

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. [628/2024]

In the matter of:

1. Alok Mohan

(Applicant)

Versus

2. Respondent No. 1 – Central Pollution Control Board (CPCB)
3. Respondent No. 2 – Haryana State Pollution Control Board (HSPCB)
4. Respondent No. 3 – Escorts Kubota Ltd.

(Respondents)

Subject: Reply of Respondent No.1, Member Secretary, Haryana State Pollution Control Board in compliance of order dated 29.05.2024, and Central Pollution Control Board Reply dated 11 Sep 2024.

Dear Sir,

1. I humbly submit that In addition to the severe environmental impact caused by the industry, as has been brought in your notice, I strongly feel that it is crucial to acknowledge the profound personal loss my family has endured. My late father, Dr. Mehta Vasishtha Dev Mohan, a historian of worldwide renown, passed away due to cancer, exactly 21 years ago. It is pertinent to mention that his residence was in close proximity to this Escorts industry, which had been a significant source of pollution. The first reply from respondent no. 1. following the National Green Tribunal (NGT) order dated May 29, 2024, comes after a staggering delay of 21 years. This delay, coupled with the tragic loss of my father, underscores the urgent need on priority basis, for accountability and action. The long-term exposure to pollution might have contributed to his illness, and this personal loss exemplifies the broader human cost of the industry's disregard for environmental and public health regulations.

2. In the light of this fact, here's my humble reply:-

Non-Compliance with Hon'ble Tribunal's Orders (Dated 29.05.2024)

The Applicant acknowledges the joint report submitted by the Haryana SPCB (Para 9 of the Respondent's reply), but respectfully submits that the joint report does not fully comply with the Hon'ble Tribunal's order dated 29.05.2024. Specifically, the joint report fails to include vital environmental parameters, such as groundwater quality, source emissions, ambient air quality, and ambient noise levels, as well as AQI data and hazardous waste management practices, which are crucial for a comprehensive assessment of the environmental risks posed by the industry in question.



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3.. Strict Monitoring Due to "Red Category" Status:

The Applicant respectfully highlights that both units in question fall under the "Red Category" of industries, as categorized by the Haryana State Pollution Control Board (HSPCB). Given the significant environmental risk associated with such industries, stricter monitoring and frequent assessment are mandatory to ensure compliance with environmental norms. The absence of detailed groundwater and air quality data raises concerns about the long-term impact on the environment and public health.

4. Effectiveness of Pollution Control Measures:

While Respondent No. 1 outlines the presence of Sewage Treatment Plants (STPs) and Effluent Treatment Plants (ETPs), no long-term monitoring data has been provided to substantiate the consistent and effective operation of these systems. In light of the fact that the industry is located in close proximity to residential areas, it is critical that this monitoring data be supplied to ensure ongoing compliance and to assess whether the pollution control measures are functioning as intended.

5. Hazardous Waste Management:

The Applicant is particularly concerned that the joint report does not include any data or details regarding hazardous waste generation and management, despite this being a fundamental concern for a "Red Category" industry. The Hon'ble Tribunal's order dated 29.05.2024 specifically required monitoring of hazardous waste, and the omission of such information could severely compromise the assessment of environmental impacts. The Applicant respectfully requests that Respondents be directed to provide detailed information on the quantity, type, and handling of hazardous waste from the industrial units.

6. Groundwater Extraction via Bore-wells:

Both Unit-1 and Unit-2 operate multiple bore-wells for domestic and trade use, with permission from the Haryana Water Resources Authority (HWRA). However, the Applicant expresses concern regarding the sustainability of such extensive groundwater extraction in an area already under stress due to groundwater depletion. The Applicant respectfully submits that a detailed impact assessment on groundwater levels be conducted, and, if found unsustainable, the Hon'ble Tribunal may consider limiting or suspending the use of these bore-wells to prevent further depletion.

7. Public Health Concerns:

The industrial activities, particularly those involving paint booths, generator sets, and fuel storage, present substantial risks to public health, particularly due to potential exposure to hazardous air pollutants, contaminated water, and excessive noise levels. The absence of proper environmental data in the joint report increases the risk of unchecked pollution, which could result in respiratory issues, waterborne diseases, and noise-related health problems in the neighboring community. The Applicant respectfully urges the Hon'ble Tribunal to prioritize public health considerations and direct comprehensive environmental monitoring.

8. Impact on Residential Areas and Structural Barriers:

It has been observed that the common wall between Unit-1 and the Applicant's residential area is insufficient. This not only increases the risk of noise and air pollution infiltration but also raises safety concerns regarding structural inadequacy.

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9. Timely Submission of Environmental Data:

The Applicant notes that Respondent No. 1 has sought leave to file additional replies in the future, which may lead to undue delays. The Applicant respectfully prays that Respondent No. 1 be directed to submit the required environmental monitoring reports within a specified time frame, preferably within 15 or 30 days, to prevent any further delay in taking corrective action to mitigate pollution. Delayed submissions could result in irreparable harm to the environment and public health.

10. Prayers:

In light of the above, the Applicant respectfully prays that the Hon'ble Tribunal may be pleased to:

a. Direct the Respondents to furnish detailed reports on groundwater quality, ambient air quality, ambient noise levels, AQI data, and hazardous waste management, as directed by the Hon'ble Tribunal's order dated 29.05.2024, within a specified time frame (preferably 15-30 days);

b. Direct continuous monitoring of pollution control measures in place, including STPs, ETPs, and other emission control systems, to ensure ongoing compliance with environmental standards;

c. Direct a detailed impact assessment of groundwater extraction through the bore-wells operated by both units, in light of the region's groundwater depletion concerns, and consider limiting or suspending bore-well usage if unsustainable;

d. Direct the implementation of adequate safety measures, including structural barriers, soundproofing, and air filtration systems, to protect the nearby residential areas from the adverse effects of the industrial activities;

e. Consider any other relief that the Hon'ble Tribunal may deem appropriate in the interest of justice and environmental protection.

Respectfully submitted,

Date: 19 Sep 2024

Place: Faridabad

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