) in accordance with law." Further it was directed that "we hold that the impugned showcause notices dated 23-06-2020 shall remain inoperative for the time being." But nevertheless it was also emphasized that "water bodies like streams lakes rivers are the precious gift from the nature to the mankind since time immemorial and it is our duty and responsibility to protect and preserve them. No industry can be allowed to pollute the water bodies by discharging or emitting the treated effluent or pollutants into the water. All industries should adhere to the rules and regulations framed by the State/Central Government with respect to environment protection...".

Whereas the matter was further heard by Principal Secretary (Environment S&T) Govt of HP and vide order dated 30.12.2020 disposed off the matter with following directions:-

"....Based on the oral submissions made and documents produced by both parties during the course of successive hearings, some progress on the implementation of the action plan is discernible which can be

attributed to the efforts made by the parties. But there is no reduction in the timelines given by industry to achieve compliance, when compared to the timelines submitted by industry in their action plan to NGT, despite all these efforts. It also appears that implementation of the action plan has been hindered to some extent owing to Covid-19 pandemic. But this fact cannot be ignored that effluent discharge, FDS in particular, by these units is beyond the prescribed limits which is contributing to pollution. In the light of this discussion, I am of considered view that, keeping in view the above position, SPCB may take action strictly according to the provisions of Law and rules applicable in this case. The orders of Hon'ble Supreme Court may also be kept in view while taking action against these industrial units. The proceedings which were started in compliance of the order of Hon'ble High Court are accordingly concluded and matter is disposed off. ..."

Whereas the Hon'ble Supreme Court of India has stayed the order passed by Hon'ble NGT in OA no. 1038/2018 related to calculation and levy of Interim Environment Compensation in Civil Appeal Diary no. 19271/2020 dated 22-09-2020.

Whereas, the effluent of category-IV being contributed by the unit M/s Auro Textiles, Sai Road Baddi, Distt. Solan, H.P to the CETP for final disposal and treatment by unit is not complying since 25-7-2020 till date to the discharge standards as prescribed in the schedule-I of EP Rules, 1986 as well as the inlet quality standards notified by the State Government and thereby causing water pollution.

Whereas the Hon'ble NGT in OA no. 593/2017 titled Paryavaran Suraksha Samiti v/s UoI, dated 19-02-2019 have approved the regime for final environmental compensation against all the violating units on the basis of Polluter Pays Principle by assessing period of violation. The formula as devised by CPCB formula is primarily based on the Pollution Index (PI) of the concerned sector, for levying environmental compensation on a defaulting industry which is as under:

$$EC = PI \times N \times R \times S \times LF$$

Now, therefore, in consideration of the facts stated above, in view of the directions of Hon'ble High Courts orders, Hon'ble NGT and the orders passed by Principal Secretary (Env,S&T) Govt of HP and in exercise of the powers conferred under section 32 and 33-A of Water (Prevention & Control of Pollution) Act, 1974 M/s Auro Textiles, Sai Road Baddi, Distt. Solan, H.P. is hereby directed to:

1. Immediately shut down the dyeing process of the textile unit contributing towards the category-IV effluent to CETP, Baddi, till the unit becomes compliant.
2. Pay Environment Compensation to the tune of Rs. 42 lakhs (Forty Two Lakhs only) for the violation period w.e.f. 25-07-2020 to 31-12-2020 (140 days excluding the period of compliance).

Strict compliance from all concerned is solicited to avoid legal liability at their end.

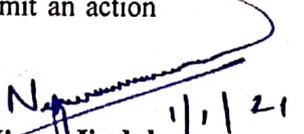

Dr Nipun Jindal
Member Secretary

Dated:

No. PCB-69/ M/s Auro Textile Ltd /2020/-

Copy forwarded to the following:

1. M/s Auro Textiles, Sai Road Baddi, Distt. Solan, H.P. for strict compliance.
2. The Regional Officer, H.P. State Pollution Control Board Baddi, Distt. Solan, HP for information with a direction that unit does not operate the dyeing section of the plant and submit an action taken report to this office within 7 days.
3. Case File.


Dr Nipun Jindal
Member Secretary



H.P. STATE POLLUTION CONTROL BOARD
HIM PARIVESH, PHASE-III
NEW SHIMLA-171009

No. PCB-96/ M/s Auro Dyeing Ltd /2020/- 21 8 27 - 28

Dated: 01-01-2021

Order

Whereas the Hon'ble National Green Tribunal in OA No. 801/2018 showed concern about pollution in River Balad in Baddi industrial area Distt Solan H.P and has passed the following directions on 18-6-2020:

"..If the pollution is continuing, the State PCB is under obligation to close the polluting activities by exercising its jurisdiction under the Water Act, 1974 and recover compensation from the polluters. Till pollution is stopped, polluting activities, which are punishable crime under the law, cannot continue..."

Whereas a Joint Inspection committee constituted by Hon'ble NGT in the said matter comprising of representatives of CPCB, HP PCB and DC Solan vide its Report dated 06.11.2019 had observed that textile industries engaged in dyeing process generating effluent of Cat-IV are responsible for making the CETP defunct.

Whereas in pursuance to Hon'ble NGT's order dated 18-6-2020 State Board had already issued a show cause notice on 23-06-2020 to the unit M/s Auro Dyeing, Sai Road, Baddi, Distt. Solan, H.P. for contributing category-IV effluent to CETP, Baddi making it non-compliant to the effect as to why:

- Closure directions as per section 33-A of Water Act, 1974 and Section 07 & 15 of Environmental Protection Act, 1981 by disconnecting the power supply, and legal action may not be initiated.
- Interim Environment Compensation may not be imposed.

Whereas the textile unit challenged the Board's show cause notice before Hon'ble High Court of HP in CWP No 2251 /2020 wherein vide order dated 22-7-2020 Hon'ble High Court disposed off the matters with following directions:-

".....This Court has given a thoughtful consideration to the submission made by the learned Advocate General as also by the learned Counsel representing the parties and are of the opinion that in the peculiar facts and circumstance of the case, we deem it appropriate to dispose of these writ petitions at this stage with liberty to Principal Secretary (Environment, Science & Technology to the Govt. of HP. and also the authorities under the Water Act, to issue appropriate directions to the petitioners to prevent emission of treated effluent strictly in terms of the provision of law. In case even after efforts made by the State & the Board, the petitioners fail to prevent the emission of treated effluent into the river, then it is for the State and the Board to take appropriate action(s) in accordance with law." Further it was directed that "we hold that the impugned showcause notices dated 23-06-2020 shall remain inoperative for the time being." But nevertheless it was also emphasized that "water bodies like streams lakes rivers are the precious gift from the nature to the mankind since time immemorial and it is our duty and responsibility to protect and preserve them. No industry can be allowed to pollute the water bodies by discharging or emitting the treated effluent or pollutants into the water. All industries should adhere to the rules and regulations framed by the State/Central Government with respect to environment protection..."

Whereas the Principal Secretary (Environment S&T) Govt of HP has disposed off the matter vide order dated 30-12-2020 with following directions:-

"....Based on the oral submissions made and documents produced by both parties during the course of successive hearings, some progress on the implementation of the action plan is discernible which can be

attributed to the efforts made by the parties. But there is no reduction in the timelines given by industry to achieve compliance, when compared to the timelines submitted by industry in their action plan to NGT, despite all these efforts. It also appears that implementation of the action plan has been hindered to some extent owing to Covid-19 pandemic. But this fact cannot be ignored that effluent discharge, FDS in particular, by these units is beyond the prescribed limits which is contributing to pollution. In the light of this discussion, I am of considered view that, keeping in view the above position, SPCB may take action strictly according to the provisions of Law and rules applicable in this case. The orders of Hon'ble Supreme Court may also be kept in view while taking action against these industrial units. The proceedings which were started in compliance of the order of Hon'ble High Court are accordingly concluded and matter is disposed off. ...”

Whereas the Hon'ble Supreme Court of India has stayed the order passed by Hon'ble NGT in OA no. 1038/2018 related to calculation and levy of Interim Environment Compensation in Civil Appeal Diary no. 19271/2020 dated 22-09-2020.

Whereas, the effluent of category-IV being contributed by M/s Auro Dyeing, Sai Road, Baddi, Distt. Solan, H.P to the CETP for final disposal and treatment by unit is not complying since 25-7-2020 till date to the discharge standards as prescribed in the schedule-I of EP Rules, 1986 as well as the inlet quality standards notified by the State Government and thereby causing water pollution.

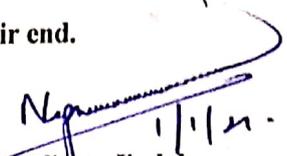
Whereas the Hon'ble NGT in OA no. 593/2017 titled Paryavaran Suraksha Samiti v/s UoI, dated 19-02-2019 have approved the regime for final environmental compensation against all the violating units on the basis of Polluter Pays Principle by assessing the period of violation. The formula as devised by CPCB. The formula is primarily based on the Pollution Index (PI) of the concerned sector, for levying environmental compensation on a defaulting industry which is as under:

$$EC = PI \times N \times R \times S \times LF$$

Now, therefore, in consideration of the facts stated above, in view of the directions of Hon'ble High Courts orders, Hon'ble NGT and the orders passed by Principal Secretary (Env,S&T) Govt of HP and in exercise of the powers conferred under section 32 and 33-A of Water (Prevention & Control of Pollution) Act, 1974 M/s Auro Dyeing, Sai Road, Baddi, Distt. Solan, H.P. is hereby directed to:

1. - Immediately shut down the dyeing process of the textile unit contributing towards the category-IV effluent to CETP, Baddi, till the unit becomes compliant.
2. Pay Environment Compensation to the tune of Rs. 48 lakhs (Forty Eight Lakhs only) for the violation period w.e.f. 25-07-2020 to 31-12-2020 (160 days).

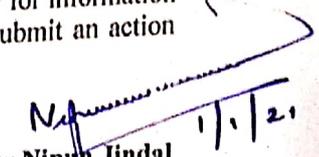
Strict compliance from all concerned is solicited to avoid legal liability at their end.


Dr Nipun Jindal
Member Secretary

Dated:

No. PCB-96/ M/s Auro Dyeing Ltd /2020/- 
Copy forwarded to the following:

1. M/s Auro Dyeing, Sai Road, Baddi, Distt. Solan, H.P. for strict compliance.
2. The Regional Officer, H.P. State Pollution Control Board Baddi, Distt. Solan, HP for information with a direction that unit does not operate the dying section of the plant and submit an action taken report to this office within 7 days.
3. Case File.


Dr Nipun Jindal
Member Secretary



H.P. STATE POLLUTION CONTROL BOARD
HIM PARIVESH, PHASE-III
NEW SHIMLA-171009

No. PCB-1510/ M/s Auro Textile-II Ltd /2020/-

21831-32

Dated: 01-01-2024

Order

Whereas the Hon'ble National Green Tribunal in OA No. 801/2018 showed concern about pollution in River Balad in Baddi industrial area Distt Solan H.P and has passed the following directions on 18-6-2020:

"...If the pollution is continuing, the State PCB is under obligation to close the polluting activities by exercising its jurisdiction under the Water Act, 1974 and recover compensation from the polluters. Till pollution is stopped, polluting activities, which are punishable crime under the law, cannot continue..."

Whereas a Joint Inspection committee constituted by Hon'ble NGT in the said matter comprising of representatives of CPCB, HP PCB and DC Solan vide its Report dated 06.11.2019 had observed that textile industries engaged in dyeing process generating effluent of Cat-IV are responsible for making the CETP defunct.

Whereas in pursuance to Hon'ble NGT's order dated 18-6-2020 State Board had already issued a show cause notice on 23-06-2020 to the unit M/s Auro Textiles -II, Sai Road Baddi, Distt. Solan, H.P. for contributing category-IV effluent to CETP, Baddi making it non-compliant to the effect as to why:

- Closure directions as per section 33-A of Water Act, 1974 and Section 07 & 15 of Environmental Protection Act, 1981 by disconnecting the power supply, and legal action may not be initiated.
- Interim Environment Compensation may not be imposed.

Whereas the textile units challenged the Board's show cause notice before Hon'ble High Court of HP in CWP No. 2114, / 2020 wherein vide order dated 22-7-2020 Hon'ble High Court disposed off the matters with following directions:-

".....This Court has given a thoughtful consideration to the submission made by the learned Advocate General as also by the learned Counsel representing the parties and are of the opinion that in the peculiar facts and circumstance of the case, we deem it appropriate to dispose of these writ petitions at this stage with liberty to Principal Secretary (Environment, Science & Technology to the Govt. of HP. and also the authorities under the Water Act, to issue appropriate directions to the petitioners to prevent emission of treated effluent strictly in terms of the provision of law. In case even after efforts made by the State & the Board, the petitioners fail to prevent the emission of treated effluent into the river, then it is for the State and the Board to take appropriate action(s) in accordance with law." Further it was directed that "we hold that the impugned showcause notices dated 23-06-2020 shall remain inoperative for the time being." But nevertheless it was also emphasized that "water bodies like streams lakes rivers are the precious gift from the nature to the mankind since time immemorial and it is our duty and responsibility to protect and preserve them. No industry can be allowed to pollute the water bodies by discharging or emitting the treated effluent or pollutants into the water. All industries should adhere to the rules and regulations framed by the State/Central Government with respect to environment protection..."

Whereas the Principal Secretary (Environment S&T) Govt of HP has disposed off the matter vide order dated 30-12-2020 with following directions:-

"...Based on the oral submissions made and documents produced by both parties during the course of successive hearings, some progress on the implementation of the action plan is discernible which can be attributed to the efforts made by the parties. But there is no reduction in the timelines given by industry to

achieve compliance, when compared to the timelines submitted by industry in their action plan to NGT, despite all these efforts. It also appears that implementation of the action plan has been hindered to some extent owing to Covid-19 pandemic. But this fact cannot be ignored that effluent discharge, FDS in particular, by the unit is beyond the prescribed limits which is contributing to pollution. In the light of this discussion, I am of considered view that, keeping in view the above position, SPCB may take action strictly according to the provisions of Law and rules applicable in this case. The orders of Hon'ble Supreme Court may also be kept in view while taking action against these industrial units. The proceedings which were started in compliance of the order of Hon'ble High Court are accordingly concluded and matter is disposed off. ..."

Whereas the Hon'ble Supreme Court of India has stayed the order passed by Hon'ble NGT in OA no. 1038/2018 related to calculation and levy of Interim Environment Compensation in Civil Appeal Diary no. 19271/2020 dated 22-09-2020.

Whereas, the effluent of category-IV being contributed by unit M/s Auro Textiles -II, Sai Road Baddi, Distt. Solan, H.P. to the CETP for final disposal and treatment is not complying since 25-7-2020 till date to the discharge standards as prescribed in the schedule-I of EP Rules, 1986 as well as the inlet quality standards notified by the State Government and thereby causing water pollution.

Whereas the Hon'ble NGT in OA no. 593/2017 titled Paryavaran Suraksha Samiti v/s UoI, dated 19-02-2019 have approved the regime for final environmental compensation against all the violating units on the basis of Polluter Pays Principle by assessing the period of violation. The formula as devised by CPCB is primarily based on the Pollution Index (PI) of the concerned sector, for levying environmental compensation on a defaulting industry which is as under:
$$EC = PI \times N \times R \times S \times LF$$

Now, therefore, in consideration of the facts stated above, in view of the directions of Hon'ble High Courts orders, Hon'ble NGT and the orders passed by Principal Secretary (Env,S&T) Govt of HP and in exercise of the powers conferred under section 32 and 33-A of Water (Prevention & Control of Pollution) Act, 1974 M/s Auro Textiles -II, Sai Road Baddi, Distt. Solan, H.P. is hereby directed to:

1. Immediately shut down the dyeing process of the textile unit contributing towards the category-IV effluent to CETP, Baddi, till the unit becomes compliant.
2. Pay Environment Compensation to the tune of Rs. 48 lakhs (Forty eight Lakhs only) for the violation period w.e.f. 25-07-2020 to 31-12-2020 (160 days).

Strict compliance from all concerned is solicited to avoid legal liability at their end.


Dr Nipun Jindal
Member Secretary

No. PCB-1510/ M/s Auro Textile-II Ltd /2020/-2/831-32

Dated: 01-01-2021

Copy forwarded to the following:

1. M/s Auro Textiles -II, Sai Road Baddi, Distt. Solan, H.P. for strict compliance
2. The Regional Officer, H.P. State Pollution Control Board Baddi, Distt. Solan, HP for information, with a direction that unit does not operate the dyeing section of the plant and submit an action taken report to this office within 7 days.
3. Case File.


Dr Nipun Jindal
Member Secretary