

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
O.A. No. 620/2022**

IN THE MATTER OF:

KAUSHAL KISHORE VISHWAKARMA

....APPLICANT(S)

VERSUS

STATE OF PUNJAB & ORS.

....RESPONDENT(S)

INDEX

S.NO.	PARTICULARS	PAGE NO.
1.	REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO.8, i.e., MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE	1-4
2.	ANNEXURE R/1 COPY OF DIRECTIONS ISSUED DATED 27.09.2024	5-7
3.	ANNEXURE R/2 COPY OF COMPLIANCE STATUS SHARED BY CPCB	8-9
4.	ANNEXURE R/3 COPY OF LETTER DATED 23.10.2024 TO REGIONAL OFFICE, CHANDIGARH	10
5.	ANNEXURE R/4 COPY OF LETTER ISSUED TO CPCB DATED 25.10.2024	11
6.	ANNEXURE R/5 COPY OF LETTER DATED 25.11.2024 ALONGWITH STATUS REPORT (COLLY)	12-33
7.	ANNEXURE R/6 COPY OF LETTER DATED 12.12.2024 TO NFL, BHATINDA	34-35

8. Proof of Service --36

Filed by: *Nidhi Jaswal*
Nidhi Jaswal

Advocate for the Respondent No. 8

Dated: 15.01.2025

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
O.A. No. 620/2022**

IN THE MATTER OF:

KAUSHAL KISHORE VISHWAKARMAAPPLICANT(S)

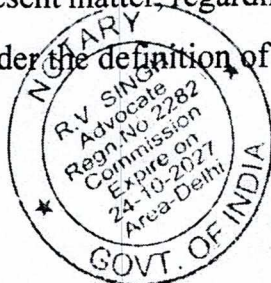
VERSUS

STATE OF PUNJAB & ORS.RESPONDENT(S)

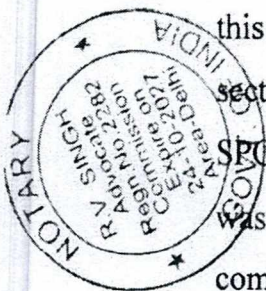
**REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO.8, i.e.,
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE**

I, Ved Prakash Mishra S/o Sh. Ram Sidh Mishra, aged about 51, currently working as Joint Secretary in the Ministry of Environment, Forest and Climate Change (MoEF&CC), do solemnly affirm and declare as under: -

1. That I am, the above-named Deponent, authorized and well conversant with the facts and circumstances of the present case and thus competent to depose as under:
2. That, the original application has been filed for violation of environmental norms in handling of carbon and hazardous waste with prayer for taking appropriate steps for saving the lives of the labourers and protection and improvement of the environment, as observed by the Tribunal in its order dated 24.11.2023.
3. That, in view of the above the answering respondent were impleaded in the present matter, regarding storage/disposal of carbon slurry which now falls under the definition of hazardous waste.



4. It is submitted that the answering respondent is primarily engaged in (i) Identification of hazardous and other wastes; (ii) Permission to exporters of hazardous and other wastes; (iii) Permission to importer of hazardous and other wastes; (iv) Permission for transit of hazardous and other wastes through India; (v) Promote environmentally sound management of hazardous and other waste; (vi) Sponsoring of training and awareness programme on Hazardous and Other Waste Management related activities (as specified in schedule VII of the Hazardous and Other Wastes (Management and Transboundary Movement) (HOWM) Rules, 2016 as amended from time to time.
5. It is further submitted that the answering respondent filed its reply affidavit dated 02.02.2024 in terms of the directions passed by the Hon'ble Tribunal.
6. That, the Tribunal *vide* its order dated 28.08.2024 further directed MOEF&CC to issue appropriate directions to the State Pollution Control Boards (SPCBs) /Union Territory Pollution Control Committees (PCCs) and other Authorities as may be required.
7. It is submitted that in compliance of the order dated 28.08.2024 passed by this Hon'ble Tribunal, the answering respondent issued a direction under section 5 of the Environment (Protection) Act, 1986, to all the SPCBs/PCCs for strict compliance of provisions of hazardous and other waste management rules and take necessary action in case of any non-compliance. That, all the SPCBs/PCCs were directed to submit an Action taken Report to CPCB within 20 days for compilation and further submission to MoEF&CC. That the said direction will help the SPCBs/PCCs in evaluating current enforcement status of HOWM Rules,

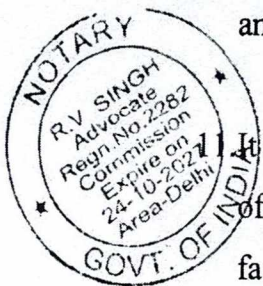


2016 as amended from time to time and establishing opportunities for improvement in regulatory practices. (Copy of Direction issued under section 5 of the Environment (Protection) Act, 1986 dated 27.9.2024 is annexed herein as **Annexure R/1**).

8. That, In this regard it has been informed that CPCB carried out multiple follow-ups with SPCBs/PCCs and also convened Meetings on 06.12.2024 and 09.12.2024 with SPCBs/PCCs alongwith MoEF&CC. Till date the response from only 13 SPCBs/PCCs (namely Bihar; Chandigarh; Chhattisgarh; Gujarat; Himachal Pradesh; Kerala; Maharashtra; Mizoram; Odisha; Puducherry; Sikkim; Tamil Nadu & West Bengal) have been received. Copy of Compliance Status shared by CPCB is annexed herein as **Annexure R/2**).

9. It is submitted that the answering respondent *vide* letter dated 23.10.2024 sought a factual status report concerning the issues raised in the O.A. and by the Hon'ble NGT along with EC condition-wise compliance status report(s) for all the ECs associated with the project. (Copy of Letter dated 23.10.2024 is annexed herein as **Annexure R/3**).

10. That pursuant to the order dated 15.10.2024 passed by this Hon'ble Tribunal, the answering respondent also issued a letter dated 25.10.2024 to CPCB for coordinating with the concerned SPCB (Haryana and Punjab) for disposal of the carbon slurry. (Copy of Letter dated 25.10.2024 is annexed herein as **Annexure R/4**)



It is submitted that the project was monitored by the Regional Office (RO) of this ministry at Chandigarh on 05.11.2024, which has submitted the factual status report concerning to the violations of environmental norms

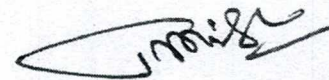
[Handwritten Signature]

by M/S National Fertilizers Limited (NFL) vide letter dated 25.11.2024. (Copy of Letter dated 25.11.2024 is annexed herein as **Annexure R/5**).

12. It is further submitted that the NFL Bhatinda has been directed to submit an action plan for the disposal of carbon slurry to the Ministry. The Project Proponent has also been directed to submit the (i) Clarification (ii) Action Taken Report and (iii) Action Plan with respect to the non-complied EC conditions and disposal of remaining carbon slurry (i.e. 33853.14 MT) within next 30 days from 12.12.2024. (Copy of Letter dated 12.12.2024 is annexed herein as **Annexure R/6**).

13. That in view of the aforementioned facts and circumstances, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to pass such other order and further order(s) as this Hon'ble Court may deem fit and necessary in the interest of justice.

Ambedkar
Identified the deponent/executioner who has signed in my presence

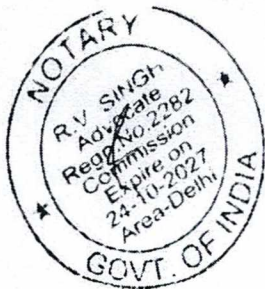


DEPONENT

VERIFICATION

15 JAN 2025

Verified at _____ on this _____ day of _____, 2025 that the contents of the above affidavit are true and correct to my knowledge and as per official records maintained in the routine course of business. No part of the above affidavit is false and nothing material has been concealed there from.



solemnly affirmed before me, read over & explained to the deponent.

Notary Public. DELHI



DEPONENT

15 JAN 2025

File No. HSM-11/45/2023-HSM
MINISTRY OF ENVIRONMENT FOREST AND CLIMATE CHANGE
GOVERNMENT OF INDIA
(HSM Division)

Indira Paryavaran Bhawan
Jorbagh Road,
Aliganj New Delhi-110003
Date: 27.9.2024

ORDER

Sub: Directions under Section 5 of the Environment (Protection) Act, 1986, for compliance of provisions of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 -reg.

WHEREAS, the Central Government has notified the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 (herein referred to as HOWM Rules), under the Environment (Protection) Act, 1986, in supersession of the Hazardous Waste (Management, Handling and Transboundary Movement) Rules, 2008, for safe and environmentally sound management of hazardous and other wastes;

WHEREAS, as per Rule 6 of the HOWM Rules, the occupier engaged in handling, generation, collection, storage, packaging, transportation, use, treatment, processing, recycling, recovery, pre-processing, co-processing, utilisation, offering for sale, transfer or disposal of hazardous and other waste shall obtain authorisation from State Pollution Control Board/Pollution Control Committee (herein referred to as SPCB/PCC);

WHEREAS, as per Rule 4.(2) of the HOWM Rules, the occupier shall be responsible for safe and environmentally sound management of hazardous and other wastes;

WHEREAS, as per Rule 4.(3) of the HOWM Rules, the hazardous and other wastes generated in the establishment of an occupier shall be sent or sold to an authorized actual user or shall be disposed of in an authorized disposal facility;

WHEREAS, as per Rule 8 of the HOWM Rules, hazardous and other wastes shall not be stored for a period exceeding ninety days;

WHEREAS, as per Rule 9 of the HOWM Rules, utilisation of hazardous and other wastes shall be carried in accordance with the provisions laid down under the said Rules;

WHEREAS, as per Rule 17 of the HOWM Rules, the occupier handling hazardous or other wastes shall ensure that hazardous and other wastes are packaged and labelled as per Form 8 of the HOWM Rules;

WHEREAS, as per Rule 19 of the HOWM Rules, the sender of the waste are required to maintain manifest system (movement document) for sending the hazardous waste and other wastes for disposal to disposal facility or actual user or recyclers;

by M/S National Fertilizers Limited (NFL) vide letter dated 25.11.2024. (Copy of Letter dated 25.11.2024 is annexed herein as **Annexure R/5**).

12.It is further submitted that the NFL Bhatinda has been directed to submit an action plan for the disposal of carbon slurry to the Ministry. The Project Proponent has also been directed to submit the (i) Clarification (ii) Action Taken Report and (iii) Action Plan with respect to the non-complied EC conditions and disposal of remaining carbon slurry (i.e. 33853.14 MT) within next 30 days from 12.12.2024. (Copy of Letter dated 12.12.2024 is annexed herein as **Annexure R/6**).

13.That in view of the aforementioned facts and circumstances, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to pass such other order and further order(s) as this Hon'ble Court may deem fit and necessary in the interest of justice.

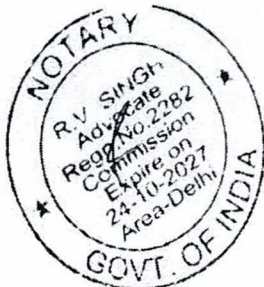
Ambedkar
I identified the deponent/executorant who has signed in my presence

DEPONENT

VERIFICATION

15 JAN 2025

Verified at _____ on this _____ day of _____, 2025 that the contents of the above affidavit are true and correct to my knowledge and as per official records maintained in the routine course of business. No part of the above affidavit is false and nothing material has been concealed there from.



solemnly affirmed before me, read over & explained to the deponent.
[Signature]
Notary Public. DELHI

DEPONENT

15 JAN 2025

WHEREAS, as per Rule 20 of the HOWM Rules, the occupier handling hazardous or other waste shall maintain records in Form 3 and also submit annual returns to SPCB/PCC in Form 4;

WHEREAS, as per Rule 23.(1) of the HOWM Rules, the occupier, importer or exporter and operator of the disposal facility shall be liable for all damages caused to the environment or third party due to improper handling and management of the hazardous and other waste;

WHEREAS, as per Rule 23.(2) of the HOWM Rules, the occupier and the operator of the disposal facility shall be liable to pay financial penalties as levied for any violation of the provisions under these rules by SPCB with the prior approval of the Central Pollution Control Board;

WHEREAS, it has been observed that some units that are generating, handling or storing hazardous waste are not complying with the provisions of HOWM Rules, 2016 and no action is being taken by the SPCBs/PCCs against such units.

NOW, THEREFORE, in exercise of the powers vested under Section 5 of the Environment (Protection) Act, 1986, directions are hereby issued to all SPCBs/PCCs:

(a) To ascertain monitoring of compliance of various provisions of the HOWM Rules, 2016 and taking actions against violation of these rules.

(b) Units generating hazardous wastes and not possessing authorisation shall be closed till they obtain authorisations and make arrangement for handling/disposal/recycling/utilization of hazardous wastes in accordance with provisions of the HOWM Rules;

(c) Further, the following shall also be enforced immediately:

(i) All units shall maintain daily records with regard to generation and management of hazardous wastes being generated as required under Rule 20.(1) of the HOWM Rules 2016.

(ii) Units, not having their captive hazardous waste disposal facility, shall possess membership with common TSDFs and send their hazardous wastes regularly for disposal by not storing beyond a period of ninety days in accordance with Rule 8 of the HOWM Rules;

(iii) Units shall not send their wastes for recycling or utilization to the parties who are not authorised for recycling/utilization for the same.

(iv) All units shall maintain manifest system for all types of hazardous waste as required under Rule 19 of the HOWM Rules 2016;

(v) All units shall submit annual return to SPCBs/PCCs with regard to generation and management of hazardous wastes in Form 4 as required under Rule 20.(2) of the HOWM Rules 2016;


(vi) All units shall label the packaged hazardous wastes with the requisite information in Form 8 as prescribed under Rule 17 of the of the HOWM Rules 2016;

(vii) All units shall store their hazardous wastes in their premises under a dedicated covered storage area; and

(vii) SPCB/PCCs shall provide the list of Hazardous Waste generating industries.

(d) Penalties are levied on non-complying units in States/UTs in compliance with provisions stipulated under Rule 23.(2) of the HOWM Rules, 2016.

The action taken report (ATR) shall be submitted to the Central Pollution Control Board (CPCB) within 20 days from the date of issue of these directions. CPCB shall review the ATRs and submit comments/remarks on the same to MoEF&CC for further action in the matter.


(Naresh Pal Gangwar)

Additional Secretary to the Government of India

Encl.: As Above

To:

1. Chairman of all State Pollution Control Boards and Pollution Control Committees.
2. Member Secretary, Central Pollution Control Board

Copy for Information to:

1. PS to Hon'ble Minister for Environment, Forest and Climate Change
2. PS to Hon'ble MOS (EF&CC)
3. PSO to Secretary (EF&CC)
4. PPS to SS(TK) & Chairman CPCB
5. PPS to AS(NPG)

K. D. Jaiswal
(T.C.)

Compliance status of the direction issued by MoEF&CC to all SPBCs/PCCs on compliance of provisions of HOWM Rules, 2016

MOEF&CC issued direction u/s 05 of Environment (Protection) Act, 1986 to all SPCBs/PCCs vide dated 27/09/2024 for compliance of provisions of Hazardous and Other Wastes (Management & Transboundary Movement) Rules, 2016. As per the said direction, all the SPCBs/PCCs to submit the Action Taken Report (ATR) to CPCB within 20 days of issuance of the direction and CPCB to review the said ATRs and submit its comments/remarks to MoEF&CC.

In this regard, CPCB carried out multiple follow-ups with SPCBs/PCCs and also convened Meetings on 06/12/2024 and 09/12/2024 with SPCBs/PCCs alongwith MoEF&CC. Till date the response from only 13 SPCBs/PCCs (namely Bihar; Chandigarh; Chhattisgarh; Gujarat; Himachal Pradesh; Kerala; Maharashtra; Mizoram; Odisha; Puducherry; Sikkim; Tamil Nadu & West Bengal) have been received.

The point wise compliance status on the direction issued by MoEF&CC as per submissions made by the SPCBs/PCCs are as under:

S. No.	Direction	Compliance Status by SPCBs/PCCs
1.	Ascertain monitoring of compliance of HOWM Rules, 2016 and taking actions against violation	11 SPCBs/PCCs (namely Bihar, Chandigarh, Chhattisgarh, Gujarat, Himachal Pradesh, Kerala Maharashtra, Mizoram, Odisha, Puducherry and Tamil Nadu) have submitted that regular monitoring of compliance of HOWM Rules, 2016 is being done and action is taken against the violating units. SPCB/PCC of Kerala and Puducherry have informed that units are directed to comply with provisions of HOWM Rules, 2016, officials are directed to verify compliance of the same.
2.	Units generating hazardous wastes and not possessing authorization shall be closed till they obtain authorizations and make arrangement for handling / disposal / recycling / utilization of hazardous wastes in accordance with provisions of the HOWM Rules	09 SPCBs/PCCs (namely Bihar, Chandigarh, Chhattisgarh, Gujarat, Himachal Pradesh, Maharashtra, Mizoram, Odisha and Tamil Nadu) have stated that show cause notices/closure direction are issued to the units generating hazardous waste and not possessing the authorization.
3.	All units shall maintain daily records with regard to generation and management of hazardous wastes being generated as required under Rule 20. (1) of the HOWM Rules 2016.	11 SPCBs/PCCs (Bihar, Chandigarh, Chhattisgarh, Gujarat, Himachal Pradesh, Maharashtra, Mizoram, Odisha, Sikkim, Tamil Nadu and West Bengal) have stated that all the units have been directed to maintain daily records regarding generation and management of hazardous waste and the same is being verified during regular inspections. SPCBs/PCCs have also informed that maintenance of daily records has been specified in authorization issued to the units.
4.	Units, not having their captive hazardous waste disposal facility, shall possess membership with common TSDFs and send their hazardous wastes regularly for disposal by not storing beyond a period of ninety days in accordance with Rule 8 of the HOWM Rules	11 SPCBs/PCCs (Bihar, Chandigarh, Chhattisgarh, Gujarat, Himachal Pradesh, Maharashtra, Mizoram, Odisha, Sikkim, Tamil Nadu and West Bengal) have stated that units are sending their waste to authorized recyclers/utilizers and disposal facility & the same is verified during the regular inspection.

5.	Units shall not send their wastes for recycling or utilization to the parties who are not authorized for recycling / utilization for the same.	
6.	All units shall maintain manifest system for all types of hazardous waste as required under Rule 19 of the HOWM Rules 2016	11 SPCBs/PCCs (Bihar, Chandigarh, Chhattisgarh, Gujarat, Himachal Pradesh, Maharashtra, Mizoram, Odisha, Sikkim, Tamil Nadu and West Bengal) have stated that units are maintaining manifest system for all types of hazardous waste as required under Rule 19 of the HOWM Rules 2016, necessary direction have been issued in this regard by the SPCBs/PCCs..
7.	All units shall submit annual return to SPCBs / PCCs with regard to generation and management of hazardous wastes in Form 4 as required under Rule 20. (2) of the HOWM Rules 2016	09 SPCBs/PCCs (Bihar, Chandigarh, Chhattisgarh, Gujarat, Mizoram, Odisha, Sikkim, Tamil Nadu and West Bengal) have stated that all the units are submitted annual return to SPCBs / PCCs with regard to generation and management of hazardous wastes in Form 4 as required under Rule 20. (2) of the HOWM Rules 2016. Also, SPCBs/PCCs of Chandigarh, Himachal Pradesh, Maharashtra, Mizoram, Tamil Nadu Show Causes Notices/instructions have been issued to those units who have not submitted the annual return.
8.	All units shall label the packaged hazardous wastes with the requisite information in Form 8 as prescribed under Rule 17 of the of the HOWM Rules 2016	11 SPCBs/PCCs (i.e. Bihar; Chandigarh; Chhattisgarh; Gujarat; Himachal Pradesh; Maharashtra; Mizoram; Odisha; Sikkim; Tamil Nadu and West Bengal) have informed that direction/condition for Storage of hazardous waste in dedicated storage area and packaging and labelling as per provisions of HOWM Rules, 2016 has been issued/stipulated by Board which is being complied with by units and verified by board officials during inspection.
9.	All units shall store their hazardous wastes in their premises under a dedicated covered storage area.	
10.	SPCB / PCCs shall provide the list of Hazardous Waste generating industries	06 SPCBs/PCCs (Chandigarh; Chhattisgarh; Gujarat; Maharashtra; Odisha and West Bengal) have provided the list of Hazardous waste generating industries, Himachal Pradesh has informed that list of Hazardous Waste generating units is available on the OCMMS Portal
11.	Penalties are levied on non-complying units in States / UTs in compliance with provisions stipulated under Rule 23. (2) of the HOWM Rules, 2016.	04 SPCBs/PCCs (Chandigarh; Chhattisgarh, Odisha; Gujarat) have stated that penalties are being levied on non-complying units in compliance with provisions stipulated under Rule 23. (2) of the HOWM Rules, 2016. 02 SPCBs (i.e. Tamil Nadu & West Bengal) have informed that they have imposed Penalty/Environmental Compensation for violation of the HOWM Rules, 2016.

(F.1)

URGENT
COURT MATTER

File no. IA-L-11011/61/2024-IA-I
Government of India
Ministry of Environment, Forest and Climate Change
(I.A. Compliance and Monitoring Division)

Indira Paryavaran Bhavan
Jor Bagh Road, Aliganj
New Delhi-110 003
Dated: 23rd October, 2024

To,

Deputy Director General of Forests (C),
Ministry of Env., Forest and Climate Change,
Integrated Regional Office, Bays No. 24-25,
Sector 31 A, Dakshin Marg, Chandigarh- 160030

Sub: OA No. 620/2022 titled 'Kaushal Kishore Vishwakarma v. State of Punjab & Ors.
pending before the Hon'ble NGT(PB), New Delhi- reg.

Ref:

- i. NGT's order dated 24.11.2023
- ii. NGT's order dated 28.08.2024
- iii. Ministry's EC letter no. J-11011/1066/2007-IA-II(I) dated 04.03.2003

Sir

This has reference to the OA No. 620/2022 titled 'Kaushal Kishore Vishwakarma v. State of Punjab & Ors. pending before the Hon'ble NGT(PB), New Delhi (copy enclose). This case concerns the violation of environmental norms by M/s National Fertilizers limited in handling and disposal of carbon and hazardous waste .

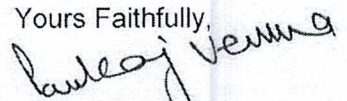
2. In this regard, the Regional Office (RO) of the Ministry at Chandigarh is requested to furnish a (i) factual status report concerning the issues raised in the OA and by the Hon'ble NGT, along with (ii) EC condition-wise compliance status report (s) for all the ECs associated with the project.

3. Being a court matter, the reports may be furnished to the Ministry at the earliest.

This issues with the approval of the competent Authority.

Enclosed: as above.

Yours Faithfully,



(Pankaj Verma)

Additional Director/Scientist 'E'

Email: Pankaj.verma@nic.in

Tel: 011-20819270 (O)

Copy to:

1. Director, HSM Division, Ministry of Environment, Forest, and Climate Change, New Delhi. (by hand).



File No.-11/45/2023-HSM
Government of India
Ministry of Environment, Forest and Climate Change
(HSM Division)

Indira Paryavaran Bhawan
Jorbagh Road,
Aliganj New Delhi-110003
Date: 25.10.2024

To,

The Member Secretary
Central Pollution Control Board
Parivesh Bhawan, East Arjun Nagar, Delhi -110032

Sub: O.A. No. 620 of 2022 in the matter of Kaushal Kishore Vishwakarma vs State of Punjab & Ors. pending before National Green Tribunal, Principal Bench, New Delhi - reg.

Ref: NGTs Order dated 15.10.2024

Sir,

This refers to the O.A. No. 620/2022 titled as Kaushal Kishore Vishwakarma vs State of Punjab & Ors. pending before the Hon'ble NGT, PB wherein the Hon'ble Tribunal vide order dated 15.10.2024 observed that:

"11. ...respondents no. 4 and 7 have submitted that respondents no. 4 and 7 can dispose of carbon slurry to persons authorized by respondents no. 2 and 6 under Hazardous and Other Waste (Management and Transboundary Movement) Rules (HWM), 2016 but respondents no. 2 and 6 have not provided the requisite information in this regard to them...."

2. The case involves the aspect of disposal of carbon slurry i.e., hazardous waste as per Hazardous and Other Wastes (Management and Transboundary Movement) (HOWM) Rules, 2016.

3. In view of the above, it is requested to please coordinate with the concerned PPCB & HSPCB with regard to the aforesaid issue and confirm the disposal of carbon slurry.

Encl: As Above




(Ved Prakash Mishra)
Director



12
भारत सरकार
GOVERNMENT OF INDIA
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
क्षेत्रीय कार्यालय, चंडीगढ़ / Regional Office, Chandigarh



F. No.: 1-27/2024/Misc./Env/eFile



Dated: 25/11/2024

To

The Additional Director,
I.A. Compliance and Monitoring Division,
Ministry of Environment Forest & Climate Change,
Indira Paryavaran Bhawan, Jor Bagh Road,
Aliganj, New Delhi-110003
Email: Pankaj.verma@nic.in

Sub: OA No. 620/2022 titled 'Kaushal Kishore Vishwakarma Vs State of Punjab & Ors. pending before the Hon'ble NGT(PB), New Delhi- Factual Status Report reg.

Ref.: Your letter no. IA-L-11011/61/2024-IA-I dated 23.10.2024.

Sir,

With reference to the subject cited above and letter under reference, please find enclosed herewith the requisite Factual Status Report along with Monitoring Reports of the project (M/s National Fertilizer Limited) for your kind information and necessary action.

Yours sincerely,

Encls: As Above

(Dr. K Muthamizh Selvan)
Addl. Director /Scientist 'E'

13

Status report concerning to the issues raised in the OA No 620/2022 title Kaushal Kishore Vishwakarma v State of Punjab & Ors.

Background

OA No 620/2022 title Kaushal Kishore Vishwakarma Vs State of Punjab & Ors. Is pending before the Hon'ble NGT, Principal bench, New Delhi. The case is concerning the violations of environmental norms by M/S National Fertilizers Limited in handling and disposal of carbon and hazardous waste. In this connection, I.A Compliance and Monitoring Division, Ministry of Environment, Forest and Climate Change has requested Regional Office (RO) Chandigarh to furnish the factual status concerning the issues raised in the OA along with the EC conditions-wise compliance status reports for all the ECs associated with the project. The RO Chandigarh had done the site visits on 05.11.2024 (NFL at Bhatinda) 06.11.2024 (NFL at Nangal) and 08.11.2014 (NFL at Panipat).

14

carbon slurry in the year of 2022. At present there is no carbon slurry stored at the site. The details of EC compliance of the NFL, Nangal is **annexed as Annexure II.**

15

NFL-Bathinda (Annexure I)

Compliance of conditions of Environmental Clearance 2008
File No: J-11011/1065/2007-IA(II) dated 27th February 2008

PART A Specific Conditions

S. No.	CONDITIONS	Compliance Status
1	The Project revamping shall be from existing oil based Ammonia plant to steam Methanation process of Natural Gas/ RLNG which is cost effective. The Urea plant and other infrastructure shall remain the same	Complied: The Project is shifted to Natural Gas/ RLNG.
2	The company shall implement all the recommendation made in the Charter on Corporate Responsibility for Environment Clearance (CREP) for fertilizer industries.	Not Complied: The Project Proponenet has not been submitted the details of Corporate Responsibility and its implantation details. The PP has not submitted the water utilization details.
3	The Project authorities shall install efficient scrubbing system to control emission and Bag filter for dust control in the plant.	Complied: Low NOX burners are being used for ammonia plant. In the steam generation plant ESP has been installed.
4	Permission of the competent authority shall be obtained for drawl of water.	Complied: The PP has submitted the agreement for supplying water with the Government of Punjab.
5	The gaseous emission (SO ₂ , SO ₃ , NO _x , NH ₃ , F, Fertilizer dust) and particulate matter from various process units shall conform to the standards prescribed by the concerned authorities from time to time. The fluoride emission shall not increase 25 mg/Nm ³ . Emission data shall be periodically monitored and reports submitted to Ministry's Regional office, CPCB and SPCB.	Complied: Two years of data has been submitted by the PP and it is conform to the standards prescribed by the concerned authorities from time to time.
6	All the waste water generated from the various processes shall be recycled/reuse in the plant and Zero discharge shall be maintained. The domestic waste water shall be treated in septic tanks and treated waste shall be used for irrigation in the green belt. Effluent from the process plant and associated facilities shall not be discharge to the storm water drain. The quality of storm water shall be monitored regularly for pH, NH ₃ and Fluoride.	Complied: Plant is ZLD. Treated waste is being used for irrigation in the green belt.

7	The company shall develop the green belt in at least 25% land area to mitigate the effect of fugitive emission and noise as per the guidelines CPCB.	Complied: The PP has developed the green belt. However, the PP is directed to obtain the verification report from the local forest department regarding the % area green belt developed at the site.
8	Occupational health surveillance of the worker shall be carried out on a regular basis and records shall be maintained as per Factories Act.	Not Complied: The PP has not submitted the Occupational health surveillance of the workers.

PART B General Conditions

S. No.	CONDITIONS	Compliance Status
1	The project authorities shall strictly adhere to the stipulations of the SPCB/State Government or any statutory body	Complied: The PP has obtained the CTO from the Punjab Pollution Control Board.
2	No further expansion or modification	

17

	appropriate height as per the Central Pollution Control Board guidelines shall be provided to control the emissions from various vents. The scrubbed water shall be sent to ETP for further treatment.	Central Pollution Control Board guidelines.
6	All the storage tanks will be under negative pressure to avoid any leakages. Breather valves, N ₂ blanketing and secondary condensers with brine, chilling system shall be provided for all the storage tanks to minimize vapor losses. All liquid raw material shall be stored in storage Tanks and Drums.	Complied: Appropriate safety measures are being taken for storage tanks and there is no liquid raw material required for day to day operation.
7	The company shall undertake following Waste Minimization measures.	

18

	2000 and Hazardous Waste (Management and Handling) Rules 1989, as amended from time to time. Authorization from the SPCB shall be obtained for collection, treatment, storage and disposal of Hazardous waste.	the fly ash management etc. to manage the ash stored at the site.
10	The overall noise levels and around the plant area shall be kept well within the standards by providing noise control measures including acoustic hoods, silencers, enclosure set, on all sources of noise generation. The ambient noise levels shall conform to the standards prescribed under Environment (Protection) Act 1986 viz. 75dBA (day time) and 70 dBA (night time).	Complied: As per the data submitted by the PP, regular sound level check in proximity of machine and found in within limits.
11	The company shall develop rain water harvesting structures to harvest the runoff water for recharge of ground water.	Complied: The PP has developed the rain water harvesting structure at the site.
12	The company shall undertake eco-developmental measures including community welfare measures in the project area for the overall improvement of the environment. The eco-development plan should be submitted to the SPCB within three months of receipt of this letter for approval.	Not Complied: The PP has not submitted the details of eco-developmental measures including community welfare measures undertaken in the project area for the overall improvement of the environment.
13	The project proponent shall also comply with all the environmental protection measures and safeguards proposed in the CSR/EMP report.	Not Complied: The PP has not submitted the details of environmental protection measures and safeguards implemented as proposed in the CSR/EMP report.
14	A separate Environmental Management Cell equipped with full-fledged laboratory facilities shall be set up to carry out the Environmental Management and Monitoring functions.	Partially Complied: The company has submitted the Environmental Management Cell. However, the details of full-fledged laboratory facilities has not been seen at the site.
15	The project authorities shall earmark adequate funds to implement the conditions stipulated by the Ministry of Environment and Forest as well as the State Government along with the implementation schedule for all the conditions stipulated herein. The funds so provided shall not be diverted for any other purpose.	Not Complied: The PP has not submitted the details of fund earmarked for implementing the conditions stipulated by the Ministry of Environment and Forest as well as the State Government.

19

16	The implementation of the project vis-à-vis environmental action plans shall be monitored by the concerned Regional Office of the Ministry/SPCB/CPCB. A six monthly compliance Report shall be submitted to Monitoring agencies and shall be posted on the website of the company.	Complied: The PP submits the six monthly compliance report.
17	The project proponent shall inform the Public that the project has been accorded Environmental clearance by the Ministry and copies of the Clearance Letter are available with SPCB/ Committee and also be seen at Website of the Ministry at http://envfor.nic.in . This shall be advertised within seven days from the date of issue of the clearance letter at least in two local newspapers that are widely circulate in the region of which one shall be in the vernacular language of the locality concerned and a copy of the same shall be forwarded to the concerned Regional office of the Ministry.	Complied.
18	The project authorities shall inform the Regional office as well as the Ministry the date of Financial closure and final approval of the project by the concerned authorities and the date of the project.	Complied.

Comments:

20

(Dr. K.M. Selvan)
Addl. Director/Scientist 'E'

Photographs taken nduring the site visit.

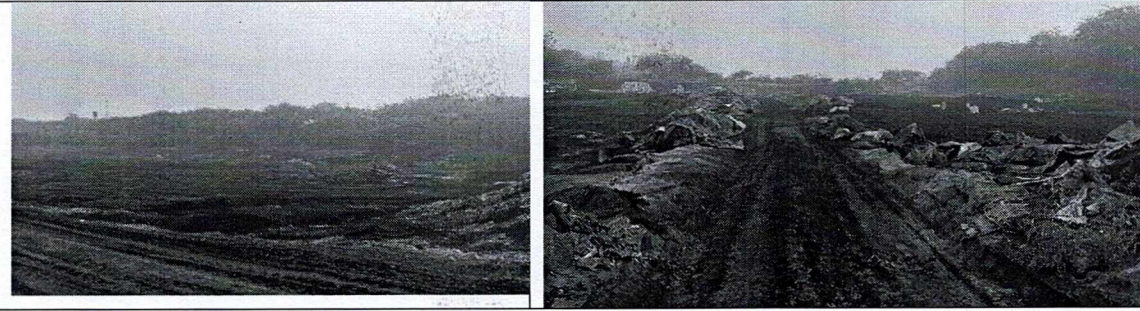


Figure 1 & 2: Carbon stored in the ponds at the site

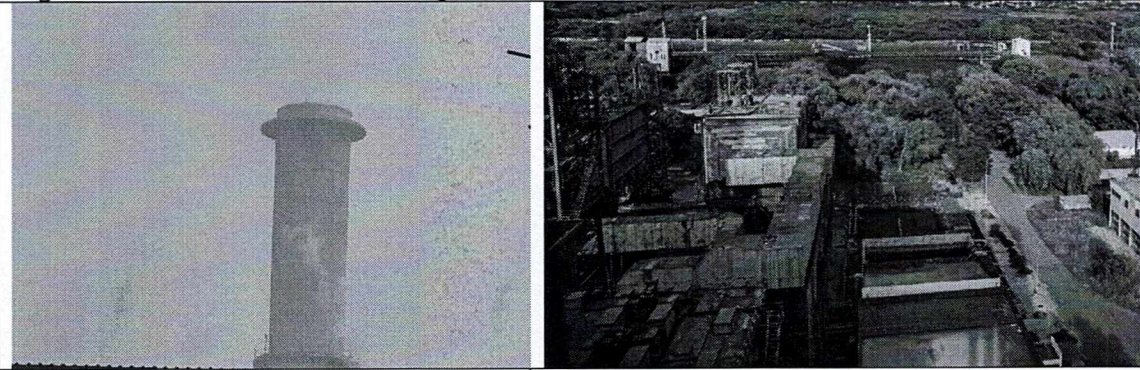


Figure 3: Stack height and emission

Figure 4: Green belt developed at the site

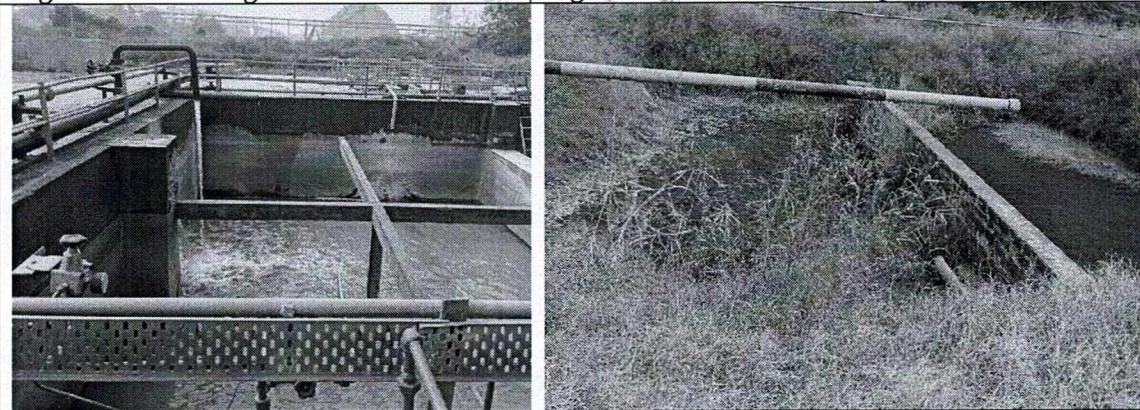


Figure 5: ETP installed at the the site

Figure 6:ETP Sludge stored in the pit

NFL-Nangal (Annexure II)

Compliance of conditions of Environmental Clearance 2008

File No: J-11011/1066/2007-IA(II) dated 28th February 2008

PART A Specific Conditions.

Sr. No	CONDITIONS	COMPLIANCE
1	The Project revamping shall be from existing oil based Ammonia plant to steam Methanation process of Natural Gas/ RLNG which is cost effective. The Urea plant and other infrastructure shall remain the same.	Complied: The project is revamped from existing oil based to gas based in 2013.
2	The company shall implement all the recommendation made in the Charter on Corporate Responsibility for Environment Clearance (CREP) for fertilizer industries.	
3	The Project authorities shall install efficient scrubbing system to control emission and Bag filter for dust control in the plant.	Complied: For gas based ammonia plant low NOx burners are being used, For steam generation plant ESP are being used to minimize dust.
4.	Permission of the competent authority shall be obtained for drawl of water.	Complied: The PP has submitted the copy of water agreement made with the State Government of Punjab.
5.	The gaseous emission (SO ₂ , SO ₃ , NO _x , NH ₃ , F, Fertilizer dust) and particulate matter from various process units shall conform to the standards prescribed by the concerned authorities from time to time. The fluoride emission shall not increase 25 mg/Nm ³ . Emission data shall be periodically monitored and reports submitted to Ministry's Regional office, CPCB and SPCB.	Complied: The PP has submitted the stack emission data and it is conform to the standards prescribed by the concerned authorities from time to time.
6.	All the waste water generated from the various processes shall be recycled/reuse in the plant and Zero discharge shall be maintained. The domestic waste water shall be treated in septic tanks and treated waste shall be used for irrigation in the green belt. Effluent from the process plant and associated facilities shall not be discharge to the storm water drain. The quality of storm water shall be monitored regularly for pH,	Complied: The company has the Zero liquid discharge system. Waste treated water is being reutilized for the irrigation.

	NH3, and Fluoride.	
7.	The company shall develop the green belt in at least 25% land area to mitigate the effect of fugitive emission and noise as per the guidelines CPCB.	Complied: The project site has the good green cover. However, the PP is directed to get the verification report from the local forest department for the area of green belt developed at the project site.
8.	Occupational health surveillance of the worker shall be carried out on a regular basis and records shall be maintained as per Factories Act.	Not Complied: The PP has submitted the document for the medical checkup in 2024. However, the document did not have the details of test conducted, disease screened and the treatment etc.,
PART B General Conditions		
1.	The project authorities shall strictly adhere to the stipulations of the SPCB/State Government or any statutory body.	Complied: The PP has obtained the CTO from the Punjab Pollution Control Board. The PP plant has disposed all the carbon slurry from the site.
2.	No further expansion or modification in the plant shall be carried out without prior permission of Ministry of Environment and Forest. In case of deviation or alterations in the project proposal from those submitted to this Ministry for clearance, fresh reference shall be made to the Ministry to assess the adequacy of conditions imposed and to add additional environmental protection measures required, if any.	Complied: The expansion of existing fertilizer plant for Manufacturing of Nano Urea is being done after obtaining the EC from the Ministry of Environment, Forest & Climate Change, and New Delhi.
3	At no time, the emissions shall exceed the prescribed limits. In the event of failures of any pollution control system adopted by the unit, the unit shall be immediately put out of operation and shall not be restarted until the desired efficiency has been achieved.	Complied: The data submitted by the PP is conforming to the prescribed limits.
4.	The locations of ambient air quality monitoring stations shall be reviewed in consultation with the State Pollution Control Board (SPCB) and additional stations shall be installed, if required, in the downwind direction as well as where maximum ground level concentrations are anticipated.	Complied: Ambient air quality monitoring stations are being installed reviewed in consultation with the State Pollution Control Board (SPCB) and connect to the CPCB/SBCB online server.
5.	Dedicated scrubbers and stacks of appropriate height as per the Central Pollution Control Board guidelines shall be provided to control the emissions from various vents. The scrubbed water shall be	Complied: The stack height is as per the norms of Central Pollution Control Board guidelines.

	sent to ETP for further treatment.	
6.	All the storage tanks will be under negative pressure to avoid any leakages. Breather valves, N2 blanketing and secondary condensers with brine, chilling system shall be provided for all the storage tanks to minimize vapor losses. All liquid raw material shall be stored in storage Tanks and Drums.	Complied: Appropriate safety measures are being taken for storage tanks and there is no liquid raw material required for day to day operation.
7.	The company shall undertake following Waste Minimization measures.	

	standards prescribed under Environment (Protection) Act 1986 viz. 75 dBA (day time) and 70 dBA (night time).	
11.	The company shall develop rain water harvesting structures to harvest the runoff water for recharge of ground water.	Complied: The PP has developed the rain water harvesting structure at the site.
12.	The company shall undertake eco-developmental measures including community welfare measures in the project area for the overall improvement of the environment. The ecodevelopment plan should be submitted to the SPCB within three months of receipt of this letter for approval.	Not Complied: The PP has not submitted the details of eco-developmental measures including community welfare measures undertaken in the project area for the overall improvement of the environment.
13.	The project proponent shall also comply with all the environmental protection measures and safeguards proposed in the CSR/EMP report.	Not Complied: The PP has not submitted the details of environmental protection measures and safeguards implemented as proposed in the CSR/EMP report.
14.	A separate Environmental Management Cell equipped with full-fledged laboratory facilities shall be set up to carry out the Environmental Management and Monitoring functions.	Partially Complied: The company has submitted the Environmental Management Cell. However, the details of full-fledged laboratory facilities has not been seen at the site.
15.	The project authorities shall earmark adequate funds to implement the conditions stipulated by the Ministry of Environment and Forest as well as the State Government along with the implementation schedule for all the conditions stipulated herein. The funds so provided shall not be diverted for any other purpose.	Not Complied: The PP has not submitted the details of fund earmarked for implementing the conditions stipulated by the Ministry of Environment and Forest as well as the State Government.
16.	The implementation of the project vis-à-vis environmental action plans shall be monitored by the concerned Regional Office of the Ministry/SPCB/CPCB. A six monthly compliance Report shall be submitted to Monitoring agencies and shall be posted on the website of the company.	Complied.
17.	The project proponent shall inform the Public that the project has been accorded Environmental clearance by the Ministry and copies of the Clearance Letter are available with SPCB/ Committee and also be seen at Website of the Ministry at http://envfor.nic.in . This shall be advertised within seven days from the date of issue of the clearance letter at least in two local	Complied.

96
26

	newspapers that are widely circulate in the region of which one shall be in the vernacular language of the locality concerned and a copy of the same shall be forwarded to the concerned Regional office of the Ministry.	
18.	The project authorities shall inform the Regional office as well as the Ministry the date of Financial closure and final approval of the project by the concerned authorities and the date of the project.	Complied.

Comments:

Photographs taken during the site inspection



Figure 1. Green belt developed at the site

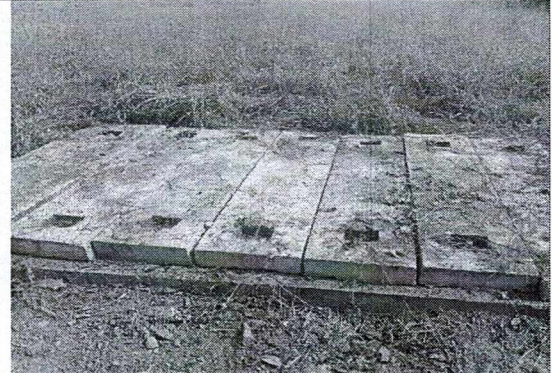


Figure 2: Rain water harvesting pit



Figure 3: Occupational Health Centre



Figure 4: Fire Station at the site

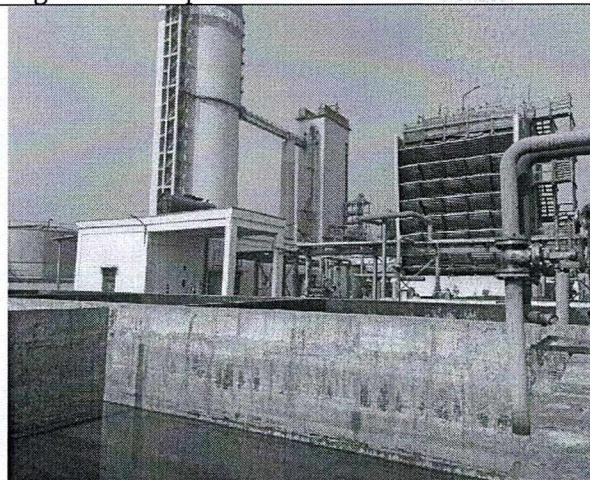


Figure 5: ETP at the plant

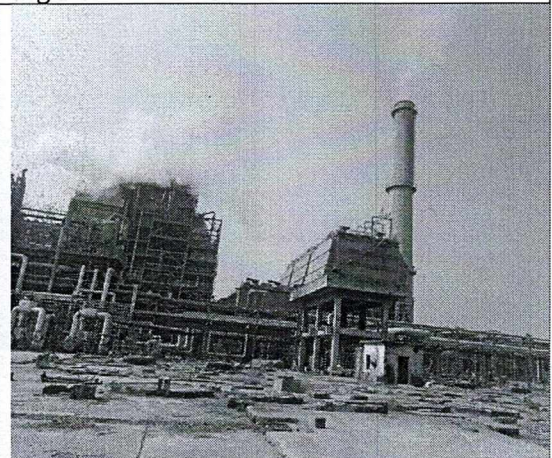


Figure 6: Stack height for the plant

29

(xvi)	The implementation of the project vis-à-vis environmental action plans shall be monitored by the concerned Regional Office of the Ministry/SPCB / CPCB. A six monthly compliance status report shall be submitted to monitoring agencies and shall be posted on the website of the Company.	Not Complied: The PP has not submitted the details of fund earmarked for implementing the conditions stipulated by the Ministry of Environment and Forest as well as the State Government.
(xvii)	The project proponent shall inform the public that the project has been accorded environmental clearance by the Ministry and copies of the clearance letter are available with the SPCB/Committee and may also be seen at Website of the Ministry at http://envfor.nic.in . This shall be advertised within seven days from the date of issue of the clearance letter, at least in two local newspapers that are widely circulated in the region of which one shall be in the vernacular language of the locality concerned and a copy of the same shall be forwarded to the concerned Regional Office of the Ministry.	Complied: The PP submits the six monthly compliance report and updated the at Website of the Ministry at http://envfor.nic.in .
(xviii)	The project authorities shall inform the Regional Office as well as the Ministry, the date of financial closure and final approval of the project by the concerned authorities and the date of start of the project.	

Comments:

33

Photographs taken during the site inspection:

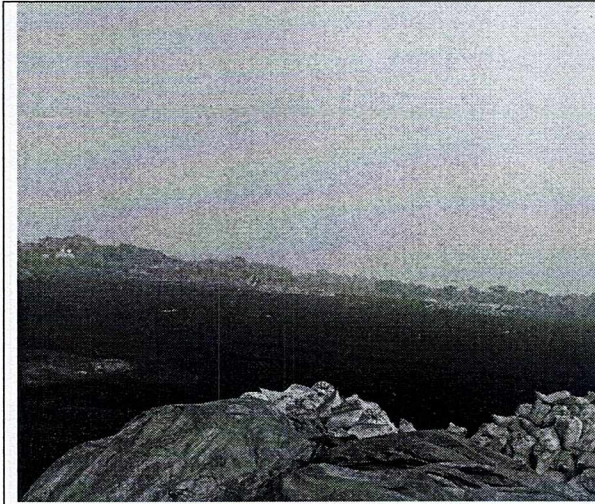


Photo-1: Carbon slurry stored in ponds

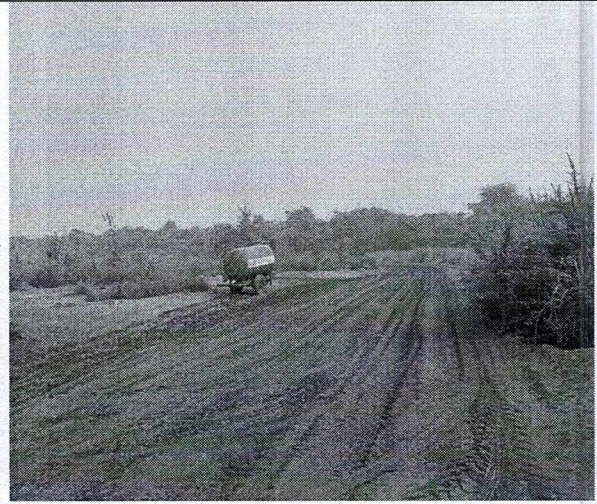


Photo 2: Ash stored in ponds at the site

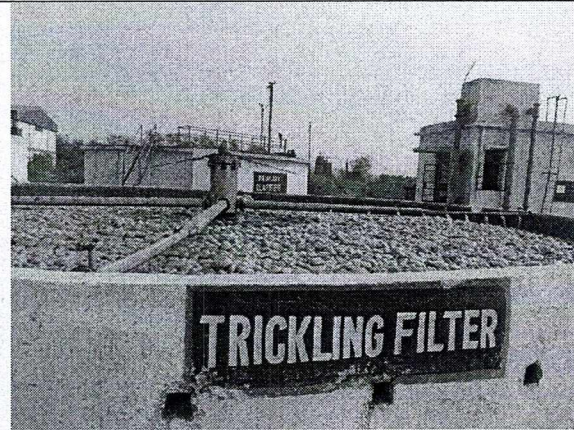


Photo 3: ETP system installed at the site

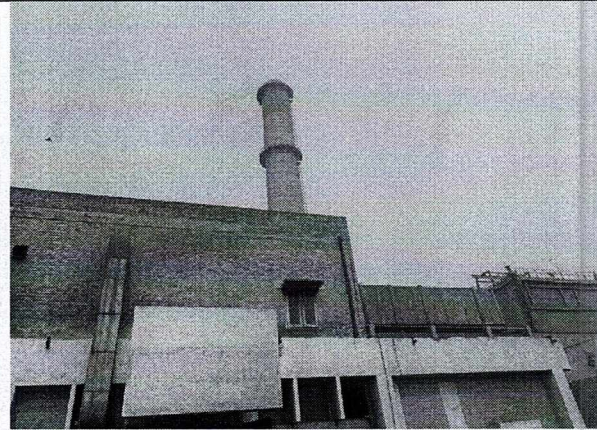


Photo 4: Stack height for the Plant



Photo 5: Fire station



Photo: Trees planted at the site.

(Handwritten signature)
(T.C.)

By Speed Post

F. No. IA-L-11011/61/2024-IA-I
Government of India
Ministry of Environment, Forest and Climate Change
(I.A. Division)

Indira Paryavaran Bhavan
Jor Bagh Road, Aliganj
New Delhi-110 003
Email: pankaj.verma@nic.in
Dated: 12th December, 2024

To,
M/s National Fertilisers Ltd.,
NFL, Bhatinda-151003
Punjab

Sub: Non-Compliances observed w.r.t project "Changeover of feedstock and fuel from oil and LSHS to R-LNG for existing ammonia plant at NFL, Bhatinda, Punjab by M/s National Fertilisers Ltd."

Ref: i. Ministry's EC Letter no. IA-J-11011/1065/2007-IA(II) dated 27.02.2008.
ii. Monitoring report submitted by RO, Chandigarh vide letter 1-27/2024/Misc./ENV/eFile dated 25.11.2024.

Sir,

Environmental Clearance (EC) to the above-mentioned project was issued by the Ministry vide letter no. IA-J-11011/1065/2007-IA(II) dated 27.02.2008, subject to implementation of the various conditions and environmental safeguards contained therein,

2. The project was monitored by the Regional Office of this Ministry at Chandigarh on 05.11.2024, which has submitted its report to Ministry vide letter dated 25.11.2024 (copy enclosed).

3. The inspection report submitted by RO, Chandigarh has been examined by the Ministry and it has been observed that following conditions are yet to be complied:

- i. The details of Corporate Responsibility and its implementation status has not been submitted. Also, the water utilization details have not been submitted yet. **(Specific Condition: ii).**
- ii. Verification report regarding the percentage of area green belt developed at the site has not been obtained from the local forest department yet. **(Specific Condition: vii).**
- iii. The Occupational health surveillance report of the workers has not been submitted yet **(Specific Condition: viii).**
- iv. The details of fugitive emissions and its control measures have not been submitted yet **(General Condition: viii).**
- v. Compliance with the fly ash management etc. to manage the ash stored at the site has not been ensured **(General Condition: ix).**
- vi. The details of eco-developmental measures including community welfare measures undertaken in the project area for the overall improvement of the environment has not been submitted **(General Condition: xii).**

- vii. The details of environmental protection measures and safeguards implemented as proposed in the CSR/EMP report has not been submitted. **(General Condition: xiii).**
- viii. The full-fledged laboratory facilities in environment management cell was not observed at the site **(General Condition: xiv).**
- ix. The details of funds earmarked for implementing the conditions stipulated by MoEF&CC as well as the State Government has not been submitted yet **(General Condition: xv).**

4. Along with above conditions, NFL Bhatinda is also directed to submit the action plan for the disposal of remaining carbon slurry i.e. 33853.14 MT to the Ministry.

5. In this regard, the Project Proponent (PP) is directed to submit; (i) clarification, (ii) **Action Taken Report (ATR)** and (iii) Action plan with respect to the above cited non-complied conditions and the disposal of remaining carbon slurry within next 30 days from the date of issuance of this letter. It may be noted that, if no satisfactory reply is received within the prescribed time frame, the Ministry will be constrained to take necessary action as deemed fit and appropriate in the circumstances of the case, which may include Show-Cause Notice under Section 5 of Environment Protection Act, 1986.

This issues with the approval of the Competent Authority.

Pankaj Verma
(Pankaj Verma)
Scientist 'E'

Copy to:

- i. The MS, Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi-110032.
- ii. The Deputy Director General of Forests (C), Ministry of Environment, Forest and Climate Change, Integrated Regional Office, Bays No. 24-25, Sector-31A, Dakshin Marg, Chandigarh-160030.
- iii. The Member Secretary, Punjab Pollution Control Board, Vatavaran Bhawan, Nabha Road, Patiala-147001, Punjab
- iv. Department of Environment, Chandigarh Administration, 2nd Floor, Paryavaran Bhawan, Madhya Marg, Sector 19-B, U.T. Chandigarh
- v. The Member Secretary, Ind-2, Ministry of Environment, Forest & Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi-110003.
- vi. HSM Division, Ministry of Environment, Forest & Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi-110003.

Pankaj Verma
(Pankaj Verma)
Scientist 'E'

(T.O)

Advance Service of Reply Affidavit in the matter of Kaushal Kishore Vishkarma Vs State of Punjab & Ors

1 message

Nidhi Jaswal <nid.jaswal@gmail.com>

Wed, Jan 15, 2025 at 10:15 PM

To: parulshahi.cpcb@supportgov.in, zeus@zeus.com.in, Naginder Benipal <naginder.benipal@gmail.com>, rkhuranalegal@gmail.com

Please find the attachment

--

NIDHI JASWAL
ADVOCATE ON RECORD
SUPREME COURT OF INDIA
PH: +91-9990343004

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 **Kaushal Kishore Affidavit.pdf**
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