

BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO.802 OF 2023

**IN THE MATTER OF :**

Anand Hooda ... Applicant

Versus

Haryana State Pollution Control Board .....Respondent s

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TARUN GUPTA  
ADVOCATE FOR RESPONDENT NOS.4 to 9  
NEW DELHI B-7/50, SAFDARJUNG ENCLAVE MAIN  
DATED : 29.11.2024 NEW DELHI – 110 029

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**IN THE MATTER OF :**

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**REPLY ON BEHALF OF RESPONDENT NOS.4 TO 9**

**MOST RESPECTFULLY SHOWETH :**

1. At the outset, your answering respondents state that the instant OA is totally misconceived, vexatious, frivolous and is therefore, liable to be dismissed. The OA, though camouflaged as a Public interest litigation, is actually a private interest litigation, mischievously got filed by certain disgruntled business rivals of your answering respondents, who want to create monopoly for themselves in the formaldehyde business in the area of Yamuna Nagar, by unscrupulously getting the businesses of their competitors closed by filing frivolous litigations against them. Hence the instant petition being

thoroughly misconceived, ill founded, frivolous and motivated, deserves to be dismissed.

2. That your answering respondents deny all purported grounds, submissions, allegations and contentions raised by the Applicant in the OA, which are contrary to and/or inconsistent with what is stated herein. Nothing in the OA should be deemed to have been admitted by your Answering Respondents for want of traverse, unless specifically admitted hereinbelow.

3. That the instant OA is barred by the principle of res judicata in as much as similar issue regarding functioning of formaldehyde units without obtaining prior Environmental Clearance has already been dealt by this Hon'ble Tribunal in OA No.287/2020, OA No.840/2019 and OA No.298/2020. The said OAs were decided by Hon'ble Tribunal vide orders dated 3.6.2021. It was directed by this Hon'ble Tribunal that formaldehyde manufacturing units cannot be allowed to operate in the absence of prior Environmental clearance.

4. Your answering respondents and other similar placed

units, who were affected by the said order had challenged the same before the Hon'ble Supreme Court by filing Civil Appeals, being Civil Appeal No.4795/2021, Civil Appeal No.4654/2021 and Civil Appeal No.4908/2021. The Hon'ble Supreme Court vide order dated 30.7.2021 was pleased to stay the operation of the aforesaid order passed by this Hon'ble Tribunal.

5. Notably, Civil appeal pertaining to two units i.e. Respondent No.4 & 6 herein (Civil Appeal 4795/2021) has already been decided by the Hon'ble Supreme Court vide judgment dated 25.3.2022. It has been held by the Hon'ble Supreme Court in the said judgment that such units who have been operating with valid CTE and CTO and who may not cause any pollution and comply with required norms, cannot be closed down for the technical irregularity of want of prior EC, more so when Haryana Pollution Control Board was itself under the misconception that no EC was required for such units.

Hence, the Hon'ble Supreme Court after taking note of the fact that Terms of reference already stood granted to such units

and even public hearing stood conducted and they were operating on the basis of valid CTE and CTO, directed the MoEF to take decision on their application for EC within one month. *It was further directed that pending decision on EC, the operation of the said units shall not be interfered with.* The Hon'ble Supreme Court was further pleased to hold that "*NGT erred in law in directing that the units cannot be allowed to function till compliance of the statutory mandate*". Accordingly, the said Civil Appeals were allowed by the Hon'ble Supreme Court.

6. That based on the said judgment dated 25.3.2022 passed by the Hon'ble Supreme Court, 4 formaldehyde manufacturing units, situated in the same area i.e. Yamuna Nagar, Haryana, have already been granted Environmental clearance by MoEF. Your answering respondents are also identically situated and their cases for grant of EC are also on the last lap.

Therefore, since the issue raised in the instant case, already stands adjudicated by this Hon'ble Tribunal and the Hon'ble Supreme Court is seized of the appeals against the said order and infact appeals of two of your answering respondents

already stand allowed by the Hon'ble Supreme Court, the instant OA is clearly barred by the principle of res judicata and hence not maintainable.

7. Importantly, immediately on coming to know about the requirement of EC, your answering respondents have already applied for EC way back in the year 2021 itself. After scrutinizing their applications and after finding them suitable for grant of EC in terms of the prevailing guidelines, the expert appraisal committee recommended their cases for issuance of "Terms of Reference" (TOR) and thereafter even TOR stands granted to your answering respondents. Subsequently even public hearing also stands conducted, wherever applicable. Thus the cases of your answering respondents for grant of EC are at an advanced stage.

8. Pertinently, the office memorandums dated 7.7.2021 and 28.1.2022 issued by the Ministry of Environment, Forest and Climate Change, which deal with grant of Environmental clearance under the violation category came to be challenged

before the Hon'ble Supreme Court in W.P. (C) No.1394 of 2023. The Hon'ble Supreme Court vide order dated 2.1.2024 was pleased to stay the operation of abovementioned office memorandums dated 7.7.2021 and 28.1.2022 issued by the Ministry of Environment, Forest and Climate Change. As a result, the processing of cases for grant of EC under the violation category has come to a standstill all across the country.

9. That your answering respondent nos.7 & 8 have even filed an application before the Hon'ble Supreme Court in the aforesaid writ petition for modification of aforesaid stay order dated 2.1.2024. The said application along with the main matter were continuously on board before the Hon'ble Supreme Court in the Month of October and November, 2024. However the same could not be taken up and the next date shown is 10.12.2024.

10. Thus it is evident that delay in issuance of EC is not attributable to your answering respondents but the same has occasioned on account of facts explained hereinabove. The fact remains that your answering respondents have already applied

for EC and are awaiting grant of EC by the government.

11. Furthermore, the units of your answering respondents are totally “non- polluting” units having “Zero Trade discharge”. At the time when the said units were granted consent to establish, there was no clarity regarding the applicability of EC to the subject industry. Even the Haryana Pollution Control Board itself was not aware of the requirement of obtaining prior EC in respect of the industry in question. Notably not only in the State of Haryana but also in other states, the concerned pollution boards were not aware about the applicability of EC in respect of industry in question and thus prior EC was never asked for while granting CTE/CTO.

12. Moreover, HSPCB had itself acknowledged in its reply before this Hon’ble Tribunal in the aforementioned OAs that units like that of your answering respondents are operating in good faith with valid CTE/CTO and are not causing any pollution hazard. The non-obtaining of EC was only an unintentional procedural lapse and *thus the government had itself decided to allow such units to operate and give them any opportunity to*

*apply for EC.* Immediately on coming to know about the requirement of EC, your answering respondents at once applied for EC.

13. Furthermore it is settled law that a balanced approach needs to be adopted in such matters and the industry should be given an opportunity to rectify any unintentional shortcoming on its part. The Hon'ble Supreme Court in the case of LAFARGE, (2011) 7 SCC 338, while upholding ex post facto clearances, adopted a balanced approach of protecting the environment and at the same time saving the industry and livelihood of people also, and held as under

“119. The time has come for us to apply the constitutional “doctrine of proportionality” to the matters concerning environment as a part of the process of judicial review in contradistinction to merit review. It cannot be gainsaid that utilization of the environment and its natural resources has to be in a way that is consistent with principles of sustainable development and intergenerational equity, but balancing of these equities may entail policy choices. In the circumstances, barring exceptions, decisions relating to utilization of natural resources have to be tested on the anvil of the well-recognized principles of judicial review. Have all the relevant factors been taken into account? Have any extraneous factors influenced the decision? Is the

decision strictly in accordance with the legislative policy underlying the law (if any) that governs the field? Is the decision consistent with the principles of sustainable development in the sense that has the decision-maker taken into account the said principle and, on the basis of relevant considerations, arrived at a balanced decision? Thus, the Court should review the decision-making process to ensure that the decision of MoEF is fair and fully informed, based on the correct principles, and free from any bias or restraint. Once this is ensured, then the doctrine of “margin of appreciation” in favour of the decision-maker would come into play.”

Similarly, after adverting to the decision in Lafarge, another Bench of three learned judges of Hon'ble Supreme Court in *Electrotherm (India) Limited v. Patel Vipulkumar Ramjibhai*, (2016) 9 SCC 300, dealt with the issue of whether an EC granted for expansion to the appellant without holding a public hearing was valid in law. The Hon'ble Supreme Court while deciding the consequence of granting an EC without public hearing did not direct closure of the appellant's unit and instead held thus:

“20. At the same time, we cannot lose sight of the fact that in pursuance of environmental clearance dated 27-1-2010, the expansion of the project has been undertaken and as reported by CPCB in its affidavit filed on 7-7-2014, most of the recommendations made by CPCB are complied with. In our considered view, the interest of

justice would be subserved if that part of the decision exempting public consultation/public hearing is set aside and the matter is relegated back to the authorities concerned to effectuate public consultation/public hearing. However, since the expansion has been undertaken and the industry has been functioning, we do not deem it appropriate to order closure of the entire plant as directed by the High Court. If the public consultation/public hearing results in a negative mandate against the expansion of the project, the authorities would do well to direct and ensure scaling down of the activities to the level that was permitted by environmental clearance dated 20-2-2008. If public consultation/public hearing reflects in favour of the expansion of the project, environmental clearance dated 27-1-2010 would hold good and be fully operative. *In other words, at this length of time when the expansion has already been undertaken, in the peculiar facts of this case and in order to meet ends of justice, we deem it appropriate to change the nature of requirement of public consultation/public hearing from pre-decisional to post-decisional.* The public consultation/public hearing shall be organised by the authorities concerned in three months from today.”(Emphasis supplied).

Likewise in *Alembic Pharmaceuticals Ltd. Vs Rohit Prajapati and others*, (2020) SCC Online SC 347, the Hon’ble Supreme Court held as under:

**48.** Guided by the precepts that emerge from the above decisions, this Court has taken note of the fact that though the three industries operated without an EC for several years after the EIA notification of 1994, each of them had subsequently received ECs including amended ECs for expansion of existing capacities. These ECs have been operational since 14 May 2003 (in the case

of *Alembic Pharmaceuticals Limited*), 17 July 2003 (in the case of *United Phosphorous Limited*), and 23 December 2002 (in the case of *Unique Chemicals Limited*). In addition, all the three units have made infrastructural investments and employed significant numbers of workers in their industrial units.

**49.** In this backdrop, *this Court must take a balanced approach which holds the industries to account for having operated without environmental clearances in the past without ordering a closure of operations. The directions of the NGT for the revocation of the ECs and for closure of the units do not accord with the principle of proportionality.* At the same time, the Court cannot be oblivious to the environmental degradation caused by all three industries units that operated without valid ECs. The three industries have evaded the legally binding regime of obtaining ECs. They cannot escape the liability incurred on account of such noncompliance. Penalties must be imposed for the disobedience with a binding legal regime. The breach by the industries cannot be left unattended by legal consequences. The amount should be used for the purpose of restitution and restoration of the environment. Instead and in place of the directions issued by the NGT, we are of the view that it would be in the interests of justice to direct the three industries to deposit compensation quantified at Rs. 10 crores each. The amount shall be deposited with GPCB and it shall be duly utilised for restoration and remedial measures to improve the quality of the environment in the industrial area in which the industries operate. Though we have come to the conclusion, for the reasons indicated, that the direction for the revocation of the ECs and the closure of the industries was not warranted, we have issued the order for payment of compensation as a facet of preserving the environment in accordance with the precautionary principle. These directions are issued

under Article 142 of the Constitution. Alembic Pharmaceuticals Limited, United Phosphorous Limited and Unique Chemicals Limited shall deposit the amount of compensation with GPCB within a period of four months from the date of receipt of the certified copy of this judgment. This deposit shall be in addition to the amount directed by the NGT. Subject to the deposit of the aforesaid amount and for the reasons indicated, we allow the appeals and set aside the impugned judgment of the NGT dated 8 January 2016 in so far as it directed the revocation of the ECs and closure of the industries as well as the order in review dated 17 May 2016.”

14. That in the present, as has been explained in detail in the preceding paragraphs, the non-obtaining of prior EC by your answering respondents was neither willful nor intentional but had occasioned on account of bonafide lack of knowledge about the applicability of EC to such industry on the part of the authorities as well as the units. Notably, the Haryana Pollution Control Board itself sought clarification from the MoEF in the year 2019 as to whether EC is applicable to formaldehyde manufacturing units or not. Hence it is clear that even the concerned government authorities were not aware about the applicability of EC to formaldehyde manufacturing units. The

said confusion was prevalent not only in the state of Haryana but in other states also like Rajasthan, Uttar Pradesh, Punjab etc. On coming to know about the applicability of EC to such industry, the pollution control boards after considering the fact that there was no fault of the industry, granted time to the units to apply for EC.

15. That in the state of Haryana, the units were granted six months' time to apply for EC vide order dated 11.11.2020. Your answering respondents duly applied for EC within the said prescribed period. Hence it is not a case where the units had deliberately violated any environmental norm or have caused any pollution hazard due to their operations.

16. Pertinently, there would not be any change in the manufacturing process of the units with the issuance of EC. Your answering respondents have installed all requisite APCM. No additional APCM would be required to be installed with the issuance of EC. The process would remain the same and compliances would also remain the same. It is only an unintentional procedural/ technical violation which is in the

process of being remedied. No pollution hazard or environmental degradation is being caused by the operation of units of your answering respondents.

17. Still further, substantial investments have been made by your answering respondents on setting up their units. It was only pursuant to the grant of consent to establish by the Pollution Board, that they had set up the units and expended huge amounts in purchasing plant and machinery. They had taken huge loans for setting up of their unit and have to pay hefty monthly installment for repayment of the said loans to bank. The livelihood of several workers, labourers, suppliers etc. is dependent on the said unit. Your answering respondents are contributing to the economy of the country and are providing livelihood to large number of persons. Hence a balanced approach needs to be adopted in this case.

18. That the contents of the OA to the extent that that your answering respondents are operating in violation of law are wrong and hence denied. As has been explained in the

preceding paragraphs, your answering respondents are operating strictly in accordance with law and their operations are not causing any pollution hazard.

19. That as regards order dated 25.8.2021 passed by the Hon'ble Supreme Court is concerned, it is submitted that the Applicant has completely misinterpreted the said order. The said order was in fact in favour of your answering respondents as they had themselves prayed to the Hon'ble Supreme Court that authorities should not stop processing their applications for EC on account of interim order passed by the Hon'ble Supreme Court. It was on the basis of the said request that the Hon'ble Supreme Court was pleased to clarify that the interim order passed by it will not come in the way of requisite permits and clearances being processed and issued.

Furthermore, it is well settled that the interim order merges in the final order. Hence the said interim order dated 25.8.2021 has already merged in the final order dated 25.3.2022 passed by the Hon'ble Supreme Court whereby the Hon'ble

Supreme Court directed that pending decision on EC, the operation of the units shall not be interfered with. Hence the reliance placed by the Applicant on the said interim order is completely misplaced.

20. Contents of the OA to the extent that the Board has granted illegal permission to the units or that relaxation time to acquire the EC has long elapsed are wrong and hence denied. As has been explained hereinabove, cases of 3 of your answering respondents are still pending consideration before the Hon'ble Supreme Court and stay order is operating in their favour. As regards your answering respondent nos.4 & 6, final judgment already stands delivered by the Hon'ble Supreme Court in their favour. It is only because of the stay order granted in the above mentioned writ petition that the processing of application for grant of EC has got deferred and thus your answering respondents cannot be blamed for delay in grant of EC.

21. Contents of the OA to the extent that Respondent No.5 is manufacturing more than the permissible limits are wrong and hence denied. It is vehemently denied that any of your answering respondents has expanded or increased its manufacturing capacity without taking the EC or CTE from the Board. As has been explained in detail hereinabove, your answering respondents are operating their units strictly in accordance with law and possess all requisite permissions and licenses. They have also applied for EC, which is also going to be granted to them shortly.

Copy of judgment dated 13.10.2017 passed by the Hon'ble High Court of Madras in W.P. 11189 of 2017 is annexed herewith as **Annexure R-1 (Pages 26 to 36 of Paper Book)**, Copy of consent to establish issued by HSPCB is annexed herewith as **Annexure R-2 (Pages<sup>37</sup> to <sup>40</sup> of Paper Book)**, Copy of consent to establish issued by HSPCB is annexed herewith as **Annexure R-3 (Pages 41 to 43 of Paper Book)**, Copy of consent to establish issued by HSPCB is annexed herewith as

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In view of the submissions made hereinabove, the OA filed by the Applicants deserves to be dismissed. Prayed accordingly.

RESPONDENT NOS.4 to 9

THROUGH



TARUN GUPTA

ADVOCATE FOR RESPONDENT NOS.4 to 9

NEW DELHI

B-7/50, SAFDARJUNG ENCLAVE MAIN

DATED : 29.11.2024

NEW DELHI – 110 029

BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO.802 OF 2023  
IN THE MATTER OF :

Anand Hooda

... Applicant

Versus

Haryana State Pollution Control Board

.....Respondent s

AFFIDAVIT OF NARINDER PAHWA S/O SH. RAM KISHAN PAHWA, AGED ABOUT 71 YEARS, R/O 196, SHARDA NIKETAN, SARASWATI VIHAR, PITAMPURA, NEW DELHI.

I, the above named deponent do hereby solemnly affirm and declare on oath as under:-

1. That I am the Director of Respondent No.6 and have been authorized by Respondent Nos.4,5,7 to 9 to swear the present affidavit on their behalf. As such being fully conversant with the facts of the present case, I am competent to swear the present affidavit.
2. That the accompanying reply has been prepared under my instructions. I have read and understood the contents of the said reply and same are true and correct to the best of my knowledge and belief.



3. I state that all the annexures are true copies to their respective original.

*[Handwritten Signature]*

DEPONENT

**VERIFICATION :**

Verified at New Delhi on this the 29 NOV 2024 day of \_\_\_\_\_, 2024 that the contents of my above affidavit are true and correct as per my belief, no part of it is false and nothing material has been concealed therefrom.

*[Handwritten Signature]*

DEPONENT

*I identified the deponent/executor who has signed in my presence.*



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

Notary Public, DELHI

29 NOV 2024

W.P. No. 11189 of 2017

Puducherry Environment Protection Association v. Union of India

2017 SCC OnLine Mad 7056 : (2017) 8 Mad LJ 513 : AIR 2018 (NOC 422) 148 :  
(2018) 1 LW 7 : (2018) 1 CWC 324 (DB)

In the High Court of Madras  
(BEFORE INDIRA BANERJEE, C.J. AND M. SUNDAR, J.)

Puducherry Environment Protection Association, rep by its  
Honorary President R. Kothandaraman, No. 18, S.V. Kovil  
Street, Koodapakkam and Post, Puducherry-605 602 .....  
Petitioner

v.

The Union of India, rep by its Secretary to the Government,  
Ministry of Environment, Forest and Climate Change,  
Paryavaran Bhawan, Jor Bagh, New Delhi-110 003 .....  
Respondent

W.P. No. 11189 of 2017

Decided on October 13, 2017, [Reserved on: 23.08.2017]

Environmental Laws — Constitution of India — Arts. 14 and 21 — Notification making provision for grant of ex post facto environmental clearance for project proponents, who have commenced, continued or completed project without obtaining clearance under Environment Protection Act and Environment Impact Assessment, challenged — Whether establishment contributing to economy of country and providing livelihood to hundreds of people should be closed down only because of failure to obtain prior environmental clearance — Held that Central Government is well within scope of its powers under S. 3 of Act to issue directions to control and/or prevent pollution including directions for prior environmental clearance before project is commenced — Further held that one time relaxation in cases where projects are otherwise in compliance with or can be made to comply with pollution norms not impermissible — Hence impugned notification not to be interfered with

(Paras 32 and 33)

For Petitioner: Mr. A. Yogeswaran

For Respondent: Mr. G. Rajagopalan, Additional Solicitor General assisted by Mr. S. Rathnasabapathy

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Declaration declaring the impugned notification dated 14.3.2017 issued by the respondent in S.O. 804(E) as arbitrary, illegal and violative of Articles 14 and 21 of the Constitution of India and the Environment (Protection) Act, 1986.

#### ORDER

M. SUNDAR, J.:— This writ petition has been filed as a Public Interest Litigation. In the instant writ petition, a notification dated 14.03.2017 bearing reference S.O. 804 (E) made by the Union of India (hereinafter referred to as 'UOI' for brevity) has been assailed.

2. Bare minimum facts essential for understanding and appreciating this order are set out infra under the caption 'Facts in a nutshell'.

Facts in a nutshell:

3(a) Notification dated 14.03.2017 bearing reference S.O. 804(E) made by the UOI which has been assailed in the instant writ petition, is hereinafter referred to as the

'impugned notification'.

3(b) The impugned notification has been made by the UOI under Section 3(1) and 3(2)(v) of the Environment (Protection) Act, 1986 (29 of 1986) (hereinafter referred to as 'E.P. Act' for brevity) read with Rule 5(3) of the Environment (Protection) Rules, 1986 (hereinafter referred to as 'E.P. Rules' for the sake of brevity). To simplify and encapsulate the core issue, it can be stated that vide the impugned notification, UOI has made a provision for grant of ex post facto environmental clearance for project proponents, who have commenced, continued or completed a project without obtaining clearance under the E.P. Act and the Environment Impact Assessment (hereinafter referred to as 'EIA for brevity) notification issued under it.

3(c) The petitioner contends that when originally the notification was issued on 27.1.1994, the cut-off date to permit the violators to set their house in order was extended three times. Firstly upto 31.3.1999, secondly upto 30.6.2001 and thirdly upto 31.3.2003 by successive notifications dated 5.11.1998, 27.12.2000 and 14.5.2002 respectively.

3(d) The petitioner would contend that the second notification was issued on 14.9.2006. Under this notification, again the dates for project proponents who have violated various provisions of the E.P. Act and EIA notification thereunder, was successively extended on 16.11.2010, 12.12.2012, 27.6.2013, 10.5.2016 and now vide the impugned notification dated 14.3.2017. In other words, the impugned notification is the fifth opportunity for project proponents to set their house in order.

3(e) The petitioner has predicated the instant writ petition on the pivotal point that 'prior' clearance is imperative and non negotiable, whereas the impugned notification provides for ex post facto clearance, which according to the writ petitioner is impermissible.

3(f) We now proceed to discuss the submissions and contentions under the head discussion'.

Discussion:

4(a) As the impugned notification provides for ex post facto clearance, the same is being assailed by the writ petitioner primarily on three grounds and the same are as follows:

- (i) Public hearing which is non negotiable has been given a go-by;
- (ii) Scoping leading to EIA has been given a go-by; and
- (iii) Environmental clearance is based on precautionary principle and the impugned notification militates against this basic principle.

4(b) In support of the above said challenge to the impugned notification on the aforesaid three points, learned counsel for the writ petitioner Mr. Yogeswaran relied on several judgments and judgments pressed into service are as follows:

- (i) *Sreeranganathan K.P. v. Union of India* [Appeal Nos. 172, 173, 174 of 2013 (SZ) and Appeal Nos. 1 and 19 of 2014 (SZ), dated 28.5.2014] (Before the National Green Tribunal, Southern Zone, Chennai); public hearing;
- (ii) *Indian Council for Enviro-Legal Action v. Union of India* [(1996) 3 SCC 212];
- (iii) *S. Nandakumar v. Secretary to Government of Tamil Nadu* [W.P. Nos. 10641 to 10643 of 2009, etc., dated 22.4.2010] (Madras High Court); public hearing;
- (iv) *Utkarsh Mandal v. Union of India* [W.P.(Civil) No. 9340 of 2009, dated 26.11.2009] (Delhi High Court);
- (v) *S.P. Muthuraman v. Union of India* [Original Application No. 37 of 2015 and another, dated 7.7.2015] (National Green Tribunal, Principal Bench, New Delhi);
- (vi) *Research Foundation for Science Technology National Resource Policy v. Union of India* [(2005) 10 SCC 510];
- (vii) *Consumer Action Group v. State of Tamil Nadu*. [(2000) 7 SCC 425]: and

(viii) *Lafarge Umiam Mining Private Limited v. Union of India* [(2011) 7 SCC 338]

4(c) Judgments that were pressed into service are to buttress the aforesaid three points of attack. While *Sreeranganathan K.P., S. Nandakumar, Utkarsh Mandal, Research Foundation for Science Technology National Resource Policy and Consumer Action Group* judgments were pressed into service to buttress the submission that public hearing is extremely sanctus and non negotiable, *S.P. Muthuraman* judgment was pressed into service to buttress the submission that ex post facto clearance takes away scoping and the resultant EIA. *Lafarge Umiam Mining Private Limited* judgment was pressed into service for both the above points, namely, public hearing is sanctus/non negotiable and ex post facto clearance takes away scoping and the resultant EIA. All judgments proceed on the premise that such environmental clearances are based on precautionary principle. Indian Council for *Enviro-Legal Action* judgment was pressed into service for polluter pays principle.

4(d) We heard the learned Additional Solicitor General Mr. G. Rajagopalan.

4(e) Learned Solicitor submits that the writ petitioner has misread the impugned notification qua public hearing and scoping leading to EIA point. In support of his submission, learned Solicitor took us through the impugned notification and submitted that the EIA authority, being the Expert Appraisal Committee would assess the project and the work done by the project proponent. In case of the finding/opinion of the Expert Appraisal Committee being in the negative, all actions as per law, including penal action under Section 19 of the E.P. Act would be initiated and no consent to operate or occupy will be issued and closure of the project will be ensured.

4(f) Only in cases where findings of the Expert Appraisal Committee are in the affirmative, projects will be referred under appropriate terms of reference for undertaking assessment of environment impact, ecological damage, etc., In support of this submission, learned Solicitor laid emphasis on paragraph 5 of the impugned notification.

4(g) For the sake of convenience, we deem it appropriate to extract paragraphs 3, 4 and 5 of the impugned notification, which read as follows:

"(3) In cases of violation, action will be taken against the project proponent by the respective State or State Pollution control Board under the provisions of section 19 of the Environment (Protection) Act, 1986 and further, no consent to operate or occupancy certificate will be issued till the project is granted the environmental clearance.

(4) The cases of violation will be appraised by respective sector Expert Appraisal Committees constituted under sub-section (3) of Section 3 of the Environment (Protection) Act, 1986 with a view to assess that the project has been constructed at a site which under prevailing laws is permissible and expansion has been done which can be run sustainably under compliance of environmental norms with adequate environmental safeguards; and in case, where the finding of the Expert Appraisal Committee is negative, closure of the project will be recommended along with other actions under the law.

(5) In case, where the findings of the Expert Appraisal Committee on point at sub-para (4) above are affirmative, the projects under this category will be prescribed the appropriate Terms of Reference for undertaking Environment Impact Assessment and preparation of Environment Management Plan. Further, the Expert Appraisal Committee will prescribe a specific Terms of Reference for the project on assessment of ecological damage, remediation plan and natural and community resource augmentation plan and it shall be prepared as an independent chapter in the environment impact assessment report by the accredited consultants. The collection and analysis of data for assessment of ecological damage, preparation of remediation plan and natural and community resource augmentation plan shall be

done by an environmental laboratory duly notified under Environment (Protection) Act, 1986, or a environmental laboratory accredited by National Accreditation Board for Testing and Calibration Laboratories, or a laboratory of a Council of Scientific and Industrial Research institution working the field of environment.”

4(h) We put it to learned Solicitor that paragraph 5 does not specifically provide for public hearing. To this, it was represented by learned Solicitor that when EIA is done, it will include public hearing and that it can be read into paragraph 5. We record this submission. Therefore, this puts to rest the point of public hearing and scoping leading to EIA.

4(i) With regard to precautionary principle, faced with the situation that ex post facto clearance and regularization dates have been repeatedly extended time and again by series of notifications, learned Additional Solicitor General at the bar, on instructions, submits that this impugned notification shall clearly and certainly be only a one time measure. We record this submission also. Notwithstanding the above submissions, learned Additional Solicitor General pressed into service a judgment of a learned Single Judge of this court in *Hyundai Motors India Ltd. v. Union of India* [2015 -2-L.W. 641] to drive home the principle that ex post facto approvals are permissible in law.

4(j) The aforesaid case law does not help the respondent as it was rendered on an entirely different realm qua facts. That would be evident from the fact that the aforesaid *Hyundai* judgment refers to the celebrated *Escorts Ltd. judgment in Life Insurance Corporation of India v. Escorts Ltd.* [(1986) 1 SCC 264] in paragraph 32 *Hyundai Motors India Ltd.'s case*. To be noted, *Escorts* judgment is a judgment of a Constitution Bench. To put it in nutshell, the ratio laid down in *Escorts* judgment is when the law provides for some form of consent, it can either be ‘prior consent’ or ‘ex post facto consent’, but when the law specifically uses the expression ‘prior consent’, the consent cannot be ex post facto. It is clearly articulated in paragraph 63 of the *Escorts* judgment, which reads as follows:

“63. We have already extracted Section 29(1) and we notice that the expression used is “general or special permission of the Reserve Bank of India” and that the expression is not qualified by the word “previous” or “prior. While we are conscious that the word “prior or “previous” may be implied if the contextual situation or the object and design of the legislation demands it, we find no such compelling circumstances justifying reading any such implication into Section 29(1). On the other hand, the indications are all to the contrary. We find, on a perusal of the several, different sections of the very Act, that the Parliament has not been unmindful of the need to clearly express its intention by using the expression “previous permission” whenever it was thought that “previous permission” was necessary. In Sections 27(1) and 30, we find that the expression “permission” is qualified by the word “previous” and in Sections 8(1), 8(2) and 31, the expression “general or special permission” is qualified by the word “previous”, whereas in Sections 13(2), 19(1), 19(4), 20, 21(3), 24, 25, 28(1) and 29, the expressions “permission” and “general or special permission” remain unqualified. The distinction made by Parliament between permission simpliciter and previous permission in the several provisions of the same Act cannot be ignored or strained to be explained away by us. That is not the way to interpret statutes. The proper way is to give due weight to the use as well as the omission to use the qualifying words in different provisions of the Act. The significance of the use of the qualifying word in one provision and its non-use in another provision may not be disregarded. In our view, the Parliament deliberately avoided the qualifying word previous in Section 29(1) so as to invest the Reserve Bank of India with a certain degree of elasticity in the matter of granting permission to non-resident companies to purchase shares in Indian companies. The object of the Foreign Exchange Regulation Act. as already

explained by us, undoubtedly, is to earn, conserve, regulate and store foreign exchange. The entire scheme and design of the Act is directed towards that end. Originally the Foreign Exchange Regulation Act, 1947 was enacted as a temporary measure, but it was placed permanently on the Statute Book by the Amendment Act of 1957. The Statement of Objects and Reasons of the 1957 Amendment Act expressly stated, "India still continues to be short of foreign exchange and it is necessary to ensure that our foreign exchange resources are conserved in the national interest". In 1973, the old Act was repealed and replaced by the Foreign Exchange Regulation Act, 1973, the long title of which reads: "An Act to consolidate and amend the law regulating certain payments, dealings in foreign exchange and securities, transactions indirectly affecting foreign exchange and the import and export of currency and bullion, *for the conservation of foreign exchange resources of the country and the proper utilisation thereof in the interest of the economic development of the country.*" We have already referred to Section 76 which emphasises that every permission or licence granted by the Central Government or the Reserve Bank of India should be animated by a desire to conserve the foreign exchange resources of the country. The Foreign Exchange Regulation Act is, therefore, clearly a statute enacted in the national economic interest. When construing statutes enacted in the national interest, we have necessarily to take the broad factual situations contemplated by the Act and interpret its provisions so as to advance and not to thwart the particular national interest whose advancement is proposed by the legislation. Traditional norms of statutory interpretation must yield to broader notions of the national interest. If the legislation is viewed and construed from that perspective, as indeed it is imperative that we do, we find no difficulty in interpreting "permission" to mean "permission", previous or subsequent, and we find no justification whatsoever for limiting the expression "permission" to "previous permission" only. In our view, what is necessary is that the permission of the Reserve Bank of India should be obtained at some stage for the purchase of shares by non-resident companies."

4(k) The above proposition laid down by the Constitution Bench of Hon'ble Supreme Court in the celebrated *Escorts* judgment governs the field and is therefore clearly indisputable.

4(l) This takes us back to the impugned notification. It is the fervent submission of the learned Solicitor that this is only an attempt to balance development on one hand and environment protection on the other. Learned Solicitor, as set out supra would assert that this will clearly and certainly be a one time measure.

4(m) After meeting the matter on merits qua challenge to the impugned notification on the above said three points, learned Solicitor did assail the locus of the writ petitioner. Considering the nature of the matter and the wider ramifications it has, coupled with the fact that this is a public interest litigation and in the light of the trajectory the hearing has taken, we are not going into the aspect of the locus of the petitioner entity.

4(n) We are convinced that paragraphs 3, 4 and 5 of the impugned notification alluded to supra coupled with the two undertakings made on instructions by learned Additional Solicitor General that (a) public hearing can be read into paragraph 5 of the impugned notification and (b) this shall certainly and clearly be a one time measure, this writ petition can be closed and disposed of recording the above submissions. We do so.

#### CONCLUSION:

5. We record the submissions of the learned Additional Solicitor General that (a) public hearing can be read into paragraph 5 of the impugned notification and (b) this shall certainly and clearly be a one time measure.

DECISION:

6. This writ petition is disposed of on the above terms. No costs.

INDIRA BANERJEE, C.J.: — I have gone through the draft judgment prepared by my esteemed brother, Sundar, J. and I am in full agreement with him.

7. This writ petition has been filed by way of public interest, *inter alia*, challenging a notification, being S.O.804(E), dated 14.3.2017 to the extent the said notification provides:

*"13. (1) to (3) ...*

*(4) The cases of violation will be appraised by respective sector Expert Appraisal Committees constituted under subsection (3) of Section 3 of the Environment (Protection) Act, 1986 with a view to assess that the project has been constructed at a site which under prevailing laws is permissible and expansion has been done which can be run sustainably under compliance of environmental norms with adequate environmental safeguards; and in case, where the finding of the Expert Appraisal Committee is negative, closure of the project will be recommended along with other actions under the law."*

8. The grounds on which the notification has been challenged have elaborately been enumerated by Sundar, J. and the same are not reiterated, to avoid prolixity. The thrust of the objection to the impugned notification is to the decision to recommend closure of the projects only in case the Expert Appraisal Committee is of the view that the project has not been constructed at a site, which, under prevailing laws, is permissible or expansion that has been done cannot be run sustainably in compliance with the environmental norms and with adequate environmental safeguards.

9. There is increasing concern over environmental degradation the world over. Pollution and consequential concentration of harmful chemicals in the atmosphere by reason of emission of green house gases by reason of use of motors and machines are assuming alarming proportions. Pulmonary disorders as a result of pollution have become a life threatening health hazard.

10. The anxiety to protect the environment has led to deliberations and discussions at the National as also International levels. Under the aegis of the United Nations, a Conference on the Human Environment was held in Stockholm way back in June, 1972.

11. The Environment (Protection) Act, 1986, hereinafter referred to as "*the 1986 Act*", has been enacted as a consequence of decisions taken at the United Nations Conference on Human Environment held in Stockholm in June, 1972, in which India participated, with a view to take appropriate steps for protection and improvement of environment.

12. The statement of objects and reasons for enactment of the 1986 Act declares that the Act has been prompted by concern over the state of environment that has grown the world over since the sixties. The decline in environmental quality has been evidenced by increasing pollution, loss of vegetal cover and biological diversity, excessive concentration of harmful chemicals in the ambient atmosphere, growing risks of environmental accidents and threats to life support systems.

13. The resolve to protect and enhance the environmental quality found expression in the decisions taken at the United Nations Conference on the Human Environment held in Stockholm in June, 1972. Government of India participated in the conference and strongly voiced the environmental concerns. While measures had been taken before and after the conference, the need for a general legislation to implement the decisions of the conference was felt.

14. Section 3(1) of the 1986 Act empowers the Central Government to take all such measures as it might deem necessary or expedient for the purpose of protecting and

improving the quality of the environment and preventing, controlling and abating environmental pollution.

15. Sub-section (2) of Section 3 of the 1986 Act enables the Central Government to take, *inter alia*, the following measures:

- "(i) co-ordination of actions by the State Governments, officers and other authorities-*
- (a) under this Act, or the rules made thereunder; or*
  - (b) under any other law for the time being in force which is relatable to the objects of this Act;*
- (ii) planning and execution of a nation-wide programme for the prevention, control and abatement of environmental pollution;*
- (iii) laying down standards for the quality of environment in its various aspects;*
- (iv) laying down standards for emission or discharge of environmental pollutants from various sources whatsoever: Provided that different standards for emission or discharge may be laid down under this clause from different sources having regard to the quality or composition of the emission or discharge of environmental pollutants from such sources;*
- (v) restriction of areas in which any industries, operations or processes or class of industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards;*
- (vi) laying down procedures and safeguards for the prevention of accidents which may cause environmental pollution and remedial measures for such accidents;*
- (vii) laying down procedures and safeguards for the handling of hazardous substances;*
- (viii) examination of such manufacturing processes, materials and substances as are likely to cause environmental pollution;*
- (ix) carrying out and sponsoring investigations and research relating to problems of environmental pollution;*
- (x) inspection of any premises, plant, equipment, machinery, manufacturing or other processes, materials or substances and giving, by order, of such directions to such authorities, officers or persons as it may consider necessary to take steps for the prevention, control and abatement of environmental pollution;*
- (xi) establishment or recognition of environmental laboratories and institutes to carry out the functions entrusted to such environmental laboratories and institutes under this Act;*
- (xii) collection and dissemination of information in respect of matters relating to environmental pollution;*
- (xiii) preparation of manuals, codes or guides relating to the prevention, control and abatement of environmental pollution;*
- (xiv) such other matters as the Central Government deems necessary or expedient for the purpose of securing the effective implementation of the provisions of this Act."*

16. Sub-section (3) of Section 3 of the 1986 Act provides as follows:

*Section 3(3). The Central Government may, if it considers it necessary or expedient so to do for the purposes of this Act, by order, published in the Official Gazette, constitute an authority or authorities by such name or names as may be specified in the order for the purpose of exercising and performing such of the powers and functions (including the power to issue directions under section 5) of the Central Government under this Act and for taking measures with respect to such of the matters referred to in sub-section (2) as may be mentioned in the order and subject to the supervision and control of the Central Government and the*

*provisions of such order, such authority or authorities may exercise the powers or perform the functions or take the measures so mentioned in the order as if such authority or authorities had been empowered by this Act to exercise those powers or perform those functions or take such measures."*

17. Subject to the provisions of the 1986 Act, the Central Government has power under sub-section (1) of section 3 to take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing, controlling and abating environment pollution.

18. Section 5 of the 1986 Act provides that notwithstanding anything contained in any other law, but subject to the provisions of the 1986 Act, the Central Government may in exercise of its powers and performance of its functions under the 1986 Act issue directions in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions.

19. In exercise of such power conferred on the Central Government, the Ministry of Environment, Forest and Climate Change issued Office Memoranda dated 12<sup>th</sup> December 2012 and 27<sup>th</sup> June 2013 requiring environmental clearance in respect of projects.

20. By an order dated 28<sup>th</sup> November 2014 in the case of *Hindustan Copper Limited v. Union of India*, being W.P.(C) No. 2364 of 2014, the High Court of Jharkhand held that the conditions laid down under Office Memorandum dated 12<sup>th</sup> December 2012 in paragraph 5(i) and 5(ii) were illegal and unconstitutional.

21. The High Court held that action for the alleged violation would have to be an independent and separate proceeding. Consideration of a proposal for environment clearance could not await initiation of action against the project proponent. The High Court also held that the proposal for environment clearance must be examined on its merits, independent of any proposed action for the alleged violation of the environmental laws.

22. It appears that National Green Tribunal (Principal Bench) also passed an order dated 7<sup>th</sup> July 2015 in Original Application No. 37 of 2015 and Original Application No. 213 of 2015 holding that the Office Memoranda dated 12<sup>th</sup> December 2012 and 24<sup>th</sup> June 2013 with regard to consideration of proposals for Terms of Reference or Environment Clearance or Coastal Regulation Zone Clearance involving violations of the 1986 Act or Environment Impact Assessment Notification, 2006, Coastal Regulation Zone Notification, 2011 could not alter or amend the provisions of the Environment Impact Assessment Notification, 2006 and quashed the same.

23. The Ministry of Environment Forest and Climate Change and the State Environment Impact Assessment Authorities had been receiving proposals under the Environment Impact Assessment Notification, 2006 for grant of Terms of Reference and Environmental Clearance for projects which had started the work on site, expanded production beyond the limit of environmental clearance or changed the product mix without obtaining prior environmental clearance.

24. The Ministry of Environment, Forest and Climate Change deemed it necessary that all entities not complying with the environmental regulation under Environment Impact Assessment Notification, 2006, be brought to comply with the environmental laws in expedient manner, for the purpose of protecting and improving the quality of the environment and reducing environmental pollution.

25. The Ministry of Environment, Forest and Climate Change deemed it necessary to bring such projects and activities in compliance with the environmental laws at the earliest point of time, rather than leaving them unregulated and unchecked, which would be more damaging to the environment.

26. In furtherance of this objective, the Government of India deemed it essential to establish a process for appraisal of cases of violation of norms, and prescribing such

adequate environmental safeguards that would deter violation of the provisions of Environment Impact Assessment Notification, 2006 and ensure that damage to environment was adequately compensated for.

27. In *Indian Council for Enviro-Legal Action v. Union of India*, reported in (1996) 3 SCC 212, the Supreme Court analyzed relevant provisions of environmental laws and concluded that damages might be recovered under the provisions of the 1986 Act, inter alia, to implement measures that were necessary or expedient for protecting and promoting the environment. The Supreme Court affirmed that the power of the Central Government under Section 3 of the 1986 Act was wide and included the power to prohibit an activity, close an industry, direct to carry out remedial measures, and wherever necessary impose the cost of remedial measures upon the offending industry. The question of liability of the respondents to defray the costs of remedial measures could also be looked into from the principle "polluter pays".

28. This principle demands that the financial costs of preventing or remedying damage caused by pollution should lie with the undertakings which cause the pollution.

29. In exercise of power under Section 3(1)(a)(i) and Section 3(2)(v) of the 1986 Act read with Rule 5(3)(d) of the Environment (Protection) Rules, 1986, the Central Government has issued the impugned notification directing that the projects or activities or the expansion of modernization of existing projects or activities requiring prior environmental clearance under the Environment Impact Assessment Notification, 2006 entailing capacity addition with change in process or technology or both, undertaken in any part of India without obtaining prior environmental clearance from the Central Government or by the State Level Environment Impact Assessment Authority, as the case might be, duly constituted by the Central Government under sub-section (3) of section 3 of the 1986 Act shall be considered a case of violation of the Environment Impact Assessment Notification, 2006 and would be dealt with strictly as per the procedure specified in the said notification.

30. Paragraphs 13(2) to 13(7) read as follows:

*"(2) In case the projects or activities requiring prior environmental clearance under Environment Impact Assessment Notification, 2006 from the concerned Regulatory Authority are brought for environmental clearance after starting the construction work, or have undertaken expansion, modernization, and change in product-mix without prior environmental clearance, these projects shall be treated as cases of violations and in such cases, even Category B projects which are granted environmental clearance by the State Environment Impact Assessment Authority constituted under sub-section (3) Section 3 of the Environment (Protection) Act, 1986 shall be appraised for grant of environmental clearance only by the Expert Appraisal Committee and environmental clearance will be granted at the Central level.*

*(3) In cases of violation, action will be taken against the project proponent by the respective State or State Pollution Control Board under the provisions of section 19 of the Environment (Protection) Act, 1986 and further, no consent to operate or occupancy certificate will be issued till the project is granted the environmental clearance.*

*(4) The cases of violation will be appraised by respective sector Expert Appraisal Committees constituted under subsection (3) of Section 3 of the Environment (Protection) Act, 1986 with a view to assess that the project has been constructed at a site which under prevailing laws is permissible and expansion has been done which can be run sustainably under compliance of environmental norms with adequate environmental safeguards; and in case, where the finding of the Expert Appraisal Committee is negative, closure of the project will be recommended along*

with other actions under the law.

(5) *In case, where the findings of the Expert Appraisal Committee on point at sub-para (4) above are affirmative, the projects under this category will be prescribed the appropriate Terms of Reference for undertaking Environment Impact Assessment and preparation of Environment Management Plan. Further, the Expert Appraisal Committee will prescribe a specific Terms of Reference for the project on assessment of ecological damage, remediation plan and natural and community resource augmentation plan and it shall be prepared as an independent chapter in the environment impact assessment report by the accredited consultants. The collection and analysis of data for assessment of ecological damage, preparation of remediation plan and natural and community resource augmentation plan shall be done by an environmental laboratory duly notified under Environment (Protection) Act, 1986, or a environmental laboratory accredited by National Accreditation Board for Testing and Calibration Laboratories, or a laboratory of a Council of Scientific and Industrial Research institution working in the field of environment.*

(6) *The Expert Appraisal Committee shall stipulate the implementation of Environmental Management Plan, comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefit derived due to violation as a condition of environmental clearance.*

(7) *The project proponent will be required to submit a bank guarantee equivalent to the amount of remediation plan and Natural and Community Resource Augmentation Plan with the State Pollution Control Board and the quantification will be recommended by Expert Appraisal Committee and finalized by Regulatory Authority and the bank guarantee shall be deposited prior to the grant of environmental clearance and will be released after successful implementation of the remediation plan and Natural and Community Resource Augmentation Plan, and after the recommendation by regional office of the Ministry, Expert Appraisal Committee and approval of the Regulatory Authority."*

31. There can be no doubt that the need to comply with the requirement to obtain environmental clearance is non-negotiable. Environmental clearance ensures compliance of environmental laws. A project can be set up or allowed to expand subject to compliance of the requisite norms. The environmental clearance is subject to the satisfaction of the existence of necessary infrastructural facilities and equipment for compliance of environmental norms. To protect the future generations, it is imperative that pollution laws be strictly enforced. Under no circumstances, can industries which pollute be allowed to operate and degrade the environment?

32. The question is whether an establishment contributing to the economy of the country and providing livelihood to hundreds of people should be closed down only because of failure to obtain prior environmental clearance, even though the establishment may not otherwise be violating pollution laws or the pollution, if any, can conveniently and effectively be checked. The answer necessarily has to be in the negative.

33. The Central Government is well within the scope of its powers under Section 3 of the 1986 Act to issue directions to control and/or prevent pollution including directions for prior environmental clearance before a project is commenced. Such prior environmental clearance is necessarily granted upon examining the project from the angle of environmental pollution. However, one time relaxation and that too only in cases where the projects are otherwise in compliance with or can be made to comply with the pollution norms is, in my view, not impermissible. The notification ought not to be interfered with.

34. It is reiterated that protection of environment and prevention of environmental

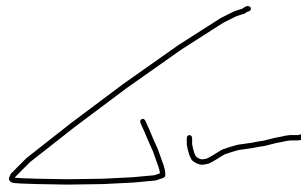
pollution and degradation are non-negotiable. At the same time, the Court cannot altogether ignore the economy of the Nation and the need to protect the livelihood of hundreds of employees employed in projects, which as stated above, otherwise comply with or can be made to comply with norms.

35. The impugned notification does not compromise with the need to preserve environmental purity, but only allows those industries and/or projects which might otherwise have been given prior environmental clearance, but omitted to obtain environmental clearance to operate, on the conditions imposed by the authorities concerned, including their liability under the principle "polluter pays".

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**HARYANA STATE POLLUTION CONTROL  
BOARD**  
**SCO-131 Sector-17, HUDA Jagadhari Ph.01732-  
200137**



*Website: www.hspcb.gov.in E-Mail - hspcb.pkl@sifymail.com  
Telephone No.: 0172-2577870-73*

No. HSPCB/Consent/ : 313282118YAMCTE5620024

Dated:30/10/2018

To.

**M/s : Guruji Overseas**  
**Khasra No 13//12/2, 13/5/1, 13/1, 13/4, 14/2, 13/3, Khajuri Road, Vill Jathlana, Tehsil**  
**Radaur**  
**YAMUNANAGAR**  
**141801**

**Sub. : Grant of consent to Establish to M/s Guruji Overseas**

Please refer to your application no. 5620024 received on dated 2018-10-15 in regional office Yamuna Nagar.

With reference to your above application for consent to establish, M/s Guruji Overseas is here by granted consent as per following specification/Terms and conditions.

<b>Consent Under</b>	AIR/WATER
<b>Period of consent</b>	30/10/2018 - 29/10/2023
<b>Industry Type</b>	Synthetic resins
<b>Category</b>	ORANGE
Investment(In Lakh)	479.209991
Total Land Area (Sq. meter)	15000.0
Total Builtup Area (Sq. meter)	10000.0
<b>Quantity of effluent</b>	
1. Trade	0.0 KL/Day
2. Domestic	3.0 KL/Day
Number of outlets	1.0
<b>Mode of discharge</b>	
1. Domestic	Sephtic tank with soak pit
2. Trade	
<b>Permissible Domestic Effluent Parameters</b>	
1. BOD	30 mg/l
<b>Permissible Trade Effluent Parameters</b>	
1. BOD	30 mg/l
Number of stacks	1
<b>Height of stack</b>	
1. attached to boiler	33.0 mtrs

<b>Permissible Emission parameters</b>	
1. SPM	150 mg/m <sup>3</sup>
<b>Capacity of boiler</b>	
1. boiler	1.5 Ton/hr
<b>Type of Furnace</b>	
1. na	0 na
<b>Type of Fuel</b>	
1. Diesel	0.12 KL/day
2. Wood	3.0 Ton/day

*Regional Officer, Yamuna Nagar*  
*Haryana State Pollution Control Board.*

### Terms and conditions

1. The industry has declared that the quantity of effluent shall be 85 KL/Day i.e 0KL/Day for Trade Effluent, 80 KL/Day for Cooling, 5 KL/Day for Domestic and the same should not exceed .
2. The above 'Consent to Establish' is valid for 60 months from the date of its issue to be extended for another one year at the discretion of the Board or till the time the unit starts its trial production whichever is earlier. The unit will have to set up the plant and obtain consent during this period.
3. The officer/official of the Board shall have the right to access and inspection of the industry in connection with the various processes and the treatment facilities being provided simultaneously with the construction of building/machinery. The effluent should conform the effluent standards as applicable
4. That necessary arrangement shall be made by the industry for the control of Air Pollution before commissioning the plant. The emitted pollutants will meet the emission and other standards as laid/will be prescribed by the Board from time to time.
5. The applicant will obtain consent under section 25/26 of the Water (Prevention & Control of Pollution) Act, 1974 and under section 21/22 of the Air (Prevention & Control of Pollution) Act,1981 as amended to-date-even before starting trial production
6. The above Consent to Establish is further subject to the conditions that the unit complies with all the laws/rules/decisions and competent directions of the Board/Government and its functionaries in all respects before commissioning of the operation and during its actual working strictly.
7. No in-process or post-process objectionable emission or the effluent will be allowed, if the scheme furnished by the unit turns out to be defective in any actual experience
8. The Electricity Department will give only temporary connection and permanent connection to the unit will be given after verifying the consent granted by the Board, both under Water Act and Air Act.
9. Unit will raise the stack height of DG Set/Boiler as per Board's norms.
10. Unit will maintain proper logbook of Water meter/sub meter before/after commissioning.

11. That in the case of an industry or any other process the activity is located in an area approved and that in case the activity is sited in an residential or institutional or commercial or agricultural area, the necessary permission for siting such industry and process in an residential or institutional or commercial or agricultural area or controlled area under Town and Country Planning laws CLU or Municipal laws has to be obtained from the competent Authority in law permitting this deviation and be submitted in original with the request for consent to operate.
12. That there is no discharge directly or indirectly from the unit or the process into any interstate river or Yamuna River or River Ghaggar.
13. That the industry or the unit concerned is not sited within any prohibited distances according to the Environmental Laws and Rules, Notification, Orders and Policies of Central Pollution control Board and Haryana State Pollution Control Board.
14. That of the unit is discharging its sewage or trade effluent into the public sewer meant to receive trade effluent from industries etc. then the permission of the Competent Authority owing and operating such public sewer giving permission letter to his unit shall be submitted at time of consent to operate.
15. That if at any time, there is adverse report from any adjoining neighbor or any other aggrieved party or Municipal Committee or Zila Parishad or any other public body against the unit's pollution; the Consent to Establish so granted shall be revoked.
16. That all the financial dues required under the rules and policies of the Board have been deposited in full by the unit for this Consent to Establish.
17. In case of change of name from previous Consent to Establish granted, fresh Consent to Establish fee shall be levied.
18. Industry should adopt water conservation measures to ensure minimum consumption of water in their Process. Ground water based proposals of new industries should get clearance from Central Ground Water Authority for scientific development of previous resource.
19. That the unit will take all other clearances from concerned agencies, whenever required.
20. That the unit will not change its process without the prior permission of the Board.
21. That the Consent to Establish so granted will be invalid, if the unit falls in Aravali Area or non conforming area.
22. That the unit will comply with the Hazardous Waste Management Rules and will also make the non-leachate pit for storage of Hazardous waste and will undertake not to dispose off the same except for pit in their own premises or with the authorized disposal authority.
23. That the unit will submit an undertaking that it will comply with all the specific and general conditions as imposed in the above Consent to Establish within 30 days failing which Consent to Establish will be revoked.
24. That unit will obtain EIA from MoEF, if required at any stage.
25. In case of unit does not comply with the above conditions within the stipulated period, Consent to Establish will be revoked.
26. That unit will obtain consent to operate from the board before the start of product activity.

#### **Specific Conditions**

#### **Other Conditions :**

1. Unit will follow the rules and regulations of board.
2. Unit will apply for cto after establishing.
3. Unit will not change the process without obtaining prior permission of board.
4. Unit will comply the rules and regulations /directions/ guidelines of board reg norms/parameters.
5. The unit will be established on the land for which town & country planning / Municipal Corporation has granted permission.

*Regional Officer, Yamuna Nagar  
Haryana State Pollution Control Board.*





**HARYANA STATE POLLUTION CONTROL  
BOARD**  
SCO-131 Sector-17, HUDA Jagadhari Ph.01732-  
200137

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Telephone No.: 0172-2577870-73

No. HSPCB/Consent/ : 313282118YAMCTE5784449

Dated:20/12/2018

To.

M/s : CHEMWOOD INDUSTRIES

Village Bhagwanpur, Kharwan Road, Tehsil Jagadhri, District Yamuna Nagar

YAMUNANAGAR

135001

**Sub. : Grant of consent to Establish to M/s CHEMWOOD INDUSTRIES**

Please refer to your application no. 5784449 received on dated 2018-11-12 in regional office Yamuna Nagar.

With reference to your above application for consent to establish, M/s CHEMWOOD INDUSTRIES is here by granted consent as per following specification/Terms and conditions.

<b>Consent Under</b>	AIR/WATER
<b>Period of consent</b>	20/12/2018 - 19/12/2023
<b>Industry Type</b>	Synthetic resins
<b>Category</b>	ORANGE
<b>Investment(In Lakh)</b>	295.01001
<b>Total Land Area (Sq. meter)</b>	6828.0
<b>Total Builtup Area (Sq. meter)</b>	3400.0
<b>Quantity of effluent</b>	
1. Trade	0.0 KL/Day
2. Domestic	0.5 KL/Day
<b>Number of outlets</b>	1.0
<b>Mode of discharge</b>	
1. Domestic	Septic tank
2. Trade	
<b>Permissible Domestic Effluent Parameters</b>	
1. BOD	30 mg/l
<b>Permissible Trade Effluent Parameters</b>	
1. NA	
<b>Number of stacks</b>	1
<b>Height of stack</b>	
1. NA	
<b>Permissible Emission parameters</b>	

1. NA	
<b>Capacity of boiler</b>	
1. NA	
<b>Type of Furnace</b>	
1. NA	
<b>Type of Fuel</b>	
1. NA	

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**Balraj Singh**

*Regional Officer, Yamuna Nagar*

*Haryana State Pollution Control Board.*

### Terms and conditions

1. The industry has declared that the quantity of effluent shall be 0.5 KL/Day i.e 0KL/Day for Trade Effluent, 0 KL/Day for Cooling, 0.5 KL/Day for Domestic and the same should not exceed .
2. The above 'Consent to Establish' is valid for 60 months from the date of its issue to be extended for another one year at the discretion of the Board or till the time the unit starts its trial production whichever is earlier. The unit will have to set up the plant and obtain consent during this period.
3. The officer/official of the Board shall have the right to access and inspection of the industry in connection with the various processes and the treatment facilities being provided simultaneously with the construction of building/machinery. The effluent should conform the effluent standards as applicable
4. That necessary arrangement shall be made by the industry for the control of Air Pollution before commissioning the plant. The emitted pollutants will meet the emission and other standards as laid/will be prescribed by the Board from time to time.
5. The applicant will obtain consent under section 25/26 of the Water (Prevention & Control of Pollution) Act, 1974 and under section 21/22 of the Air (Prevention & Control of Pollution) Act,1981 as amended to-date-even before starting trial production
6. The above Consent to Establish is further subject to the conditions that the unit complies with all the laws/rules/decisions and competent directions of the Board/Government and its functionaries in all respects before commissioning of the operation and during its actual working strictly.
7. No in-process or post-process objectionable emission or the effluent will be allowed, if the scheme furnished by the unit turns out to be defective in any actual experience
8. The Electricity Department will give only temporary connection and permanent connection to the unit will be given after verifying the consent granted by the Board, both under Water Act and Air Act.
9. Unit will raise the stack height of DG Set/Boiler as per Board's norms.
10. Unit will maintain proper logbook of Water meter/sub meter before/after commissioning.
11. That in the case of an industry or any other process the activity is located in an area approved and that in case the activity is sited in an residential or institutional or commercial or agricultural area, the necessary permission for siting such industry and process in an residential or institutional or commercial or agricultural area or controlled area under Town and Country Planning laws CLU or Municipal laws has to be obtained from the competent Authority in law permitting this deviation and be submitted in original with the request for consent to operate.

12. That there is no discharge directly or indirectly from the unit or the process into any interstate river or Yamuna River or River Ghaggar.
13. That the industry or the unit concerned is not sited within any prohibited distances according to the Environmental Laws and Rules, Notification, Orders and Policies of Central Pollution control Board and Haryana State Pollution Control Board.
14. That of the unit is discharging its sewage or trade effluent into the public sewer meant to receive trade effluent from industries etc. then the permission of the Competent Authority owing and operating such public sewer giving permission letter to his unit shall be submitted at time of consent to operate.
15. That if at any time, there is adverse report from any adjoining neighbor or any other aggrieved party or Municipal Committee or Zila Parishad or any other public body against the unit's pollution; the Consent to Establish so granted shall be revoked.
16. That all the financial dues required under the rules and policies of the Board have been deposited in full by the unit for this Consent to Establish.
17. In case of change of name from previous Consent to Establish granted, fresh Consent to Establish fee shall be levied.
18. Industry should adopt water conservation measures to ensure minimum consumption of water in their Process. Ground water based proposals of new industries should get clearance from Central Ground Water Authority for scientific development of previous resource.
19. That the unit will take all other clearances from concerned agencies, whenever required.
20. That the unit will not change its process without the prior permission of the Board.
21. That the Consent to Establish so granted will be invalid, if the unit falls in Aravali Area or non conforming area.
22. That the unit will comply with the Hazardous Waste Management Rules and will also make the non-leachate pit for storage of Hazardous waste and will undertake not to dispose off the same except for pit in their own premises or with the authorized disposal authority.
23. That the unit will submit an undertaking that it will comply with all the specific and general conditions as imposed in the above Consent to Establish within 30 days failing which Consent to Establish will be revoked.
24. That unit will obtain EIA from MoEF, if required at any stage.
25. In case of unit does not comply with the above conditions within the stipulated period, Consent to Establish will be revoked.
26. That unit will obtain consent to operate from the board before the start of product activity.

#### Specific Conditions

#### Other Conditions :

1. Unit will follow the rules and regulations of board.
2. Unit will apply for cto after establishing.
3. Unit will not change the process without obtaining prior permission of board.
4. Unit will comply the rules and regulations /directions/ guidelines of board reg norms/parameters.
5. The unit will be established on the land for which town & country planning / Municipal Corporation has granted permission.

(TRUE COPY)

Balraj Singh

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Regional Officer, Yamuna Nagar



**HARYANA STATE POLLUTION CONTROL BOARD**  
**C-11, SECTOR-6, PANCHKULA**

Website - [www.hspcb.gov.in](http://www.hspcb.gov.in) E-Mail - [hspcb.pkl@sifymail.com](mailto:hspcb.pkl@sifymail.com)

Tele Fax No. - 0172-2577870-73

No. HSPCB/Consent/ : 2846616YAMCTOHWM2630357

Dated:13/03/2016

To.

M/s :APCOLITE POLYMERS PVT. LTD  
 VILL GHESPUR,21KM ROAD, RADAUR STONE LADWA YAMUNA NAGAR  
 YAMUNANAGAR

**Subject: Grant of consent for emission of Air under section 21/22 of the Air (Prevention & Control of Pollution) Act, 1981, from 01/04/2016 to 31/03/2026**

Please refer to your consent application received on dated 2015-12-30 in Regional Officer, Yamuna Nagar on the subject cited above.

With reference to your above application for consent for the emission/ continuation of emission of S.P.M. air pollutions into atmosphere under Air (Prevention & Control of Pollution) Act, 1981 hereinafter referred as the Act.

M/s APCOLITE POLYMERS PVT. LTD are authorized by the Haryana State Pollution Control Board to discharge their air pollution being emitted out of their factory premises in accordance with the condition as mentioned below:-

1. The applicants shall maintain good house keeping both within factory and in the premises. All hose pipelines valves, storage tanks etc. shall be leak proof. In plant allowable pollutants levels, if specified by State Board should be met strictly.
2. Two or more ducts with different nature of exhaust gases should neither be intermixed nor to be through a common chimney.
3. Adequate facilities should be provided for sampling viz sampling holes at specified locations and dimension. The platform of specified size and strengthful arrangements electric connection also be provided.
4. The applicant/company shall comply with and carry out directive/orders issued by the Board in this consent order at all subsequent times without negligence of his /its part. The applicant/company shall be liable for such legal action against him as per provision of the law/act in case of violation of any order/directives. Issued at any time and or non compliance of the terms and conditions of his consent order.
5. The disturbed condition in any of plant/plants of the factory which is likely to result in increased emission or result in violation of emission standards shall be forthwith reported to this Board under intimation to the Member Secretary, Haryana State Pollution Control Board.
6. The toxic chemicals materials should be handled with due safety. The storage of toxic chemicals should be such that in case of emergency the chemicals could be transferred to other empty tank automatically and which should be followed by an approved air pollution control equipment designed for worst conditions.
7. A green belt (having sufficient tall and dense tree) around the factory should be provided.

8. All the processes using toxic chemical/harmful gases should be equipped with an emergency siren system in working conditions for alarming the general public in case of untoward incident
9. The applicant shall furnish to all visiting officer and/or the State Board, any information regarding the construction/installation or operation of the establishment or emission control system and such other particulars as may be pertinent to prevention and control of air pollution. The industry shall also maintain and make available inspection book to the officers of the Board during their visits.
10. The air pollution control equipment of such specification which shall keep the emissions within the emission standard as approved by the State Board from time to time shall be installed and operated in the premises where the industry is carrying on/proposed to carry on its business.
11. The existing air pollution control equipment if required shall be alerted or replaced in accordance with the direction of the Board.
12. All solid wastes arising in the factory premises shall be properly graded and disposed of by:-
  - (i) In case of Land fill material, care should be taken to ensure that the material does not give rise to lechate which may percolate in ground water or carried away with storm run off.
  - (ii) Composting in case of bio degradable materials.
  - (iii) If the method of incineration is used for the disposal of solid waste the consent application should be processed separately and it should be taken up which consent is granted.
13. The industry shall submit an undertaking to the effect that the above conditions shall be complied with by them.
14. The applicant shall ensure that the emission of the air pollutants shall remain within emission standards as approved by the State Board from time to time.
15. The applicant shall make an application for grant of fresh consent at least 90 days before the date of expiry of this consent.
16. Necessary fee as prescribed for obtaining renewal consent shall be paid by the applicant alongwith the consent application.
17. The applicant shall either:-
  - a) Not later than 30 days from the date of consent order, certify in writing to the Member Secretary that the applicant had installed or provided for alternate electric power source sufficient to operate all the facilities installed by the applicant to maintain compliance with the terms and conditions of the consent.
  - b). Not later than 30 days from the date of this consent certify in writing to the Member Secretary that upon the reduction loss or failure of one or more of the primary source of electric power to any facilities installed by the application to maintain compliances with the term and conditions of this consent, the application shall proportionally reduce or otherwise control production and/or all emissions in order to maintain compliance with terms and conditions of this consent.
18. There should not be any fugitive emission from the premises.
19. The liquid effluent arising out of the operation of the air pollution control equipment shall also be treated in a manner and to the standards stipulated in the consent granted under Water (Prevention & Control of Pollution) Act, 1974 by this Board.
20. If due to any technological improvement or otherwise this Board is of opinion that all or any of the conditions referred to above required variation (including the change of any control equipment either in whole or in part) this Board shall after giving the applicant an opportunity of being heard vary all or such condition and there upon the applicant shall be bound to comply with the conditions so varied.
21. If the industry fails to adhere to any of the condition of this consent order the consent so granted shall automatically lapse.
22. The unit shall obtain consent under Water (Prevention & Control of Pollution) Act, 1974 and authorization under HWTM Rules, 2008.

23. (a) The industry shall discharge all the gases through a stack of minimum height.  
 (b) The height of stack shall conform to the following criteria:  
 (i)  $H = 14.Q^{0.3}$  Where sulphur-dioxide is emitted.  
 $Q$  = Sulphur dioxide emission as Kg/hr.  
 (ii)  $H = 74.Q^{0.27}$  where particulate matter is emitted.  
 $Q$  = particulate matter emission as tonne/hr. If by using the formula given above the stack height arrived is more than 9 m then this higher stack should be used.  
 (iii) The minimum stack height should be 30 Mts.
24. Nothing in this consent shall be deemed to preclude the institution of any legal action nor relieve the applicant from any responsibility, liabilities or penalties to which the applicant is or may be subject.
25. The industry shall maintain the following record to the satisfaction of the Board.  
 1. The industries shall install separate energy meter and maintain log books for running of all air pollution control devices or pumps/motors used for running of the same.  
 2. Register showing the results of various tests conducted by industry for monitoring of stack emission and ambient air.
26. The industry shall provide adequate arrangement for fighting the accidental leakages, discharge of any pollutants gas/liquids from the vessels, mechanical equipment etc. which are likely to cause environment pollution.
27. The consent being issued by the Board as above doesn't imply that unit performance conforms to law as required. The consent is being issued provisionally only with a view to accommodate the unit to provide it an opportunity to modify its operation immediately so as bring them in conformity with the law of the land.
28. The industry shall provide non-leachate storage facilities for proper disposal of Hazardous wastes.
29. The industry shall provide acoustic chambers on DG sets to control noise pollution and ensure noise level within the permissible limit.
30. The industry shall submit on site/off site emergency plan, if required.
31. The industry shall submit A/R within 3 months in case of 17 categories and once in 6 months, other categories L & M and keep all the parameters within limit.
32. The industry shall comply the public liability insurance Rule, 1991 as amended to date.
33. The industry shall submit Environmental Audit report once in a year.
34. The industry shall comply noise pollution (Regulation and control) Rules, 2000.
35. The industry shall install ambient air station in case of 17 & other categories large & medium.
36. The industry shall obtain environmental clearance, if applicable as per MOEF notification.
37. The industry shall inform to HO/RO office immediately by FAX in case of failure of APCM.
38. In case of by passing the emissions, the consent shall be deemed revoked.
39. The industry shall comply all the direction/Rules/Instructions as may be issued by the MOEF/CPCB/HSPCB from time to time.

**Specific Conditions :**

**Other Conditions :**

(TRUE COPY)

*Regional Officer, HQ  
 For and be'half of chairman  
 Haryana State Pollution Control Board,*



**HARYANA STATE POLLUTION CONTROL BOARD  
C-11, SECTOR-6, PANCHKULA**

*Website – www.hspcb.gov.in E-Mail - hspcb.pkl@sifymail.com*

*Telephone No. – 0172-2577870-73*

No. HSPCB/Consent/ : 2846616YAMCTE3087415

Dated:02/06/2016

To

**M/s : PAHWA PLASTICS PVT LTD  
JATHLANA  
YAMUNANAGAR  
135133**

**Sub. : Issue of Consent to Establish from pollution angle .**

Please refer to your Consent to Establish application received in this office on the subject noted above. Under the Authority of the Haryana State Pollution Control Board vide its agenda Item No. 47.8 dated 28.04.83 sanction to the issue of “Consent to Establish” with respect to pollution control of Water and Air is hereby accorded to the unit PAHWA PLASTICS PVT LTD, for manufacturing of **FORMALDHEYDE**, with the following terms and conditions:-

1. The industry has declared that the quantity of effluent shall be 45 KL/Day i.e 0KL/Day for Trade Effluent, 44 KL/Day for Cooling, 1 KL/Day for Domestic and the same should not exceed .
2. The above “Consent to Establish” is valid for 60 months from the date of its issue to be extended for another one year at the discretion of the Board or till the time the unit starts its trial production whichever is earlier. The unit will have to set up the plant and obtain consent during this period.
3. The officer/official of the Board shall have the right to access and inspection of the industry in connection with the various processes and the treatment facilities being provided simultaneously with the construction of building/machinery. The effluent should conform the effluent standards as applicable
4. That necessary arrangement shall be made by the industry for the control of Air Pollution before commissioning the plant. The emitted pollutants will meet the emission and other standards as laid/will be prescribed by the Board from time to time.
5. The applicant will obtain consent under section 25/26 of the Water (Prevention & Control of Pollution) Act, 1974 and under section 21/22 of the Air (Prevention & Control of Pollution) Act,1981 as amended to-date-even before starting trial production
6. The above Consent to Establish is further subject to the conditions that the unit complies with all the laws/rules/decisions and competent directions of the Board/Government and its functionaries in all respects before commissioning of the operation and during its actual working strictly.
7. No in-process or post-process objectionable emission or the effluent will be allowed, if the scheme furnished by the unit turns out to be defective in any actual experience
8. The Electricity Department will give only temporary connection and permanent connection to the unit will be given after verifying the consent granted by the Board, both under Water Act and Air Act.
9. Unit will raise the stack height of DG Set/Boiler as per Board’s norms.
10. Unit will maintain proper logbook of Water meter/sub meter before/after commissioning.

11. That in the case of an industry or any other process the activity is located in an area approved and that in case the activity is sited in an residential or institutional or commercial or agricultural area, the necessary permission for siting such industry and process in an residential or institutional or commercial or agricultural area or controlled area under Town and Country Planning laws CLU or Municipal laws has to be obtained from the competent Authority in law permitting this deviation and be submitted in original with the request for consent to operate.
12. That there is no discharge directly or indirectly from the unit or the process into any interstate river or Yamuna River or River Ghaggar.
13. That the industry or the unit concerned is not sited within any prohibited distances according to the Environmental Laws and Rules, Notification, Orders and Policies of Central Pollution control Board and Haryana State Pollution Control Board.
14. That of the unit is discharging its sewage or trade effluent into the public sewer meant to receive trade effluent from industries etc. then the permission of the Competent Authority owing and operating such public sewer giving permission letter to his unit shall be submitted at time of consent to operate.
15. That if at any time, there is adverse report from any adjoining neighbor or any other aggrieved party or Municipal Committee or Zila Parishad or any other public body against the unit's pollution; the Consent to Establish so granted shall be revoked.
16. That all the financial dues required under the rules and policies of the Board have been deposited in full by the unit for this Consent to Establish.
17. In case of change of name from previous Consent to Establish granted, fresh Consent to Establish fee shall be levied.
18. Industry should adopt water conservation measures to ensure minimum consumption of water in their Process. Ground water based proposals of new industries should get clearance from Central Ground Water Authority for scientific development of previous resource.
19. That the unit will take all other clearances from concerned agencies, whenever required.
20. That the unit will not change its process without the prior permission of the Board.
21. That the Consent to Establish so granted will be invalid, if the unit falls in Aravali Area or non conforming area.
22. That the unit will comply with the Hazardous Waste Management Rules and will also make the non-leachate pit for storage of Hazardous waste and will undertake not to dispose off the same except for pit in their own premises or with the authorized disposal authority.
23. That the unit will submit an undertaking that it will comply with all the specific and general conditions as imposed in the above Consent to Establish within 30 days failing which Consent to Establish will be revoked.
24. That unit will obtain EIA from MoEF, if required at any stage.
25. In case of unit does not comply with the above conditions within the stipulated period, Consent to Establish will be revoked.

#### **Specific Conditions**


- 1 Unit will construct the proper septic tank as per Bureau of Indian standards.
- 2 Green belt of adequate width shall be provided by the unit.

#### **Other Conditions :**

**Unit will obtain prior CTO before operation of plant & machinery.**

Sanjeev  
Kumar  
Digitally signed  
by Sanjeev Kumar  
Date: 2016.06.02  
23:42:20 +05'30'  
**Regional Officer, HQ**

*For and on behalf of chairman  
Haryana State Pollution Control Board*



(TRUE COPY)

**Haryana State Pollution Control Board**

S.C.O No. 131, Sector-17, Jagadhri (Yamuna Nagar)

++91-1732-200137(Tel. / Fax)

No. HSPCB/YMN/2009/2037

Dated: 09/06/2009

To

The Deputy Commissioner  
Yamuna Nagar

**Subject: Issue of No Objection Certificate for installation of proposed storage of Petroleum Class a Products (Mehanol) in Eight tanks at the premises of M/s Jai Bharat Polymer & Chemicals, Plot No. 211, HSIDC, Industrial Estate, Manakpur, Jagadhri, District Yamuna Nagar (Haryana).**

**Reference:** Deputy Commissioner Letter no. 1129 - 38/ P.L.A. dated 22/05/2009.

In this regard, it is submitted that the site plan has been submitted by the unit. The proposed unit is not Water / Air Polluting and unit has submitted an affidavit in this regard. Therefore this office has no objection for installation of propose storage of Petroleum Class A (Product) Mehanol with the following conditions: -

1. Unit will not pollute the Environment under Water Act, 1974 and Air Act, 1981 during Handling & storage of Methonal at the proposed site.
2. Unit will install acoustic chamber on D.G. Set.
3. Unit will comply the manufacturing, storage & imports of Hazardous Chemical Rules, 1989 as amended to date.
4. The proposed unit will submit on site, offsite plan and will provide the all equipments in respect to safety measures.
5. If any change in the process of storage the unit shall obtain fresh NOC in future from the Board.

*[Signature]*  
Regional Officer  
Yamuna Nagar



# Haryana State Pollution Control Board

S.C.O No. 131, Sector-17, Jagadhri (Yamuna Nagar)

++91-1732-200137(Tel.)

No. HSPCB/YMN/2008/.....

+91-1732-241903(Fax.)

Dated:...../...../2008

To

M/s JAI BHARAT ISPAT UDYOG (JAI BHARAT POLYMER & CHEMICALS)  
PLOT NO 211, MANAKPUR, HSIDC  
TEHSIL JAGADHRI, YAMUNA NAGAR.

Subject: Issue of No Objection Certificate / Consent to Establish of M/s JAI BHARAT POLYMER & CHEMICALS, 211, MANAKPUR, HSIDC, YMN under the authority & Power delegated by the Chairman of H.S.P.C.B. vide its order endst. No. HSPCB / 2007 / 6757 - 77 Dated 1/10/2007.

Kindly refer to your NOC application for the grant of NOC, received through G.M., DIC, YAMUNA NAGAR vide his letter no. DIC/DLCC/MEETING/192 dated 23-12-2008 on the subject cited above..

In this connection, it is intimated that the request made by you have been considered vide minutes of meeting of the DLCC held on 23-01-2009 issued vide G.M., DIC memo no. YMN/2640 dated 13/2/09 with the following conditions for the manufacturing / process of FORMALDEHYDE.....

1. The industry has declared that the quantity of effluent shall be Two (2) KL / Day for domestic effluent & NIL KL / DAY for trade effluent and the same should not exceed.
2. The above "No objection Certificate" is valid for two years from the date of its issue to be extended for another one year at the discretion of the Board or till the time the unit starts its trial production whichever is earlier. ~~The unit will have to set up the plant and obtain consent during this period.~~
3. The officer / official of the Board shall have the right to access and inspection of the industry in connection with the various processes, and the treatment facilities being provided simultaneously with the construction of building / machinery. The effluent should conform the effluent standards as applicable.
4. That necessary arrangement shall be made by the industry for the Control of Air Pollution before commissioning the plant. The emitted pollutants will meet the emission and other standards as laid / will be prescribed by the Board from time to time.
5. The applicant will obtain consent under section 25/26 of the Water (Prevention & Control of Pollution) Act, 1974 and under section 21/22 of the air (prevention and control of pollution) act 1981 as amended to-date-even before starting trial production
6. The above NOC is further subject to the conditions that the unit comply with the laws / rules / decision and competent directions of the Board / Government and its functionaries in all respects before commissioning of the operation and during its actual working strictly.
7. No in - process or post - process objectionable emission or the effluent will be allowed if the scheme furnished by the unit turns out to be defective in any experience.
8. Unit will construct the proper septic tank / storage pit as per Bureau of Indian standards.
9. Unit will raise the stack height of DG set / boiler as per Board's norms.
10. Unit will maintain proper log book of water / sub meter before / after commissioning.

11. That there is no discharge directly or indirectly from the unit or the process into any interstate river or Yamuna River or River Ghagger either through a direct flow or indirectly.
12. That the industry or the unit concerned is not sited within any prohibited distances according to the Environmental laws and rules notification, Orders and policy of Central Pollution Control Board and Haryana State Pollution Control Board.
13. That no earlier improper NOC in violation of the rules was ever issued to the unit.
14. That if at any there is adverse report from any adjoining neighbour or any other aggrieved party or municipal committee or Zila prishad or any other body against the units pollution, the NOC so granted shall be revoked.
15. That all the financial dues required under the rules and policies of the Board have been deposited in full by the unit for this No Objection Certificate (NOC) (Consent to Established) / Consent and the proof of such deposits is enclosed.
16. That the unit has complied with all the Hazardous Waste Rules relating to Handling, storage and Disposal as required by Central Pollution Control Board and Haryana State Pollution Control Board.
17. In case of change of name from previous NOC granted, fresh NOC fee shall be levied.
18. In case of unit does not comply with the above conditions within the stipulated period, NOC will be revoked.
19. Industry should adopt water conservation measures to ensure minimum consumption of water in their Process. Ground Water based proposals of new industries should get clearance from Central Ground Water Authority for scientific development of precious resource.
20. This NOC would be invalid in case the unit has gone into production.
21. That the unit will take all other clearances from concerned agencies whenever required.

**Other specific conditions :**

22. The unit will discharge treated trade effluent after ETP as per scheme submitted. i.e 100% RECIRCULATION OF TRADE EFFLUENT IN PROCESS.
23. The unit will install flow meter & electronic energy meter & maintain the log-book.
24. The unit will install APCM as per scheme submitted.
25. The unit will leave some space for tree plantation also (25% to 30%).
26. No expansion will be done without prior permission of HSPCB.
27. The unit will adhere to the norms laid down by the HSPCB and obtain clearance from all other departments as applicable.
28. That the unit will raise stack height of DG set as per Board norms and will provide acoustic chamber.
29. The unit will submit affidavit within 30 days to comply all the NOC conditions.

Endst. No. HSPCB/YMN/2008/11950

A copy of the above is forwarded to the General Manager, DIC, Yamunanagar for information and necessary action w.r.t. proceeding of DLCC meeting held on dated 23.01.09 and minute issued vide DLCC / ..... Dated .....

Regional Officer  
Yamuna Nagar

Dated: 22/2/2009

Endst. No. HSPCB/YMN/2008/.....

Regional officer  
Yamuna Nagar  
Dated:...../...../2008

A copy of the above is forwarded to the Worthy Chairman, Haryana State Pollution Control Board, Panchkula for information and necessary action.

Regional officer  
Yamuna Nagar

(TRUE COPY)



**HARYANA STATE POLLUTION CONTROL BOARD  
C-11, SECTOR-6, PANCHKULA**

*Website – www.hspcb.gov.in E-Mail - hspcb.pkl@sifymail.com*

*Telephone No. – 0172-2577870-73*

No. HSPCB/Consent/ : 313282116YAMCTE3372746

Dated:05/10/2016

To

**M/s : Globe Panel Industries India (P) Ltd. Unit-3  
M-28, E-57, Industrial Area,  
YAMUNANAGAR  
135001**

**Sub. : Issue of Consent to Establish from pollution angle .**

Please refer to your Consent to Establish application received in this office on the subject noted above. Under the Authority of the Haryana State Pollution Control Board vide its agenda Item No. 47.8 dated 28.04.83 sanction to the issue of “Consent to Establish” with respect to pollution control of Water and Air is hereby accorded to the unit Globe Panel Industries India (P) Ltd. Unit-3, for manufacturing of **Formulin**, with the following terms and conditions:-

1. The industry has declared that the quantity of effluent shall be 1 KL/Day i.e 0KL/Day for Trade Effluent, 0 KL/Day for Cooling, 1 KL/Day for Domestic and the same should not exceed .
2. The above “Consent to Establish” is valid for 60 months from the date of its issue to be extended for another one year at the discretion of the Board or till the time the unit starts its trial production whichever is earlier. The unit will have to set up the plant and obtain consent during this period.
3. The officer/official of the Board shall have the right to access and inspection of the industry in connection with the various processes and the treatment facilities being provided simultaneously with the construction of building/machinery. The effluent should conform the effluent standards as applicable
4. That necessary arrangement shall be made by the industry for the control of Air Pollution before commissioning the plant. The emitted pollutants will meet the emission and other standards as laid/will be prescribed by the Board from time to time.
5. The applicant will obtain consent under section 25/26 of the Water (Prevention & Control of Pollution) Act, 1974 and under section 21/22 of the Air (Prevention & Control of Pollution) Act, 1981 as amended to-date-even before starting trial production
6. The above Consent to Establish is further subject to the conditions that the unit complies with all the laws/rules/decisions and competent directions of the Board/Government and its functionaries in all respects before commissioning of the operation and during its actual working strictly.
7. No in-process or post-process objectionable emission or the effluent will be allowed, if the scheme furnished by the unit turns out to be defective in any actual experience
8. The Electricity Department will give only temporary connection and permanent connection to the unit will be given after verifying the consent granted by the Board, both under Water Act and Air Act.
9. Unit will raise the stack height of DG Set/Boiler as per Board’s norms.
10. Unit will maintain proper logbook of Water meter/sub meter before/after commissioning.

11. That in the case of an industry or any other process the activity is located in an area approved and that in case the activity is sited in an residential or institutional or commercial or agricultural area, the necessary permission for siting such industry and process in an residential or institutional or commercial or agricultural area or controlled area under Town and Country Planning laws CLU or Municipal laws has to be obtained from the competent Authority in law permitting this deviation and be submitted in original with the request for consent to operate.
12. That there is no discharge directly or indirectly from the unit or the process into any interstate river or Yamuna River or River Ghaggar.
13. That the industry or the unit concerned is not sited within any prohibited distances according to the Environmental Laws and Rules, Notification, Orders and Policies of Central Pollution control Board and Haryana State Pollution Control Board.
14. That of the unit is discharging its sewage or trade effluent into the public sewer meant to receive trade effluent from industries etc. then the permission of the Competent Authority owing and operating such public sewer giving permission letter to his unit shall be submitted at time of consent to operate.
15. That if at any time, there is adverse report from any adjoining neighbor or any other aggrieved party or Municipal Committee or Zila Parishad or any other public body against the unit's pollution; the Consent to Establish so granted shall be revoked.
16. That all the financial dues required under the rules and policies of the Board have been deposited in full by the unit for this Consent to Establish.
17. In case of change of name from previous Consent to Establish granted, fresh Consent to Establish fee shall be levied.
18. Industry should adopt water conservation measures to ensure minimum consumption of water in their Process. Ground water based proposals of new industries should get clearance from Central Ground Water Authority for scientific development of previous resource.
19. That the unit will take all other clearances from concerned agencies, whenever required.
20. That the unit will not change its process without the prior permission of the Board.
21. That the Consent to Establish so granted will be invalid, if the unit falls in Aravali Area or non conforming area.
22. That the unit will comply with the Hazardous Waste Management Rules and will also make the non-leachate pit for storage of Hazardous waste and will undertake not to dispose off the same except for pit in their own premises or with the authorized disposal authority.
23. That the unit will submit an undertaking that it will comply with all the specific and general conditions as imposed in the above Consent to Establish within 30 days failing which Consent to Establish will be revoked.
24. That unit will obtain EIA from MoEF, if required at any stage.
25. In case of unit does not comply with the above conditions within the stipulated period, Consent to Establish will be revoked.

#### **Specific Conditions**

- 1 Unit will construct the proper septic tank as per Bureau of Indian standards.
- 2 Green belt of adequate width shall be provided by the unit.
- 3 Unit will not discharge any trade effluent & will not use any source of emissions
- 4 Unit shall obtain trial consent to operate before start of production

#### **Other Conditions :**

**Unit will not discharge any type of trade effluent**

*Regional Officer, HQ  
For and on behalf of chairman  
Haryana State Pollution Control Board*

  
(TRUE COPY)



**HARYANA STATE POLLUTION CONTROL BOARD**

**SCO-131 Sector-17, HUDA Jagadhari Ph.01732-200137 Email:- hspcbroyr@gmail.com**

**E-mail: hspcb@hry.nic.in**



No. HSPCB/Consent/ : 313096623YAMCTO39917440

Dated:05/07/2023

To.

M/s :Guruji Overseas

Khasra No 13//12/2, 13/5/1, 13/1, 13/4, 14/2, 13/3, Khajuri Road, Vill Jathlana,

Tehsil Radaur

Subject: Grant of consent to operate to M/s Guruji Overseas.

Please refer to your application no. 39917440 received on dated 2023-06-28 in regional office Yamuna Nagar. With reference to your above application for consent to operate, M/s Guruji Overseas is here by granted consent as per following specification/Terms and conditions.

<b>Consent Under</b>	BOTH
<b>Period of consent</b>	05/07/2023 - 30/09/2024
<b>Industry Type</b>	Organic Chemicals manufacturing
<b>Category</b>	RED
Investment(In Lakh)	485.17001
Total Land Area(Sq. meter)	10890.0
Total Builtup Area(Sq. meter)	5500.0
<b>Quantity of effluent</b>	
1. Trade	0.0 KL/Day
2. Domestic	3.0 KL/Day
Number of outlets	1.0
<b>Mode of discharge</b>	
1. Domestic	septic tank
2. Trade	0
<b>Domestic Effluent Parameters</b>	
1. NA	
<b>Trade Effluent Parameters</b>	
1. NA	
Number of stacks	1
<b>Height of stack</b>	
1. Stack	11 Mtr.
<b>Emission parameters</b>	
1. SPM	1200 mg/m <sup>3</sup>
<b>Product Details</b>	
1. Formaldehyde	100 Metric Tonnes/day

<b>Capacity of boiler</b>	
1. Steam boiler 1.0 Ton /hr	1.0 Ton/hr
<b>Type of Furnace</b>	
1. NA	
<b>Type of Fuel</b>	
1. HSD	1 MTD
<b>Raw Material Details</b>	
Methanol	50 Metric Tonnes/Day
DM Water	75 Kilo Liters/Day
Silver	0.01 Kg/Day
Chilled Water	0.50 Kilo Liters/Day

**NITIN**  
 Regionally signed  
 by NITIN MEHTA  
 Date: 2023.07.05  
 Regional Office, Gurgaon Nagar  
**MEHTA**  
 Haryana State Pollution Control Board.

### Terms and conditions

1. The applicants shall maintain good house keeping both within factory and in the premises. All hose pipelines valves, storage tanks etc. shall be leak proof. In plant allowable pollutants levels, if specified by State Board should be met strictly.
2. The applicant/company shall comply with and carry out directive/orders issued by the Board in this consent order at all subsequent times without negligence of his /its part. The applicant/company shall be liable for such legal action against him as per provision of the law/act in case of violation of any order/directives. Issued at any time and or non compliance of the terms and conditions of his consent order.
3. The applicant shall make an application for grant of consent at least 90 days before the date of expiry of this consent.
4. Necessary fee as prescribed for obtaining renewal consent shall be paid by the applicant alongwith the consent application.
5. If due to any technological improvement or otherwise this Board is of opinion that all or any of the conditions referred to above required variation (including the change of any control equipment either in whole or in part) this Board shall after giving the applicant an opportunity of being heard vary all or such condition and there upon the applicant shall be bound to comply with the conditions so varied.
6. The industry shall provide adequate arrangement for fighting the accidental leakages, discharge of any pollutants gas/liquids from the vessels, mechanical equipment etc. which are likely to cause environment pollution.
7. The industry shall comply noise pollution (Regulation and control) Rules, 2000.
8. The industry shall comply all the direction/Rules/Instructions as may be issued by the MOEF/CPCB/HSPCB from time to time.
9. The industry shall ensure that various characteristics of the effluents remain within the tolerance limits as specified in EPA Standard and as amended from time to time and at no time the concentration of any characteristics should exceed these limits for discharge.
10. The industry would immediately submit the revised application to the Board in the event of any change in the raw material in process, mode of treatment/discharge of effluent. In case of

change of process at any stage during the consent period, the industry shall submit fresh consent application alongwith the consent to operate fee, if found due, which may be on any account and that shall be paid by the industry and the industry would immediately submit the consent application to the Board in the event of any change during the year in the raw material, quantity, quality of the effluent, mode of discharge, treatment facilities etc.

11. The officer/official of the Board shall reserve the right to access for the inspection of the industry in connection with the various process and the treatment facilities. The consent to operate is subject to review by the Board at any time.

12. Permissible limits for any pollutants mentioned in the consent to operate order should not exceed the concentration permitted in the effluent by the Board.

13. The industry shall pay the balance fee, in case it is found due from the industry at any time later on.

14. If the industry fails to adhere to any of the conditions of this consent to operate order, the consent to operate so granted shall automatically lapse.

15. If the industry is closed temporarily at its own, they shall inform the Board and obtain permission before restart of the unit.

16. The industry shall comply all the Directions/ Rules/Instructions issued from time to time by the Board.

#### Specific Conditions :

1. That unit will not generate/ discharge any kind of trade effluent.
2. The unit will maintain the APCM regularly.
3. That the unit will apply for renewal of consent to operate before 90 days from the expiry of this CTO.
4. That the unit will comply the order/ direction issued by the Hon'ble Supreme Court of India, Punjab & Haryana High Court, NGT, Environment Court or any other court of law.
5. That the unit will comply with the all the Rules/ Regulations/ Acts/ Notification issued by CPCB/ HSPCB and MOEF&CC.
6. That the unit will submit the analysis report of APCM.
7. In case, any violations is found at any stage, then this CTO, so granted, shall be revoked without giving show cause notice.
8. If the application for EC is rejected on the ground of any contravention on the part of the Appellants, closure direction will be again issued against the unit.
9. That the unit will obtain Environment Clearance and if Environment Clearance will be rejected, consent to operate shall automatically revoked/withdrawal.

*Regional Officer, Yamuna Nagar  
Haryana State Pollution Control Board.*

  
(TRUE COPY)



**HARYANA STATE POLLUTION CONTROL BOARD**

**SCO-131 Sector-17, HUDA Jagadhari Ph.01732-200137 Email:- hspcbroyr@gmail.com**

**E-mail: hspcb@hry.nic.in**



**No. HSPCB/Consent/ : 313096623YAMCTO29680268**

**Dated:05/07/2023**

To.

M/s :CHEMWOOD INDUSTRIES

Village Bhagwanpur, Kharwan Road, Tehsil Jagadhri, District Yamuna Nagar

**Subject: Grant of consent to operate to M/s CHEMWOOD INDUSTRIES.**

Please refer to your application no. 29680268 received on dated 2023-06-28 in regional office Yamuna Nagar. With reference to your above application for consent to operate, M/s CHEMWOOD INDUSTRIES is here by granted consent as per following specification/Terms and conditions.

<b>Consent Under</b>	BOTH
<b>Period of consent</b>	05/07/2023 - 30/09/2024
<b>Industry Type</b>	Organic Chemicals manufacturing
<b>Category</b>	RED
<b>Investment(In Lakh)</b>	502.26999
<b>Total Land Area(Sq. meter)</b>	6828.0
<b>Total Builtup Area(Sq. meter)</b>	3400.0
<b>Quantity of effluent</b>	
1. Trade	0.0 KL/Day
2. Domestic	3.0 KL/Day
<b>Number of outlets</b>	1.0
<b>Mode of discharge</b>	
1. Domestic	septic tank
2. Trade	0
<b>Domestic Effluent Parameters</b>	
1. NA	
<b>Trade Effluent Parameters</b>	
1. NA	
<b>Number of stacks</b>	1
<b>Height of stack</b>	
1. NA	
<b>Emission parameters</b>	
1. SPM	1200 mg/m3
<b>Product Details</b>	
1. Formaldehyde	100 Metric Tonnes/day
<b>Capacity of boiler</b>	

1. Baby boiler	Ton/hr
<b>Type of Furnace</b>	
1. NA	
<b>Type of Fuel</b>	
1. NA	
<b>Raw Material Details</b>	
Methanol	40 Metric Tonnes/Day

*Regional Officer, Yamuna Nagar  
Haryana State Pollution Control Board.*

### Terms and conditions

1. The applicants shall maintain good house keeping both within factory and in the premises. All hose pipelines valves, storage tanks etc. shall be leak proof. In plant allowable pollutants levels, if specified by State Board should be met strictly.
2. The applicant/company shall comply with and carry out directive/orders issued by the Board in this consent order at all subsequent times without negligence of his /its part. The applicant/company shall be liable for such legal action against him as per provision of the law/act in case of violation of any order/directives. Issued at any time and or non compliance of the terms and conditions of his consent order.
3. The applicant shall make an application for grant of consent at least 90 days before the date of expiry of this consent.
4. Necessary fee as prescribed for obtaining renewal consent shall be paid by the applicant alongwith the consent application.
5. If due to any technological improvement or otherwise this Board is of opinion that all or any of the conditions referred to above required variation (including the change of any control equipment either in whole or in part) this Board shall after giving the applicant an opportunity of being heard vary all or such condition and there upon the applicant shall be bound to comply with the conditions so varied.
6. The industry shall provide adequate arrangement for fighting the accidental leakages, discharge of any pollutants gas/liquids from the vessels, mechanical equipment etc. which are likely to cause environment pollution.
7. The industry shall comply noise pollution (Regulation and control) Rules, 2000.
8. The industry shall comply all the direction/Rules/Instructions as may be issued by the MOEF/CPCB/HSPCB from time to time.
9. The industry shall ensure that various characteristics of the effluents remain within the tolerance limits as specified in EPA Standard and as amended from time to time and at no time the concentration of any characteristics should exceed these limits for discharge.
10. The industry would immediately submit the revised application to the Board in the event of any change in the raw material in process, mode of treatment/discharge of effluent. In case of change of process at any stage during the consent period, the industry shall submit fresh consent application alongwith the consent to operate fee, if found due, which may be on any account and that shall be paid by the industry and the industry would immediately submit the consent application to the Board in the event of any change during the year in the raw material, quantity, quality of the effluent, mode of discharge, treatment facilities etc.

11. The officer/official of the Board shall reserve the right to access for the inspection of the industry in connection with the various process and the treatment facilities. The consent to operate is subject to review by the Board at any time.
12. Permissible limits for any pollutants mentioned in the consent to operate order should not exceed the concentration permitted in the effluent by the Board.
13. The industry shall pay the balance fee, in case it is found due from the industry at any time later on.
14. If the industry fails to adhere to any of the conditions of this consent to operate order, the consent to operate so granted shall automatically lapse.
15. If the industry is closed temporarily at its own, they shall inform the Board and obtain permission before restart of the unit.
16. The industry shall comply all the Directions/ Rules/Instructions issued from time to time by the Board.

**Specific Conditions :**

1. That unit will not discharge any kind of treated trade effluent.
2. The unit will maintain the APCM regularly.
3. That the unit will apply for renewal of consent to operate before 90 days from the expiry of this CTO.
4. That the unit will comply the order/ direction issued by the Hon'ble Supreme Court of India, Punjab & Haryana High Court, NGT, Environment Court or any other court.
5. That the unit will comply with the all the Rules/ Regulations/ Acts/ Notification issued by CPCB/ HSPCB and MOEF&CC.
6. That the unit will submit the analysis report of APCM.
7. In case, any violations is found at any stage, then this CTO, so granted, shall be revoked without giving show cause notice.
8. If the application for EC is rejected on the ground of any contravention on the part of the Appellants, closure direction will be again issued against the unit.
9. That the unit will obtain Environment Clearance and if Environment Clearance will be rejected, consent to operate shall be automatically revoked/withdrawn.

*Regional Officer, Yamuna Nagar  
Haryana State Pollution Control Board.*

(TRUE COPY)



**HARYANA STATE POLLUTION CONTROL BOARD**

**SCO-131 Sector-17, HUDA Jagadhari Ph.01732-200137 Email:- hspcbroyr@gmail.com**

**E-mail: hspcb@hry.nic.in**



No. HSPCB/Consent/ : 313096623YAMCTO47701374

Dated:14/11/2023

To.

M/s :PAIWA PLASTICS PVT LTD

Village- Jathlana, Sub Tehsil- Raduar, Tehsil- Jagadhri, Distt- Yamuna Nagar

Subject: Grant of consent to operate to M/s PAHWA PLASTICS PVT LTD.

Please refer to your application no. 47701374 received on dated 2023-09-29 in regional office Yamuna Nagar. With reference to your above application for consent to operate, M/s PAHWA PLASTICS PVT LTD is here by granted consent as per following specification/Terms and conditions.

<b>Consent Under</b>	BOTH
<b>Period of consent</b>	01/10/2023 - 30/09/2024
<b>Industry Type</b>	Organic Chemicals manufacturing
<b>Category</b>	RED
<b>Investment(In Lakh)</b>	127.527
<b>Total Land Area(Sq. meter)</b>	2300.0
<b>Total Builtup Area(Sq. meter)</b>	500.0
<b>Quantity of effluent</b>	
1. Trade	0.0 KL/Day
2. Domestic	1.6 KL/Day
<b>Number of outlets</b>	1.0
<b>Mode of discharge</b>	
1. Domestic	septic tank
2. Trade	0
<b>Domestic Effluent Parameters</b>	
1. NA	
<b>Trade Effluent Parameters</b>	
1. NA	
<b>Number of stacks</b>	1
<b>Height of stack</b>	
1. stack	15 Mtr.
<b>Emission parameters :</b>	
1. SPM	1200 mg/m3
<b>Product Details</b>	
1. Formaldehyde	60 Metric Tonnes/day
<b>Capacity of boiler</b>	

1. Baby boiler	Ton/hr
<b>Type of Furnace</b>	
1. NA	
<b>Type of Fuel</b>	
1. NA	
<b>Raw Material Details</b>	
Methanol	28 Metric Tonnes/Day

*Regional Officer, Yamuna Nagar  
Haryana State Pollution Control Board.*

#### Terms and conditions

1. The applicants shall maintain good house keeping both within factory and in the premises. All hose pipelines valves, storage tanks etc. shall be leak proof. In plant allowable pollutants levels, if specified by State Board should be met strictly.
2. The applicant/company shall comply with and carry out directive/orders issued by the Board in this consent order at all subsequent times without negligence of his /its part. The applicant/company shall be liable for such legal action against him as per provision of the law/act in case of violation of any order/directives. Issued at any time and or non compliance of the terms and conditions of his consent order.
3. The applicant shall make an application for grant of consent at least 90 days before the date of expiry of this consent.
4. Necessary fee as prescribed for obtaining renewal consent shall be paid by the applicant alongwith the consent application.
5. If due to any technological improvement or otherwise this Board is of opinion that all or any of the conditions referred to above required variation (including the change of any control equipment either in whole or in part) this Board shall after giving the applicant an opportunity of being heard vary all or such condition and there upon the applicant shall be bound to comply with the conditions so varied.
6. The industry shall provide adequate arrangement for fighting the accidental leakages, discharge of any pollutants gas/liquids from the vessels, mechanical equipment etc. which are likely to cause environment pollution.
7. The industry shall comply noise pollution (Regulation and control) Rules, 2000.
8. The industry shall comply all the direction/Rules/Instructions as may be issued by the MOEF/CPCB/HISPCB from time to time.
9. The industry shall ensure that various characteristics of the effluents remain within the tolerance limits as specified in EPA Standard and as amended from time to time and at no time the concentration of any characteristics should exceed these limits for discharge.
10. The industry would immediately submit the revised application to the Board in the event of any change in the raw material in process, mode of treatment/discharge of effluent. In case of change of process at any stage during the consent period, the industry shall submit fresh consent application alongwith the consent to operate fee, if found due, which may be on any account and that shall be paid by the industry and the industry would immediately submit the consent application to the Board in the event of any change during the year in the raw material, quantity, quality of the effluent, mode of discharge, treatment facilities etc.

11. The officer/official of the Board shall reserve the right to access for the inspection of the industry in connection with the various process and the treatment facilities. The consent to operate is subject to review by the Board at any time.
12. Permissible limits for any pollutants mentioned in the consent to operate order should not exceed the concentration permitted in the effluent by the Board.
13. The industry shall pay the balance fee, in case it is found due from the industry at any time later on.
14. If the industry fails to adhere to any of the conditions of this consent to operate order, the consent to operate so granted shall automatically lapse.
15. If the industry is closed temporarily at its own, they shall inform the Board and obtain permission before restart of the unit.
16. The industry shall comply all the Directions/ Rules/Instructions issued from time to time by the Board.

**Specific Conditions :**

1. That unit will not discharge any kind of treated trade effluent.
2. The unit will maintain the APCM regularly.
3. That the unit will apply for renewal of consent to operate before 90 days from the expiry of this CTO.
4. That the unit will comply the order/ direction issued by the Hon'ble Supreme Court of India, Punjab & Haryana High Court, NGT, Environment Court or any other court.
5. That the unit will comply with the all the Rules/ Regulations/ Acts/ Notification issued by CPCB/ HSPCB and MOEF&CC.
6. That the unit will submit the analysis report of APCM.
7. In case, any violations is found at any stage, then this CTO, so granted, shall be revoked without giving show cause notice.
8. If the application for EC is rejected on the ground of any contravention on the part of the Appellants, closure direction will be again issued against the unit.

*Regional Officer, Yamuna Nagar  
Haryana State Pollution Control Board.*

(TRUE COPY)



**HARYANA STATE POLLUTION CONTROL BOARD**

**SCO-131 Sector-17, HUDA Jagadhari Ph.01732-200137 Email:- hspcbroyr@gmail.com**

**E-mail: hspcb@hry.nic.in**



**No. HSPCB/Consent/ : 313096623YAMCTO40576878**

**Dated:31/07/2023**

To.

M/s :APCOLITE POLYMERS PVT. LTD

KHASRA NO.- 1//18/3, 24,25, VILLAGE- GHESPUR, RADAUR, DISTRICT YAMUNA NAGAR, HARYANA

Subject: Grant of consent to operate to M/s APCOLITE POLYMERS PVT. LTD.

Please refer to your application no. 40576878 received on dated 2023-07-06 in regional office Yamuna Nagar. With reference to your above application for consent to operate, M/s APCOLITE POLYMERS PVT. LTD is here by granted consent as per following specification/Terms and conditions.

<b>Consent Under</b>	BOTH
<b>Period of consent</b>	01/10/2023 - 30/09/2028
<b>Industry Type</b>	Organic Chemicals manufacturing
<b>Category</b>	RED
Investment(In Lakh)	241.2068
Total Land Area(Sq. meter)	11053.0
Total Builtup Area(Sq. meter)	6000.0
<b>Quantity of effluent</b>	
1. Trade	0.0 KL/Day
2. Domestic	0.5 KL/Day
Number of outlets	1.0
<b>Mode of discharge</b>	
1. Domestic	septic tank
2. Trade	0
<b>Domestic Effluent Parameters</b>	
1. NA	
<b>Trade Effluent Parameters</b>	
1. NA	
Number of stacks	1
<b>Height of stack</b>	
1. Stack	15 Mtr.
<b>Emission parameters</b>	
1. SPM	1200 mg/m3
<b>Product Details</b>	
1. Formaldehyde	80 Metric Tonnes/day

<b>Capacity of boiler</b>	
1. Baby boiler	0.3 Ton/hr
<b>Type of Furnace</b>	
1. NA	
<b>Type of Fuel</b>	
1. HSD	
<b>Raw Material Details</b>	
METHANOL	40 Metric Tonnes/Day

*Regional Officer, Yamuna Nagar  
Haryana State Pollution Control Board.*

### Terms and conditions

1. The applicants shall maintain good house keeping both within factory and in the premises. All hose pipelines valves, storage tanks etc. shall be leak proof. In plant allowable pollutants levels, if specified by State Board should be met strictly.
2. The applicant/company shall comply with and carry out directive/orders issued by the Board in this consent order at all subsequent times without negligence of his /its part. The applicant/company shall be liable for such legal action against him as per provision of the law/act in case of violation of any order/directives. Issued at any time and or non compliance of the terms and conditions of his consent order.
3. The applicant shall make an application for grant of consent at least 90 days before the date of expiry of this consent.
4. Necessary fee as prescribed for obtaining renewal consent shall be paid by the applicant alongwith the consent application.
5. If due to any technological improvement or otherwise this Board is of opinion that all or any of the conditions referred to above required variation (including the change of any control equipment either in whole or in part) this Board shall after giving the applicant an opportunity of being heard vary all or such condition and there upon the applicant shall be bound to comply with the conditions so varied.
6. The industry shall provide adequate arrangement for fighting the accidental leakages, discharge of any pollutants gas/liquids from the vessels, mechanical equipment etc. which are likely to cause environment pollution.
7. The industry shall comply noise pollution (Regulation and control) Rules, 2000.
8. The industry shall comply all the direction/Rules/Instructions as may be issued by the MOEF/CPCB/HSPCB from time to time.
9. The industry shall ensure that various characteristics of the effluents remain within the tolerance limits as specified in EPA Standard and as amended from time to time and at no time the concentration of any characteristics should exceed these limits for discharge.
10. The industry would immediately submit the revised application to the Board in the event of any change in the raw material in process, mode of treatment/discharge of effluent. In case of change of process at any stage during the consent period, the industry shall submit fresh consent application alongwith the consent to operate fee, if found due, which may be on any account and that shall be paid by the industry and the industry would immediately submit the consent application to the Board in the event of any change during the year in the raw material,

quantity, quality of the effluent, mode of discharge, treatment facilities etc.

11. The officer/official of the Board shall reserve the right to access for the inspection of the industry in connection with the various process and the treatment facilities. The consent to operate is subject to review by the Board at any time.

12. Permissible limits for any pollutants mentioned in the consent to operate order should not exceed the concentration permitted in the effluent by the Board.

13. The industry shall pay the balance fee, in case it is found due from the industry at any time later on.

14. If the industry fails to adhere to any of the conditions of this consent to operate order, the consent to operate so granted shall automatically lapse.

15. If the industry is closed temporarily at its own, they shall inform the Board and obtain permission before restart of the unit.

16. The industry shall comply all the Directions/ Rules/Instructions issued from time to time by the Board.

**Specific Conditions :**

1. That unit will not discharge any kind of treated trade effluent.
2. The unit will maintain the APCM regularly.
3. That the unit will apply for renewal of consent to operate before 90 days of the expiry of this CTO.
4. That the unit will comply with the order/ direction issued by the Hon'ble Supreme Court of India, Punjab & Haryana High Court, NGT, Environment Court, or any other court.
5. That the unit will comply with all the Rules/ Regulations/ Acts/Notifications issued by CPCB/ HSPCB and MOEF&CC.
6. That the unit will submit the analysis report of APCM.
7. In case, any violations are found at any stage, then this CTO, so granted, shall be revoked without giving a show cause notice.
8. If the application for EC is rejected on the ground of any contravention on the part of the Appellants, closure direction will be again issued against the unit.
9. That the unit will keep all the parameters within prescribed limits.

*Regional Officer, Yamuna Nagar  
Haryana State Pollution Control Board.*

(TRUE COPY)

## ANNEXURE-R-12


**HARYANA STATE POLLUTION CONTROL BOARD**
**SCO-131 Sector-17, HUDA Jagadhari Ph.01732-200137 Email:- hspcbroyr@gmail.com**
**E-mail: hspcb@hry.nic.in**

**No. HSPCB/Consent/ : 313096623YAMCTO48881079**
**Dated:16/11/2023**
**To.**
**M/s :SANWARIA POLYMER INDUSTRIES PRIVATE LIMITED  
PLOT NO 211 HSIIDC INDUSTRIAL ESTATE MANAKPUR**
**Subject: Grant of consent to operate to M/s SANWARIA POLYMER INDUSTRIES PRIVATE LIMITED.**

Please refer to your application no. 48881079 received on dated 2023-10-15 in regional office Yamuna Nagar. With reference to your above application for consent to operate, M/s SANWARIA POLYMER INDUSTRIES PRIVATE LIMITED is here by granted consent as per following specification/Terms and conditions.

<b>Consent Under</b>	BOTH
<b>Period of consent</b>	01/10/2023 - 30/09/2025
<b>Industry Type</b>	Organic Chemicals manufacturing
<b>Category</b>	RED
<b>Investment(In Lakh)</b>	485.11191
<b>Total Land Area(Sq. meter)</b>	1800.0
<b>Total Builtup Area(Sq. meter)</b>	1200.0
<b>Quantity of effluent</b>	
1. Trade	0.0 KL/Day
2. Domestic	0.5 KL/Day
<b>Number of outlets</b>	1.0
<b>Mode of discharge</b>	
1. Domestic	sewer
2. Trade	0
<b>Domestic Effluent Parameters</b>	
1. NA	
<b>Trade Effluent Parameters</b>	
1. NA	
<b>Number of stacks</b>	1
<b>Height of stack</b>	
1. Stack attached to Baby Boiler	15 Mtr.
<b>Emission parameters</b>	
1. SPM	150 mg/m <sup>3</sup>
<b>Product Details</b>	

1. Formaldehyde	50 Metric Tonnes/day
<b>Capacity of boiler</b>	
1. HSD fired Baby Boiler	0.8 Ton/hr
<b>Type of Furnace</b>	
1. NA	
<b>Type of Fuel</b>	
1. Diesel	0.045 KL/day
<b>Raw Material Details</b>	
Methanol	33 Metric Tonnes/Day
Water	17 Kilo Liters/Day

*Regional Officer, Yamuna Nagar  
Haryana State Pollution Control Board.*

#### Terms and conditions

1. The applicants shall maintain good house keeping both within factory and in the premises. All hose pipelines valves, storage tanks etc. shall be leak proof. In plant allowable pollutants levels, if specified by State Board should be met strictly.
2. The applicant/company shall comply with and carry out directive/orders issued by the Board in this consent order at all subsequent times without negligence of his /its part. The applicant/company shall be liable for such legal action against him as per provision of the law/act in case of violation of any order/directives. Issued at any time and or non compliance of the terms and conditions of his consent order.
3. The applicant shall make an application for grant of consent at least 90 days before the date of expiry of this consent.
4. Necessary fee as prescribed for obtaining renewal consent shall be paid by the applicant alongwith the consent application.
5. If due to any technological improvement or otherwise this Board is of opinion that all or any of the conditions referred to above required variation (including the change of any control equipment either in whole or in part) this Board shall after giving the applicant an opportunity of being heard vary all or such condition and there upon the applicant shall be bound to comply with the conditions so varied.
6. The industry shall provide adequate arrangement for fighting the accidental leakages, discharge of any pollutants gas/liquids from the vessels, mechanical equipment etc. which are likely to cause environment pollution.
7. The industry shall comply noise pollution (Regulation and control) Rules, 2000.
8. The industry shall comply all the direction/Rules/Instructions as may be issued by the MOEF/CPCB/HSPCB from time to time.
9. The industry shall ensure that various characteristics of the effluents remain within the tolerance limits as specified in EPA Standard and as amended from time to time and at no time the concentration of any characteristics should exceed these limits for discharge.
10. The industry would immediately submit the revised application to the Board in the event of any change in the raw material in process, mode of treatment/discharge of effluent. In case of change of process at any stage during the consent period, the industry shall submit fresh

consent application alongwith the consent to operate fee, if found due, which may be on any account and that shall be paid by the industry and the industry would immediately submit the consent application to the Board in the event of any change during the year in the raw material, quantity, quality of the effluent, mode of discharge, treatment facilities etc.

11. The officer/official of the Board shall reserve the right to access for the inspection of the industry in connection with the various process and the treatment facilities. The consent to operate is subject to review by the Board at any time.

12. Permissible limits for any pollutants mentioned in the consent to operate order should not exceed the concentration permitted in the effluent by the Board.

13. The industry shall pay the balance fee, in case it is found due from the industry at any time later on.

14. If the industry fails to adhere to any of the conditions of this consent to operate order, the consent to operate so granted shall automatically lapse.

15. If the industry is closed temporarily at its own, they shall inform the Board and obtain permission before restart of the unit.

16. The industry shall comply all the Directions/ Rules/Instructions issued from time to time by the Board.

#### Specific Conditions :

1. That unit will not discharge any kind of treated trade effluent. 2. The unit will maintain the APCM regularly. 3. That the unit will apply for renewal of consent to operate before 90 days from the expiry of this CTO. 4. That the unit will comply the order/ direction issued by the Hon'ble Supreme Court of India, Punjab & Haryana High Court, NGT, Environment Court or any other court. 5. That the unit will comply with the all the Rules/ Regulations/ Acts/ Notification issued by CPCB/ HSPCB and MOEF&CC. 6. That the unit will submit the analysis report of APCM. 7. In case, any violations is found at any stage, then this CTO, so granted, shall be revoked without giving show cause notice. 8. If the application for EC is rejected on the ground of any contravention on the part of the Appellants, closure direction will be again issued against the unit.

VIRENDER  
SINGH PUNIA  
Regional Officer, Yamuna Nagar

Digitally signed by  
VIRENDER SINGH PUNIA  
Date: 2023.11.16 10:17:15  
+05'30'

Haryana State Pollution Control Board.

(TRUE COPY)



**HARYANA STATE POLLUTION CONTROL BOARD**

**SCO-131 Sector-17, HUDA Jagadhari Ph.01732-200137 Email:- hspcbroyr@gmail.com**

**E-mail: hspcb@hry.nic.in**



**No. HSPCB/Consent/ : 313096623YAMCTO34028635**

**Dated:09/03/2023**

To.

M/s :Globe Panel Industries India P Ltd Unit 3  
M 28 E 57 Industrial Area, Yamuna Nagar

**Subject: Grant of consent to operate to M/s Globe Panel Industries India P Ltd Unit 3.**

Please refer to your application no. 34028635 received on dated 2023-02-16 in regional office Yamuna Nagar. With reference to your above application for consent to operate, M/s Globe Panel Industries India P Ltd Unit 3 is here by granted consent as per following specification/Terms and conditions.

<b>Consent Under</b>	BOTH
<b>Period of consent</b>	09/03/2023 - 30/09/2027
<b>Industry Type</b>	Organic Chemicals manufacturing
<b>Category</b>	RED
<b>Investment(In Lakh)</b>	141.46001
<b>Total Land Area(Sq. meter)</b>	1839.77
<b>Total Builtup Area(Sq. meter)</b>	1750.0
<b>Quantity of effluent</b>	
1. Trade	0.0 KL/Day
2. Domestic	1.0 KL/Day
<b>Number of outlets</b>	1.0
<b>Mode of discharge</b>	
1. Domestic	public sewer
2. Trade	0
<b>Domestic Effluent Parameters</b>	
1. NA	
<b>Trade Effluent Parameters</b>	
1. NA	
<b>Number of stacks</b>	1
<b>Height of stack</b>	
1. stack	15 Mtr.
<b>Emission parameters</b>	
1. SPM	1200 mg/m3
<b>Product Details</b>	
1. Formaldehyde	100 Metric Tonnes/day
<b>Capacity of boiler</b>	

1. Baby Boiler 0.5 Ton/hr	0.5 Ton/hr
<b>Type of Furnace</b>	
1. NA	
<b>Type of Fuel</b>	
1. Wood	2 Ton/day
<b>Raw Material Details</b>	
Methnol	60 Metric Tonnes/Day

*Regional Officer, Yamuna Nagar  
Haryana State Pollution Control Board.*

### Terms and conditions

1. The applicants shall maintain good house keeping both within factory and in the premises. All hose pipelines valves, storage tanks etc. shall be leak proof. In plant allowable pollutants levels, if specified by State Board should be met strictly.
2. The applicant/company shall comply with and carry out directive/orders issued by the Board in this consent order at all subsequent times without negligence of his /its part. The applicant/company shall be liable for such legal action against him as per provision of the law/act in case of violation of any order/directives. Issued at any time and or non compliance of the terms and conditions of his consent order.
3. The applicant shall make an application for grant of consent at least 90 days before the date of expiry of this consent.
4. Necessary fee as prescribed for obtaining renewal consent shall be paid by the applicant alongwith the consent application.
5. If due to any technological improvement or otherwise this Board is of opinion that all or any of the conditions referred to above required variation (including the change of any control equipment either in whole or in part) this Board shall after giving the applicant an opportunity of being heard vary all or such condition and there upon the applicant shall be bound to comply with the conditions so varied.
6. The industry shall provide adequate arrangement for fighting the accidental leakages, discharge of any pollutants gas/liquids from the vessels, mechanical equipment etc. which are likely to cause environment pollution.
7. The industry shall comply noise pollution (Regulation and control) Rules, 2000.
8. The industry shall comply all the direction/Rules/Instructions as may be issued by the MOEF/CPCB/HSPCB from time to time.
9. The industry shall ensure that various characteristics of the effluents remain within the tolerance limits as specified in EPA Standard and as amended from time to time and at no time the concentration of any characteristics should exceed these limits for discharge.
10. The industry would immediately submit the revised application to the Board in the event of any change in the raw material in process, mode of treatment/discharge of effluent. In case of change of process at any stage during the consent period, the industry shall submit fresh consent application alongwith the consent to operate fee, if found due, which may be on any account and that shall be paid by the industry and the industry would immediately submit the consent application to the Board in the event of any change during the year in the raw material,

quantity, quality of the effluent, mode of discharge, treatment facilities etc.

11. The officer/official of the Board shall reserve the right to access for the inspection of the industry in connection with the various process and the treatment facilities. The consent to operate is subject to review by the Board at any time.

12. Permissible limits for any pollutants mentioned in the consent to operate order should not exceed the concentration permitted in the effluent by the Board.

13. The industry shall pay the balance fee, in case it is found due from the industry at any time later on.

14. If the industry fails to adhere to any of the conditions of this consent to operate order, the consent to operate so granted shall automatically lapse.

15. If the industry is closed temporarily at its own, they shall inform the Board and obtain permission before restart of the unit.

16. The industry shall comply all the Directions/ Rules/Instructions issued from time to time by the Board.

**Specific Conditions :**

1. That unit will not discharge any kind of treated trade effluent.
2. The unit will maintain the APCM regularly.
3. That the unit will apply for renewal of consent to operate before 90 days from the expiry of this CTO.
4. That the unit will comply the order/ direction issued by the Hon'ble Supreme Court of India, Punjab & Haryana High Court, NGT, Environment Court or any other court. T
5. That the unit will comply with the all the Rules/ Regulations/ Acts/ Notification issued by CPCB/ HSPCB and MOEF&CC.
6. That the unit will submit the analysis report of APCM.
7. In case, any violations is found at any stage, then this CTO, so granted, shall be revoked without giving show cause notice.
8. If the application for EC is rejected on any grounds, closure direction will be again issued against the unit.
9. Unit will keep all the parameters within prescribed limits.

*Regional Officer, Yamuna Nagar  
Haryana State Pollution Control Board.*

(TRUE COPY)

**HARYANA STATE POLLUTION CONTROL BOARD**

**C-11, SECTOR-6, PANCHKUKLA**

**PH-2577870-73 Website-www.hspcb.gov.in**

**No. HSPCB/2019/287**

**Dated: 05.07.2019**

To,

The Joint Secretary  
Industry-II, IA Division, MoEF&CC  
Indra Paryavaran Bhawan, Jor Bagh Road  
New Delhi-110003

**Sub: Formaldehyde (HCHO) as a Hazardous Air Pollutant**

Kindly refer to the subject noted above.

In this connection, it is intimated that the meeting of Technical Advisory Committee of Haryana State Pollution Control Board was held on 11.03.2019. Addition agenda item regarding requirement of environment clearance by formaldehyde/phenol formaldehyde and urea formaldehyde manufacturing units under the provisions of EIA notification dated 14.09.2006 as amended was placed before the Technical Advisory Committee (TAC).

The matter was discussed and after detail deliberation, the committee is of the opinion that such type of units manufacturing formaldehyde are covered under the ambit of EIA Notification, 2006 at Sr.No.5(f) under the projects "Synthetic organic chemical industry (dyes and dye intermediates bulk drugs and intermediates excluding drug formulation, synthetic rubber basic organic chemical and chemical intermediate and thus require to obtain the prior environmental clearance as per provisions of EIA Notification, 2006. Further, the

matter regarding coverage of the units manufacturing formaldehyde phenol formaldehyde and urea formaldehyde resins, under the ambit of EIA Notification dated 14.09.2006 may be referred to MoEF & CC, Govt. of India for clarification.

In the view of above, it is requested to clarify whether the units manufacturing formaldehyde, phenol formaldehyde and urea formaldehyde resins are covered under the ambit of EIA Notification dated 14.09.2006 or not?

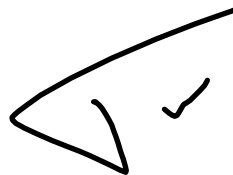
Sd/-

Sr. Scientist (HQ)

For Member Secretary

No. HSPCB/2019/225

Dated: 05.07.2019

A handwritten signature or mark consisting of a large, sweeping stroke that curves downwards and to the left, ending in a small hook. To the right of this main stroke, there is a smaller, checkmark-like symbol.

(TRUE COPY)

DE: 11/11

Haryana Government  
Environment and Climate Change Department  
ORDER

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

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

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

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

Therefore, it is ordered accordingly.

Dated: 10.11.2020  
Chandigarh

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

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

Dated: 11.11.2020

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

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

— sd —

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

Chairman (Bnsy)  
11/11/2020

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

Dated: 11.11.2020

ms  
Sr. Sec. (R. E.)

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

Putrip on file

Kamal Dew  
Superintendent Environment,  
for Additional Chief Secretary to Govt. Haryana,  
Environment and Climate Change Department.

11.11.2020

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

IN OA No. 287of 2020

Dastak N.G.O.

-----Petitioner


Versus

Synochem Organics Pvt. Ltd. & Ors.

-----Respondent(s)

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

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

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

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

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

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

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

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

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


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

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

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

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

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

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

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

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



Place:-Chandigarh  
Dated:-07.03.2021

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

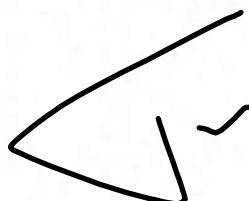
**Verification:**

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



Place:-Chandigarh  
Dated:-07.03.2021

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



(TRUE COPY)

## ANNEXURE-R-17

Item No. 08

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Original Application No. 298/2020

Vineet Nagar

Applicant

Versus

Central Ground Water Authority &amp; Ors.

Respondent(s)

Date of hearing: 03.06.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE M. SATHYANARAYANAN, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Mr. Vineet Nagar, Applicant in person

**ORDER**

1. Prayer in this application is against operation of industrial units of the private respondents in the States of Haryana, Rajasthan, UP and Punjab manufacturing formaldehyde and its different resins (including melamine formaldehyde, urea formaldehyde and phenol formaldehyde without requisite EC.

2. We have dealt with matter by separate orders today in *O.A. No. 840/2019, Ayush Garg v. UOI & Ors.* and *O.A. No. 287/2020, Dastak N.G.O. v. Synochem Organics Pvt. Ltd. & Ors.* in relation to some of such units operating in Haryana after hearing the State and the industrial units in question. It has been held that in absence of Environmental Clearance under Entry 5(f) of the EIA Notification dated 14.09.2006, such Units cannot be allowed to operate. Relevant extract from order in *O.A. No. 287/2020, Dastak N.G.O. v. Synochem Organics Pvt. Ltd. & Ors.* is reproduced below:

“7. It is clear from the stand of the State itself that prior EC is required under EIA Notification dated 14.09.2006 (Entry 5(f) of the Schedule. Once it is so there is no justification to permit function of such units in violation of mandate of law. In *Alembic Chemicals v Rohit Prajapati & Ors.*, 2020 SCC Online 347, the Hon’ble Supreme Court has made it clear that prior EC requirement cannot be dispensed with. While it is true that having regard to the fact situation therein particularly grant of EC later, the units were not closed and instead were required to pay compensation for the period the units functioned without prior EC, it does not mean that in absence of prior EC the units can be allowed to function by paying compensation. We thus hold that without prior EC the units cannot be allowed to operate. The State has no power to exempt the requirement of prior EC or to allow the units to function without EC on payment of compensation. Same view has been taken in O.A. No. 840/2019, *Ayush Garg v. UOI & Ors.* which has been dealt with by a separate order today.

8. As regards the stand of the private respondents that the State has delegated power under section 3(3) of the Environment (Protection) Act, which implies that the State could exempt EIA requirement, neither any such delegation is shown nor the State claims to have such power or to have exercised such power. A statement has been made on behalf of the private respondents as well as State that the units now stand closed. Learned Counsel for the private respondents also submitted that their units have been functioning in a bonafide manner without causing pollution. Though they did not have EC only for want of knowledge of such requirement, they had requisite consents to establish and operate which have been renewed from time to time. They wish to comply with law and have also applied for EC.

9. We are of the view that since prior EC is statutory mandate, the same must be complied. We have no doubt that the stand of the private respondents will be duly considered by the concerned regulatory authorities, including the MoEF&CC on merits and in accordance with law but till compliance of statutory mandate, the units cannot be allowed to function. For past violations, the concerned authorities are free to take appropriate action in accordance with polluter pays principle, following due process.”

3. The above principle has to be followed in all other States where such units are functioning without prior EC. In the present application grievance is also against similar units functioning in the States of Rajasthan, UP and Punjab or any other State, in addition to Haryana for which above order has been passed. This needs to be checked by

concerned statutory authorities and remedial action taken, following due process of law.

4. Accordingly, we dispose of this application with a direction to MoEF&CC, CPCB and Chief Secretaries, SEIAAs, PCBs/PCCs of all States/UTs to ensure compliance of law, following due process. They may issue appropriate directions in the matter.

A copy of this order be forwarded to the MoEF&CC, CPCB and Chief Secretaries, SEIAAs and PCBs/PCCs of all States/UTs by e-mail to facilitate compliance of the above order.

Since we have not found it necessary to issue notice, having regard to the nature of the order, we give liberty to the any party to move this Tribunal in case they are aggrieved.

Adarsh Kumar Goel, CP

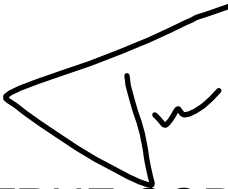
Sudhir Agarwal, JM

M. Sathyanarayanan, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

June 03, 2021  
Original Application No. 298/2020  
A



(TRUE COPY)

Item No. 06

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Original Application No. 840/2019  
(I.A. No. 52/2021)

(With report dated 18.12.2020)

Ayush Garg

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 03.06.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE M. SATHYANARAYANAN, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Mr. Rahul Choudhary, Advocate

Respondent: Mr. Anil Grover, Senior AAG with Mr. Rahul Khurana,  
Advocate for State of Haryana and HSCP  
Mr. Shiv Mangal Sharma and Mr. Saurabh Rajpal, Advocates for R-5

**ORDER**

1. A factual and action taken report was sought from a joint Committee of Haryana State Pollution Control Board (State PCB) and the State Environment Impact Assessment Authority (SEIAA), Haryana with reference to the allegation of illegal operation of manufacturing unit by M/s Om Chem at Village Kurali, Sabapur Road, Tehsil Bilaspur, District Yamunanagar, Haryana. According to the Applicant, formaldehyde is a hazardous chemical which was being used releasing Volatile Organic Compounds (VOCs) in violation of Hazardous Waste (Management and Transboundary Movement) Rules, 2016.

2. The matter was considered on 28.11.2019 in light of the report filed by the State Environment Impact Assessment Authority (SEIAA), Haryana on 15.10.2019. It was observed:

*“2. Accordingly, a report has been filed by SEIAA, Haryana on 15.10.2019 to the effect that there is no Environmental Clearance and thus operation of the unit is illegal. Notice for revocation of ‘Consent to Establish’ was issued by the SPCB but the same was stayed on 13.09.2019 by the Appellate Authority.*

*3. Without commenting upon the issue of proceedings before the Appellate Authority on the subject of ‘Consent to Establish’, the action could certainly be taken for absence of EC by SEIAA under the Environment (Protection) Act, 1986. Regional Officer of MoEF&CC at Chandigarh or SEIAA or CPCB can certainly exercise jurisdiction under Section 5 of the Environment (Protection) Act, 1986 **for stopping illegal operation of manufacturing activities in violation of requirement of EC forthwith.** Let such action be taken in accordance with law. Let SEIAA, Haryana furnish an action taken report in the matter within one month after coordinating with concerned authorities by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in).”*

3. The matter was thereafter considered on 10.08.2020 in the light of report of the SEIAA, Haryana dated 27.12.2019 that the activities of the unit have been directed to be stopped.

4. Accordingly, the Tribunal directed unless valid Environmental Clearance (EC) and other statutory clearances taken, the Unit may not be allowed to function. It was also directed that State PCB may assess and recover compensation for illegal operation of the units on ‘Polluter Pays’ principle. Operative part of the order is quoted below:-

*“1&2...xxx.....xxx.....xxx*

*3. In view of the above, the SEIAA filed its report dated 27.12.2019 to the effect that a decision was taken to stop the activities of the unit. However, there was nothing to show that actual stopping of such activities was effective. The applicant has filed an application on 03.08.2020 to the effect that unit was still functioning. During the hearing, learned Counsel for the State Pollution Control Board states that on 07.08.2020 the functioning of the unit has been stopped.*

4. *In view of the above, we direct the District Magistrate, Yamunanagar and the State PCB to ensure that unless a valid Environmental Clearance (EC) and other statutory clearances are available, the unit may not be allowed to function. The State PCB will be nodal agency for compliance. State PCB may also assess and recover compensation for illegal operation of the unit on 'Polluter Pays' principle, following due process of law. Compliance report be filed before the next date by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF."*

5. Accordingly, the State PCB has filed its report on 18.12.2020 as follows:-

*"That the Unit M/s Om Chem Village Kurali, Tehsil Bilaspur, Yamuna Nagar has been closed by the Board vide order dated 07.08.2020 and same was complied on dated 08.08.2020. The Environmental compensation of Rs 49,40,000/- (Forty Nine Lakh forty thousand, only) has been imposed on the unit vide order dated 24.11.2020."*

6. In view of above, no further direction appears to be necessary except that the State PCB may ensure that the unit does not re-start functioning without requisite statutory clearance. We have also noted the stand of the private respondents in connected matter being OA 287/2020 that their activities are bonafide and except for technical violation which they are remedying by seeking EC, they have consent from State PCB and are compliant with environment norms. The authorities may verify and act as per law. The MoEF&CC may also consider the matter accordingly.

The application is disposed of.

In view of order in the main matter, I.A. No. 52/2021 also stands disposed of.

Adarsh Kumar Goel, CP

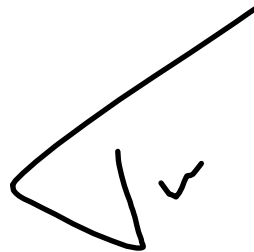
Sudhir Agarwal, JM

M. Sathyanarayanan, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

June 03, 2021  
Original Application No. 840/2019  
A

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(TRUE COPY)

## ANNEXURE-R-19

Item No. 07

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Original Application No. 287/2020  
(I.A. No. 10/2021)

(With report dated 03.03.2021)

Dastak N.G.O.

Applicant

Versus

Synochem Organics Pvt. Ltd. &amp; Ors.

Respondent(s)

Date of hearing: 03.06.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE M. SATHYANARAYANAN, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Dr. S.S. Hooda, Advocate

Respondent: Mr. Anil Grover, Senior AAG with Mr. Rahul Khurana, Advocate  
for State of Haryana and HSPCB  
Ms. Sunita Bhardwaj, Advocate for MoEF&CC  
Mr. A.K. Prasad, Advocate for CGWA  
Mr. Sunil Chadha, Senior Advocate with Mr. Akshay Chadha,  
Advocate for R-6  
Mr. Pardeep Gupta, Advocate for R-1  
Mr. Shiv Mangal Sharma and Mr. Sourabh Rajpal, Advocate for R-3,5&7  
Mr. Ashu Jain, Advocate**ORDER**

1. This application seeks quashing of the order of State of Haryana dated 10.11.2020 allowing manufacturers of formaldehyde, requiring prior Environmental Clearance (EC), to operate for six months without EC, subject to making application for EC within 60 days. The applicant submits that requirement of prior EC is mandatory. There is no jurisdiction with the State to exempt the same. Reference has been made to an order of this Tribunal dated 28.11.2019 in *O.A. No. 840/2019, Ayush Garg v. Union of India & Ors.* to the effect that consent to establish

to such establishments is liable to be removed. Accordingly, closure order was passed by the State PCB but thereafter the impugned order has been passed by the State of Haryana. It is further stated that the industries are using ground water of approximately 6 Lakhs litres per day without requisite permission of the Ground Water Authority. There is also non-compliance of Manufacture, Storage, and Import of Hazardous Chemicals Rules, 1989. No requisite safety measures have been allotted. There has been incidents of damage to the crops, soil and ground water for which no adequate compensation has been recovered. TDS of the water has been reduced to almost zero by use of Hydrochloric Acid (33%) and pH level has increased. Untreated effluents are dumped back into the ground water through reverse borewells. In the condensation process, excess steam is discharged, using chimney adding to the air pollution. There is no mechanism to check leaching of methanol from underground tanks. This is one of the causes of cancer. As per statistics, 39% of national deaths from cancer are taking place in the State of Haryana.

2. The matter last considered on 9.12.2020 and finding *prima-facie* merit in the case of the applicant, the contesting respondents were required to show cause why impugned order dated 10.11.2020 passed by the State of Haryana be not quashed. Operative of the part of the order is as follows:-

“1...xxx.....xxx.....xxx

2. We *prima facie* find the impugned order to be without jurisdiction. Requirement of prior environmental clearance cannot be dispensed with. This legal position has been recently reiterated in *Alembic Pharmaceuticals Ltd. v. Rohit Prajapati & Ors.*, 2020 SCC Online 347. Learned Counsel for Respondent Nos. 1 and 6 have put in appearance without notice and have relied upon specific condition in the Notification dated 14.09.2006 to the effect that prior EC is not required where such prior EC is obtained by the industrial area,

*where a unit is set up. There is no merit in the submission as there is nothing to show that such prior EC has been obtained by the industrial area in question.*

*3. Accordingly, let the contesting respondents show cause why the impugned order be not quashed by their response by email before the next date. The applicant may provide a set of papers and a copy of this order to all the contesting respondents and file an affidavit of service within one week.”*

3. Accordingly, the State of Haryana has filed an action taken report dated 03.03.2021 through the Secretary, Environment *inter-alia* stating as follows:-

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

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

*5. That a representation was received from all Haryana formaldehyde manufacturing association, Yamunanagar dated 23.10.2020 addressed to Additional Chief Secretary to Govt. of Haryana department of Environment and Climate Change, Chandigarh requesting to allow such formaldehyde units to operate and give sufficient time reasonable to obtain the Environmental Clearance from MoEF & CC and SEIAA on the basis of parity that same decision was taken by State of Rajasthan in similar case (Annexure —R/2). The copy of order of Rajasthan State Pollution Control Board was annexed with aforementioned representation.*

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

*these units for obtaining environmental clearance from the appropriate authority.*

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

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

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

4. Reply has also been filed on behalf of the contesting Respondents Nos. 3, 5 and 7 which is in identical terms. It is stated that the contesting respondents have now sought EC in violation category. It is also stated that Central Government has delegated powers to the Haryana Government vide Notification dated 10.02.1988 which enables the State to exempt units from seeking EC and thus order dated 10.11.2020 of the State of Haryana is valid. The point of requirement of EIA was never raised for about 9 years during which the private respondents have functioned which shows that the Authorities themselves were not aware about this requirement. The private respondents were merely given breathing time to comply with the law. The said units are not causing any pollution and even if prior EC is not

taken, Principle of Proportionalities applies as held in *Alembic Chemicals v Rohit Prajapati*<sup>1</sup>.

5. We have heard learned counsel for the parties and with their assistance perused the records.

6. While the period of operation of the impugned order is over, we have gone into the matter on merits in view of contest by the private respondents.

7. It is clear from the stand of the State itself that prior EC is required under EIA Notification dated 14.09.2006 (Entry 5(f) of the Schedule. Once it is so there is no justification to permit function of such units in violation of mandate of law. In *Alembic Chemicals v Rohit Prajapati & Ors.*, 2020 SCC Online 347, the Hon'ble Supreme Court has made it clear that prior EC requirement cannot be dispensed with. While it is true that having regard to the fact situation therein particularly grant of EC later, the units were not closed and instead were required to pay compensation for the period the units functioned without prior EC, it does not mean that in absence of prior EC the units can be allowed to function by paying compensation. We thus hold that without prior EC the units cannot be allowed to operate. The State has no power to exempt the requirement of prior EC or to allow the units to function without EC on payment of compensation. Same view has been taken in *O.A. No. 840/2019, Ayush Garg v. UOI & Ors.* which has been dealt with by a separate order today.

8. As regards the stand of the private respondents that the State has delegated power under section 3(3) of the Environment (Protection) Act,

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<sup>1</sup> 2020 SCC OnLine SC 347

which implies that the State could exempt EIA requirement, neither any such delegation is shown nor the State claims to have such power or to have exercised such power. A statement has been made on behalf of the private respondents as well as State that the units now stand closed. Learned Counsel for the private respondents also submitted that their units have been functioning in a bonafide manner without causing pollution. Though they did not have EC only for want of knowledge of such requirement, they had requisite consents to establish and operate which have been renewed from time to time. They wish to comply with law and have also applied for EC.

9. We are of the view that since prior EC is statutory mandate, the same must be complied. We have no doubt that the stand of the private respondents will be duly considered by the concerned regulatory authorities, including the MoEF&CC on merits and in accordance with law but till compliance of statutory mandate, the units cannot be allowed to function. For past violations, the concerned authorities are free to take appropriate action in accordance with polluter pays principle, following due process.

The application is disposed of.

In view of order in the main matter, I.A. No. 10/2021 also stands disposed of.

Adarsh Kumar Goel, CP


Sudhir Agarwal, JM

M. Sathyanarayanan, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

June 03, 2021  
Original Application No. 287/2020  
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(TRUE COPY)

**F. No. 22-21/2020-IA.III**

Government of India  
Ministry of Environment, Forest and Climate Change  
Impact Assessment Division

\*\*\*\*\*

Indira ParyavaranBhawan  
Jor Bagh Road, Aliganj  
New Delhi – 110003  
sujit.baju@gov.in

Date: 7<sup>th</sup> July, 2021

**Office Memorandum**

**Subject: Standard Operating Procedure (SoP) for Identification and handling of violation cases under EIA Notification 2006 in compliance to order of Hon'ble National Green Tribunal in O.A. No.34/2020 WZ - Regarding.**

The Ministry had issued a notification number S.O.804(E), dated the 14<sup>th</sup> March, 2017 detailing the process for grant of Terms of Reference and Environmental Clearance in respect of projects or activities which have started the work on site and/or expanded the production beyond the limit of Prior EC or changed the product mix without obtaining Prior EC under the EIA Notification, 2006.

2. This Notification was applicable for six months from the date of publication i.e. 14.03.2017 to 13.09.2017 and further based on court direction from 14.03.2018 to 13.04.2018.

3. Hon'ble NGT in Original Application No. 287 of 2020 in the matter of Dastak N.G.O. Vs Synochem Organics Pvt. Ltd. &Ors. and in applications pertaining to same subject matter in Original Application No. 298 of 2020 in Vineet Nagar Vs. Central Ground Water Authority &Ors., vide order dated 03.06.2021 held that "(...) **for past violations, the concerned authorities are free to take appropriate action in accordance with polluter pays principle, following due process**".

4. Further, the Hon'ble National Green Tribunal in O.A No. 34/2020 WZ in the matter of Tanaji B. Gambhire vs. Chief Secretary, Government of Maharashtra and ors., vide order dated 24.05.2021 has directed that "**...a proper SoP be laid down for grant of EC in such cases so as to address the gaps in binding law and practice being currently followed. The MoEF may also consider circulating such SoP to all SEIAAs in the country**".

5. Therefore, in compliance to the directions of the Hon'ble NGT a Standard Operating Procedure (SoP) for dealing with violation cases is required to be drawn. The Ministry is also seized of different categories of 'violation' cases which have been

pending for want of an approved structural/procedural framework based on 'Polluter Pays Principle' and 'Principle of Proportionality'. It is undoubtedly important that action under statutory provisions is taken against the defaulters/violators and a decision on the closure of the project or activity or otherwise is taken expeditiously.

6. In the light of the above directions of the Hon'ble Tribunal and the issues involved, the matter has accordingly been examined in detail in the Ministry. A detailed SoP has accordingly been framed and is outlined herein. The SoP is also guided by the observations / decisions of the Hon'ble Courts wherein principles of proportionality and polluters pay have been outlined.

**7. Relevant Court Cases on the issue:** It is noted that while deciding issues related to violations of the Environment Protection Act, 1986 on account of running the project/activity without prior environmental clearance or in excess of capacity allowed in such clearances, **the Hon'ble courts have, *inter-alia*, deliberated on various facets involving 'violation' cases and have enunciated principles of 'Proportionality' and 'Polluter Pays' in various decisions viz. Industrial Council for Enviro-Legal Action Vs Union of India (the Bichhri village industrial pollution case) (1996 SCC [3] 212); Alembic Pharmaceuticals Ltd. Vs Rohit Prajapati & Ors. (C.A. No. 1526 of 2016, order dated 1.4.2020) and Hindustan Copper Limited Vs Union of India in (W.P. (C) No. 2364 of 2014, order dated 28.11.2014).** The salient extracts of the judgements are as under:

**Issue 1: Proposal for grant of Environmental Clearance in violation cases – to be considered on merits:**

**i. Hon'ble High Court of Jharkhand in the matter of Hindustan Copper Limited Vs Union of India in W.P. (C) No. 2364 of 2014, vide order dated 28.11.2014**

*Held: "(...) action for alleged violation would be an independent and separate proceeding and therefore, consideration of proposal for environment clearance cannot await initiation of action against the project proponent."*

*"(...) the proposal of the petitioner company for **environmental clearance must be examined on its merits, independent of any proposed action for the alleged violation of the environmental laws.**"*

**ii. Hon'ble Madras High Court in the matter of Puducherry Environment Protection Association Vs The Union of India in W.P. No. 11189 of 2017, vide order dated 13.10.2017**

*Held "27. The question is whether an establishment contributing to the economy of the country and providing livelihood to hundreds of people should be closed down only because of failure to obtain prior environmental clearance, even though the establishment may not otherwise be violating*

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*pollution laws or the pollution, if any, can conveniently and effectively be checked. **The answer necessarily has to be in the negative.***

*"29. It is reiterated that protection of environment and prevention of environmental pollution and degradation are non-negotiable. At the same time, the Court cannot altogether ignore the economy of the Nation and the need to protect the livelihood of hundreds of employees employed in projects, which as stated above, otherwise comply with or can be made to comply with norms."*

**Issue 2: Environmental Clearance – Prospective & not ex-post facto:**

**Hon'ble Supreme Court in the matter of Common Cause Vs Union of India in W.P. (C) No. 114 of 2014, vide order dated 2.8.2017**

*Held: "(...) an EC will come into force **not earlier than the date of its grant.**"*

**Issue 3: 'Principles of Proportionality' – to be applied:**

**Hon'ble Supreme Court in the matter of Alembic Pharmaceuticals Ltd. Vs Rohit Prajapati & Ors. in C.A. No. 1526 of 2016, vide order dated 1.4.2020**

*Held: "(...) **this Court must take a balanced approach** which holds the industries to account for having operated without environmental clearances in the past without ordering a closure of operations. The directions of the NGT for the revocation of the ECs and for closure of the units do not accord **with the principle of proportionality**"*

**Issue 4: 'Polluter pays' principle &  
&**

**Issue 5: Costs for remedial measures** implicit in Sections 3 & 5 of Environment (Protection) Act, 1986.

**Hon'ble Supreme Court in the matter of Indian Council for Enviro- Legal Action Vs Union of India (the Bichhri village industrial pollution case) in (1996 SCC [3] 212)**

**Held:**

*a) The Central Government is empowered to take all measures and issue all such directions as are called for the above purpose. The said powers will **include giving directions ...** and also the power to **impose the cost of remedial measures** on the offending industry and utilize the amount so recovered for carrying out remedial measures.....*

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b) **Levy of costs required for carrying out remedial measures is implicit in Sections 3 and 5** which are couched in very wide and expansive language. Sections 3 and 5 of the Environment (Protection) Act, 1986, apart from other provisions of Water and Air Acts, empower the Government to make all such directions and take all such measures as are necessary or expedient for protecting and promoting the 'environment', which expression has been defined in very wide and expansive terms in Section 2 (a) of the Environment (Protection) Act. This power includes the power to prohibit an activity, close an industry, direct to carry out remedial measures, and wherever necessary impose the cost of remedial measures upon the offending industry.

c) The question of liability of the respondents to defray the costs of remedial measures can also be looked into from accepted universally sound principle, viz., the **"Polluter Pays" Principle**. "The polluter pays principle demands that the financial costs of preventing or remedying damage caused by pollution should lie with the undertakings which cause the pollution, or produce the goods which cause the pollution".

#### **8. Legal provisions:**

i. The Environment (Protection) Act, 1986 mandates the Central Government to take all measures as it deems necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing, controlling and abating environmental pollution (reference sub-section (1) of Section 3 of Environment (Protection) Act, 1986). Further, clause (xiv) of sub-section (2) of Section 3 of the Environment (Protection) Act, 1986 specifies that the measures stipulated under sub-section (1) of Section 3 of the Environment (Protection) Act 1986 includes 'such other matters as the Central Government deems necessary or expedient for the purpose of securing effective implementation of the provisions of this Act'.

ii. Further, notwithstanding anything contained in any other law but subject to the provisions of the Environment Protection Act, 1986, Section 5 of the Environment (Protection) Act, 1986, provides that the Central Government may, in the exercise of powers and performance of Central Government functions under the said Act, issue directions in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions.

#### **9. Definition of Violation and Non-compliance:**

The Standard Operating Procedure (SoP) considers 'Violation' & 'Non-compliance' from the following perspective:

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i. "Violation" means cases where projects have either started the construction work or installation or excavation, whichever is earlier, on site or have expanded the production capacity and / or project area beyond the limit specified in the Environmental Clearance (Prior-EC) without obtaining Prior-EC or change of scope without prior approval from the Ministry.

ii. "Non-compliance" means non-compliance of terms and conditions prescribed by the Regulatory Authority in the Prior Environment Clearance accorded to the project.

#### 10. Standard Operating Procedure – Guiding Principles:

i. Without prejudice to any other consequences, **action has to be initiated under section 15 read with section 19** of The Environment (Protection) Act, 1986 **against all violations.**

ii. Projects not allowable/ permissible, for grant of EC, as per extant regulations: **To be demolished.**

iii. Projects allowable/ permissible, if prior EC had been taken as per extant regulations: **To be closed until EC is granted (if no prior EC has been taken) or to revert to permitted production level (in case prior EC has been granted).**

iv. **Polluter pays:** Violators to pay for violation period - proportionate to the scale of project and extent of commercial transaction.

v. Setting up a mechanism for reporting of violation to the regulatory authority(ies).

#### 11. SOP for dealing with the violation cases:

##### Step 1: Closure or Revision

Sl no.	Status of EC	Actions
1	If no prior EC has been taken	Order to <b>close</b> its operation
2.	If prior EC is available for existing/old unit	Order to <b>revert the activity/production to permissible limits.</b>
3.	If prior EC was not required for earlier production level but is now required	<b>Restrict the activity/production</b> to the extent to which prior EC was not required.

##### Step 2: Action under Environment (Projection) Act, 1986

Action under section 15 read with section 19 of the Environment (Protection) Act, 1986 shall be initiated against the violators.

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**Step: 3: Appraisal under EIA Notification, 2006**

The permissibility of the project shall be examined from the perspective of whether such activity/project was at all eligible for the grant of prior EC.

**A. If not permissible:**

i. The project shall be **ordered for the demolition/closure after issuing show cause notice and providing an opportunity of hearing.**

*Ex. If a red industry is functioning in a CRZ-I area which means that the activity was, in the first place, not permitted at the time of commencement of project. Therefore, the activity is not permissible and therefore it shall be **closed & demolished.***

ii. Respective regulatory authorities shall issue directions under section 5 of the Environment (Protection) Act, 1986 for such closure & demolition of the project/activity.

**B. If permissible:**

i. As per extant regulations at the time of scoping, if it is viewed that the project activity is otherwise permissible, Terms of Reference (TOR) shall be issued with directions to complete the impact assessment studies & submit Environmental Impact Assessment (EIA) report & Environmental Management Plan (EMP) in a time bound manner.

ii. Such cases of violation shall be subject to appropriate

(a) Damage Assessment

(b) Remedial Plan and

(c) Community Augmentation Plan by the Central level Sectoral Expert Appraisal Committees or State/Union Territory Level Expert Appraisal Committees, as the case may be.

iii. The Competent Authority shall issue directions to the project proponent, under section 5 of the Environment (Protection) Act, 1986 on case to case basis mandating payment of such amount (as may be determined based on Polluters Pay principle) and undertaking activities relating to Remedial Plan and Community Augmentation Plan (to restore environmental damage caused including its social aspects).

iv. Upon submission of the EIA & EMP report, the project shall be appraised by the Central Sectoral Expert Appraisal Committees or the State/Union Territory Level Expert Appraisal Committees, as the case may be, as if it was a new proposal. If, on examination of the EIA/EMP report, the project is considered permissible for operation as per extant regulations, the requisite Environmental Clearance shall be issued **which shall be effective from the date of issue.**

v. However, during appraisal after examination if it is found that even though the project may **be permissible but not environmentally sustainable in its present**

**form/configuration/features** then the project shall be directed to be **modified so that the project would be environmentally sustainable.**

vi. If, however, it is not considered appropriate to issue EC, the project shall be directed to be **demolished/ closed. If such proposal is a case of expansion, the project shall be directed to revert back to the extent of activity for which EC had been granted earlier or to revert back to the extent of activity for which EC was not required (as the case may be).**

vii. Central Sectoral Expert Appraisal Committees or the State/Union Territory Level Expert Appraisal Committees, as the case may be, may insist upon public hearing to be conducted for such categories of projects for which the EIA Notification 2006, as amended from time to time, requires the public hearing to be conducted.

viii. The project proponent will be required to **submit a bank guarantee equivalent to the amount of Remediation Plan and Natural & Community Resource Augmentation Plan with Central / the State Pollution Control Board (depending on whether it is appraised at Ministry or by SEIAA).** The quantification of such liability will be recommended by Expert Appraisal Committee and finalized by Regulatory Authority. The bank guarantee shall be deposited prior to the grant of environmental clearance and **will be released after successful implementation of the Remediation plan and Natural & Community Resource Augmentation Plan.**

**Note** - The activities, as per above clauses, shall be undertaken simultaneously wherever feasible. Environmental Clearance, if granted, to such projects or activities, after due appraisal of EIA/EMP report, **shall be effective only from the date of issuance of such clearance** and shall be subject to compliance of obligations towards Damage Assessment, Remedial Plan & Community Augmentation Plan, etc. finalized in each case.

## **12. Penalty provisions for Violation cases and applications:**

### **a. For new projects:**

- i. **Where operation has not commenced:** 1% of the total project cost incurred up to the date of filing of application along with EIA/EMP report; [Ex: Rs.1 lakh for project cost of Rs.1 Cr]
- ii. **Where operations have commenced without EC:** 1% of the total project cost incurred up to the date of filing of application along with EIA/EMP report **PLUS** 0.25% of the total turnover during the period of violation. [Ex: For Rs.100 Cr project cost and Rs.100 Cr total turnover, the penalty shall be Rs.1 Cr + Rs. 0.25 Cr = Rs.1.25 Cr]

*SA*

**b. For expansion projects:**

- i. **Where operation/production with expanded capacity has not commenced:**  
1% of the project cost, attributable to the expansion, incurred up to the date of filing of application along with EIA/EMP report.
- ii. **Where operation/ production with expanded capacity have commenced:**  
1% of the project cost (attributable to the expansion activity) incurred upto the date of filing of application along with EIA/EMP report PLUS 0.25% of the total turnover (attributable to the expanded activity/capacity) involved during the period of violation.

12.1. Without prejudice to obligation as per (a) & (b) above, where the project or activity is considered for appraisal as above & the project proponent fails to provide required information or requisite documents or complete the requisite study for the purpose of EIA/EMP reports or does not furnish such reports within such period, as specified by the appraisal committee, without reasonable cause, it shall be inferred that the project proponent is not serious enough and the project or activity shall be directed to be demolished / closed.

12.2. The percentage rates, as above, shall be halved if the project proponent *suo-moto* reports such violations without such violations coming to the knowledge of the Government either on inquiry or complaint.

12.3. The penalty, as above, shall be in addition to liability for carrying out various remedial measures which shall be worked out based on the damage assessment for quantifying the environmental damage caused due to unauthorized project activity [as per Step 3 enumerated above].

**13. Identification of Violation cases:**

With a view to protecting the environment and to expeditiously bring violators into a regulatory regime so as to prevent & control environment damage caused by such violation & to determine whether operation of such projects is permissible and to take action stipulated under Section 15 of the Environment (Protection) Act, 1986 for contravention of the provisions of the said Act, Rules, orders and directions, it is expedient to also identify the cases of violation, examine and appraise such projects so as to refrain them from causing further environmental damage and also to compensate for causing damage to the environment. Therefore, in exercise of the powers conferred under Section 5 of the Environment (Protection) Act, 1986, the Central Government hereby directs that:-

- i. State Pollution Control Boards & Union Territory Pollution Control Committees, before grant or renewal of Consents under Water(Prevention & Control of Pollution) Act, 1974 & Air (Prevention& Control of Pollution) Act, 1981, shall ensure that the project proponents applies for or possess valid Prior



Environmental Clearance in terms of extant EIA Notification and shall not grant or renew CTO (Consent to Operate) unless Environment Clearance (if applicable) has been obtained.

- ii. The Central Pollution Control Board, all State Pollution Control Boards and all Union Territory Pollution Control Committees shall identify cases of violation under their respective jurisdiction, report such cases to the Ministry or State/Union Territory Level Environmental Impact Assessment Authority, as the case may be and also revoke CTO, if granted to the unit after giving an opportunity of being heard.
- iii. The Central Pollution Control Board, all State Pollution Control Boards and all Union Territory Pollution Control Committees shall expeditiously examine the references, received from public and other bodies, relating to violations and take necessary steps as per (ii) above.

14. This is issued with the approval of the Competent Authority.

  
(Dr. Sujit Kumar Bajpayee)  
Joint Secretary (IA)

To

1. Chairperson/Member Secretary of Central Pollution Control Board
2. Chairperson/Member Secretaries of all the SEIAAs/SEACs
3. Chairman/Members of all the Expert Appraisal Committees
4. Chairman/Members of all the State Pollution Control Boards and Union Territory Pollution Control Committees

Copy for information:

1. PS to Hon'ble Minister for Environment, Forest and Climate Change
2. PS to Hon'ble MoS for Environment, Forest and Climate Change
3. PPS to Secretary(EF&CC)
4. PPS to AS(RS) / AS (RA)/ AS (UD)/ JS(JT) / JS (MP)/ JS (NPG)
5. All the officers of IA Division
6. Website of MoEF&CC/PARIVESH/Guard file

Copy (by email) also forwarded to the Registrar, NGT, in compliance to instruction given in O.A No. 34/2020 WZ in the matter of Tanaji B. Gambhire vs. Chief Secretary, Government of Maharashtra and ors.(order dated 24.05.2021).

  
(TRUE COPY)

**F. No. 22-21/2020-IA.III [E 138949]**

Government of India  
Ministry of Environment, Forest and Climate Change  
(Impact Assessment Division)

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Indira Paryavaran Bhawan  
Aliganj, Jorbagh Road  
New Delhi-110 003

Dated 28<sup>th</sup> January, 2022

**OFFICE MEMORANDUM**

**Sub.: Observation of Hon'ble Supreme Court with reference to the SoP dated 7th July 2021 for identification and handling of violation cases under EIA Notification 2006 – reg.**

The Ministry issued a Standard Operating Procedure dated 7<sup>th</sup> July 2021 bearing the file number 22-21/2020-IA.III, for identification and handling of violation cases under EIA Notification 2006 in compliance to order of the Hon'ble National Green Tribunal in Appeal No. 34/2020 (WZ) titled Tanaji B. Gambhire Vs Chief Secretary, Government of Maharashtra. The copy of the SoP is enclosed for ready reference.

2. The SoP was challenged in the Madurai Bench of the High Court of Madras in the matter W.P.(MD) No. 11757 of 2021 titled Fatima Vs Union of India and was interim stayed vide order dated 15<sup>th</sup> July 2021.

3. Recently, in the Order dated 09<sup>th</sup> December 2021 in the matter of Civil Appeal Nos. 7576-7577 of 2021 in Electrosteel Steels Limited Vs Union of India and Ors., the Hon'ble Supreme Court of India has *inter-alia* observed the following:

"93. The interim order passed by the Madras High Court appears to be misconceived. However, this Court is not hearing an appeal from that interim order. The interim stay passed by the Madras High Court can have no application to operation of the Standard Operating Procedure to projects in territories beyond the territorial jurisdiction of Madras High Court. Moreover, final decision may have been taken in accordance with the Orders/Rules prevailing prior to 7<sup>th</sup> July, 2021."

4. The copy of the order which is self-explanatory is enclosed herewith for necessary action.

5. This is issued with the approval of the competent authority.

  
(A K Agrawal)  
Director

Encl: As above.

To

1. Chairperson/ Member Secretaries of all Expert Appraisal Committees
2. Chairperson/Member Secretaries of all SEIAAs/SEACs
3. All Officers of IA Division

Copy for information to

1. PS to Hon'ble MEF&CC
2. PS to Hon'ble MoS, EF&CC
3. PPS to Secretary, EF&CC
4. PPS to AS (TK)/JS (SKB)
5. Website, MoEF&CC /Guard file

  
(TRUE COPY)



**File No. IA-J-11011/270/2021-IA-II(I)**  
**Government of India**  
**Ministry of Environment, Forest and Climate Change**  
 (Impact Assessment Division)

\*\*\*

Indira Paryavaran Bhawan  
 Jorbagh Road,  
 New Delhi - 110003

**Dated: 15<sup>th</sup> March, 2022**

To,

**M/s GURUJI OVERSEAS**

Khasra No.13/12/2,13/5/1,13/1,13/4,14/2,13/3,13/2  
 Village Jathlana HB No. 04 Tehsil Jagadhri,  
 District- Yamunanagar, Haryana  
 Email: [gurujioverseas01@gmail.com](mailto:gurujioverseas01@gmail.com)

**Subject: Capacity Expansion of Formaldehyde Manufacturing Unit in existing facility from 120 TPD to 200 TPD at Village Jathlana, Tehsil Radaur, District Yamuna Nagar, Haryana by M/s Guruji Overseas- Terms of Reference-regarding.**

Sir,

This has reference to your proposal No. IA/HR/IND3/217910/2021 on the above mentioned subject. Further, the PP has relisted the proposal on parivesh Portal on **07.03.2022** for consideration of TOR proposal.

2. The proposal is for Terms of Reference (ToR) for Capacity Expansion of Formaldehyde Manufacturing Unit in existing facility from 120 TPD to 200 TPD, located at Village Jathlana, Tehsil Radaur, District Yamuna Nagar, Haryana by M/s Guruji Overseas. The Unit was operating since 2018 without prior Environmental Clearance, thus violating the provisions of the EIA Notification, 2006.

3. The said project/activity is covered under category A of item 5(f) "Synthetic Organic Chemicals" of the Schedule to the EIA Notification, 2006, and requires prior EC from Expert Appraisal Committee at Central Level, MoEF&CC.

4. The chronology of events and the actions taken on the instant proposal are as under:

S. No.	Date (s)	Description
1	30.10.2018	Consent to Establish obtained from HSPCB vide letter no. 313282118YAMCTE5620024.
2	08.06.2020	Show cause notice for closure of the unit from HSPCB, Panchkula vide letter no. HSPCB/HWM/41-301/2020/571-572
3	11.11.2020	Additional Chief Secretary, Environment Department, Haryana Govt. vide their order dated 11.11.2020 allowed the units to continue their operations for a period of six months without prejudice to any legal actions taken against the violations committed by them, by the competent

		authorities, with the conditions that they will immediately apply for Environmental Clearance from the competent authority and provide the proof of such application within 60 days from the issuance of this communication to Environment and Climate Change Department and to Haryana State Pollution Control Board.
4	19.05.2021	HSPCB has given directions to stop operation of the unit in view of expiry of relaxation granted by Haryana Govt.
5	03.06.2021	The NGT order dated 03.06.2021 in Original Application No. 287/2020 (Dastak N.G.O. vs Synochem Organics Pvt. Ltd. & Ors.) concluded "Since prior EC is statutory mandate, the same must be complied. We have no doubt that the stand of the private respondents will be duly considered by the concerned regulatory authorities, including the MoEF&CC on merits and in accordance with law but till compliance of statutory mandate, the units cannot be allowed to function. For past violations, the concerned authorities are free to take appropriate action in accordance with polluter pays principle, following due process."
6	03.06.2021	The NGT order dated 03.06.2021 for the Original Application No. 840/2019 (Ayush Garg Vs. Union of India & Ors.) concluded "no further direction appears to be necessary except that the State PCB may ensure that the unit does not re-start functioning without requisite statutory clearance".

### Production Capacity

Product	Capacity for which CTE obtained	Proposed capacity	Total capacity after expansion
Formaldehyde	120 TPD	80 TPD	200 TPD

**Raw Material Detail:** The major raw material is Methanol which comes in road tankers from Kandla Port, Gujarat & stored in underground M.S. tanks.

Raw Material	Total Requirement
Methanol	90 TPD

### Resource Requirement

S. No.	Particular	Detail
1	Land Requirement	Total built up area is 0.9274. Green belt will be developed in an area of 0.3134 Hectare (approximately 33.79% of total land area).
2	Water Requirement	235 KLD will be required for the proposed plant. The water will be sourced from Haryana Water Resources Authority.
3	Power Requirement	Maximum power requirement for the plant is 8000 kWh/day which will be sourced from UHBVN (Uttar Haryana Bijli Vitran Nigam) DG sets as backup- 2x320 KVA (Proposed)

4	Manpower Requirement	20 Manpower will be employed once the plant is in operation phase.
5	Cost of the Project	Total project cost is Rs. 60 Lakhs

**National Parks or Wild Life Sanctuary:** There is no Wild Life Sanctuary or National Park within 10 km radius of the Project Site. Project attracts General Condition of Interstate boundaries "Haryana-Uttar Pradesh interstate boundary at a distance of 4.38 km to SE direction"

**Details of Forest land:** The PP has obtained diversion of 0.0053 Ha. of forest land for access to their factory by Chief Conservator of Forests, Forest Department, Haryana vide file no. 8864/3746 dated 14.01.2020.

#### 5. Details of Violation:

Period	Production	Remarks
Oct 2018- Dec 2020	Formaldehyde Manufacturing (200 TPD)	Prior EC was not taken before setting up and operating the Unit, hence covered under violation case as per provisions of the EIA Notification, 2006

6. The EAC was informed that the Ministry had issued a Notification vide S.O. 804 (E) dated 14<sup>th</sup> March, 2017 for appraisal of projects for grant of terms of reference/ Environmental Clearance, which have started the work on site, expanded the production beyond the limit of Environmental Clearance, or changed the product mix without obtaining prior Environmental Clearance under EIA Notification, 2006. The above said notification i.e., Notification vide S.O. 804 (E) dated 14<sup>th</sup> March, 2017 was an open window for 6 months. The projects or activities which are in violation as on date of this notification only will be eligible to apply for environmental clearance under this notification and the project proponents can apply for environmental clearance under this notification only within six months from the date of this notification.

The Competent Authority in the Ministry (in other proposal) has inter-alia, instructed to deal the violation cases as under:

- (i). The violation proposal should be considered by the sectoral EAC on merit
- (ii). Action to be taken against the alleged violation as per law
- (iii). Do not wait for either the evidence of action having been started or violation proceedings to finish before taking up the case on merit.
- (iv). The EC if given after consideration on merit would be valid from the date it is given and not with retrospective effect. For the period before it, if violation is established by the Court of competent authority, the punishment/penalty as per law would be imposed.
- (v). Assessment of environmental damage, if any.

7. The Committee was also appraised that there were three recent court cases in the Hon'ble NGT [viz. Dastak NGO vs Syncochem Prganics Pvt. Ltd. & ors in OA No. 287 of 2020, Vineet Nagar Vs. Central Ground Water Authority & Ors, in OA No. 298 of 2020, and Ayush Garg Vs Union of India & Ors. in OA No. 840 of 2019], which were disposed of by Hon'ble NGT vide its Order dated 03.06.2021 with the following directions:

- (i). For past Violations, the concerned Authorities are free to take appropriate action in accordance with polluter pays principle, following due process.

- (ii). Since having prior EC is statutory mandate, it has to be complied with by the formaldehyde producing industrial units barring which the units cannot be allowed to function.
- (iii). The State PCB may assess and recover compensation for illegal operation of the Units on 'Polluter Pays' principle.
- (iv). The State PCB to ensure that the unit does not re-start functioning without requisite Statutory Clearance.
- (v). To be duly considered by the concerned regulatory authorities including MOEFCC on merits and in accordance with law.

8. The proposal was considered by the EAC (Industry-3) in its 14th meeting held during July 22-23, 2021. The project proponent and their consultant M/s Vardan Environet, made a detailed presentation through Video Conferencing (VC) and have presented the Form-1 & PFR report. The Committee, after detailed deliberations on the information presented by the project proponent, **recommended** for issuing **Standard Term of Reference** [Annexure-1] along with the certain **specific Term of Reference** for undertaking EIA.

9. Further, the matter has been examined in the Ministry based on SoP issued by the Ministry dated 7<sup>th</sup> July, 2021 for handling violation cases, the SOP has been stayed by Madurai Bench of Hon'ble High Court of Madras.

10. It is submitted that there are following matters, namely, CA No. 4431/2021 titled D C Industries vs. Vineet Nagar & Ors CA No. 4431/2021 titled D C Industries vs. Vineet Nagar & Ors, CA No. 4654/2021 titled Banke Bihari Overseas Pvt. Ltd & Ors. vs Vineet Nagar & Ors, CA No. 4748/2021 titled Dee Bee Organics Pvt. Ltd vs. Vineet Nagar & Ors., CA No. 4795/2021 titled Pahwa Plastics Pvt. Ltd. & Anr. vs Dastak NGO & Ors., CA No. 4902-4903/2021 titled M/s Goyal Overseas vs. Dastak NGO, CA No. 4908/2021 titled Guruji Overseas vs. Vineet Nagar & Ors. The MoEF&CC is one of the Respondent in the instant matters.

11. The Ministry has forwarded the approved affidavit to Central Agency Section on 13.09.2021 for filing in the Hon'ble Supreme Court. The Ministry in its affidavit, inter-alia, mentioned that due to the order of the Hon'ble Supreme Court dated 30.07.2021 granting an ex-parte stay on the application of the order dated 03.06.2021 of Hon'ble NGT and stay of Ministry's OM dated 07.07.2021 (SoP) has led to a peculiar situation.

12. It is mentioned that the Hon'ble Supreme Court in another matter titled Electrosteel Steels Ltd. Vs. Union of India & Ors (Civil Appeal No. 7576-7577 of 2021) vide judgment dated 09/12/2021, inter-alia, held vide the following paragraphs that :

*".....93. The interim order passed by the Madras High Court appears to be misconceived. However, this Court is not hearing an appeal from that interim order. The interim stay passed by the Madras High Court can have no application to operation of the Standard Operating Procedure to projects in territories beyond the territorial jurisdiction of Madras High Court. Moreover, final decision may have been taken in accordance with the Orders/Rules prevailing prior to 7th July, 2021.*

*94. In passing the impugned order the High Court overlooked the consequences of closure of an integrated steel plant with a work force of 300 regular and 700 contractual workers. The High Court also failed to appreciate that the judgment of this Court in Alembic Pharmaceuticals (supra) was distinguishable on facts. Furthermore, continuance of the interim orders allowing operation of an industrial establishment or even the grant of revised EC to the industrial establishment cannot stand in the way of action against that establishment for contraventions, including the imposition of penalty,*

*on the principle 'polluter pays'. The scope and effect of Section 32A of the IBC is a different issue. This Court need not examine into the question of whether penal action can be initiated against the Appellant or, whether compensation can be recovered from the Appellant, at this stage. The issue may be decided by the appropriate authority at the appropriate stage when it adjudicates an action for penalization of the Appellant or recovery of compensation from the Appellant. The application of the Appellant for revised EC, CTO etc. shall be considered strictly in accordance with environmental norms.*

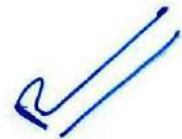
95. *The appeals are allowed. The impugned order is set aside. The Respondent No.1 shall take a decision on the application of the Appellant for revised EC in accordance with law, within three months from date. Pending such decision, the operation of the steel plant shall not be interfered with on the ground of want of EC, FC, CTE or CTO....."*

13. Further, the Ministry has issued an OM on 25/08/2021 and forwarded the directions of the Hon'ble Supreme Court in the matter of Electrosteel Steels Ltd. Vs. Union of India & Ors (Civil Appeal No. 7576-7577 of 2021) vide judgment dated 09/12/2021 to regulatory authority. **In view of the above, OM dated 25/08/2021, the Project Proponent has relisted/submitted the application of TOR on Parivesh Portal on 07.03.2022.**

14. Based on recommendations of EAC (Industry-3 Sector), SOP dated 07.07.2021 and directions as mentioned in Para 12-13 above, the undersigned is directed to say that the Ministry has granted ToR in violation category to the instant proposal viz. **"Capacity Expansion of Formaldehyde Manufacturing Unit in existing facility from 120 TPD to 200 TPD at Village Jathlana, Tehsil Radaur, District Yamuna Nagar, Haryana by M/s Guruji Overseas"**, under the provisions of the EIA Notification, 2006 with Public Hearing, subject to the compliance of terms and conditions as per Annexure-I and with additional ToR, are as under:

- (i) **This TOR is granted subject to outcome of Hon'ble Supreme Court of India, Hon'ble High Court, Hon'ble NGT and any other Court of Law, if any, as may be applicable to this project.**
- (ii) **The project proponent will comply all the directions/safeguards/studies/mitigation measures/various plan etc. mentioned in the SOP dated 07.07.2021. The project proponent will prepare the EIA/EMP Report as per provisions of the EIA Notification, 2006, approved TOR and SOP dated 07.07.2021.**
- (iii) The project proponent will be liable to pay the penalty for the period of violation, as may be determined by Ministry, arisen due to constructing and/or operating the project without prior EC. An undertaking in this regard shall be submitted by PP along with EC proposal. The project proponent shall also submit the details on the cost incurred on establishment of the project and year-wise total turnover till date.
- (iv) The Directions of the Hon'ble NGT shall be implemented vide its Orders dated 03.06.2021, in the matter of Dastak NGO vs Syncochem Prganics Pvt. Ltd. & ors in OA No. 287 of 2020; Vineet Nagar Vs. Central Ground Water Authority & Ors, in OA No. 298 of 2020; and Ayush Garg Vs Union of India & Ors. in OA No. 840 of 2019]. Implementation Report may be submitted by the PP at the time of submission of EIA/EMP Report.
- (v) The State Government/SPCB to take action against the project proponent under the provisions of section 19 of the Environment (Protection) Act, 1986, and further no consent to operate to be issued till the project is granted EC.

- (vi) The SPCB may assess and recover compensation for illegal operation of the Units on 'Polluter Pays' principle. Implementation Report may be submitted by the SPCB at the time of submission of EIA/EMP Report by the PP.
- (vii) The assessment of ecological damage with respect to air, water, land and other environmental attributes. The collection and analysis of data shall be done by an environmental laboratory duly notified under the Environment (Protection) Act, 1986, or an environmental laboratory accredited by NABL, or a laboratory of a Council of Scientific and Industrial Research (CSIR) institution working in the field of environment. The cost for assessment of environmental damage may be guided by the Ministry of Environment, Forest and Climate Change O.M No. 19-125/2019-IA.III, dated 05.03.2020.
- (viii) EMP shall be prepared comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefits derived due to violation.
- (ix) The remediation plan and the natural and community resource augmentation plan to be prepared as an independent chapter in the EIA report by the accredited consultants.
- (x) The project proponent shall be required to submit a bank guarantee equivalent to the amount of remediation plan and natural and community resource augmentation plan with the SPCB prior to the grant of EC. The quantum shall be recommended by the EAC and finalized by the regulatory authority. The bank guarantee shall be released after successful implementation of the EMP, followed by recommendations of the EAC and approval of the regulatory authority.
- (xi) Budget of remediation plan and natural and community resource augmentation plan corresponding to the ecological damage shall be completed within three years and to be prepared accordingly.
- 15.** You are required to submit the final EIA/EMP reports prepared by the consultants accredited with the Quality Council of Indian/National Accreditation Board of Education and Training (QCI/NABET), to the EAC/Ministry for consideration of environmental clearance within the validity period of the TOR prescribed as per the provisions of the EIA Notification, 2006.
- 16.** This issues with the approval of the competent authority.



**(Dr. R. B. Lal)**

**Scientist 'E'/Additional Director**

Tele-fax: 011-20819346

Email-rb.lal@nic.in

**Encl. as above**

**Copy to: -**

1. 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

2. The Member Secretary, Haryana State Pollution Control Board, C-11, Sector-6, Panchkula, Haryana: ***with a request to take necessary action as per compliance of the Hon'ble Courts and this Ministry's OM dated 07.07.2021.***
3. The Secretary, Department of Environment & Forest, Government of Haryana, SCO 1-2-3, Sector 17 (D), 2nd Floor, Chandigarh
4. The Secretary, Department of Revenue, Government of Haryana, SCO 1-2-3, Sector 17 (D), 2nd Floor, Chandigarh
5. The Member Secretary, Central Pollution Control Board, Parivesh Bhawan, CBD-cum-Office Complex, East Arjun Nagar, Delhi – 110032
6. The Member Secretary, Jamnagar House, 18/11, Man Singh Road Area, New Delhi, Delhi 110001
7. The District Collector, District **Yamuna Nagar**, Haryana
8. Guard File/Monitoring File/Record File/Parivesh Portal



(Dr. R. B. Lal)  
Scientist 'E'/Additional Director

Standard TOR for 5 (f) Category**A. STANDARD TERMS OF REFERENCE****1) Executive Summary****2) Introduction**

- i. Details of the EIA Consultant including NABET accreditation
- ii. Information about the project proponent
- iii. Importance and benefits of the project

**3) Project Description**

- i. Cost of project and time of completion.
- ii. Products with capacities for the proposed project.
- iii. If expansion project, details of existing products with capacities and whether adequate land is available for expansion, reference of earlier EC if any.
- iv. Details of existing products and production, if any, along with present product/production details in tabular format, to verify the compliance of the EIA Notifications.
- v. List of raw materials required and their source along with mode of transportation.
- vi. Other chemicals and materials required with quantities and storage capacities
- vii. Details of Emission, effluents, hazardous waste generation and their management.
- viii. Requirement of water, power, with source of supply, status of approval, water balance diagram, man-power requirement (regular and contract)
- ix. Details of boiler/gensets (including stacks/exhausts) and fuels to be used
- x. Process description along with major equipments and machineries, process flow sheet (quantitative) from raw materials to products to be provided
- xi. Hazard identification and details of proposed safety systems.
- xii. Expansion/modernization proposals:
  - a. Copy of all the Environmental Clearance(s) including Amendments thereto obtained for the project from MOEF/SEIAA shall be attached as an Annexure. A certified copy of the latest Monitoring Report of the Integrated Regional Office of the Ministry of Environment, Forest and Climate Change as per circular dated 30<sup>th</sup> May, 2012 on the status of compliance of conditions stipulated in all the existing environmental clearances including Amendments shall be provided. In addition, copy of the latest CTO and status of compliance of Consent to Operate for the ongoing/existing operation of the project from SPCB shall be attached with the EIA-EMP report.
  - b. In case the existing project has not obtained environmental clearance, reasons for not taking EC under the provisions of the EIA Notification 1994 and/or EIA Notification 2006 shall be provided. Copies of Consent to Establish/No Objection Certificate and Consent to Operate (in case of units operating prior to EIA Notification 2006, CTE and CTO of FY 2005-2006) obtained from the SPCB shall be submitted. Further, compliance report to the conditions of consents from the SPCB shall be submitted.

**4) Site Details**

- (i) Location of the project site covering village, Taluka/Tehsil, District and State, Justification for selecting the site, whether other sites were considered.
- (ii) A topo-sheet of the study area of radius of 10km and site location on 1:50,000/1:25,000 scale on an A3/A2 sheet. (including all eco-sensitive areas and environmentally sensitive places)
- (iii) Details w.r.t. option analysis for selection of site
- (iv) Co-ordinates (lat-long) of all four corners of the site.

- (v) Google map-Earth download of the project site.
- (vi) Layout maps indicating existing unit as well as proposed unit indicating storage area, plant area, greenbelt area, utilities etc. If located within an Industrial area/Estate/Complex, layout of Industrial Area indicating location of unit within the Industrial area/Estate.
- (vii) Photographs of the proposed and existing (if applicable) plant site. If existing, show photographs of plantation/greenbelt, in particular.
- (viii) Land-use break-up of total land of the project site (identified and acquired), government/private - agricultural, forest, wasteland, water bodies, settlements, etc shall be included. (not required for industrial area)
- (ix) A list of major industries with name and type within study area (10km radius) shall be incorporated. Land use details of the study area
- (x) Geological features and Geo-hydrological status of the study area shall be included.
- (xi) Details of Drainage of the project upto 5km radius of study area. If the site is within 1 km radius of any major river, peak and lean season river discharge as well as flood occurrence frequency based on peak rainfall data of the past 30 years. Details of Flood Level of the project site and maximum Flood Level of the river shall also be provided. (mega green field projects)
- (xii) Status of acquisition of land. If acquisition is not complete, stage of the acquisition process and expected time of complete possession of the land. Documents related to conversion of land for Industrial purpose.
- (xiii) R&R details in respect of land in line with state Government policy

**5) Forest, wildlife and CRZ related issues (if applicable):**

- i. Permission and approval for the use of forest land (forestry clearance), if any, and recommendations of the State Forest Department. (if applicable)
- ii. Land-use map based on High resolution satellite imagery of the proposed site delineating the forestland (*in case of projects involving forest land more than 40 ha*)
- iii. Status of Application submitted for obtaining the stage I forestry clearance along with latest status shall be submitted.
- iv. The projects to be located within 10 km of the National Parks, Sanctuaries, Biosphere Reserves, Migratory Corridors of Wild Animals, the project proponent shall submit the map duly authenticated by Chief Wildlife Warden showing these features vis-à-vis the project location and the recommendations or comments of the Chief Wildlife Warden thereon
- v. Wildlife Conservation Plan duly authenticated by the Chief Wildlife Warden of the State Government for conservation of Schedule I fauna, if any exists in the study area
- vi. Copy of application submitted for clearance under the Wildlife (Protection) Act, 1972, to the Standing Committee of the National Board for Wildlife
- vii. Recommendations and NOC from the concerned State/UT Coastal Zone Management Authority on CRZ angle

**6) Environmental Status**

- (i) Determination of atmospheric inversion level at the project site and site-specific micro-meteorological data using temperature, relative humidity, hourly wind speed and direction and rainfall.
  - a. AAQ data (except monsoon) at 8 locations for PM10, PM2.5, SO2, NOX, CO and other parameters relevant to the project shall be collected. The monitoring stations shall be based CPCB guidelines and take into account the pre-dominant wind direction, population zone and sensitive receptors including reserved forests. Study should indicate minimum, maximum value of different

parameters for the period (3 months) collected. Collected data should be supported by the reference data of either CPCB or SPCB. AAQ data & GLC of pollutants from stack emissions should suggest technology/ measures- Best Practiced Technology (BPT) indicating best achieved results.

- (ii) Raw data of all AAQ measurement for 12 weeks of all stations as per frequency given in the NAQQM Notification of Nov. 2009 along with – min., max., average and 98% values for each of the AAQ parameters from data of all AAQ stations should be provided as an annexure to the EIA Report.
- (iii) Surface water quality of nearby River (100m upstream and downstream of discharge point) and other surface drains at eight locations as per CPCB/MoEF&CC guidelines.
- (iv) Whether the site falls near to polluted stretch of river identified by the CPCB/MoEF&CC, if yes give details.
- (v) Ground water monitoring at minimum at 8 locations shall be included.
- (vi) Noise levels monitoring at 8 locations within the study area.
- (vii) Soil Characteristic as per CPCB guidelines.
- (viii) Traffic study of the area, type of vehicles, frequency of vehicles for transportation of materials, additional traffic due to proposed project, parking arrangement etc.
- (ix) Detailed description of flora and fauna (terrestrial and aquatic) existing in the study area shall be given with special reference to rare, endemic and endangered species. If Schedule-I fauna are found within the study area, a Wildlife Conservation Plan shall be prepared and furnished.
- (x) Socio-economic status of the study area.

## 7) Environment Impact and Environment Management Plan

- i. Assessment of ground level concentration of pollutants from the stack emission based on site-specific meteorological features. In case the project is located on a hilly terrain, the AQIP Modelling shall be done using inputs of the specific terrain characteristics for determining the potential impacts of the project on the AAQ. Cumulative impact of all sources of emissions (including transportation) on the AAQ of the area shall be assessed. Details of the model used and the input data used for modelling shall also be provided. The air quality contours shall be plotted on a location map showing the location of project site, habitation nearby, sensitive receptors, if any.
- ii. Water Quality Modelling – in case of discharge in water body
- iii. Impact of the transport of the raw materials and end products on the surrounding environment shall be assessed and provided. In this regard, options for transport of raw materials and finished products and wastes (large quantities) by rail or rail-cum road transport or conveyor-cum-rail transport shall be examined.
- iv. A note on treatment of wastewater from different plant operations, extent recycled and reused for different purposes shall be included. Complete scheme of effluent treatment. Characteristics of untreated and treated effluent to meet the prescribed standards of discharge under E(P) Rules.
- v. Details of stack emission and action plan for control of emissions to meet standards.
- vi. Measures for fugitive emission control
- vii. Details of hazardous waste generation and their storage, utilization and management. Copies of MOU regarding utilization of solid and hazardous waste in cement plant shall also be included. EMP shall include the concept of waste-minimization, recycle/reuse/recover techniques, Energy conservation, and natural resource conservation.
- viii. Proper utilization of fly ash shall be ensured as per Fly Ash Notification, 2009. A detailed plan of action shall be provided.

- ix. Action plan for the green belt development plan in 33 % area i.e. land with not less than 1,500 trees per ha. Giving details of species, width of plantation, planning schedule etc. shall be included. The green belt shall be around the project boundary and a scheme for greening of the roads used for the project shall also be incorporated.
- x. Action plan for rainwater harvesting measures at plant site shall be submitted to harvest rainwater from the roof tops and storm water drains to recharge the ground water and also to use for the various activities at the project site to conserve fresh water and reduce the water requirement from other sources.
- xi. Total capital cost and recurring cost/annum for environmental pollution control measures shall be included.
- xii. Action plan for post-project environmental monitoring shall be submitted.
- xiii. Onsite and Offsite Disaster (natural and Man-made) Preparedness and Emergency Management Plan including Risk Assessment and damage control. Disaster management plan should be linked with District Disaster Management Plan.

## 8) Occupational health

- i. Plan and fund allocation to ensure the occupational health & safety of all contract and casual workers
- ii. Details of exposure specific health status evaluation of worker. If the workers' health is being evaluated by pre designed format, chest x rays, Audiometry, Spirometry, Vision testing (Far & Near vision, colour vision and any other ocular defect) ECG, during pre placement and periodical examinations give the details of the same. Details regarding last month analyzed data of above mentioned parameters as per age, sex, duration of exposure and department wise.
- iii. Details of existing Occupational & Safety Hazards. What are the exposure levels of hazards and whether they are within Permissible Exposure level (PEL). If these are not within PEL, what measures the company has adopted to keep them within PEL so that health of the workers can be preserved,
- iv. Annual report of health status of workers with special reference to Occupational Health and Safety.

## 9) Corporate Environment Policy

- i. Does the company have a well laid down Environment Policy approved by its Board of Directors? If so, it may be detailed in the EIA report.
- ii. Does the Environment Policy prescribe for standard operating process / procedures to bring into focus any infringement / deviation / violation of the environmental or forest norms / conditions? If so, it may be detailed in the EIA.
- iii. What is the hierarchical system or Administrative order of the company to deal with the environmental issues and for ensuring compliance with the environmental clearance conditions? Details of this system may be given.
- iv. Does the company have system of reporting of non compliances / violations of environmental norms to the Board of Directors of the company and / or shareholders or stakeholders at large? This reporting mechanism shall be detailed in the EIA report
- v. Details regarding infrastructure facilities such as sanitation, fuel, restroom etc. to be provided to the labour force during construction as well as to the casual workers including truck drivers during operation phase.

## 10) Corporate Environmental Responsibility (CER)

- i. Adequate funds, as per the Ministry's OM/Guidelines, shall be earmarked towards the Corporate Environmental Responsibility based on Public Hearing issues/socio-economic issues and item-wise details along with time bound action plan shall be included (CER activities shall be related to environment). Socio-economic development activities need to

be elaborated upon. For the projects where public hearing is not conducted, CER plan shall be provided based on socio-economic study of the area.

#### 10) Additional studies/Measures to be considered

- (i) Provide latest and ecofriendly technology for product manufacturing.
- (ii) Emphasize on Green chemistry/Clean Manufacturing
- (iii) Provide CAS No. of products along with product list.
- (iv) Provide details of amount of carbon sequestered in their unit through greenbelt/other modes, in case of expansion project.
- (v) Life structure and sustainability for carbon and water foot print.
- (vi) Detailed pollution Load estimation.
- (vii) Transportation of Hazardous substance, effluents etc shall be carried out through authorized and GPS enable vehicles/Trucks only.
- (viii) Category of Hazardous Wastes shall be mentioned in the EIA/EMP report and in presentation.
- (ix) Details of greenhouse gases and emissions shall be provided.
- (x) Greenbelt shall be developed in the first year of the project and wind breaks shall be erected.
- (xi) Study area map shall be overlapped with all the associated features.
- (xii) Emphasize on green fuels.
- (xiii) The project from NCR shall not use Coal as fuel. Further, PP shall avoid use of Coal in the CPAs and elsewhere also if alternatives are available.
- (xiv) Provide the Cost-Benefit analysis with respect to the environment due to the project.

**11)** Any litigation pending against the project and/or any direction/order passed by any Court of Law against the project, if so, details thereof shall also be included. Has the unit received any notice under the Section 5 of Environment (Protection) Act, 1986 or relevant Sections of Air and Water Acts? If so, details thereof and compliance/ATR to the notice(s) and present status of the case.

**12)** A tabular chart with index for point wise compliance of above TORs and its details needs to be submitted in the EIA/EMP Report.

#### **B. SPECIFIC TERMS OF REFERENCE FOR EIA STUDIES FOR SYNTHETIC ORGANIC CHEMICALS INDUSTRY**

1. Details on solvents to be used, measures for solvent recovery and for emissions control.
2. Details of process emissions from the proposed unit and its arrangement to control.
3. Ambient air quality data should include VOC, other process-specific pollutants\* like NH<sub>3</sub>\*, chlorine\*, HCl\*, HBr\*, H<sub>2</sub>S\*, HF\*, etc., (\*-as applicable)
4. Work zone monitoring arrangements for hazardous chemicals.
5. Detailed effluent treatment scheme including segregation of effluent streams for units adopting 'Zero' liquid discharge.
6. Action plan for odour control to be submitted.
7. A copy of the Memorandum of Understanding signed with cement manufacturers indicating clearly that they co-process organic solid/hazardous waste generated.
8. Authorization/Membership for the disposal of liquid effluent in CETP and solid/hazardous waste in TSDF, if any.
9. Action plan for utilization of MEE/dryers salts.
10. Material Safety Data Sheet for all the Chemicals are being used/will be used.

11. Authorization/Membership for the disposal of solid/hazardous waste in TSDF.
12. Details of incinerator if to be installed.
13. Risk assessment for storage and handling of hazardous chemicals/solvents. Action plan for handling & safety system to be incorporated.
14. Arrangements for ensuring health and safety of workers engaged in handling of toxic materials.

## **B. SPECIFIC TERMS OF REFERENCE FOR EIA STUDIES FOR VIOLATION PROJECTS**

1. The State Government/SPCB to take action against the project proponent under the provisions of the Environment (Protection) Act, 1986, and further no consent to operate to be issued till the project is granted EC.
2. Direction to be issued under section 5 of the Environment (Protection) Act, 1986 to stop the violating activities till the EC is obtained.
3. The project proponent shall be required to submit a bank guarantee equivalent to the amount of remediation plan and natural and community resource augmentation plan with the SPCB prior to the grant of EC. The quantum shall be recommended by the EAC and finalized by the regulatory authority. The bank guarantee shall be released after successful implementation of the EMP, followed by recommendations of the EAC and approval of the regulatory authority.
4. Assessment of ecological damage with respect to air, water, land and other environmental attributes. The collection and analysis of data shall be done by an environmental laboratory duly notified under the Environment (Protection) Act, 1986, or an environmental laboratory accredited by NABL, or a laboratory of a Council of Scientific and Industrial Research (CSIR).
5. Preparation of EMP comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefits derived due to violation.
6. The remediation plan and the natural and community resource augmentation plan to be prepared as an independent chapter (13) in the EIA report by the accredited consultants.
7. Budget of remediation plan and natural and community resource augmentation plan corresponding to the ecological damage shall be completed within three years and to be prepared accordingly.
8. The State Government/SPCB to take action against the project proponent under the provisions of the Environment (Protection) Act, 1986, and further no consent to operate to be issued till the project is granted EC.
9. Direction to be issued under section 5 of the Environment (Protection) Act, 1986 to stop the violating activities till the EC is obtained.
10. The project proponent shall be required to submit a bank guarantee equivalent to the amount of remediation plan and natural and community resource augmentation plan with the SPCB prior to the grant of EC. The quantum shall be recommended by the EAC and finalized by the regulatory authority. The bank guarantee shall be released after successful implementation of the EMP, followed by recommendations of the EAC and approval of the regulatory authority.
11. Assessment of ecological damage with respect to air, water, land and other environmental attributes. The collection and analysis of data shall be done by an environmental laboratory duly notified under the Environment (Protection) Act, 1986, or an environmental laboratory accredited by NABL, or a laboratory of a Council of Scientific and Industrial Research (CSIR).

(TRUE COPY)

## ANNEXURE-R-23



F. No. IA-J-11011/108/2021-IA-II(I)  
 Government of India  
 Ministry of Environment, Forest & Climate Change  
 Impact Assessment Division

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Indira Paryavaran Bhavan,  
 Vayu Wing, Aliganj,  
 Jor Bagh Road, New Delhi-110 003

Dated: 20<sup>th</sup> July, 2021

To,

**M/s Chemwood Industries**  
 Village Bhagwanpur, Kharwan Road,  
 Tehsil Jagadhri, District Yamuna Nagar,  
 Haryana

Email: [chemwoodindustries2019@gmail.com](mailto:chemwoodindustries2019@gmail.com)

**Sub: Capacity Expansion for Formaldehyde Manufacturing Unit with the existing production capacity 100 TPD to 200 TPD at Village Bhagwanpur, Kharwan Road, Tehsil Jagadhri, District Yamuna Nagar, Haryana by M/s Chemwood Industries – Terms of Reference - reg.**

Sir,

This has reference to your online proposal No. IA/HR/IND3/204922/2021 dated 17<sup>th</sup> June, 2021 for Terms of Reference to the above mentioned project.

2. The proposal is for Terms of Reference (ToR) for Capacity Expansion for Formaldehyde Manufacturing Unit with the existing production capacity 100 TPD to 200 TPD at Village Bhagwanpur, Kharwan Road, Tehsil Jagadhri, District Yamuna Nagar, Haryana by M/s Chemwood Industries, established on 20<sup>th</sup> December 2018 without prior Environmental clearance, thus violating the provisions of the EIA Notification, 2006.
3. The said project/activity is covered under category "A" of item 5(f) "Synthetic Organic Chemicals" of the Schedule to the EIA Notification, 2006, and requires prior EC from Expert Appraisal Committee, MoEF&CC.
4. The chronology of events and the actions taken on the instant proposal are as under:  
 The plant was setup with the consent to establish dated 20<sup>th</sup> December 2018 from the Haryana State Pollution Control Board (HSPCB). The chronology of events is as under:

*Psarany*  
 TOR for M/s Chemwood Industries

S.No.	Date	Description
1	20.12.2018	Consent to Establish obtained from HSPCB vide letter no. HSPCB/Consent/313282118YAMCTE5784449.
2.	10.06.2019	Show cause notice by HSPCB for closure under Section 5 of EPA, 1986 and Prosecution under section 15 vide Letter No. HSPCB/YR/2019/17420 and Letter No. HSPCB/YR/2019/17418 respectively
3.	29.06.2019	Show cause notice by HSPCB for refusal of Consent To Operate vide letter no. O19YAMCTOA/WSCN6681779
4.	13.05.2020	Show cause notice by HSPCB for closure under Water Act, 1974 & Air Act, 1981 vide letter no. HSPCB/YR/2020/5280
5.	11.11.2020	Additional Chief Secretary, Environment Department, Haryana Govt. vide their order dated 11.11.2020 allowed the units to continue their operations for a period of six months without prejudice to any legal actions taken against the violations committed by them, by the competent authorities, with the conditions that they will immediately apply for Environmental Clearance from the competent authority and provide the proof of such application within 60 days from the issuance of this communication to Environment and Climate Change Department and to Haryana State Pollution Control Board.
6.	03.06.2021	The NGT order dated 03.06.2021 in Original Application No. 287/2020 (Dastak N.G.O. vs Synochem Organics Pvt. Ltd. & Ors.) concluded "Since prior EC is statutory mandate, the same must be complied. We have no doubt that the stand of the private respondents will be duly considered by the concerned regulatory authorities, including the MoEF&CC on merits and in accordance with law but till compliance of statutory mandate, the units cannot be allowed to function. For past violations, the concerned authorities are free to take appropriate action in accordance with polluter pays principle, following due process."
7.	03.06.2021	The NGT order dated 03.06.2021 for the Original Application No. 840/2019 (Ayush Garg Vs. Union of India & Ors.) concluded "no further direction appears to be necessary except that the State PCB may ensure that the unit does not re-start functioning without requisite statutory clearance".

#### Production Capacity

Product	Existing Capacity	Proposed Capacity	Total Capacity
Formaldehyde	100 TPD	100 TPD	200 TPD

**Raw Material Detail:** The major raw material is Methanol which comes by road through tankers from Kandla Port, Gujarat & stored in underground M.S tanks. Methanol requirement for the existing unit is 50 TPD and after expansion, total 100 TPD will be required.

Raw Material	Existing Requirement	Proposed Requirement	Total Requirement
Methanol	50 TPD	50 TPD	100 TPD

### Resource Requirement

S.No.	Particular	Detail						
1	Land Requirement	Total area available is 0.68 Hectare. No additional land is required for proposed expansion. Green belt will be developed in an area of 0.2558 Hectare (Approximately 37.62% of total land area).						
2	Water Requirement	<table border="1"> <thead> <tr> <th>Existing</th> <th>For Expansion</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>200 KLD</td> <td>250 KLD</td> <td>450 KLD</td> </tr> </tbody> </table> <p><b>Source:</b> Haryana Water Resources Authority</p>	Existing	For Expansion	Total	200 KLD	250 KLD	450 KLD
Existing	For Expansion	Total						
200 KLD	250 KLD	450 KLD						
3	Power Requirement	<table border="1"> <thead> <tr> <th>Existing</th> <th>For Expansion</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>250 KW</td> <td>250 KW</td> <td>500 KW</td> </tr> </tbody> </table> <p><b>Source:</b> UHBVN (Uttar Haryana Bijli Vitran Nigam)  <b>DG sets as backup:</b> 325 KVA (existing)  650 KVA (proposed)</p>	Existing	For Expansion	Total	250 KW	250 KW	500 KW
Existing	For Expansion	Total						
250 KW	250 KW	500 KW						
4	Boiler	<p><b>Existing:</b> 900 Kg/hr, HSD Fired (1 No.)  <b>Proposed:</b> No  <b>Total:</b> as per EIA Notification 2006 and subsequent amendments</p>						
5	Manpower Requirement	<table border="1"> <thead> <tr> <th>Existing</th> <th>For Expansion</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>10</td> <td>05</td> <td>15</td> </tr> </tbody> </table>	Existing	For Expansion	Total	10	05	15
Existing	For Expansion	Total						
10	05	15						
6	Cost of the Project	<table border="1"> <thead> <tr> <th>Existing</th> <th>Estimated cost for proposed expansion</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>486 Lakhs</td> <td>214 Lakhs</td> <td>700 Lakhs</td> </tr> </tbody> </table>	Existing	Estimated cost for proposed expansion	Total	486 Lakhs	214 Lakhs	700 Lakhs
Existing	Estimated cost for proposed expansion	Total						
486 Lakhs	214 Lakhs	700 Lakhs						

5. There are no Wild Life Sanctuary or National Park within 10 km radius of the Project Site. No NBWL Clearance required. No forest land involved in the project

site. Company has obtained diversion of 0.00944 ha of forest land for access to their factory from MoEF&CC.

#### 6. Details of Violation:

S.No.	Period	Production	Remarks
1	Dec 2018- May 2021	Formaldehyde Manufacturing (100 TPD)	Prior EC was not secured before setting up and operating the Unit, hence covered under violation as per EIA Notification 2006 and subsequent amendments

7. The Committee was informed that the Ministry had issued a Notification vide S.O. 804 (E) dated 14<sup>th</sup> March, 2017 for appraisal of projects for grant of terms of reference/ Environmental Clearance, which have started the work on site, expanded the production beyond the limit of Environmental Clearance, or changed the product mix without obtaining prior Environmental Clearance under EIA Notification, 2006. The above said notification i.e., Notification vide S.O. 804 (E) dated 14<sup>th</sup> March, 2017 was an open window for 6 months. The projects or activities which are in violation as on date of this notification only will be eligible to apply for environmental clearance under this notification and the project proponents can apply for environmental clearance under this notification only within six months from the date of this notification.

The Competent Authority in the Ministry (in other proposal) has inter-alia, instructed to deal the violation cases as under:

- (i) The violation proposal should be considered by the sectoral EAC on merit
- (ii) Action to be taken against the alleged violation as per law
- (iii) Do not wait for either the evidence of action having been started or violation proceedings to finish before taking up the case on merit.
- (iv) The EC if given after consideration on merit would be valid from the date it is given and not with retrospective effect. For the period before it, if violation is established by the Court of competent authority, the punishment/penalty as per law would be imposed.
- (v) Assessment of environmental damage, if any.

8. The Committee was also appraised that there were three recent court cases in the Hon'ble NGT [viz. Dastak NGO vs Syncochem Prganics Pvt. Ltd. & ors in OA No. 287 of 2020, Vineet Nagar Vs. Central Ground Water Authority & Ors, in OA No. 298 of 2020, and Ayush Garg Vs Union of India & Ors. in OA No. 840 of 2019], which were disposed of by Hon'ble NGT vide its Order dated 03.06.2021 with the following directions:

- (i). For past Violations, the concerned Authorities are free to take appropriate action in accordance with polluter pays principle, following due process.
- (ii). Since having prior EC is statutory mandate, it has to be complied with by the formaldehyde producing industrial units barring which the units cannot be allowed to function.
- (iii). State PCB may assess and recover compensation for illegal operation of the Units on 'Polluter Pays' principle.
- (iv). State PCB to ensure that the unit does not re-start functioning without requisite Statutory Clearance.
- (v). To be duly considered by the concerned regulatory authorities including MOEFCC on merits and in accordance with law.

The Proposal was examined in the Ministry and EDS has been sought on Parivesh Portal on 17<sup>th</sup> May 2021. The Project Proponent, on 17<sup>th</sup> June 2021 has submitted the EDS reply on Parivesh Portal and accordingly the Proposal is placed in the 13<sup>th</sup> EAC meeting for its appraisal.

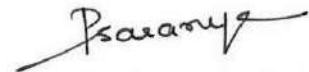
9. The proposal was considered by the EAC (Industry-3) in its 13<sup>th</sup> meeting held during 1-2 July, 2021. The project proponent and their consultant M/s Vardan Environet, made a detailed presentation through Video Conferencing (VC) and have presented the PFR report. The Committee, after detailed deliberations on the information presented by the project proponent, **recommended** for issuing **Standard Term of Reference** for undertaking EIA and preparation of Environmental Management Plan (EMP) as per **Annexure-I** and with additional ToR as under:

- (i) The project proponent will be liable to pay the penalty for the period of violation, as may be determined by Ministry, arisen due to constructing and/or operating the project without prior EC. An undertaking in this regard shall be submitted by PP along with EC proposal. The project proponent shall also submit the details on the cost incurred on establishment of the project and year-wise total turnover till date.
- (ii) The Directions of the Hon'ble NGT shall be implemented vide its Orders dated 03.06.2021, in the matter of Dastak NGO vs Syncochem Prganics Pvt. Ltd. & ors in OA No. 287 of 2020; Vineet Nagar Vs. Central Ground Water Authority & Ors, in OA No. 298 of 2020; and Ayush Garg Vs Union of India & Ors. in OA No. 840 of 2019]. Implementation Report may be submitted by the PP at the time of submission of EIA/EMP Report.
- (iii) The State Government/SPCB to take action against the project proponent under the provisions of section 19 of the Environment (Protection) Act, 1986, and further no consent to operate to be issued till the project is granted EC.
- (iv) Haryana PCB may assess and recover compensation for illegal operation of the Units on 'Polluter Pays' principle. Implementation Report may be submitted by the SPCB at the time of submission of EIA/EMP Report by the PP.

- (v) Assessment of ecological damage with respect to air, water, land and other environmental attributes. The collection and analysis of data shall be done by an environmental laboratory duly notified under the Environment (Protection) Act, 1986, or an environmental laboratory accredited by NABL, or a laboratory of a Council of Scientific and Industrial Research (CSIR) institution working in the field of environment. The cost for assessment of environmental damage may be guided by the Ministry of Environment, Forest and Climate Change O.M No. 19-125/2019-IA.III, dated 05.03.2020.
- (vi) EMP shall be prepared comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefits derived due to violation.
- (vii) The remediation plan and the natural and community resource augmentation plan to be prepared as an independent chapter in the EIA report by the accredited consultants.
- (viii) The project proponent shall be required to submit a bank guarantee equivalent to the amount of remediation plan and natural and community resource augmentation plan with the SPCB prior to the grant of EC. The quantum shall be recommended by the EAC and finalized by the regulatory authority. The bank guarantee shall be released after successful implementation of the EMP, followed by recommendations of the EAC and approval of the regulatory authority.
- (ix) Budget of remediation plan and natural and community resource augmentation plan corresponding to the ecological damage shall be completed within three years and to be prepared accordingly.

10. You are required to submit the final EIA/EMP reports prepared by the consultants accredited with the Quality Council of India/National Accreditation Board of Education and Training (QCI/NABET), to the SEIAA/SEAC for grant of environmental clearance within 3 years, as per this Ministry's OM No. J-11013/41/2006-IA. II (I) dated 8<sup>th</sup> October, 2014.

11. This issues with the approval of the competent authority.



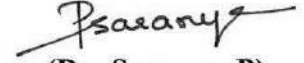
**(Dr. Saranya P)**  
**Scientist D/ Joint Director**

(डा. सरन्या पी)  
(Dr. SARANYA P)  
वैज्ञानिक 'डी'/Scientist 'D'  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
Min.of Environment, Forest and Climate Change  
भारत सरकार, नई दिल्ली  
Govt. of India, New Delhi

**Copy to:-**

1. The Deputy Director General of Forests (C), Ministry of Environment, Forest

- and Climate Change, Integrated Regional, Office, Bays No. 24-25, Sector 31 A, Dakshin Marg, Chandigarh - 160030
2. The Member Secretary, Haryana State Pollution Control Board, C-11, Sector-6, Panchkula, Haryana: *with a request to immediately close the unit and ensure that the unit does not re-start functioning without requisite Statutory Clearance in compliance to the Hon'ble NGT orders dated 03.06.2021 and this Ministry's OM dated 07.07.2021. The copies are enclosed for ready reference.*
  3. Guard File/Monitoring File/Record File



(Dr. Saranya P)  
Scientist D/ Joint Director  
Email-saranya.p@gov.in

(डा. सरन्या पी)  
(Dr. SARANYA P)  
वैज्ञानिक 'डी'/Scientist 'D'  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
Min.of Environment, Forest and Climate Change  
भारत सरकार, नई दिल्ली  
Govt. of India, New Delhi

Annexure-IStandard TOR for 5 (f) CategoryA. STANDARD TERMS OF REFERENCE**1) Executive Summary****2) Introduction**

- i. Details of the EIA Consultant including NABET accreditation
- ii. Information about the project proponent
- iii. Importance and benefits of the project

**3) Project Description**

- i. Cost of project and time of completion.
- ii. Products with capacities for the proposed project.
- iii. If expansion project, details of existing products with capacities and whether adequate land is available for expansion, reference of earlier EC if any.
- iv. Details of existing products and production, if any, along with present product/production details in tabular format, to verify the compliance of the EIA Notifications.
- v. List of raw materials required and their source along with mode of transportation.
- vi. Other chemicals and materials required with quantities and storage capacities
- vii. Details of Emission, effluents, hazardous waste generation and their management.
- viii. Requirement of water, power, with source of supply, status of approval, water balance diagram, man-power requirement (regular and contract)
- ix. Details of boiler/gensets (including stacks/exhausts) and fuels to be used
- x. Process description along with major equipments and machineries, process flow sheet (quantitative) from raw materials to products to be provided
- xi. Hazard identification and details of proposed safety systems.
- xii. Expansion/modernization proposals:
  - a. Copy of all the Environmental Clearance(s) including Amendments thereto obtained for the project from MOEF/SEIAA shall be attached as an Annexure. A certified copy of the latest Monitoring Report of the Integrated Regional Office of the Ministry of Environment, Forest and Climate Change as per circular dated 30<sup>th</sup> May, 2012 on the status of compliance of conditions stipulated in all the existing environmental clearances including Amendments shall be provided. In addition, copy of the latest CTO and status of compliance of Consent to Operate for the ongoing/existing operation of the project from SPCB shall be attached with the EIA-EMP report.
  - b. In case the existing project has not obtained environmental clearance, reasons for not taking EC under the provisions of the EIA Notification 1994 and/or EIA Notification 2006 shall be provided. Copies of Consent to Establish/No Objection Certificate and Consent to Operate (in case of units

operating prior to EIA Notification 2006, CTE and CTO of FY 2005-2006) obtained from the SPCB shall be submitted. Further, compliance report to the conditions of consents from the SPCB shall be submitted.

#### 4) Site Details

- (i) Location of the project site covering village, Taluka/Tehsil, District and State, Justification for selecting the site, whether other sites were considered.
- (ii) A topo-sheet of the study area of radius of 10km and site location on 1:50,000/1:25,000 scale on an A3/A2 sheet. (including all eco-sensitive areas and environmentally sensitive places)
- (iii) Details w.r.t. option analysis for selection of site
- (iv) Co-ordinates (lat-long) of all four corners of the site.
- (v) Google map-Earth download of the project site.
- (vi) Layout maps indicating existing unit as well as proposed unit indicating storage area, plant area, greenbelt area, utilities etc. If located within an Industrial area/Estate/Complex, layout of Industrial Area indicating location of unit within the Industrial area/Estate.
- (vii) Photographs of the proposed and existing (if applicable) plant site. If existing, show photographs of plantation/greenbelt, in particular.
- (viii) Land-use break-up of total land of the project site (identified and acquired), government/private - agricultural, forest, wasteland, water bodies, settlements, etc shall be included. (not required for industrial area)
- (ix) A list of major industries with name and type within study area (10km radius) shall be incorporated. Land use details of the study area
- (x) Geological features and Geo-hydrological status of the study area shall be included.
- (xi) Details of Drainage of the project upto 5km radius of study area. If the site is within 1 km radius of any major river, peak and lean season river discharge as well as flood occurrence frequency based on peak rainfall data of the past 30 years. Details of Flood Level of the project site and maximum Flood Level of the river shall also be provided. (mega green field projects)
- (xii) Status of acquisition of land. If acquisition is not complete, stage of the acquisition process and expected time of complete possession of the land. Documents related to conversion of land for Industrial purpose.
- (xiii) R&R details in respect of land in line with state Government policy

#### 5) Forest, wildlife and CRZ related issues (if applicable):

- i. Permission and approval for the use of forest land (forestry clearance), if any, and recommendations of the State Forest Department. (if applicable)

*Prasanna*

- ii. Land-use map based on High resolution satellite imagery of the proposed site delineating the forestland (*in case of projects involving forest land more than 40 ha*)
- iii. Status of Application submitted for obtaining the stage I forestry clearance along with latest status shall be submitted.
- iv. The projects to be located within 10 km of the National Parks, Sanctuaries, Biosphere Reserves, Migratory Corridors of Wild Animals, the project proponent shall submit the map duly authenticated by Chief Wildlife Warden showing these features vis-à-vis the project location and the recommendations or comments of the Chief Wildlife Warden-thereon
- v. Wildlife Conservation Plan duly authenticated by the Chief Wildlife Warden of the State Government for conservation of Schedule I fauna, if any exists in the study area
- vi. Copy of application submitted for clearance under the Wildlife (Protection) Act, 1972, to the Standing Committee of the National Board for Wildlife
- vii. Recommendations and NOC from the concerned State/UT Coastal Zone Management Authority on CRZ angle

#### 6) Environmental Status

- (i) Determination of atmospheric inversion level at the project site and site-specific micro-meteorological data using temperature, relative humidity, hourly wind speed and direction and rainfall.
  - a. AAQ data (except monsoon) at 8 locations for PM10, PM2.5, SO<sub>2</sub>, NO<sub>x</sub>, CO and other parameters relevant to the project shall be collected. The monitoring stations shall be based CPCB guidelines and take into account the pre-dominant wind direction, population zone and sensitive receptors including reserved forests. Study should indicate minimum, maximum value of different parameters for the period (3 months) collected. Collected data should be supported by the reference data of either CPCB or SPCB. AAQ data & GLC of pollutants from stack emissions should suggest technology/ measures- Best Practiced Technology (BPT) indicating best achieved results.
- (ii) Raw data of all AAQ measurement for 12 weeks of all stations as per frequency given in the NAQQM Notification of Nov. 2009 along with – min., max., average and 98% values for each of the AAQ parameters from data of all AAQ stations should be provided as an annexure to the EIA Report.
- (iii) Surface water quality of nearby River (100m upstream and downstream of discharge point) and other surface drains at eight locations as per CPCB/MoEF&CC guidelines.
- (iv) Whether the site falls near to polluted stretch of river identified by the CPCB/MoEF&CC, if yes give details.
- (v) Ground water monitoring at minimum at 8 locations shall be included.
- (vi) Noise levels monitoring at 8 locations within the study area.
- (vii) Soil Characteristic as per CPCB guidelines.

- (viii) Traffic study of the area, type of vehicles, frequency of vehicles for transportation of materials, additional traffic due to proposed project, parking arrangement etc.
- (ix) Detailed description of flora and fauna (terrestrial and aquatic) existing in the study area shall be given with special reference to rare, endemic and endangered species. If Schedule-I fauna are found within the study area, a Wildlife Conservation Plan shall be prepared and furnished.
- (x) Socio-economic status of the study area.

## 7) Environment Impact and Environment Management Plan

- i. Assessment of ground level concentration of pollutants from the stack emission based on site-specific meteorological features. In case the project is located on a hilly terrain, the AQIP Modelling shall be done using inputs of the specific terrain characteristics for determining the potential impacts of the project on the AAQ. Cumulative impact of all sources of emissions (including transportation) on the AAQ of the area shall be assessed. Details of the model used and the input data used for modelling shall also be provided. The air quality contours shall be plotted on a location map showing the location of project site, habitation nearby, sensitive receptors, if any.
- ii. Water Quality Modelling – in case of discharge in water body
- iii. Impact of the transport of the raw materials and end products on the surrounding environment shall be assessed and provided. In this regard, options for transport of raw materials and finished products and wastes (large quantities) by rail or rail-cum road transport or conveyor-cum-rail transport shall be examined.
- iv. A note on treatment of wastewater from different plant operations, extent recycled and reused for different purposes shall be included. Complete scheme of effluent treatment. Characteristics of untreated and treated effluent to meet the prescribed standards of discharge under E(P) Rules.
- v. Details of stack emission and action plan for control of emissions to meet standards.
- vi. Measures for fugitive emission control
- vii. Details of hazardous waste generation and their storage, utilization and management. Copies of MOU regarding utilization of solid and hazardous waste in cement plant shall also be included. EMP shall include the concept of waste-minimization, recycle/reuse/recover techniques, Energy conservation, and natural resource conservation.
- viii. Proper utilization of fly ash shall be ensured as per Fly Ash Notification, 2009. A detailed plan of action shall be provided.
- ix. Action plan for the green belt development plan in 33 % area i.e. land with not less than 1,500 trees per ha. Giving details of species, width of plantation, planning schedule etc. shall be included. The green belt shall be around the project boundary and a scheme for greening of the roads used for the project shall also be incorporated.

- x. Action plan for rainwater harvesting measures at plant site shall be submitted to harvest rainwater from the roof tops and storm water drains to recharge the ground water and also to use for the various activities at the project site to conserve fresh water and reduce the water requirement from other sources.
- xi. Total capital cost and recurring cost/annum for environmental pollution control measures shall be included.
- xii. Action plan for post-project environmental monitoring shall be submitted.
- xiii. Onsite and Offsite Disaster (natural and Man-made) Preparedness and Emergency Management Plan including Risk Assessment and damage control. Disaster management plan should be linked with District Disaster Management Plan.

#### **8) Occupational health**

- i. Plan and fund allocation to ensure the occupational health & safety of all contract and casual workers
- ii. Details of exposure specific health status evaluation of worker. If the workers' health is being evaluated by pre designed format, chest x rays, Audiometry, Spirometry, Vision testing (Far & Near vision, colour vision and any other ocular defect) ECG, during pre placement and periodical examinations give the details of the same. Details regarding last month analyzed data of above mentioned parameters as per age, sex, duration of exposure and department wise.
- iii. Details of existing Occupational & Safety Hazards. What are the exposure levels of hazards and whether they are within Permissible Exposure level (PEL). If these are not within PEL, what measures the company has adopted to keep them within PEL so that health of the workers can be preserved,
- iv. Annual report of health status of workers with special reference to Occupational Health and Safety.

#### **9) Corporate Environment Policy**

- i. Does the company have a well laid down Environment Policy approved by its Board of Directors? If so, it may be detailed in the EIA report.
- ii. Does the Environment Policy prescribe for standard operating process / procedures to bring into focus any infringement / deviation / violation of the environmental or forest norms / conditions? If so, it may be detailed in the EIA.
- iii. What is the hierarchical system or Administrative order of the company to deal with the environmental issues and for ensuring compliance with the environmental clearance conditions? Details of this system may be given.
- iv. Does the company have system of reporting of non compliances / violations of environmental norms to the Board of Directors of the company and / or shareholders or stakeholders at large? This reporting mechanism shall be detailed in the EIA report

- v. Details regarding infrastructure facilities such as sanitation, fuel, restroom etc. to be provided to the labour force during construction as well as to the casual workers including truck drivers during operation phase.

#### **10) Corporate Environmental Responsibility (CER)**

- i. Adequate funds, as per the Ministry's OM/Guidelines, shall be earmarked towards the Corporate Environmental Responsibility based on Public Hearing issues/socio-economic issues and item-wise details along with time bound action plan shall be included (CER activities shall be related to environment). Socio-economic development activities need to be elaborated upon. For the projects where public hearing is not conducted, CER plan shall be provided based on socio-economic study of the area.

#### **10) Additional studies/Measures to be considered**

- (i) Provide latest and ecofriendly technology for product manufacturing.
- (ii) Emphasize on Green chemistry/Clean Manufacturing
- (iii) Provide CAS No. of products along with product list.
- (iv) Provide details of amount of carbon sequestered in their unit through greenbelt/other modes, in case of expansion project.
- (v) Life structure and sustainability for carbon and water foot print.
- (vi) Detailed pollution Load estimation.
- (vii) Transportation of Hazardous substance, effluents etc shall be carried out through authorized and GPS enable vehicles/Trucks only.
- (viii) Category of Hazardous Wastes shall be mentioned in the EIA/EMP report and in presentation.
- (ix) Details of greenhouse gases and emissions shall be provided.
- (x) Greenbelt shall be developed in the first year of the project and wind breaks shall be erected.
- (xi) Study area map shall be overlapped with all the associated features.
- (xii) Emphasize on green fuels.
- (xiii) The project from NCR shall not use Coal as fuel. Further, PP shall avoid use of Coal in the CPAs and elsewhere also if alternatives are available.
- (xiv) Provide the Cost-Benefit analysis with respect to the environment due to the project.

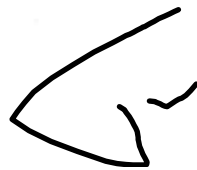
**11)** Any litigation pending against the project and/or any direction/order passed by any Court of Law against the project, if so, details thereof shall also be included. Has the unit received any notice under the Section 5 of Environment (Protection) Act, 1986 or relevant Sections of Air and Water Acts? If so, details thereof and compliance/ATR to the notice(s) and present status of the case.

**12)** A tabular chart with index for point wise compliance of above TORs and its details needs to be submitted in the EIA/EMP Report.

**B. SPECIFIC TERMS OF REFERENCE FOR EIA STUDIES FOR SYNTHETIC ORGANIC CHEMICALS INDUSTRY**

1. Details on solvents to be used, measures for solvent recovery and for emissions control.
2. Details of process emissions from the proposed unit and its arrangement to control.
3. Ambient air quality data should include VOC, other process-specific pollutants\* like NH<sub>3</sub>\*, chlorine\*, HCl\*, HBr\*, H<sub>2</sub>S\*, HF\*, etc., (\*-as applicable)
4. Work zone monitoring arrangements for hazardous chemicals.
5. Detailed effluent treatment scheme including segregation of effluent streams for units adopting 'Zero' liquid discharge.
6. Action plan for odour control to be submitted.
7. A copy of the Memorandum of Understanding signed with cement manufacturers indicating clearly that they co-process organic solid/hazardous waste generated.
8. Authorization/Membership for the disposal of liquid effluent in CETP and solid/hazardous waste in TSDF, if any.
9. Action plan for utilization of MEE/dryers salts.
10. Material Safety Data Sheet for all the Chemicals are being used/will be used.
11. Authorization/Membership for the disposal of solid/hazardous waste in TSDF.
12. Details of incinerator if to be installed.
13. Risk assessment for storage and handling of hazardous chemicals/solvents. Action plan for handling & safety system to be incorporated.
14. Arrangements for ensuring health and safety of workers engaged in handling of toxic materials.

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(TRUE COPY)

## ANNEXURE-R-24



F. No. IA-J-11011/185/2020-IA-II(I)  
Government of India  
Ministry of Environment, Forest & Climate Change  
Impact Assessment Division

Indira Paryavaran Bhavan,  
Vayu Wing, Aliganj,  
Jor Bagh Road, New Delhi-110 003

Dated: 20<sup>th</sup> July, 2021

To,

**M/s Pahwa Plastics Pvt. Ltd.**  
Village Jathlana, Tehsil Jagadhri  
Yamunanagar, Haryana

Email: [pahwaplastics20@gmail.com](mailto:pahwaplastics20@gmail.com)

**Sub: Expansion in Formaldehyde Manufacturing unit in existing facility from 60 TPD to 150 TPD at Village Jathlana, Tehsil Jagadhri District Yamunanagar, Haryana by M/s Pahwa Plastics Pvt. Ltd - Terms of Reference – reg.**

Sir,

This has reference to your online proposal No. IA/HR/IND3/204462/2021 dated 17<sup>th</sup> June, 2021 for Terms of Reference to the above mentioned project.

2. The proposal is for Terms of Reference (ToR) for expansion in Formaldehyde Manufacturing unit in existing facility from 60 TPD to 150 TPD at Village Jathlana, Tehsil-Jagadhri Distt. Yamunanagar, Haryana by M/s Pahwa Plastics Pvt. Ltd. Industries, operating since 2018 without prior Environmental clearance, thus violating the provisions of the EIA Notification, 2006.

3. The said project/activity is covered under category "A" (located outside Notified Industrial Area) of item 5(f) "Synthetic Organic Chemicals" of the Schedule to the EIA Notification, 2006, and requires prior EC from Expert Appraisal Committee, MoEF&CC.

4. The chronology of events and the actions taken on the instant proposal are as under:

The plant was setup with the consent to establish dated 02.06.2016 from the Haryana State Pollution Control Board (HSPCB). Subsequently, the unit has started operation after obtaining consent to operate dated 26.03.2018. HSPCB issued show cause notices for closure and revocation of CTO. After that, the unit has obtained CTO for 150 TPD Formaldehyde manufacturing vide Letter 313096621YAMCTO10961479 dated 08.04.2021 valid up to 10.05.2021.

*Psarany*

The chronology of events is as under:

S. No.	Date	Description
1	02.06.2016	Consent to Establish obtained from HSPCB vide letter no. 2846616YAMCTE3087415 dated 02.06.2016.
2	26.03.2018	The unit has obtained initial CTO for 60 TPD Formaldehyde manufacturing vide Letter 2846618YAMCTO3098246 dated 26.03.2018 valid up to 31.03.2022
3	03.06.2019	Show cause notice for closure under Section 5 of EPA, 1986 vide letter no. HSPCB/YR/2019/17376
4	21.08.2019	Show cause notice for revocation of CTE and CTO issued vide letter no. HSPCB/YR/2019/1616
5	11.11.2020	Additional Chief Secretary, Environment Department, Haryana Govt. vide their order dated 11.11.2020 allowed the units to continue their operations for a period of six months without prejudice to any legal actions taken against the violations committed by them, by the competent authorities, with the conditions that they will immediately apply for Environmental Clearance from the competent authority and provide the proof of such application within 60 days from the issuance of this communication to Environment and Climate Change Department and to Haryana State Pollution Control Board.
6	08.04.2021	After that, the unit has obtained CTO for 150 TPD Formaldehyde manufacturing vide Letter 313096621YAMCTO10961479 dated 08.04.2021 valid up to 10.05.2021
7	03.06.2021	The NGT order dated 03.06.2021 in Original Application No. 287/2020 (Dastak N.G.O. vs Synochem Organics Pvt. Ltd. & Ors.) concluded "Since prior EC is statutory mandate, the same must be complied. We have no doubt that the stand of the private respondents will be duly considered by the concerned regulatory authorities, including the MoEF&CC on merits and in accordance with law but till compliance of statutory mandate, the units cannot be allowed to function. For past violations, the concerned authorities are free to take appropriate action in accordance with polluter pays principle, following due process."
8	03.06.2021	The NGT order dated 03.06.2021 for the Original Application No. 840/2019 (Ayush Garg Vs. Union of India & Ors.) concluded "no further direction appears to be necessary except that the State PCB may ensure that the unit does not re-start functioning without requisite statutory clearance".

### Production Capacity

Product	Capacity
Formaldehyde	150 TPD

**Raw Material Detail:** The major raw material is Methanol which comes by road through tankers from Kandla Port, Gujarat & stored in underground M.S tanks. Methanol requirement is as below:

Material	Total requirement
Methanol	75 TPD

### Resource Requirement

S.No.	Particular	Detail
1	Land Requirement	Total plot area is 0.23 hectare. Green belt will be developed in an area of 0.08 Hectare (Approximately 34.78% of total land area).
2	Water Requirement	<b>Quantity: 90 KLD</b> <b>Source:</b> Ground Water <b>Approving Authority:</b> Haryana Water Resources Authority
3	Power Requirement	<b>Total requirement: 200 KW</b> <b>Source:</b> UHBVN (Uttar Haryana Bijli Vitran Nigam) <b>DG sets as backup: 180 KVA and 250 KVA</b>
4	Boiler	<b>Capacity: 1 No. 800 Kg/Hr HSD Fired</b>
4	Manpower Requirement	<b>Total Manpower: 10</b> <b>Source: Local public as per capability</b>
5	Cost of the Project	<b>Total Project Cost: 113 Lakhs</b>

5. There are no Wild Life Sanctuary or National Park within 10 km radius of the Project Site. No NBWL Clearance required. No forest land involved in the project site. Company has obtained diversion of 0.0022 Ha of forest land for access, from MoEF&CC.

### 6. Details of Violation:

S. No.	Period	Production	Remarks
1	June 2016 to April 2021	Formaldehyde Manufacturing (60 TPD)	Prior EC was not secured before setting up and operating the Unit, hence covered under violation as per EIA Notification 2006 and subsequent amendments
2	April 2021 to May 2021	Formaldehyde Manufacturing (150 TPD)	Prior EC was not secured before enhancing the capacity, hence covered under violation as per EIA Notification 2006 and subsequent amendments

7. The Committee was informed that the Ministry had issued a Notification vide S.O. 804 (E) dated 14<sup>th</sup> March, 2017 for appraisal of projects for grant of terms of reference/ Environmental Clearance, which have started the work on site, expanded the production beyond the limit of Environmental Clearance, or changed the product mix without obtaining prior

Environmental Clearance under EIA Notification, 2006. The above said notification i.e., Notification vide S.O. 804 (E) dated 14<sup>th</sup> March, 2017 was an open window for 6 months. The projects or activities which are in violation as on date of this notification only will be eligible to apply for environmental clearance under this notification and the project proponents can apply for environmental clearance under this notification only within six months from the date of this notification.

The Competent Authority in the Ministry (in other proposal) has inter-alia, instructed to deal the violation cases as under:

- (i) The violation proposal should be considered by the sectoral EAC on merit
- (ii) Action to be taken against the alleged violation as per law
- (iii) Do not wait for either the evidence of action having been started or violation proceedings to finish before taking up the case on merit.
- (iv) The EC if given after consideration on merit would be valid from the date it is given and not with retrospective effect. For the period before it, if violation is established by the Court of competent authority, the punishment/penalty as per law would be imposed.
- (v) Assessment of environmental damage, if any.

8. The Committee was also appraised that there were three recent court cases in the Hon'ble NGT [viz. Dastak NGO vs Syncochem Prganics Pvt. Ltd. & ors in OA No. 287 of 2020, Vineet Nagar Vs. Central Ground Water Authority & Ors, in OA No. 298 of 2020, and Ayush Garg Vs Union of India & Ors. in OA No. 840 of 2019], which were disposed of by Hon'ble NGT vide its Order dated 03.06.2021 with the following directions:

- (i). For past Violations, the concerned Authorities are free to take appropriate action in accordance with polluter pays principle, following due process.
- (ii). Since having prior EC is statutory mandate, it has to be complied with by the formaldehyde producing industrial units barring which the units cannot be allowed to function.
- (iii). State PCB may assess and recover compensation for illegal operation of the Units on 'Polluter Pays' principle.
- (iv). State PCB to ensure that the unit does not re-start functioning without requisite Statutory Clearance.
- (v). To be duly considered by the concerned regulatory authorities including MOEFCC on merits and in accordance with law.

9. The Proposal was examined in the Ministry and EDS has been sought on Parivesh Portal on 17<sup>th</sup> May 2021. The Project Proponent, on 17<sup>th</sup> June 2021 has submitted the EDS reply on Parivesh Portal and accordingly the Proposal is placed before the present EAC meeting for its appraisal.

10. The proposal was considered by the EAC (Industry-3) in its 13<sup>th</sup> meeting held during 1-2 July, 2021. The project proponent and their consultant M/s Vardan Environet, made a detailed presentation through Video Conferencing (VC) and have presented the PFR report. The Committee, after detailed deliberations on the information presented by the project proponent, **recommended** for issuing **Standard Term of Reference** for undertaking EIA and preparation

of Environmental Management Plan (EMP) as per **Annexure-I** and with additional ToR as under:

- (i) The project proponent will be liable to pay the penalty for the period of violation, as may be determined by Ministry, arisen due to constructing and/or operating the project without prior EC. An undertaking in this regard shall be submitted by PP along with EC proposal. The project proponent shall also submit the details on the cost incurred on establishment of the project and year-wise total turnover till date.
- (ii) The Directions of the Hon'ble NGT shall be implemented vide its Orders dated 03.06.2021, in the matter of Dastak NGO vs Syncochem Prganics Pvt. Ltd. & ors in OA No. 287 of 2020; Vineet Nagar Vs. Central Ground Water Authority & Ors, in OA No. 298 of 2020; and Ayush Garg Vs Union of India & Ors. in OA No. 840 of 2019]. Implementation Report may be submitted by the PP at the time of submission of EIA/EMP Report.
- (iii) The State Government/SPCB to take action against the project proponent under the provisions of section 19 of the Environment (Protection) Act, 1986, and further no consent to operate to be issued till the project is granted EC.
- (iv) Haryana PCB may assess and recover compensation for illegal operation of the Units on 'Polluter Pays' principle. Implementation Report may be submitted by the SPCB at the time of submission of EIA/EMP Report by the PP.
- (v) Assessment of ecological damage with respect to air, water, land and other environmental attributes. The collection and analysis of data shall be done by an environmental laboratory duly notified under the Environment (Protection) Act, 1986, or an environmental laboratory accredited by NABL, or a laboratory of a Council of Scientific and Industrial Research (CSIR) institution working in the field of environment. The cost for assessment of environmental damage may be guided by the Ministry of Environment, Forest and Climate Change O.M No. 19-125/2019-IA.III, dated 05.03.2020.
- (vi) EMP shall be prepared comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefits derived due to violation.
- (vii) The remediation plan and the natural and community resource augmentation plan to be prepared as an independent chapter in the EIA report by the accredited consultants.
- (viii) The project proponent shall be required to submit a bank guarantee equivalent to the amount of remediation plan and natural and community resource augmentation plan with the SPCB prior to the grant of EC. The quantum shall be recommended by the EAC and finalized by the regulatory authority. The bank guarantee shall be released after successful implementation of the EMP, followed by recommendations of the EAC and approval of the regulatory authority.

*Psasany*

- (ix) Budget of remediation plan and natural and community resource augmentation plan corresponding to the ecological damage shall be completed within three years and to be prepared accordingly.

11. You are required to submit the final EIA/EMP reports prepared by the consultants accredited with the Quality Council of India/National Accreditation Board of Education and Training (QCI/NABET), to the SEIAA/SEAC for grant of environmental clearance within 3 years, as per this Ministry's OM No. J-11013/41/2006-IA. II (I) dated 8<sup>th</sup> October, 2014.
12. This issues with the approval of the competent authority.

(Dr. Saranya P)  
Scientist D/ Joint Director

(डा. सरन्या पी)

(Dr. SARANYA P)

वैज्ञानिक 'डी'/Scientist 'D'  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
Min. of Environment, Forest and Climate Change  
भारत सरकार, नई दिल्ली  
Govt. of India, New Delhi

**Copy to:-**

1. The Deputy Director General of Forests (C), Ministry of Environment, Forest and Climate Change, Integrated Regional, Office, Bays No. 24-25, Sector 31 A, Dakshin Marg, Chandigarh - 160030
2. The Member Secretary, Haryana State Pollution Control Board, C-11, Sector-6, Panchkula, Haryana: *with a request to immediately close the unit and ensure that the unit does not re-start functioning without requisite Statutory Clearance in compliance to the Hon'ble NGT orders dated 03.06.2021 and this Ministry's OM dated 07.07.2021. The copies are enclosed for ready reference.*
3. Guard File/Monitoring File/Record File/Parivesh Portal

(Dr. Saranya P)  
Scientist D/ Joint Director

**Email: [saranya.p@gov.in](mailto:saranya.p@gov.in)**

(डा. सरन्या पी)

(Dr. SARANYA P)

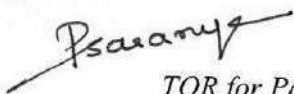
वैज्ञानिक 'डी'/Scientist 'D'  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
Min. of Environment, Forest and Climate Change  
भारत सरकार, नई दिल्ली  
Govt. of India, New Delhi

Standard TOR for 5 (f) Category**A. STANDARD TERMS OF REFERENCE****1) Executive Summary****2) Introduction**

- i. Details of the EIA Consultant including NABET accreditation
- ii. Information about the project proponent
- iii. Importance and benefits of the project

**3) Project Description**

- i. Cost of project and time of completion.
- ii. Products with capacities for the proposed project.
- iii. If expansion project, details of existing products with capacities and whether adequate land is available for expansion, reference of earlier EC if any.
- iv. Details of existing products and production, if any, along with present product/production details in tabular format, to verify the compliance of the EIA Notifications.
- v. List of raw materials required and their source along with mode of transportation.
- vi. Other chemicals and materials required with quantities and storage capacities
- vii. Details of Emission, effluents, hazardous waste generation and their management.
- viii. Requirement of water, power, with source of supply, status of approval, water balance diagram, man-power requirement (regular and contract)
- ix. Details of boiler/gensets (including stacks/exhausts) and fuels to be used
- x. Process description along with major equipments and machineries, process flow sheet (quantitative) from raw materials to products to be provided
- xi. Hazard identification and details of proposed safety systems.
- xii. Expansion/modernization proposals:
  - a. Copy of all the Environmental Clearance(s) including Amendments thereto obtained for the project from MOEF/SEIAA shall be attached as an Annexure. A certified copy of the latest Monitoring Report of the Integrated Regional Office of the Ministry of Environment, Forest and Climate Change as per circular dated 30<sup>th</sup> May, 2012 on the status of compliance of conditions stipulated in all the existing environmental clearances including Amendments shall be provided. In addition, copy of the latest CTO and status of compliance of Consent to Operate for the ongoing/existing operation of the project from SPCB shall be attached with the EIA-EMP report.
  - b. In case the existing project has not obtained environmental clearance, reasons for not taking EC under the provisions of the EIA Notification 1994 and/or EIA Notification 2006 shall be provided. Copies of Consent to Establish/No Objection Certificate and Consent to Operate (in case of units operating prior to EIA Notification 2006, CTE and CTO of FY 2005-2006) obtained from the SPCB shall be submitted. Further, compliance report to the conditions of consents from the SPCB shall be submitted.

**4) Site Details**

- (i) Location of the project site covering village, Taluka/Tehsil, District and State, Justification for selecting the site, whether other sites were considered.
- (ii) A topo-sheet of the study area of radius of 10km and site location on 1:50,000/1:25,000 scale on an A3/A2 sheet. (including all eco-sensitive areas and environmentally sensitive places)
- (iii) Details w.r.t. option analysis for selection of site
- (iv) Co-ordinates (lat-long) of all four corners of the site.
- (v) Google map-Earth download of the project site.
- (vi) Layout maps indicating existing unit as well as proposed unit indicating storage area, plant area, greenbelt area, utilities etc. If located within an Industrial area/Estate/Complex, layout of Industrial Area indicating location of unit within the Industrial area/Estate.
- (vii) Photographs of the proposed and existing (if applicable) plant site. If existing, show photographs of plantation/greenbelt, in particular.
- (viii) Land-use break-up of total land of the project site (identified and acquired), government/private - agricultural, forest, wasteland, water bodies, settlements, etc shall be included. (not required for industrial area)
- (ix) A list of major industries with name and type within study area (10km radius) shall be incorporated. Land use details of the study area
- (x) Geological features and Geo-hydrological status of the study area shall be included.
- (xi) Details of Drainage of the project upto 5km radius of study area. If the site is within 1 km radius of any major river, peak and lean season river discharge as well as flood occurrence frequency based on peak rainfall data of the past 30 years. Details of Flood Level of the project site and maximum Flood Level of the river shall also be provided. (mega green field projects)
- (xii) Status of acquisition of land. If acquisition is not complete, stage of the acquisition process and expected time of complete possession of the land. Documents related to conversion of land for Industrial purpose.
- (xiii) R&R details in respect of land in line with state Government policy

**5) Forest, wildlife and CRZ related issues (if applicable):**

- i. Permission and approval for the use of forest land (forestry clearance), if any, and recommendations of the State Forest Department. (if applicable)
- ii. Land-use map based on High resolution satellite imagery of the proposed site delineating the forestland (*in case of projects involving forest land more than 40 ha*)
- iii. Status of Application submitted for obtaining the stage I forestry clearance along with latest status shall be submitted.
- iv. The projects to be located within 10 km of the National Parks, Sanctuaries, Biosphere Reserves, Migratory Corridors of Wild Animals, the project proponent shall submit the map duly authenticated by Chief Wildlife Warden showing these features vis-à-vis the project location and the recommendations or comments of the Chief Wildlife Warden thereon
- v. Wildlife Conservation Plan duly authenticated by the Chief Wildlife Warden of the State Government for conservation of Schedule I fauna, if any exists in the study area
- vi. Copy of application submitted for clearance under the Wildlife (Protection) Act, 1972, to the Standing Committee of the National Board for Wildlife

vii. Recommendations and NOC from the concerned State/UT Coastal Zone Management Authority on CRZ angle

**6) Environmental Status**

- (i) Determination of atmospheric inversion level at the project site and site-specific micro-meteorological data using temperature, relative humidity, hourly wind speed and direction and rainfall.
  - a. AAQ data (except monsoon) at 8 locations for PM10, PM2.5, SO2, NOX, CO and other parameters relevant to the project shall be collected. The monitoring stations shall be based CPCB guidelines and take into account the pre-dominant wind direction, population zone and sensitive receptors including reserved forests. Study should indicate minimum, maximum value of different parameters for the period (3 months) collected. Collected data should be supported by the reference data of either CPCB or SPCB. AAQ data & GLC of pollutants from stack emissions should suggest technology/ measures- Best Practiced Technology (BPT) indicating best achieved results.
- (ii) Raw data of all AAQ measurement for 12 weeks of all stations as per frequency given in the NAQQM Notification of Nov. 2009 along with – min., max., average and 98% values for each of the AAQ parameters from data of all AAQ stations should be provided as an annexure to the EIA Report.
- (iii) Surface water quality of nearby River (100m upstream and downstream of discharge point) and other surface drains at eight locations as per CPCB/MoEF&CC guidelines.
- (iv) Whether the site falls near to polluted stretch of river identified by the CPCB/MoEF&CC, if yes give details.
- (v) Ground water monitoring at minimum at 8 locations shall be included.
- (vi) Noise levels monitoring at 8 locations within the study area.
- (vii) Soil Characteristic as per CPCB guidelines.
- (viii) Traffic study of the area, type of vehicles, frequency of vehicles for transportation of materials, additional traffic due to proposed project, parking arrangement etc.
- (ix) Detailed description of flora and fauna (terrestrial and aquatic) existing in the study area shall be given with special reference to rare, endemic and endangered species. If Schedule-I fauna are found within the study area, a Wildlife Conservation Plan shall be prepared and furnished.
- (x) Socio-economic status of the study area.

**7) Environment Impact and Environment Management Plan**

- i. Assessment of ground level concentration of pollutants from the stack emission based on site-specific meteorological features. In case the project is located on a hilly terrain, the AQIP Modelling shall be done using inputs of the specific terrain characteristics for determining the potential impacts of the project on the AAQ. Cumulative impact of all sources of emissions (including transportation) on the AAQ of the area shall be assessed. Details of the model used and the input data used for modelling shall also be provided. The air quality contours shall be plotted on a location map showing the location of project site, habitation nearby, sensitive receptors, if any.
- ii. Water Quality Modelling – in case of discharge in water body

- iii. Impact of the transport of the raw materials and end products on the surrounding environment shall be assessed and provided. In this regard, options for transport of raw materials and finished products and wastes (large quantities) by rail or rail-cum road transport or conveyor-cum-rail transport shall be examined.
- iv. A note on treatment of wastewater from different plant operations, extent recycled and reused for different purposes shall be included. Complete scheme of effluent treatment. Characteristics of untreated and treated effluent to meet the prescribed standards of discharge under E(P) Rules.
- v. Details of stack emission and action plan for control of emissions to meet standards.
- vi. Measures for fugitive emission control
- vii. Details of hazardous waste generation and their storage, utilization and management. Copies of MOU regarding utilization of solid and hazardous waste in cement plant shall also be included. EMP shall include the concept of waste-minimization, recycle/reuse/recover techniques, Energy conservation, and natural resource conservation.
- viii. Proper utilization of fly ash shall be ensured as per Fly Ash Notification, 2009. A detailed plan of action shall be provided.
- ix. Action plan for the green belt development plan in 33 % area i.e. land with not less than 1,500 trees per ha. Giving details of species, width of plantation, planning schedule etc. shall be included. The green belt shall be around the project boundary and a scheme for greening of the roads used for the project shall also be incorporated.
- x. Action plan for rainwater harvesting measures at plant site shall be submitted to harvest rainwater from the roof tops and storm water drains to recharge the ground water and also to use for the various activities at the project site to conserve fresh water and reduce the water requirement from other sources.
- xi. Total capital cost and recurring cost/annum for environmental pollution control measures shall be included.
- xii. Action plan for post-project environmental monitoring shall be submitted.
- xiii. Onsite and Offsite Disaster (natural and Man-made) Preparedness and Emergency Management Plan including Risk Assessment and damage control. Disaster management plan should be linked with District Disaster Management Plan.

## 8) Occupational health

- i. Plan and fund allocation to ensure the occupational health & safety of all contract and casual workers
- ii. Details of exposure specific health status evaluation of worker. If the workers' health is being evaluated by pre designed format, chest x rays, Audiometry, Spirometry, Vision testing (Far & Near vision, colour vision and any other ocular defect) ECG, during pre placement and periodical examinations give the details of the same. Details regarding last month analyzed data of above mentioned parameters as per age, sex, duration of exposure and department wise.
- iii. Details of existing Occupational & Safety Hazards. What are the exposure levels of hazards and whether they are within Permissible Exposure level (PEL). If these are not within PEL, what measures the company has adopted to keep them within PEL so that health of the workers can be preserved,

- iv. Annual report of health status of workers with special reference to Occupational Health and Safety.

9) **Corporate Environment Policy**

- i. Does the company have a well laid down Environment Policy approved by its Board of Directors? If so, it may be detailed in the EIA report.
- ii. Does the Environment Policy prescribe for standard operating process / procedures to bring into focus any infringement / deviation / violation of the environmental or forest norms / conditions? If so, it may be detailed in the EIA.
- iii. What is the hierarchical system or Administrative order of the company to deal with the environmental issues and for ensuring compliance with the environmental clearance conditions? Details of this system may be given.
- iv. Does the company have system of reporting of non compliances / violations of environmental norms to the Board of Directors of the company and / or shareholders or stakeholders at large? This reporting mechanism shall be detailed in the EIA report
- v. Details regarding infrastructure facilities such as sanitation, fuel, restroom etc. to be provided to the labour force during construction as well as to the casual workers including truck drivers during operation phase.

10) **Corporate Environmental Responsibility (CER)**

- i. Adequate funds, as per the Ministry's OM/Guidelines, shall be earmarked towards the Corporate Environmental Responsibility based on Public Hearing issues/socio-economic issues and item-wise details along with time bound action plan shall be included (CER activities shall be related to environment). Socio-economic development activities need to be elaborated upon. For the projects where public hearing is not conducted, CER plan shall be provided based on socio-economic study of the area.

10) **Additional studies/Measures to be considered**

- (i) Provide latest and ecofriendly technology for product manufacturing.
- (ii) Emphasize on Green chemistry/Clean Manufacturing
- (iii) Provide CAS No. of products along with product list.
- (iv) Provide details of amount of carbon sequestered in their unit through greenbelt/other modes, in case of expansion project.
- (v) Life structure and sustainability for carbon and water foot print.
- (vi) Detailed pollution Load estimation.
- (vii) Transportation of Hazardous substance, effluents etc shall be carried out through authorized and GPS enable vehicles/Trucks only.
- (viii) Category of Hazardous Wastes shall be mentioned in the EIA/EMP report and in presentation.
- (ix) Details of greenhouse gases and emissions shall be provided.
- (x) Greenbelt shall be developed in the first year of the project and wind breaks shall be erected.
- (xi) Study area map shall be overlapped with all the associated features.
- (xii) Emphasize on green fuels.
- (xiii) The project from NCR shall not use Coal as fuel. Further, PP shall avoid use of Coal in the CPAs and elsewhere also if alternatives are available.
- (xiv) Provide the Cost-Benefit analysis with respect to the environment due to the

*Prasanna*

TOR for Pahwa Plastics Pvt. Ltd

project.

11) Any litigation pending against the project and/or any direction/order passed by any Court of Law against the project, if so, details thereof shall also be included. Has the unit received any notice under the Section 5 of Environment (Protection) Act, 1986 or relevant Sections of Air and Water Acts? If so, details thereof and compliance/ATR to the notice(s) and present status of the case.

12) A tabular chart with index for point wise compliance of above TORs and its details needs to be submitted in the EIA/EMP Report.

### **B. SPECIFIC TERMS OF REFERENCE FOR EIA STUDIES FOR SYNTHETIC ORGANIC CHEMICALS INDUSTRY**

1. Details on solvents to be used, measures for solvent recovery and for emissions control.
2. Details of process emissions from the proposed unit and its arrangement to control.
3. Ambient air quality data should include VOC, other process-specific pollutants\* like NH<sub>3</sub>\*, chlorine\*, HCl\*, HBr\*, H<sub>2</sub>S\*, HF\*, etc., (\*-as applicable)
4. Work zone monitoring arrangements for hazardous chemicals.
5. Detailed effluent treatment scheme including segregation of effluent streams for units adopting 'Zero' liquid discharge.
6. Action plan for odour control to be submitted.
7. A copy of the Memorandum of Understanding signed with cement manufacturers indicating clearly that they co-process organic solid/hazardous waste generated.
8. Authorization/Membership for the disposal of liquid effluent in CETP and solid/hazardous waste in TSDF, if any.
9. Action plan for utilization of MEE/dryers salts.
10. Material Safety Data Sheet for all the Chemicals are being used/will be used.
11. Authorization/Membership for the disposal of solid/hazardous waste in TSDF.
12. Details of incinerator if to be installed.
13. Risk assessment for storage and handling of hazardous chemicals/solvents. Action plan for handling & safety system to be incorporated.
14. Arrangements for ensuring health and safety of workers engaged in handling of toxic materials.

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(TRUE COPY)

## ANNEXURE-R-25



F. No. IA-J-11011/103/2021-IA-II(I)  
Government of India  
Ministry of Environment, Forest & Climate Change  
Impact Assessment Division

Indira Paryavaran Bhavan,  
Vayu Wing, 2<sup>nd</sup> Floor, Aliganj,  
Jor Bagh Road, New Delhi-110 003

Dated: 20<sup>th</sup> July, 2021

To,

**M/s Apcolite Polymers Pvt. Ltd.**  
Village Ghespur, Radaur, District Yamuna Nagar,  
Haryana

Email: [apcolitepolymers2020@gmail.com](mailto:apcolitepolymers2020@gmail.com)

**Sub: Formaldehyde Manufacturing Unit with production capacity 130 TPD at Village Ghespur, Radaur, District Yamuna Nagar, Haryana by M/s Apcolite Polymers Pvt. Ltd. – Terms of Reference - reg.**

Sir,

This has reference to your online proposal No. IA/HR/IND3/204454/2021 dated 15<sup>th</sup> June, 2021 for Terms of Reference to the above mentioned project.

2. The proposal is for Terms of Reference (ToR) for expansion of Formaldehyde Manufacturing Unit with production capacity 130 TPD at Village Ghespur, Radaur, District Yamuna Nagar, Haryana by M/s Apcolite Polymers Pvt. Ltd., operating since 2010 without prior Environmental clearance, thus violating the provisions of the EIA Notification, 2006.

3. The said project/activity is covered under category "A" of item 5(f) Synthetic Organic Chemicals" of the Schedule to the EIA Notification, 2006, and requires prior EC from Expert Appraisal Committee, MoEF&CC.

4. The chronology of events and the actions taken on the instant proposal are as under:

S.No.	Date	Description
1	31.03.2010	Consent to Establish obtained from HSPCB vide letter no. HSPCB/YMN/2242.
2	16.01.2012	Consent to Operate (CTO) was obtained from HSPCB under Water Act, 1974 vide HSPCB/YMN/DLC/2011/4027 for 80 TPD Capacity
3	16.01.2012	Consent to Operate (CTO) was obtained from HSPCB under Air Act, 1981 vide HSPCB/YMN/DLC/2011/4029 80 TPD Capacity
4	13.03.2016	Renewable of CTO vide Letter HSPCB/Consent/:2846616YAMCTO2630357 for 80 TPD Capacity
5	03.06.2019	Show cause notice for prosecution under section 15 of EPA, 1986, from HSPCB Regional Office, Yamuna Nagar Region vide letter no. HSPCB/YR/2019/17390
6	21.08.2019	Show cause notice for revocation of CTE and CTO issued, from HSPCB Regional Office, Yamuna Nagar Region vide letter no. HSPCB/YR/2019/1620

S.No.	Date	Description
7	11.11.2020	Additional Chief Secretary, Environment Department, Haryana Govt. vide their order dated 11.11.2020 allowed the units to continue their operations for a period of six months without prejudice to any legal actions taken against the violations committed by them, by the competent authorities, with the conditions that they will immediately apply for Environmental Clearance from the competent authority and provide the proof of such application within 60 days from the issuance of this communication to Environment and Climate Change Department and to Haryana State Pollution Control Board.
8	08.04.2021	In 2018, Project proponent has enhanced the capacity upto 130 TPD after obtaining CTO vide HSPCB/Consent/:313096621YAMCTO11020245
9	03.06.2021	The NGT order dated 03.06.2021 in Original Application No. 287/2020 (Dastak N.G.O. vs Synochem Organics Pvt. Ltd. & Ors.) concluded "Since prior EC is statutory mandate, the same must be complied. We have no doubt that the stand of the private respondents will be duly considered by the concerned regulatory authorities, including the MoEF&CC on merits and in accordance with law but till compliance of statutory mandate, the units cannot be allowed to function. For past violations, the concerned authorities are free to take appropriate action in accordance with polluter pays principle, following due process."
10	03.06.2021	The NGT order dated 03.06.2021 for the Original Application No. 840/2019 (Ayush Garg Vs. Union of India & Ors.) concluded "no further direction appears to be necessary except that the State PCB may ensure that the unit does not re-start functioning without requisite statutory clearance".

### Production Capacity

Product	Total Capacity
Formaldehyde	130 TPD

**Raw Material Detail:** The major raw material is Methanol which comes by road through tankers from Kandla Port, Gujarat & stored in underground M.S tanks..

Raw Material	Total Requirement
Methanol	65 TPD

### Resource Requirement

S.No.	Particular	Detail
1	Land Requirement	Total area available is 1.10 Hectare. Green belt will be developed in an area of 0.3817 Hectare (Approximately 34.7% of total land area).
2	Water Requirement	50 KLD will be required for the proposed plant. Source: Ground Water Approving Authority: Haryana Water Resources Authority.
3	Power Requirement	Maximum power requirement for the plant is 320 KW which will be sourced from UHBVN (Uttar Haryana Bijli Vitran Nigam) DG sets as backup: 180 and 250 KVA
4	Boiler	1 No. of 1 TPH Capacity (HSD Fired)

5	Manpower Requirement	9 Manpower will be generated from the project
6	Cost of the Project	Total project cost is Rs. 225 Lakhs

5. There is no Wild Life Sanctuary or National Park within 10 km radius of the Project Site. No NBWL clearance required. No forest land involved in the project area.

**6. Details of Violation:**

S.No.	Period	Production	Remarks
1	March 2010- Mar 2021	Formaldehyde Manufacturing (80 TPD)	Prior EC was not secured before setting up and operating the Unit, hence covered under violation as per EIA Notification 2006 and subsequent amendments
2	March 2021 to May 2021	Formaldehyde Manufacturing (130 TPD)	Prior EC was not secured before enhancing the capacity, hence covered under violation as per EIA Notification 2006 and subsequent amendments

7. The project proponent has submitted an undertaking for development of green belt within plant premises of 34.75% of total plot area in the next 6 months, vide their letter dated 01.07.2021.

8. The Committee was informed that the Ministry had issued a Notification vide S.O. 804 (E) dated 14<sup>th</sup> March, 2017 for appraisal of projects for grant of terms of reference/ Environmental Clearance, which have started the work on site, expanded the production beyond the limit of Environmental Clearance, or changed the product mix without obtaining prior Environmental Clearance under EIA Notification, 2006. The above said notification i.e., Notification vide S.O. 804 (E) dated 14<sup>th</sup> March, 2017 was an open window for 6 months. The projects or activities which are in violation as on date of this notification only will be eligible to apply for environmental clearance under this notification and the project proponents can apply for environmental clearance under this notification only within six months from the date of this notification.

The Competent Authority in the Ministry (in other proposal) has inter-alia, instructed to deal the violation cases as under:

- (i). The violation proposal should be considered by the sectoral EAC on merit
- (ii). Action to be taken against the alleged violation as per law
- (iii). Do not wait for either the evidence of action having been started or violation proceedings to finish before taking up the case on merit.
- (iv). The EC if given after consideration on merit would be valid from the date it is given and not with retrospective effect. For the period before it, if violation is established by the Court of competent authority, the punishment/penalty as per law would be imposed.
- (v). Assessment of environmental damage, if any.

9. The Committee was also appraised that there were three recent court cases in the Hon'ble NGT [viz. Dastak NGO vs Syncochem Prganics Pvt. Ltd. & ors in OA No. 287 of 2020, Vineet Nagar Vs. Central Ground Water Authority & Ors, in OA No. 298 of 2020, and Ayush Garg Vs Union of India & Ors. in OA No. 840 of 2019], which were disposed of by Hon'ble NGT vide its Order dated 03.06.2021 with the following directions:

- (i). For past Violations, the concerned Authorities are free to take appropriate action in accordance with polluter pays principle, following due process.

  
TOR for Apcolite Polymers Pvt. Ltd.

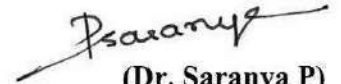
- (ii). Since having prior EC is statutory mandate, it has to be complied with by the formaldehyde producing industrial units barring which the units cannot be allowed to function.
- (iii). State PCB may assess and recover compensation for illegal operation of the Units on 'Polluter Pays' principle.
- (iv). State PCB to ensure that the unit does not re-start functioning without requisite Statutory Clearance.
- (v). To be duly considered by the concerned regulatory authorities including MOEFCC on merits and in accordance with law.

The Proposal was examined in the Ministry and EDS has been sought on Parivesh Portal on 17<sup>th</sup> May 2021. The Project Proponent, on 15<sup>th</sup> June 2021, has submitted the EDS reply on Parivesh Portal and accordingly the Proposal is placed before the present EAC meeting for its appraisal.

10. The proposal was considered by the EAC (Industry-3) in its 13<sup>th</sup> meeting held during 1<sup>st</sup> -2<sup>nd</sup> July, 2021. The project proponent and their consultant M/s Vardan Environet, made a detailed presentation through Video Conferencing (VC) and have presented the PFR report. The EAC, after detailed deliberations on the information presented by the PP, **recommended** for issuing **Standard Term of Reference [Annexure-I]** along with the following **specific Term of Reference** for undertaking EIA and preparation of Environmental Management Plan (EMP) as per **Annexure-I** and with additional ToR as under:

- (i) The project proponent will be liable to pay the penalty for the period of violation, as may be determined by Ministry, arisen due to constructing and/or operating the project without prior EC. An undertaking in this regard shall be submitted by PP along with EC proposal. The project proponent shall also submit the details on the cost incurred on establishment of the project and year-wise total turnover till date.
- (ii) The Directions of the Hon'ble NGT shall be implemented vide its Orders dated 03.06.2021, in the matter of Dastak NGO vs Syncochem Prganics Pvt. Ltd. & ors in OA No. 287 of 2020; Vineet Nagar Vs. Central Ground Water Authority & Ors, in OA No. 298 of 2020; and Ayush Garg Vs Union of India & Ors. in OA No. 840 of 2019]. Implementation Report may be submitted by the PP at the time of submission of EIA/EMP Report.
- (iii) The State Government/SPCB to take action against the project proponent under the provisions of section 19 of the Environment (Protection) Act, 1986, and further no consent to operate to be issued till the project is granted EC.
- (iv) Haryana PCB may assess and recover compensation for illegal operation of the Units on 'Polluter Pays' principle. Implementation Report may be submitted by the SPCB at the time of submission of EIA/EMP Report by the PP.
- (v) Assessment of ecological damage with respect to air, water, land and other environmental attributes. The collection and analysis of data shall be done by an environmental laboratory duly notified under the Environment (Protection) Act, 1986, or an environmental laboratory accredited by NABL, or a laboratory of a Council of Scientific and Industrial Research (CSIR) institution working in the field of environment. The cost for assessment of environmental damage may be guided by the Ministry of Environment, Forest and Climate Change O.M No. 19-125/2019-IA.III, dated 05.03.2020.
- (vi) EMP shall be prepared comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefits derived due to violation.

- (vii) The remediation plan and the natural and community resource augmentation plan to be prepared as an independent chapter in the EIA report by the accredited consultants.
- (viii) The project proponent shall be required to submit a bank guarantee equivalent to the amount of remediation plan and natural and community resource augmentation plan with the SPCB prior to the grant of EC. The quantum shall be recommended by the EAC and finalized by the regulatory authority. The bank guarantee shall be released after successful implementation of the EMP, followed by recommendations of the EAC and approval of the regulatory authority.
- (ix) Budget of remediation plan and natural and community resource augmentation plan corresponding to the ecological damage shall be completed within three years and to be prepared accordingly.
11. You are required to submit the final EIA/EMP reports prepared by the consultants accredited with the Quality Council of India/National Accreditation Board of Education and Training (QCI/NABET), to the SEIAA/SEAC for grant of environmental clearance within 3 years, as per this Ministry's OM No. J-11013/41/2006-IA. II (I) dated 8<sup>th</sup> October, 2014.
12. This issues with the approval of the competent authority.

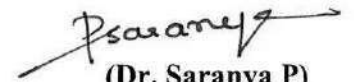


(Dr. Saranya P)  
Scientist 'D'/ Joint Director

(डा. सरन्या पी)  
(Dr. SARANYA P)  
वैज्ञानिक 'डी'/Scientist 'D'  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
Min. of Environment, Forest and Climate Change  
भारत सरकार, नई दिल्ली  
Govt. of India, New Delhi

**Copy to:-**

1. The Deputy Director General of Forests (C), Ministry of Environment, Forest and Climate Change, Integrated Regional Office, Bays No. 24-25, Sector 31 A, Dakshin Marg, Chandigarh - 160030
2. The Member Secretary, Haryana Pollution Control Board, C-11, Sector-6, Panchkula, Haryana: **with a request to immediately close the unit and ensure that the unit does not re-start functioning without requisite Statutory Clearance in compliance to the NGT orders dated 03.06.2021 and this Ministry's OM dated 07.07.2021. The copies are enclosed for ready reference.**
3. Guard File/Monitoring File/Record File



(Dr. Saranya P)  
Scientist 'D'/Joint Director

**Email: [saranya.p@gov.in](mailto:saranya.p@gov.in)**

(डा. सरन्या पी)  
(Dr. SARANYA P)  
वैज्ञानिक 'डी'/Scientist 'D'  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
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भारत सरकार, नई दिल्ली  
Govt. of India, New Delhi

Standard TOR for 5 (f) CategoryA. STANDARD TERMS OF REFERENCE**1) Executive Summary****2) Introduction**

- i. Details of the EIA Consultant including NABET accreditation
- ii. Information about the project proponent
- iii. Importance and benefits of the project

**3) Project Description**

- i. Cost of project and time of completion.
- ii. Products with capacities for the proposed project.
- iii. If expansion project, details of existing products with capacities and whether adequate land is available for expansion, reference of earlier EC if any.
- iv. Details of existing products and production, if any, along with present product/production details in tabular format, to verify the compliance of the EIA Notifications.
- v. List of raw materials required and their source along with mode of transportation.
- vi. Other chemicals and materials required with quantities and storage capacities
- vii. Details of Emission, effluents, hazardous waste generation and their management.
- viii. Requirement of water, power, with source of supply, status of approval, water balance diagram, man-power requirement (regular and contract)
- ix. Details of boiler/gensets (including stacks/exhausts) and fuels to be used
- x. Process description along with major equipments and machineries, process flow sheet (quantitative) from raw materials to products to be provided
- xi. Hazard identification and details of proposed safety systems.
- xii. Expansion/modernization proposals:
  - a. Copy of all the Environmental Clearance(s) including Amendments thereto obtained for the project from MOEF/SEIAA shall be attached as an Annexure. A certified copy of the latest Monitoring Report of the Integrated Regional Office of the Ministry of Environment, Forest and Climate Change as per circular dated 30<sup>th</sup> May, 2012 on the status of compliance of conditions stipulated in all the existing environmental clearances including Amendments shall be provided. In addition, copy of the latest CTO and status of compliance of Consent to Operate for the ongoing/existing operation of the project from SPCB shall be attached with the EIA-EMP report.
  - b. In case the existing project has not obtained environmental clearance, reasons for not taking EC under the provisions of the EIA Notification 1994 and/or EIA Notification 2006 shall be provided. Copies of Consent to Establish/No Objection Certificate and Consent to Operate (in case of units operating prior to EIA Notification 2006, CTE and CTO of FY 2005-2006) obtained from the SPCB shall be submitted. Further, compliance report to the conditions of consents from the SPCB shall be submitted.

**4) Site Details**

- (i) Location of the project site covering village, Taluka/Tehsil, District and State, Justification for selecting the site, whether other sites were considered.

- (ii) A topo-sheet of the study area of radius of 10km and site location on 1:50,000/1:25,000 scale on an A3/A2 sheet. (including all eco-sensitive areas and environmentally sensitive places)
- (iii) Details w.r.t. option analysis for selection of site
- (iv) Co-ordinates (lat-long) of all four corners of the site.
- (v) Google map-Earth download of the project site.
- (vi) Layout maps indicating existing unit as well as proposed unit indicating storage area, plant area, greenbelt area, utilities etc. If located within an Industrial area/Estate/Complex, layout of Industrial Area indicating location of unit within the Industrial area/Estate.
- (vii) Photographs of the proposed and existing (if applicable) plant site. If existing, show photographs of plantation/greenbelt, in particular.
- (viii) Land-use break-up of total land of the project site (identified and acquired), government/private - agricultural, forest, wasteland, water bodies, settlements, etc shall be included. (not required for industrial area)
- (ix) A list of major industries with name and type within study area (10km radius) shall be incorporated. Land use details of the study area
- (x) Geological features and Geo-hydrological status of the study area shall be included.
- (xi) Details of Drainage of the project upto 5km radius of study area. If the site is within 1 km radius of any major river, peak and lean season river discharge as well as flood occurrence frequency based on peak rainfall data of the past 30 years. Details of Flood Level of the project site and maximum Flood Level of the river shall also be provided. (mega green field projects)
- (xii) Status of acquisition of land. If acquisition is not complete, stage of the acquisition process and expected time of complete possession of the land. Documents related to conversion of land for Industrial purpose.
- (xiii) R&R details in respect of land in line with state Government policy

**5) Forest, wildlife and CRZ related issues (if applicable):**

- i. Permission and approval for the use of forest land (forestry clearance), if any, and recommendations of the State Forest Department. (if applicable)
- ii. Land-use map based on High resolution satellite imagery of the proposed site delineating the forestland (*in case of projects involving forest land more than 40 ha*)
- iii. Status of Application submitted for obtaining the stage I forestry clearance along with latest status shall be submitted.
- iv. The projects to be located within 10 km of the National Parks, Sanctuaries, Biosphere Reserves, Migratory Corridors of Wild Animals, the project proponent shall submit the map duly authenticated by Chief Wildlife Warden showing these features vis-à-vis the project location and the recommendations or comments of the Chief Wildlife Warden thereon
- v. Wildlife Conservation Plan duly authenticated by the Chief Wildlife Warden of the State Government for conservation of Schedule I fauna, if any exists in the study area
- vi. Copy of application submitted for clearance under the Wildlife (Protection) Act, 1972, to the Standing Committee of the National Board for Wildlife
- vii. Recommendations and NOC from the concerned State/UT Coastal Zone Management Authority on CRZ angle

## 6) Environmental Status

- (i) Determination of atmospheric inversion level at the project site and site-specific micro-meteorological data using temperature, relative humidity, hourly wind speed and direction and rainfall.
  - a. AAQ data (except monsoon) at 8 locations for PM10, PM2.5, SO2, NOX, CO and other parameters relevant to the project shall be collected. The monitoring stations shall be based CPCB guidelines and take into account the predominant wind direction, population zone and sensitive receptors including reserved forests. Study should indicate minimum, maximum value of different parameters for the period (3 months) collected. Collected data should be supported by the reference data of either CPCB or SPCB. AAQ data & GLC of pollutants from stack emissions should suggest technology/ measures- Best Practiced Technology (BPT) indicating best achieved results.
- (ii) Raw data of all AAQ measurement for 12 weeks of all stations as per frequency given in the NAQQM Notification of Nov. 2009 along with – min., max., average and 98% values for each of the AAQ parameters from data of all AAQ stations should be provided as an annexure to the EIA Report.
- (iii) Surface water quality of nearby River (100m upstream and downstream of discharge point) and other surface drains at eight locations as per CPCB/MoEF&CC guidelines.
- (iv) Whether the site falls near to polluted stretch of river identified by the CPCB/MoEF&CC, if yes give details.
- (v) Ground water monitoring at minimum at 8 locations shall be included.
- (vi) Noise levels monitoring at 8 locations within the study area.
- (vii) Soil Characteristic as per CPCB guidelines.
- (viii) Traffic study of the area, type of vehicles, frequency of vehicles for transportation of materials, additional traffic due to proposed project, parking arrangement etc.
- (ix) Detailed description of flora and fauna (terrestrial and aquatic) existing in the study area shall be given with special reference to rare, endemic and endangered species. If Schedule-I fauna are found within the study area, a Wildlife Conservation Plan shall be prepared and furnished.
- (x) Socio-economic status of the study area.

## 7) Environment Impact and Environment Management Plan

- i. Assessment of ground level concentration of pollutants from the stack emission based on site-specific meteorological features. In case the project is located on a hilly terrain, the AQIP Modelling shall be done using inputs of the specific terrain characteristics for determining the potential impacts of the project on the AAQ. Cumulative impact of all sources of emissions (including transportation) on the AAQ of the area shall be assessed. Details of the model used and the input data used for modelling shall also be provided. The air quality contours shall be plotted on a location map showing the location of project site, habitation nearby, sensitive receptors, if any.
- ii. Water Quality Modelling – in case of discharge in water body
- iii. Impact of the transport of the raw materials and end products on the surrounding environment shall be assessed and provided. In this regard, options for transport of raw materials and finished products and wastes (large quantities) by rail or rail-cum road transport or conveyor-cum-rail transport shall be examined.

- iv. A note on treatment of wastewater from different plant operations, extent recycled and reused for different purposes shall be included. Complete scheme of effluent treatment. Characteristics of untreated and treated effluent to meet the prescribed standards of discharge under E(P) Rules.
- v. Details of stack emission and action plan for control of emissions to meet standards.
- vi. Measures for fugitive emission control
- vii. Details of hazardous waste generation and their storage, utilization and management. Copies of MOU regarding utilization of solid and hazardous waste in cement plant shall also be included. EMP shall include the concept of waste-minimization, recycle/reuse/recover techniques, Energy conservation, and natural resource conservation.
- viii. Proper utilization of fly ash shall be ensured as per Fly Ash Notification, 2009. A detailed plan of action shall be provided.
- ix. Action plan for the green belt development plan in 33 % area i.e. land with not less than 1,500 trees per ha. Giving details of species, width of plantation, planning schedule etc. shall be included. The green belt shall be around the project boundary and a scheme for greening of the roads used for the project shall also be incorporated.
- x. Action plan for rainwater harvesting measures at plant site shall be submitted to harvest rainwater from the roof tops and storm water drains to recharge the ground water and also to use for the various activities at the project site to conserve fresh water and reduce the water requirement from other sources.
- xi. Total capital cost and recurring cost/annum for environmental pollution control measures shall be included.
- xii. Action plan for post-project environmental monitoring shall be submitted.
- xiii. Onsite and Offsite Disaster (natural and Man-made) Preparedness and Emergency Management Plan including Risk Assessment and damage control. Disaster management plan should be linked with District Disaster Management Plan.

## 8) Occupational health

- i. Plan and fund allocation to ensure the occupational health & safety of all contract and casual workers
- ii. Details of exposure specific health status evaluation of worker. If the workers' health is being evaluated by pre designed format, chest x rays, Audiometry, Spirometry, Vision testing (Far & Near vision, colour vision and any other ocular defect) ECG, during pre placement and periodical examinations give the details of the same. Details regarding last month analyzed data of above mentioned parameters as per age, sex, duration of exposure and department wise.
- iii. Details of existing Occupational & Safety Hazards. What are the exposure levels of hazards and whether they are within Permissible Exposure level (PEL). If these are not within PEL, what measures the company has adopted to keep them within PEL so that health of the workers can be preserved,
- iv. Annual report of health status of workers with special reference to Occupational Health and Safety.

## 9) Corporate Environment Policy

- i. Does the company have a well laid down Environment Policy approved by its Board of Directors? If so, it may be detailed in the EIA report.

*Prasanna*

- ii. Does the Environment Policy prescribe for standard operating process / procedures to bring into focus any infringement / deviation / violation of the environmental or forest norms / conditions? If so, it may be detailed in the EIA.
- iii. What is the hierarchical system or Administrative order of the company to deal with the environmental issues and for ensuring compliance with the environmental clearance conditions? Details of this system may be given.
- iv. Does the company have system of reporting of non compliances / violations of environmental norms to the Board of Directors of the company and / or shareholders or stakeholders at large? This reporting mechanism shall be detailed in the EIA report
- v. Details regarding infrastructure facilities such as sanitation, fuel, restroom etc. to be provided to the labour force during construction as well as to the casual workers including truck drivers during operation phase.

#### **10) Corporate Environmental Responsibility (CER)**

- i. Adequate funds, as per the Ministry's OM/Guidelines, shall be earmarked towards the Corporate Environmental Responsibility based on Public Hearing issues/socio-economic issues and item-wise details along with time bound action plan shall be included (CER activities shall be related to environment). Socio-economic development activities need to be elaborated upon. For the projects where public hearing is not conducted, CER plan shall be provided based on socio-economic study of the area.

#### **10) Additional studies/Measures to be considered**

- (i) Provide latest and ecofriendly technology for product manufacturing.
- (ii) Emphasize on Green chemistry/Clean Manufacturing
- (iii) Provide CAS No. of products along with product list.
- (iv) Provide details of amount of carbon sequestered in their unit through greenbelt/other modes, in case of expansion project.
- (v) Life structure and sustainability for carbon and water foot print.
- (vi) Detailed pollution Load estimation.
- (vii) Transportation of Hazardous substance, effluents etc shall be carried out through authorized and GPS enable vehicles/Trucks only.
- (viii) Category of Hazardous Wastes shall be mentioned in the EIA/EMP report and in presentation.
- (ix) Details of greenhouse gases and emissions shall be provided.
- (x) Greenbelt shall be developed in the first year of the project and wind breaks shall be erected.
- (xi) Study area map shall be overlapped with all the associated features.
- (xii) Emphasize on green fuels.
- (xiii) The project from NCR shall not use Coal as fuel. Further, PP shall avoid use of Coal in the CPAs and elsewhere also if alternatives are available.
- (xiv) Provide the Cost-Benefit analysis with respect to the environment due to the project.

**11) Any litigation pending against the project and/or any direction/order passed by any Court of Law against the project, if so, details thereof shall also be included. Has the unit received any notice under the Section 5 of Environment (Protection) Act, 1986 or relevant Sections of Air and Water Acts? If so, details thereof and compliance/ATR to the notice(s) and present status of the case.**

12) A tabular chart with index for point wise compliance of above TORs and its details needs to be submitted in the EIA/EMP Report.

**B. SPECIFIC TERMS OF REFERENCE FOR EIA STUDIES FOR SYNTHETIC ORGANIC CHEMICALS INDUSTRY**

1. Details on solvents to be used, measures for solvent recovery and for emissions control.
2. Details of process emissions from the proposed unit and its arrangement to control.
3. Ambient air quality data should include VOC, other process-specific pollutants\* like NH<sub>3</sub>\*, chlorine\*, HCl\*, HBr\*, H<sub>2</sub>S\*, HF\*, etc., (\*-as applicable)
4. Work zone monitoring arrangements for hazardous chemicals.
5. Detailed effluent treatment scheme including segregation of effluent streams for units adopting 'Zero' liquid discharge.
6. Action plan for odour control to be submitted.
7. A copy of the Memorandum of Understanding signed with cement manufacturers indicating clearly that they co-process organic solid/hazardous waste generated.
8. Authorization/Membership for the disposal of liquid effluent in CETP and solid/hazardous waste in TSDF, if any.
9. Action plan for utilization of MEE/dryers salts.
10. Material Safety Data Sheet for all the Chemicals are being used/will be used.
11. Authorization/Membership for the disposal of solid/hazardous waste in TSDF.
12. Details of incinerator if to be installed.
13. Risk assessment for storage and handling of hazardous chemicals/solvents. Action plan for handling & safety system to be incorporated.
14. Arrangements for ensuring health and safety of workers engaged in handling of toxic materials.

\*\*\*

  
(TRUE COPY)

**STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY HARYANA**  
**Bay No. 55-58, Prayatan Bhawan, Sector-2, PANCHKULA.**

Tel: 0172-2565232, 4043956

E-mail Id: [seiaa-21.env@hry.gov.in](mailto:seiaa-21.env@hry.gov.in)

No. SEIAA(137)/HR/2022/ 732

Dated: 08/04/2022

**To**

**M/s Globe Panel Industries India Pvt. Ltd.,  
 Unit-III, Plot No. M-28 & E-57, Industrial area,  
 Yamunanagar, Haryana  
 Email Id: [globepanelnr@gmail.com](mailto:globepanelnr@gmail.com)**

**Subject: ToR for Capacity Expansion of Formaldehyde Manufacturing Unit in existing facility from 100 TPD to 120 TPD at Plot No. M-28 & E-57, Industrial area Yamunanagar, Haryana.**

This has reference to your Proposal No. SIA/HR/IND3/63305/2021 through PARIVESH Portal for the approval of ToR (Terms of Reference) under category 5 (f) for undertaking detailed EIA Study for the purpose of obtaining Environment Clearance in accordance with the provisions of EIA Notification, 2006. The Auto ToR was generated for expansion on 15.06.21 for preparation of EIA report. Further, the PP vide letter dated 09.07.2021 submitted reply in reference to the SEIAA office letter dated 06.07.2021 as well as MoEF, Office Memorandum dated 07.07.2021 and again requested to consider the proposal for approval of Terms of Reference under Violation in reference to OM dated 07.07.2021 and case was forwarded to SEAC for appraisal. The proposal has been appraised as per prescribed procedure in the light of provisions under the EIA Notification, 2006 & OM dated 07.07.2021 on the basis of the mandatory documents by the State Expert Appraisal Committee (SEAC) constituted by MoEF & CC, GoI vide their Notification dated 30.01.2019 & 21.02.2022, in its 217<sup>th</sup> & 225<sup>th</sup> meeting held on 20.07.2021 & 10.11.2021 and recommended to SEIAA for grant of Terms of Reference under Violation Category.

The details of the proposal as under:

Sr. No.	Particulars	
1.	Online Proposal Number	SIA/HR/IND3/63305/2021
2.	Latitude	Latitude: 30°7'55.16"N Longitude: 77°16'37.60" E
3.	Plot Area	0.2268 Ha
4.	Net Plot Area	0.2268 Ha
5.	Total Built Up area	NA
6.	Total Green Area with %	0.0630 ha. (33.23%)
7.	Rain Water Harvesting Pits (with size)	NA (Will submit till EC)
8.	STP Capacity	N.A
9.	Total Parking	All Parking will be done within the plant premises.
10.	Power Requirement	150 KVA
11.	Power Backup	3 D.G. sets of 160 KVA, 180KVA, 225KVA capacity each
12.	Total Water Requirement	160 KLD

13.	Domestic Water Requirement	3.0 KLD
14.	Fresh Water Requirement	160 KLD
15.	Treated Water	2.5 KLD
16.	Waste Water Generated	2.5 KLD
17.	Total Cost of the project:	Rs. 1.44Crores
18.	Construction Phase:	i) Power Back-up
		ii) Water Requirement & Source
		3 D.G. sets of 160 KVA, 180KVA, 225KVA capacity each
		160 KLD Source: HWRA

In this connection, it is intimated that Project Proposal for approval of Terms of Reference was placed before the State Environment Impact Assessment Authority (SEIAA) in its 137<sup>th</sup> Meeting held on 24.03.2022.

The Authority approved the "Terms of Reference" under Violation Category and it was decided that you have to prepare Environment Impact Assessment Report and Environment Management Plan for obtaining Environment Clearance by using Model Terms of Reference as per MoEF & CC with the additional Terms of Reference as recommended by SEAC in its 217<sup>th</sup> & 225<sup>th</sup> meeting held on 20.07.2021 & 10.11.2021:

#### Additional ToR

1. The State Government/SPCB to take action against the project proponent under the provisions of the section 19 of the Environment (Protection) Act, 1986, and further no Consent to Operate or Occupancy Certificate to be issued till the project is granted EC.
2. The Project Proponent shall be required to submit a bank guarantee equivalent to the amount of remediation plan and natural and community resource augmentation plan with the SPCB prior to the grant EC. The quantum shall be recommended by the SEAC and finalized by the regulatory authority. The bank guarantee shall be released after successful implementation of the EMP, followed by recommendations of the SEAC and approval of the regulatory authority.
3. The Project proponent will be liable to pay the penalty for the period of violation, as may be determined by committee, arisen due to constructing and /or operating the project without prior EC. An undertaking in this regard shall be submitted by PP along with EC proposal. The project proponent shall be submit the details on the cost incurred on establishment of the project and year-wise total turnover till date.
4. The directions of the Hon'ble NGT shall be implemented vide its Orders dated 03.06.2021, in the matter of Dastak NGO vs. Syncochem Pragnics Pvt. Ltd. & ors in OA No. 287 of 2020; Vineet Nagar Vs. Central Ground Water Authority & Ors., in OA No. 298 of 2020; and Ayush Garg Vs Union of India & Ors. in OA No. 840 of 2019]. Implementation Report may be submitted by the PP at the time of submission of EIA/EMP Report.
5. Haryana PCB may assess and recover compensation for illegal operation of the Units on 'Polluter Pays' principle. Implementation Report may be submitted by the SCPB at the time of submission of EIA/EMP Report by the PP.
6. Assessment of ecological damage with respect to air, water and land and other environmental attributes. The collection and analysis of data shall be done by an environmental laboratory duly notified under the Environmental (Protection) Act, 1986, or an Environmental laboratory accredited by NABL, or a laboratory of the Council of Scientific and Industrial Research (CSIR) institution working in the field of environment. The cost for assessment of environmental damage may be guided by the ministry of Environment, Forest and Climate Change O.M No. 19-125/2019.III, dated 05.03.2020.

7. EMP shall be prepared comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefits derived due to violation.
8. The remediation plan and the natural community resource augmentation plan to be prepared as an independent chapter in the EIA report in the EIA report by the accredited consultants.
9. Budget of remediation plan and the natural and community resource augmentation corresponding to the ecological damage shall be completed within three years and to be prepared accordingly.
10. You are required to submit the final EIA/EMP reports prepared by the consultants accredited with the Quality Council of India/National Accreditation Board of Education and Training (QCI/NABET), to the SEAC/SEIAA for the grant of environmental clearance within 3 years, as per this ministry's OM No. J-11013/41/2006-IA. II(I) dated 8<sup>th</sup> October, 2014.
11. The PP shall submit the proof of credible action taken by the state government/Haryana State Pollution Control Board under the provisions of the section 19 of the Environment Protection Act 1986 to the MoEF & CC prior to the grant of EC.
12. The PP shall also submit the details of the source of water and also the details of the tube-well if ground water is used
13. The PP shall submit the details of odour control plan for the project
14. The PP shall submit the details of sludge generated in the ETP, its disposal and the details of chemicals used.
15. The PP shall submit the adequacy of hazardous waste storage vis-à-vis generation
16. The PP shall submit the solvent recovery and reuse of the chemicals in the manufacturing process.
17. The PP shall submit the safety provisions including PPO, FE, FIT, EPA emergency plan.
18. The PP shall submit the approved building plan from the Competent Authority
19. The PP shall submit the arrangement details for the sewage during the construction
20. The PP shall submit the SOP for control of spillage of chemicals
21. The PP shall submit the hazardous waste plan (Quantity) as per the Hazardous Waste Management Rules.
22. The PP shall submit the details of raw material used and by products formed in the process of manufacturing.
23. The PP shall submit the land use detail along with Ground Coverage.
24. The PP shall submit the detail of the boiler with stack height along with capacity
25. The PP shall submit the detail of the process emission generation and its management
26. The PP shall submit the details of Process Municipal waste, Process waste (non-hazardous waste), Process(hazardous waste)
27. The PP shall submit the segregation plan along with treatment of industrial/ trade effluent into high COD/TDS and low COD/TDS effluent stream .
28. The PP shall submit the plan that the process effluent any waste water shall not be mixed with storm water and plan depicting that storm water drain shall be passed through the guard pond.
29. The PP shall submit the storage plan of hazardous chemicals
30. The PP shall submit the usage of process organic residue and spent carbon, if any along with usage/disposal of ETP sludge, process inorganic and evaporation salt
31. The PP shall submit the strictly compliance of the rules and guidelines under manufacture, storage and import of hazardous chemicals MSIHC Rules 1989 as amended time to time. All transportation of hazardous chemicals shall be as per motor vehicle act 1989
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### **STANDARD TERMS OF REFERENCE**

#### **A.**

##### **1) Executive Summary**

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- i. Details of the EIA Consultant including NABET accreditation
- ii. Information about the project proponent
- iii. Importance and benefits of the project

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- i. Cost of project and time of completion.
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- v. Other chemicals and materials required with quantities and storage capacities
- vi. Details of Emission, effluents, hazardous waste generation and their management.
- vii. Requirement of water, power, with source of supply, status of approval, water balance diagram, man-power requirement (regular and contract)
- viii. Process description along with major equipments and machineries, process flow sheet (quantative) from raw material to products to be provided
- ix. Hazard identification and details of proposed safety systems.
- x. Expansion/modernization proposals:

- a. Copy of all the Environmental Clearance(s) including Amendments thereto obtained for the project from MOEF/SEIAA shall be attached as an Annexure. A certified copy of the latest Monitoring Report of the Regional Office of the Ministry of Environment and Forests as per circular dated 30th May, 2012 on the status of compliance of conditions stipulated in all the existing environmental clearances including Amendments shall be provided. In addition, status of compliance of Consent to Operate for the ongoing existing operation of the project from SPCB shall be attached with the EIA-EMP report.
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SPCB shall be submitted. Further, compliance report to the conditions of consents from the SPCB shall be submitted.

**4) Site Details**

- i. Location of the project site covering village, Taluka/Tehsil, District and State, Justification for selecting the site, whether other sites were considered.
- ii. A toposheet of the study area of radius of 10km and site location on 1:50,000/1:25,000 scale on an A3/A2 sheet (including all eco-sensitive areas and environmentally sensitive places)
- iii. Details w.r.t. option analysis for selection of site
- iv. Co-ordinates (lat-long) of all four corners of the site.
- v. Google map-Earth downloaded of the project site.
- vi. Layout maps indicating existing unit as well as proposed unit indicating storage area, plant area, greenbelt area, utilities etc. If located within an Industrial area/Estate/Complex, layout of Industrial Area indicating location of unit within the Industrial area/Estate.
- vii. Photographs of the proposed and existing (if applicable) plant site. If existing, show photographs of plantation/greenbelt, in particular.
- viii. Landuse break-up of total land of the project site (identified and acquired), government/private agricultural, forest, wasteland, water bodies, settlements, etc shall be included. (not required for industrial area)
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- xii. Status of acquisition of land. If acquisition is not complete, stage of the acquisition process and expected time of complete possession of the land.
- xiii. R&R details in respect of land in line with state Government policy.

**5) Forest and wildlife related issues (if applicable):**

- i. Permission and approval for the use of forest land (forestry clearance), if any, and recommendations of the State Forest Department. (if applicable)
- ii. Landuse map based on High resolution satellite imagery (GPS) of the proposed site delineating the forestland (in case of projects involving forest land more than 40 ha)
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- v. Whether the site falls near to polluted stretch of river identified by the CPCB/MoEF&CC, if yes give details.
- vi. Ground water monitoring at minimum at 8 locations shall be included.
- vii. Noise levels monitoring at 8 locations within the study area.
- viii. Soil Characteristic as per CPCB guidelines.
- ix. Traffic study of the area, type of vehicles, frequency of vehicles for transportation of materials, additional traffic due to proposed project, parking arrangement etc.
- x. Detailed description of flora and fauna (terrestrial and aquatic) existing in the study area shall be given with special reference to rare, endemic and endangered species. If Schedule-I fauna are found within the study area, a Wildlife Conservation Plan shall be prepared and furnished.
- xi. Socio-economic status of the study area.

## 7) Impact and Environment Management Plan

- i. Assessment of ground level concentration of pollutants from the stack emission based on site-specific meteorological features. In case the project is located on a hilly terrain, the AQIP Modeling shall be done using inputs of the specific terrain characteristics for determining the potential impacts of the project on the AAQ. Cumulative impact of all sources of emissions (including transportation) on the AAQ of the area shall be assessed. Details of the model used and the input data used for modeling shall also be provided. The air quality contours shall be plotted on a location map showing the location of project site, habitation nearby, sensitive receptors, if any.
- ii. Water Quality Modeling – in case of discharge in water body
- iii. Impact of the transport of the raw materials and end products on the surrounding environment shall be assessed and provided. In this regard, options for transport of raw materials and finished products and wastes (large quantities) by rail or rail-cum road transport or convey or cum-rail transport shall be examined.
- iv. A note on treatment of wastewater from different plant operations, extent recycled and reused for different purposes shall be included. Complete scheme of effluent treatment. Characteristics of untreated and treated effluent to meet the prescribed standards of discharge under E(P) Rules.

- v. Details of stack emission and action plan for control of emissions to meet standards.
- vi. Measures for fugitive emission control
- vii. Details of hazardous waste generation and their storage, utilization and management. Copies of MOU regarding utilization of solid and hazardous waste in cement plant shall also be included. EMP shall include the concept of waste-minimization, recycle/reuse/recover techniques, Energy conservation, and natural resource conservation.
- viii. Proper utilization of fly ash shall be ensured as per Fly Ash Notification, 2009. A detailed plan of action shall be provided.
- ix. Action plan for the green belt development plan in 33 % area i.e. land with not less than 1,500 trees per ha. Giving details of species, width of plantation, planning schedule etc. shall be included. The green belt shall be around the project boundary and a scheme for greening of the roads used for the project shall also be incorporated.
- x. Action plan for rainwater harvesting measures at plant site shall be submitted to harvest rainwater from the roof tops and storm water drains to recharge the ground water and also to use for the various activities at the project site to conserve fresh water and reduce the water requirement from other sources.
- xi. Total capital cost and recurring cost/annum for environmental pollution control measures shall be included.
- xii. Action plan for post-project environmental monitoring shall be submitted.
- xiii. Onsite and Offsite Disaster (natural and Man-made) Preparedness and Emergency Management Plan including Risk Assessment and damage control. Disaster management plan should be linked with District Disaster Management Plan.

#### 8) Occupational Health

- i. Plan and fund allocation to ensure the occupational health & safety of all contract and casual workers
- ii. Details of exposure specific health status evaluation of worker. If the workers' health is being evaluated by pre designed format, chest x rays, Audiometry, Spirometry, Vision testing (Far & Near vision, colour vision and any other ocular defect) ECG, during pre placement and periodical examinations give the details of the same. Details regarding last month analyzed data of above mentioned parameters as per age, sex, duration of exposure and department wise.
- iii. Details of existing Occupational & Safety Hazards. What are the exposure levels of hazards and whether they are within Permissible Exposure level (PEL). If these are not within PEL, what measures the company has adopted to keep them within PEL so that health of the workers can be preserved,
- iv. Annual report of health status of workers with special reference to Occupational Health and Safety.

#### 9) Corporate Environment Policy

- i. Does the company have a well laid down Environment Policy approved by its Board of Directors? If so, it may be detailed in the EIA report.
- ii. Does the Environment Policy prescribe for standard operating process / procedures to bring into focus any infringement / deviation / violation of the environmental or forest norms /conditions? If so, it may be detailed in the EIA.

- iii. What is the hierarchical system or Administrative order of the company to deal with the environmental issues and for ensuring compliance with the environmental clearance conditions? Details of this system may be given.
  - iv. Does the company have system of reporting of non compliances / violations of environmental norms to the Board of Directors of the company and / or shareholders or stakeholders at large? This reporting mechanism shall be detailed in the EIA report
- 10) Details regarding infrastructure facilities such as sanitation, fuel, restroom etc. to be provided to the labour force during construction as well as to the casual workers including truck drivers during operation phase.
  - 11) Enterprise Social Commitment (ESC)
    - i. Adequate funds (at least 2.5 % of the project cost) shall be earmarked towards the Enterprise Social Commitment
  - 12) Any litigation pending against the project and/or any direction/order passed by any Court of Law against the project, if so, details thereof shall also be included. Has the unit received any notice under the Section 5 of Environment (Protection) Act, 1986 or relevant Sections of Air and Water Acts? If so, detail thereof and compliance/ATR to the notice(s) and present status of the case.
  - 13) A tabular chart with index for point wise compliance of above TOR.

#### **B. SPECIFIC TERMS OF REFERENCE**

1. Details on solvents to be used, measures for solvent recovery and for emissions control.
2. Details of process emissions from the proposed unit and its arrangement to control.
3. Ambient air quality data should include VOC, other process-specific pollutants\* like NH<sub>3</sub>\*, chlorine\*, HCl\*, HBr\*, H<sub>2</sub>S\*, HF\*, etc., (\*-as applicable)
4. Work zone monitoring arrangements for hazardous chemicals.
5. Detailed effluent treatment scheme including segregation of effluent streams for units adopting 'Zero' liquid discharge.
6. Action plan for odour control to be submitted.
7. A copy of the Memorandum of Understanding signed with cement manufacturers indicating clearly that they co-process organic solid/hazardous waste generated.
8. Authorization/Membership for the disposal of liquid effluent in and solid/hazardous waste in TSDF, if any.
9. Action plan for utilization of MEE/dryers salts.
10. Material Safety Data Sheet for all the Chemicals is being used/will be used.
11. Authorization/Membership for the disposal of solid/hazardous waste in TSDF.
12. Details of incinerator if to be installed.
13. Risk assessment for storage and handling of hazardous chemicals/solvents. Action plan for handling and safety system to be incorporated.

14. Arrangements for ensuring health and safety of workers engaged in handling of toxic materials.
15. The PP shall submit DD on account of Scrutiny Fee according to Haryana Govt. Notification No. DE&CCH/3060 dated 14<sup>th</sup> October, 2021.

The Project Proponent will submit Environment Impact Assessment Report and Environment Management Plan by incorporating the Terms of References (ToR) as approved by the Authority within a time schedule in compliance of EIA Notification dated 14.09.2006. It was also decided that your project will be considered as received only after receipt of complete information.

**Member Secretary,  
SEIAA, Haryana**

  
(TRUE COPY)

**STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY HARYANA**  
**Bay No. 55-58, Prayatan Bhawan, Sector-2, PANCHKULA.**

Tel: 0172-2565232, 4043956

E-mail Id: [seiaa-21.env@hry.gov.in](mailto:seiaa-21.env@hry.gov.in)

No. SEIAA(137)/HR/2022/ 738

Dated: 08/04/2022

**To**

**M/S Sanwaria Polymers Industries Pvt. Ltd.,  
 Plot No.211, HSIIDC Industrial Estate, Manakpur,  
 Jagadhri, Distt. Yamuna Nagar (H.R)  
 Email Id: [sawariaindustries@gmail.com](mailto:sawariaindustries@gmail.com)**

**Subject:**

**Terms of Reference for Capacity Expansion of Formaldehyde Manufacturing Unit in Existing Facility from 80 TPD to 250 TPD at Plot No. 211, HSIIDC Industrial Estate, Manakpur, Jagadhri, Distt. Yamuna Nagar (H.R).**

This has reference to your Proposal No. SIA/HR/IND3/63311/2021 through PARIVESH Portal for the approval of ToR (Terms of Reference) under category 5 (f) for undertaking detailed EIA Study for the purpose of obtaining Environment Clearance in accordance with the provisions of EIA Notification, 2006. The Auto ToR was generated for expansion on 15.06.21 for preparation of EIA report. Further, the PP vide letter dated 09.07.2021 submitted reply in reference to the SEIAA office letter dated 06.07.2021 as well as MoEF, Office Memorandum dated 07.07.2021 and again requested to consider the proposal for approval of Terms of Reference under Violation in reference to OM dated 07.07.2021 and case was forwarded to SEAC for appraisal. The proposal has been appraised as per prescribed procedure in the light of provisions under the EIA Notification, 2006 & OM dated 07.07.2021 on the basis of the mandatory documents by the State Expert Appraisal Committee (SEAC) constituted by MoEF & CC, GoI vide their Notification dated 30.01.2019 & 21.02.2022, in its 217<sup>th</sup> & 225<sup>th</sup> meeting held on 20.07.2021 & 10.11.2021 and recommended to SEIAA for grant of Terms of Reference under Violation Category.

The details of the proposal as under:

Sr. No.	Particulars	
1.	Online Proposal Number	SIA/HR/IND3/63311/2021
2.	Latitude	Latitude: 30°11'47.51"N Longitude: 77°19'57.11"E
3.	Plot Area	0.18 Ha
4.	Net Plot Area	0.18 Ha
5.	Total Built Up area	NA
6.	Total Green Area with %	0.06 ha.(33.33%)
7.	Rain Water Harvesting Pits (with size)	NA (Will submit till EC)
8.	STP Capacity	N.A
9.	Total Parking	All Parking will be done within the plant premises.
10.	Power Requirement	600 KW
11.	Power Backup	2 D.G. sets of 220 and 500 KVA capacity each
12.	Total Water Requirement	300 KLD

13.	Domestic Water Requirement	5.0 KLD
14.	Fresh Water Requirement	300 KLD
15.	Treated Water	4.0 KLD
16.	Waste Water Generated	4.0 KLD
17.	Total Cost of the project:	Rs. 8.00Crores
18	Construction Phase:	
	i) Power Back-up	2 D.G. sets of 220 and 500 KVA capacity each
	ii) Water Requirement & Source	300 KLD Source: HSIIDC

In this connection, it is intimated that Project Proposal for approval of Terms of Reference was placed before the State Environment Impact Assessment Authority (SEIAA) in its **137<sup>th</sup> Meeting held on 24.03.2022.**

The Authority **approved the “Terms of Reference” under Violation Category** and it was decided that you have to prepare Environment Impact Assessment Report and Environment Management Plan for obtaining Environment Clearance by using Model Terms of Reference as per MoEF & CC with the additional Terms of Reference as recommended by **SEAC in its 217<sup>th</sup> & 225<sup>th</sup> meeting held on 20.07.2021 & 10.11.2021:**

#### **Additional ToR**

1. The State Government/SPCB to take action against the project proponent under the provisions of the section 19 of the Environment (Protection) Act, 1986, and further no Consent to Operate or Occupancy Certificate to be issued till the project is granted EC.
2. The Project Proponent shall be required to submit a bank guarantee equivalent to the amount of remediation plan and natural and community resource augmentation plan with the SPCB prior to the grant EC. The quantum shall be recommended by the SEAC and finalized by the regulatory authority. The bank guarantee shall be released after successful implementation of the EMP, followed by recommendations of the SEAC and approval of the regulatory authority.
3. The Project proponent will be liable to pay the penalty for the period of violation, as may be determined by committee, arisen due to constructing and /or operating the project without prior EC. An undertaking in this regard shall be submitted by PP along with EC proposal. The project proponent shall be submit the details on the cost incurred on establishment of the project and year-wise total turnover till date.
4. The directions of the Hon’ble NGT shall be implemented vide its Orders dated 03.06.2021, in the matter of Dastak NGO vs. Syncochem Pragnics Pvt. Ltd. & ors in OA No. 287 of 2020; Vineet Nagar Vs. Central Ground Water Authority & Ors., in OA No. 298 of 2020; and Ayush Garg Vs Union of India & Ors. in OA No. 840 of 2019]. Implementation Report may be submitted by the PP at the time of submission of EIA/EMP Report.
5. Haryana PCB may assess and recover compensation for illegal operation of the Units on ‘Polluter Pays’ principle. Implementation Report may be submitted by the SCPB at the time of submission of EIA/EMP Report by the PP.
6. Assessment of ecological damage with respect to air, water and land and other environmental attributes. The collection and analysis of data shall be done by an environmental laboratory duly notified under the Environmental (Protection) Act, 1986, or an Environmental laboratory accredited by NABL, or a laboratory of the Council of Scientific and Industrial Research (CSIR) institution working in the field of environment. The cost for assessment of environmental damage may be guided by the ministry of Environment, Forest and Climate Change O.M No. 19-125/2019.III, dated 05.03.2020.

7. EMP shall be prepared comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefits derived due to violation.
8. The remediation plan and the natural community resource augmentation plan to be prepared as an independent chapter in the EIA report in the EIA report by the accredited consultants.
9. Budget of remediation plan and the natural and community resource augmentation corresponding to the ecological damage shall be completed within three years and to be prepared accordingly.
10. You are required to submit the final EIA/EMP reports prepared by the consultants accredited with the Quality Council of India/National Accreditation Board of Education and Training (QCI/NABET), to the SEAC/SEIAA for the grant of environmental clearance within 3 years, as per this ministry's OM No. J-11013/41/2006-IA. II(I) dated 8<sup>th</sup> October, 2014.
11. The PP shall submit the proof of credible action taken by the state government/Haryana State Pollution Control Board under the provisions of the section 19 of the Environment Protection Act 1986 to the MoEF & CC prior to the grant of EC.
12. The PP shall also submit the details of the source of water and also the details of the tube-well if ground water is used
13. The PP shall submit the details of odour control plan for the project
14. The PP shall submit the details of sludge generated in the ETP, its disposal and the details of chemicals used.
15. The PP shall submit the adequacy of hazardous waste storage vis-à-vis generation
16. The PP shall submit the solvent recovery and reuse of the chemicals in the manufacturing process.
17. The PP shall submit the safety provisions including PPO, FE, FIT, EPA emergency plan.
18. The PP shall submit the approved building plan from the Competent Authority
19. The PP shall submit the arrangement details for the sewage during the construction
20. The PP shall submit the SOP for control of spillage of chemicals
21. The PP shall submit the hazardous waste plan (Quantity) as per the Hazardous Waste Management Rules.
22. The PP shall submit the details of raw material used and by products formed in the process of manufacturing.
23. The PP shall submit the land use detail along with Ground Coverage.
24. The PP shall submit the detail of the boiler with stack height along with capacity
25. The PP shall submit the detail of the process emission generation and its management
26. The PP shall submit the details of Process Municipal waste, Process waste (non-hazardous waste), Process(hazardous waste)
27. The PP shall submit the segregation plan along with treatment of industrial/ trade effluent into high COD/TDS and low COD/TDS effluent stream .
28. The PP shall submit the plan that the process effluent any waste water shall not be mixed with storm water and plan depicting that storm water drain shall be passed through the guard pond.
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- vii. Noise levels monitoring at 8 locations within the study area.
- viii. Soil Characteristic as per CPCB guidelines.
- ix. Traffic study of the area, type of vehicles, frequency of vehicles for transportation of materials, additional traffic due to proposed project, parking arrangement etc.
- x. Detailed description of flora and fauna (terrestrial and aquatic) existing in the study area shall be given with special reference to rare, endemic and endangered species. If Schedule-I fauna are found within the study area, a Wildlife Conservation Plan shall be prepared and furnished.
- xi. Socio-economic status of the study area.

## 7) Impact and Environment Management Plan

- i. Assessment of ground level concentration of pollutants from the stack emission based on site-specific meteorological features. In case the project is located on a hilly terrain, the AQIP Modeling shall be done using inputs of the specific terrain characteristics for determining the potential impacts of the project on the AAQ. Cumulative impact of all sources of emissions (including transportation) on the AAQ of the area shall be assessed. Details of the model used and the input data used for modeling shall also be provided. The air quality contours shall be plotted on a location map showing the location of project site, habitation nearby, sensitive receptors, if any.
- ii. Water Quality Modeling – in case of discharge in water body
- iii. Impact of the transport of the raw materials and end products on the surrounding environment shall be assessed and provided. In this regard, options for transport of raw materials and finished products and wastes (large quantities) by rail or rail-cum road transport or convey or cum-rail transport shall be examined.
- iv. A note on treatment of wastewater from different plant operations, extent recycled and reused for different purposes shall be included. Complete scheme of effluent treatment. Characteristics of untreated and treated effluent to meet the prescribed standards of discharge under E(P) Rules.

- v. Details of stack emission and action plan for control of emissions to meet standards.
- vi. Measures for fugitive emission control
- vii. Details of hazardous waste generation and their storage, utilization and management. Copies of MOU regarding utilization of solid and hazardous waste in cement plant shall also be included. EMP shall include the concept of waste-minimization, recycle/reuse/recover techniques, Energy conservation, and natural resource conservation.
- viii. Proper utilization of fly ash shall be ensured as per Fly Ash Notification, 2009. A detailed plan of action shall be provided.
- ix. Action plan for the green belt development plan in 33 % area i.e. land with not less than 1,500 trees per ha. Giving details of species, width of plantation, planning schedule etc. shall be included. The green belt shall be around the project boundary and a scheme for greening of the roads used for the project shall also be incorporated.
- x. Action plan for rainwater harvesting measures at plant site shall be submitted to harvest rainwater from the roof tops and storm water drains to recharge the ground water and also to use for the various activities at the project site to conserve fresh water and reduce the water requirement from other sources.
- xi. Total capital cost and recurring cost/annum for environmental pollution control measures shall be included.
- xii. Action plan for post-project environmental monitoring shall be submitted.
- xiii. Onsite and Offsite Disaster (natural and Man-made) Preparedness and Emergency Management Plan including Risk Assessment and damage control. Disaster management plan should be linked with District Disaster Management Plan.

#### 8) **Occupational Health**

- i. Plan and fund allocation to ensure the occupational health & safety of all contract and casual workers
- ii. Details of exposure specific health status evaluation of worker. If the workers' health is being evaluated by pre designed format, chest x rays, Audiometry, Spirometry, Vision testing (Far & Near vision, colour vision and any other ocular defect) ECG, during pre placement and periodical examinations give the details of the same. Details regarding last month analyzed data of above mentioned parameters as per age, sex, duration of exposure and department wise.
- iii. Details of existing Occupational & Safety Hazards. What are the exposure levels of hazards and whether they are within Permissible Exposure level (PEL). If these are not within PEL, what measures the company has adopted to keep them within PEL so that health of the workers can be preserved,
- iv. Annual report of health status of workers with special reference to Occupational Health and Safety.

#### 9) **Corporate Environment Policy**

- i. Does the company have a well laid down Environment Policy approved by its Board of Directors? If so, it may be detailed in the EIA report.
- ii. Does the Environment Policy prescribe for standard operating process / procedures to bring into focus any infringement / deviation / violation of the environmental or forest norms /conditions? If so, it may be detailed in the EIA.

- iii. What is the hierarchical system or Administrative order of the company to deal with the environmental issues and for ensuring compliance with the environmental clearance conditions? Details of this system may be given.
  - iv. Does the company have system of reporting of non compliances / violations of environmental norms to the Board of Directors of the company and / or shareholders or stakeholders at large? This reporting mechanism shall be detailed in the EIA report
- 10) Details regarding infrastructure facilities such as sanitation, fuel, restroom etc. to be provided to the labour force during construction as well as to the casual workers including truck drivers during operation phase.
  - 11) Enterprise Social Commitment (ESC)
    - i. Adequate funds (at least 2.5 % of the project cost) shall be earmarked towards the Enterprise Social Commitment
  - 12) Any litigation pending against the project and/or any direction/order passed by any Court of Law against the project, if so, details thereof shall also be included. Has the unit received any notice under the Section 5 of Environment (Protection) Act, 1986 or relevant Sections of Air and Water Acts? If so, detail thereof and compliance/ATR to the notice(s) and present status of the case.
  - 13) A tabular chart with index for point wise compliance of above TOR.

#### **B. SPECIFIC TERMS OF REFERENCE**

1. Details on solvents to be used, measures for solvent recovery and for emissions control.
2. Details of process emissions from the proposed unit and its arrangement to control.
3. Ambient air quality data should include VOC, other process-specific pollutants\* like NH<sub>3</sub>\*, chlorine\*, HCl\*, HBr\*, H<sub>2</sub>S\*, HF\*, etc., (\*-as applicable)
4. Work zone monitoring arrangements for hazardous chemicals.
5. Detailed effluent treatment scheme including segregation of effluent streams for units adopting 'Zero' liquid discharge.
6. Action plan for odour control to be submitted.
7. A copy of the Memorandum of Understanding signed with cement manufacturers indicating clearly that they co-process organic solid/hazardous waste generated.
8. Authorization/Membership for the disposal of liquid effluent in and solid/hazardous waste in TSDF, if any.
9. Action plan for utilization of MEE/dryers salts.
10. Material Safety Data Sheet for all the Chemicals is being used/will be used.
11. Authorization/Membership for the disposal of solid/hazardous waste in TSDF.
12. Details of incinerator if to be installed.
13. Risk assessment for storage and handling of hazardous chemicals/solvents. Action plan for handling and safety system to be incorporated.

14. Arrangements for ensuring health and safety of workers engaged in handling of toxic materials.
15. The PP shall submit DD on account of Scrutiny Fee according to Haryana Govt. Notification No. DE&CCH/3060 dated 14<sup>th</sup> October, 2021.

The Project Proponent will submit Environment Impact Assessment Report and Environment Management Plan by incorporating the Terms of References (ToR) as approved by the Authority within a time schedule in compliance of EIA Notification dated 14.09.2006. It was also decided that your project will be considered as received only after receipt of complete information.

*S. Lalayal*  
8/14  
Member Secretary,  
SEIAA, Haryana

  
(TRUE COPY)

ITEM NO.9+36

Court 10 (Video Conferencing)

SECTION XVII

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 2881/2021

NEETU SOLVENTS

Appellant(s)

VERSUS

VINEET NAGAR &amp; ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.85930/2021-EXEMPTION FROM FILING  
C/C OF THE IMPUGNED JUDGMENT and IA No.85923/2021-EX-PARTE STAY )

WITH

CA No. 4431/2021 (XVII)

(IA No.86962/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT and IA No.86960/2021-EX-PARTE STAY and IA No.86981/2021-  
PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES....)

C.A. No. 4432/2021 (XVII)

( IA No.86975/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT and IA No.86974/2021-EX-PARTE STAY and IA No.86979/2021-  
PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 30-07-2021 This appeal was called on for hearing today.

CORAM : HON'BLE MS. JUSTICE INDIRA BANERJEE  
HON'BLE MR. JUSTICE V. RAMASUBRAMANIANFor Appellant(s) Mr. Nidhesh Gupta, Sr. Adv.  
Mr. Tarun Gupta, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

Issue notice returnable in two weeks.

Dasti service, in addition, is permitted.

The impugned order has apparently been passed without giving  
the affected parties including the appellant herein, an opportunity  
of hearing. There will, accordingly, be an ad interim stay of  
operation of the impugned order and the consequential orders.(GULSHAN KUMAR ARORA)  
AR-CUM-PS  
(TRUE COPY)(MATHEW ABRAHAM)  
COURT MASTER (NSH)

ITEM NO.14+54 Court 7 (Video Conferencing) SECTION XVII

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 4795/2021

PAHWA PLASTICS PVT LTD. & ANR. Appellant(s)

VERSUS

DASTAK NGO & ORS. Respondent(s)

(FOR ADMISSION and I.R. and IA No.99756/2021-EXEMPTION FROM FILING  
C/C OF THE IMPUGNED JUDGMENT and IA No.99755/2021-EX-PARTE STAY )

WITH

CA NO. 4902-4903/2021 (XVII)  
(IA No.102652/2021-Exemption from filing C/C of the impugned  
judgment and I.A. No.102651/2021-Ex-Parte stay)

CA NO. 4908/2021 (XVII)  
IA No.103049/2021-Exemption from filing C/C of the impugned  
judgment and IA No.103048-Ex-Parte Stay)

Date : 23-08-2021 This appeal was called on for hearing today.

CORAM : HON'BLE MS. JUSTICE INDIRA BANERJEE  
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Appellant(s) Mr. Nidhesh Gupta, Sr. Adv.  
Mr. Tarun Gupta, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

CA NOS. 4795 AND 4902-4903 OF 2021

Appeals are admitted.

There will be stay of operation of the judgment and order  
impugned, until further orders.

CA NO. 4908 OF 2021

Issue notice returnable in two weeks.

Dasti service, in addition, is permitted.

The impugned order has apparently been passed without giving the affected parties including the appellants herein, an opportunity of hearing. There will, accordingly, be an ad interim stay of operation of the impugned order and consequential orders.

(GULSHAN KUMAR ARORA)  
AR-CUM-PS

(MATHEW ABRAHAM)  
COURT MASTER (NSH)

(TRUE COPY)

ITEM NO.3 Court 8 (Video Conferencing) SECTION XVII

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 2881/2021

NEETU SOLVENTS

Appellant(s)

VERSUS

VINEET NAGAR & ORS.

Respondent(s)

(IA No. 91538/2021 - ADDITION / DELETION / MODIFICATION PARTIES)

WITH

C.A. No. 4432/2021 (XVII)

(IA FOR ADDITION/DELETION/MODIFICATION PARTIES ON IA 91622/2021)

C.A. No. 4431/2021 (XVII)

(IA FOR ADDITION/DELETION/MODIFICATION PARTIES ON IA 91547/2021)

C.A. No. 4654/2021 (XVII)

(FOR ADMISSION and I.R. and IA No.95483/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.95481/2021-EX-PARTE STAY and IA No.95485/2021-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

C.A. No. 4748/2021 (XVII)

(IA No.97344/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.97343/2021-EX-PARTE STAY and IA No.97346/2021-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 25-08-2021 These matters were called on for hearing today.

CORAM : HON'BLE MS. JUSTICE INDIRA BANERJEE  
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Appellant(s) Mr. Nidhesh Gupta, Sr. Adv.  
Mr. Tarun Gupta, AOR

For Respondent(s) Mr. Maninder Singh, Sr. Adv.  
Mr. Vineet Nagar, Adv.  
Ms. Ambika Kajal, Adv.  
Mr. Pawan Kumar Sharma, Adv.  
Mr. Rameshwar Prasad Goyal, AOR

Mr. Pradeep Misra, AOR.  
Mr. Daleep Dhyani, Adv.  
Mr. Suraj Singh, Adv.  
Mr. Manoj Kumar Sharma, Adv.  
Mr. Bhuwan Chandra, Adv.

Ms. Aishwarya Bhati, ASG  
Ms. Archana Pathak Dave, Adv.  
Mr. Subhranshu, Adv.  
Ms. Priyanka Das, Adv.  
Mr. Gurmeet Singh Makker, AOR

Mr. Tahir Ashraf Siddiqui, AOR

Mr. Dhruv Mehta, Adv.  
Mr. Rajesh Kumar Gautam, AOR  
Mr. Kartik Jindal, Adv.  
Mr. Anant Gautam, Adv.  
Mr. Nipun Sharma, Adv.  
Mr. Madhur Tewatia, Adv.  
Mr. Ravi Solanki, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Applications for deleting the proforma respondents are allowed. The names of the proforma respondent be deleted from the array of parties at the risk of the petitioners.

It is made clear that the interim orders passed by this Court will not stand in the way of requisite permits and clearances being processed and issued.

List the Civil Appeals along with Civil Appeal No. 4795 of 2021 and other connected matters.

(MANISH ISSRANI)  
COURT MASTER(SH)

(MATHEW ABRAHAM)  
COURT MASTER(NSH)

  
(TRUE COPY)

ITEM NO.5 Court 8 (Video Conferencing) SECTION XVII

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No. 4795/2021

PAHWA PLASTICS PVT LTD. &amp; ANR.

Appellant(s)

VERSUS

DASTAK NGO &amp; ORS.

Respondent(s)

(FOR ADMISSION and I.R...[ONLY IA NO. 111310/2021 IN CIVIL APPEAL NO. 4902-4903/2021, IA NO. 110064/2021 IN CIVIL APPEAL NO.4795/2021 AND IA NO.110107 IN CIVIL APPEAL NO. 4654/2021 ARE LISTED])

WITH

C.A. No. 4654/2021 (XVII)

IA No. 110107/2021 - APPROPRIATE ORDERS/DIRECTIONS)

C.A. No. 4902-4903/2021 (XVII)

(IA No. 111310/2021 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 30-09-2021 This appeal was called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE INDIRA BANERJEE

HON'BLE MR. JUSTICE J.K. MAHESHWARI

For Appellant(s) Mr. Nidesh Gupta, Sr. Adv.  
Mr. Tarun Gupta, AORFor Respondent(s) Mr. Anil Grover, Sr. AAG  
Ms. Noopur Singhal, Adv.  
Mr. Rahul Khurana, Adv.  
Mr. Sanjay Kumar Visen, AOR  
Mr. Amit Sahni, Adv.  
  
Mr. Maninder Singh, Sr. Adv.  
Mr. Harpreet Singh Popli, Adv.  
Mr. Vineet Nagar, Adv.  
Ms. Ambika Kajal, Adv.  
Mr. Pawan Kr. Sharma, Adv.  
Mr. Rameshwar Prasad Goyal, AOR  
  
Dr. Surender Singh Hooda, AOR  
Mr. Aayushman Aeron, Adv.  
Mr. Aditya Hooda, Adv.  
Mr. Rahul Besoya, Adv.  
  
Mr. Pradeep Misra, AOR

Mr. Daleep Dhyani, Dv.  
Mr. Suraj Singh, Adv.  
Mr. Bhuwan Chandra, Adv.

Mr. Tahir Ashraf Siddiqui, AOR

Mr. Rajesh Kumar Gautam, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Heard learned counsel for the parties.

Hearing concluded.

Judgment reserved.

(SHRADDHA MISHRA)  
Sr.PA

(MATHEW ABRAHAM)  
COURT MASTER (NSH)

ITEM NO.2 Court 8 (Video Conferencing) SECTION XVII

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 4795/2021

PAHWA PLASTICS PVT LTD. & ANR. Appellant(s)

VERSUS

DASTAK NGO & ORS. Respondent(s)

([IA-10213/22 IN C.A NO. 4795/2021, IA-10401/22 IN CA-4654/21; IA-10385/22 IN CA 4902-4903/2021; IA-10411/22 IN CA-4908/21 TO BE LISTED])

IA No. 10213/2022 - CLARIFICATION/DIRECTION)

WITH

C.A. No. 4654/2021 (XVII)  
( FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 10401/2022)

C.A. No. 4908/2021 (XVII)  
( FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 10411/2022)

C.A. No. 4902-4903/2021 (XVII)  
( FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 10385/2022)

Date : 07-02-2022 These matters were called on for hearing today.

CORAM : HON'BLE MS. JUSTICE INDIRA BANERJEE  
HON'BLE MR. JUSTICE J.K. MAHESHWARI

For Appellant(s) Mr. Nidhesh Gupta, Sr. Adv.  
Mr. Tarun Gupta, AOR

For Respondent(s) Mr. Rameshwar Prasad Goyal, AOR

Dr. Surender Singh Hooda, AOR  
Mr. Aayushman Aeron, Adv.  
Mr. Aditya Hooda, Adv.  
Mr. Rahul Besoya, Adv.

Ms. Aparna Rohatgi Jain, Adv.  
Mr. Mahesh Kasana, Adv.  
Dr. S.K. Verma, AOR

Mr. Anil Grover, Sr. AAG  
Ms. Noopur singhal, Adv.  
Mr. Rahul Khurana, Adv.  
Mr. Satish Kumar, Adv.

Mr. Sanjay Kumar Visen, AOR  
Ms. Babita Mishra, Adv.  
Mr. Sanjeev Prakash Upadhaya, Adv.  
Mr. Amit Gupta, Adv.  
Mr. Bhawar Jadon, Adv.  
Ms. Adira A Nair, Adv.

Mr. Pradeep Misra, AOR  
Mr. Daleep Dhyani, Adv.  
Mr. Suraj Singh, Adv.  
Mr. Bhuwan Chandra, Adv.

Ms. Aishwarya Bhati, Adv.  
Mr. Gurmeet Singh Makker, AOR  
Ms. Archana Pathak Dave, Adv.  
Mr. Subhranshu Padhi, Adv.  
Ms. Priyanka Das, Adv.  
Ms. Preeti Rani, Adv.

Mr. Tahir Ashraf Siddiqui, AOR

Mr. Rajesh Kumar Gautam, AOR

UPON hearing the counsel the Court made the following  
O R D E R

List the matter on 14.02.2022.

(MANISH ISSRANI)  
COURT MASTER (SH)

(MATHEW ABRAHAM)  
COURT MASTER (NSH)

  
(TRUE COPY)



Mr. Anil Grover, AAG  
Ms. Noopur Singhal, Adv.  
Mr. Rahul Khurana, Adv.  
Mr. Satish Kumar, Adv.  
Mr. Sanjay Kumar Visen, AOR  
Ms. Babita Mishra, Adv.  
Mr. Bhawar Jadon, Adv.  
Ms. Adira A. Nair, Adv.

Mr. Pradeep Misra, AOR  
Mr. Daleep Dhyani, Adv.  
Mr. Suraj Singh, Adv.

Ms. Aishwarya Bhati, ASG  
Mr. Gurmeet Singh Makker, AOR  
Ms. Archana Pathak Dave, Adv.  
Mr. Subhranshu Padi, Adv.  
Ms. Priyanka Das, Adv.  
Ms. Preeti Rani, Adv.

Mr. Tahir Ashraf Siddiqui, AOR

Mr. Rajesh Kumar Gautam, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Written submissions, if any, be filed on or before 23.02.2022.

list the matters be listed on 02.03.2022.

(MANISH ISSRANI)  
COURT MASTER (SH)

(MATHEW ABRAHAM)  
COURT MASTER (NSH)

ITEM NO.4

COURT NO.8

SECTION XVII

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 4795/2021

PAHWA PLASTICS PVT LTD. &amp; ANR.

Appellant(s)

VERSUS

DASTAK NGO &amp; ORS.

Respondent(s)

([IA-10213/22 IN C.A NO. 4795/2021, IA-10401/22 IN CA-4654/21; IA-10385/22 IN CA 4902-4903/2021; IA-10411/22 IN CA-4908/21 TO BE LISTED]

IA No. 10213/2022 - CLARIFICATION/DIRECTION)

WITH

C.A. No. 4654/2021 (XVII)

( FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 10401/2022

IA No. 10401/2022 - APPROPRIATE ORDERS/DIRECTIONS)

C.A. No. 4902-4903/2021 (XVII)

( FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 10385/2022

IA No. 10385/2022 - APPROPRIATE ORDERS/DIRECTIONS)

C.A. No. 4908/2021 (XVII)

( FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 10411/2022

IA No. 10411/2022 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 02-03-2022 These matters were called on for hearing today.

CORAM : HON'BLE MS. JUSTICE INDIRA BANERJEE  
HON'BLE MR. JUSTICE J.K. MAHESHWARIFor Appellant(s) Mr. Nidhesh Gupta, Sr. Adv.  
Mr. Tarun Gupta, AOR  
Mr. Abhishek Sharma, Adv.

For Respondent(s) Mr. Rameshwar Prasad Goyal, AOR

Dr. Surender Singh Hooda, AOR  
Mr. Vedant Pardhan, Adv.

Mr. S. K. Verma, AOR

Mr. Anil Grover, AAG  
Ms. Noopur Singhal, Adv.  
Mr. Rahul Khurana, Adv.  
Mr. Satish Kumar, Adv.  
Mr. Sanjay Kumar Visen, AOR  
Ms. Babita Mishra, Adv.  
Ms. Adira A. Nair, Adv.Mr. Pradeep Misra, AOR  
Mr. Daleep Dhyani, Adv.

Mr. Suraj Singh, Adv.

Ms. Aishwarya Bhati, ASG

Ms. Archana Pathak Dave, Adv.

Mr. Subhranshu Padhi, Adv.

Ms. Priyanka Das, Adv.

Ms. Preeti Rani, Adv.

Mr. Rustom Singh Chauhan, Adv.

Ms. Celeste Agarwal, Adv.

Mr. Gurmeet Singh Makker, AOR

Mr. Tahir Ashraf Siddiqui, AOR

Mr. Rajesh Kumar Gautam, AOR

UPON hearing the counsel the Court made the following  
O R D E R

List C.A. Nos. 4795 of 2021 and 4902-4903 of 2021 for directions on 04.03.2022.

List C.A. Nos. 4654 of 2021 and 4908 of 2021 for further hearing on 09.03.2022, as part-heard, top of the board.

(MANISH ISSRANI)  
COURT MASTER (SH)

(MATHEW ABRAHAM)  
COURT MASTER (NSH)

ITEM NO.12

COURT NO.8

SECTION XVII

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 4795/2021

PAHWA PLASTICS PVT LTD. &amp; ANR.

Appellant(s)

VERSUS

DASTAK NGO &amp; ORS.

Respondent(s)

([ONLY C.A. No. 4654/2021 AND C.A. No. 4908/2021 WHICH ARE PART HEARD BY HON. INDIRA BANERJEE AND HON. J.K. MAHESHWARI, JJ. LISTED AGAINST THIS ITEM AT TOP OF THE BOARD.] )

WITH

C.A. No. 4654/2021 (XVII)

(FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 10401/2022  
IA No. 10401/2022 - APPROPRIATE ORDERS/DIRECTIONS)

C.A. No. 4908/2021 (XVII)

( FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 10411/2022  
IA No. 10411/2022 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 09-03-2022 These appeals were called on for hearing today.

CORAM : HON'BLE MS. JUSTICE INDIRA BANERJEE  
HON'BLE MR. JUSTICE J.K. MAHESHWARIFor Appellant(s) Mr. Nidhesh Gupta, Sr. Adv.  
Mr. Tarun Gupta, AOR  
Mr. Abhishek Sharma, Adv.For Respondent(s) Mr. Jayant Mehta, Sr. Adv.  
Ms. Harpreet S. Popli, Adv.  
Mr. Rameshwar Prasad Goyal, AOR

Dr. Surender Singh Hooda, AOR

Ms. Aparna Rohatgi, Adv.  
Mr. Mahesh Kasana, Adv.  
Mr. S. K. Verma, AORMr. Anil Grover, Sr. AAG  
Ms. Noopur Singhal, Adv.  
Mr. Rahul Khurana, Adv.  
Mr. Satish Kumar, Adv.  
Mr. Sanjay Kumar Visen, AOR  
Ms. Babita Mishra, Adv.

Mr. Pradeep Misra, AOR  
Mr. Daleep Dhyani, Adv.  
Mr. Suraj Singh, Adv.

Ms. Aishwarya Bhati, ASG  
Ms. Archana Pathak Dave, Adv.  
Mr. Rustam Singh Chauhan, Adv.  
Ms. Celeste Agarwal, Adv.  
Mr. Gurmeet Singh Makker, AOR

Mr. Tahir Ashraf Siddiqui, AOR

Mr. Rajesh Kumar Gautam, AOR

UPON hearing the counsel the Court made the following  
O R D E R

List on 22.03.2022 along with the connected matters, top of  
the board.

(MANISH ISSRANI)  
COURT MASTER (SH)

(MATHEW ABRAHAM)  
COURT MASTER (NSH)

## ANNEXURE-R-36

**REPORTABLE****IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO. 4795 OF 2021**

M/S PAHWA PLASTICS PVT. LTD. AND ANR. .... Appellants

Versus

DASTAK NGO AND ORS. .... Respondents

**J U D G M E N T****INDIRA BANERJEE, J.**

This appeal under Section 22 of the National Green Tribunal Act, 2010, is against an order dated 3<sup>rd</sup> June 2021 passed by the Principal Bench of the National Green Tribunal (NGT) in O.A No.287/2020 at New Delhi, *inter alia*, holding that establishments such as the manufacturing units of the Appellants, which did not have prior Environmental Clearance (EC) could not be allowed to operate.

2. The question of law involved in this appeal is, whether an establishment employing about 8000 workers, which has been set up pursuant to Consent to Establish (CTE) and Consent to Operate (CTO) from the concerned statutory authority and has applied for *ex post facto* EC can be closed down pending issuance of EC, even though it

may not cause pollution and/or may be found to comply with the required pollution norms.

3. With increasing industrialization and the establishment of factories which emitted smoke and other pollutants, there was worldwide concern for protection of environment. In June 1972, the United Nations Conference on the Human Environment was held in Stockholm, where decisions were taken to take appropriate steps for preservation of the natural resources of the earth, which, among other things, included preservation of the quality of air and water by controlling pollution.

4. In 1974, Parliament enacted the Water (Prevention and Control of Pollution) Act, 1974, with a view to prevent and control water pollution and to maintain and restore wholesomeness of water.

5. In furtherance of the decisions taken at Stockholm, Parliament enacted the Air (Prevention and Control of Pollution) Act, 1981, hereinafter referred to as "the Air Pollution Act", to provide for prevention, control and abatement of air pollution.

6. The Air Pollution Act provides for the constitution of a Central Pollution Control Board (CPCB) and State Pollution Control Boards (SPCB) to deal with the problem of air pollution. Section 16 of the Air Pollution Act enables the Central Pollution Control Board to take steps to improve the quality of air and to prevent, control or abate air pollution in the country. Section 17 of the Air Pollution Act enables the State Pollution Control Boards to plan comprehensive programmes for

the prevention, control or abatement of air pollution, *inter alia*, by laying down standards for emission of air pollutants.

7. Section 18 of the Air Pollution Act enables the Central Government to give directions by which the CPCB is to be bound. Similarly, every SPCB is to be bound by directions in writing as might be given by the CPCB or the State Government.

8. Where a notification is issued under the Air Pollution Act, placing an area within the control area of air pollution, permission is necessary to set up and operate any factory or plant thereat. No person operating any factory or plant in any air pollution control area is to discharge or cause or permit to be discharged the emission of any air pollutants, in excess of the standards laid down by the SPCB under Clause (g) of sub-Section (1) of Section 17.

9. The Environment (Protection) Act, 1986, hereinafter referred to as "the EP Act" was also enacted pursuant to the decisions taken at the United Nations Conference on the Human Environment, held in Stockholm in June, 1972. As per the Statement of Objects and Reasons for enactment of the EP Act, the said Act has been prompted by concern over the environment, that has grown all over the world since the 60s.

10. Sub-section (1) of Section 3 of the EP Act empowers the Central Government to take all such measures as it might deem necessary or expedient for the purpose of protecting and improving the quality of

the environment and preventing, controlling and reducing environmental pollution.

11. Sub-section (2) of Section 3 of the EP Act enables the Central Government to take, *inter alia*, the following measures:

*“(i) co-ordination of actions by the State Governments, officers and other authorities—*

*(a) under this Act, or the rules made thereunder; or*

*(b) under any other law for the time being in force which is relatable to the objects of this Act;*

*(ii) planning and execution of a nation-wide programme for the prevention, control and abatement of environmental pollution;*

*(iii) laying down standards for the quality of environment in its various aspects;*

*(iv) laying down standards for emission or discharge of environmental pollutants from various sources whatsoever:*

*Provided that different standards for emission or discharge may be laid down under this clause from different sources having regard to the quality or composition of the emission or discharge of environmental pollutants from such sources;*

*(v) restriction of areas in which any industries, operations or processes or class of industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards;*

*(vi) laying down procedures and safeguards for the prevention of accidents which may cause environmental pollution and remedial measures for such accidents;*

*(vii) laying down procedures and safeguards for the handling of hazardous substances;*

*(viii) examination of such manufacturing processes, materials and substances as are likely to cause environmental pollution;*

*(ix) carrying out and sponsoring investigations and research relating to problems of environmental pollution;*

*(x) inspection of any premises, plant, equipment, machinery, manufacturing or other processes, materials or substances and giving, by order, of such directions to such authorities, officers or*

*persons as it may consider necessary to take steps for the prevention, control and abatement of environmental pollution;*

*(xi) establishment or recognition of environmental laboratories and institutes to carry out the functions entrusted to such environmental laboratories and institutes under this Act;*

*(xii) collection and dissemination of information in respect of matters relating to environmental pollution;*

*(xiii) preparation of manuals, codes or guides relating to the prevention, control and abatement of environmental pollution;*

*(xiv) such other matters as the Central Government deems necessary or expedient for the purpose of securing the effective implementation of the provisions of this Act.”*

12. Sub-section (3) of Section 3 of the EP Act provides as follows:

*“3. Power of Central Government to take measures to protect and improve environment.—*

*...  
(3) The Central Government may, if it considers it necessary or expedient so to do for the purposes of this Act, by order, published in the Official Gazette, constitute an authority or authorities by such name or names as may be specified in the order for the purpose of exercising and performing such of the powers and functions (including the power to issue directions under Section 5) of the Central Government under this Act and for taking measures with respect to such of the matters referred to in sub-section (2) as may be mentioned in the order and subject to the supervision and control of the Central Government and the provisions of such order, such authority or authorities may exercise the powers or perform the functions or take the measures so mentioned in the order as if such authority or authorities had been empowered by this Act to exercise those powers or perform those functions or take such measures.”*

13. Subject to the provisions of the EP Act, the Central Government has power under sub-Section (1) of Section 3, to take all such measures, as it deems necessary or expedient, for the purpose of

protecting and improving the quality of environment and preventing, controlling or reducing environmental pollution.

14. Section 5 of the EP Act provides that notwithstanding anything contained in any other law, but subject to the provisions of the EP Act, the Central Government may, in exercise of its powers and performance of its functions under the EP Act, issue directions in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions.

15. In exercise of powers conferred by Sections 6 and 25 of the EP Act, the Central Government has made the Environment (Protection) Rules, 1986, hereinafter referred to as “the EP Rules”.

16. The Central Government issued an Environmental Impact Assessment Notification dated 27<sup>th</sup> January 1994 in exercise of powers conferred by sub-section (1) and clause (v) of sub-section (2) of Section 3 of the EP Act read with clause (d) of sub-rule (3) of Rule 5 of the EP Rules, directing that on and from the date of publication of the said notification in the Official Gazette, expansion or modernization of any activity or a new project listed in Schedule I to the said notification shall not be undertaken in any part of India, unless it has been accorded EC by the Central Government in accordance with the procedures specified in the said notification.

17. In exercise of powers conferred by sub-section (1) and clause (v) of sub-section (2) of Section 3 of the EP Act read with clause (d) of sub-rule (3) of Rule 5 of the EP Rules and in supersession of notification

number S.O. 60 (E) dated 27<sup>th</sup> January 1994, except in respect of things done or omitted to be done before such supersession, the Central Government issued a notification dated 14<sup>th</sup> September 2006, being Notification S.O. 1533 (E) requiring prior environmental clearance from the Central Government or as the case may be, by the State-Level Environment Assessment Authority, duly constituted by the Central Government under sub-section (3) of Section 3 of the EP Act.

18. In terms of the said notification dated 14<sup>th</sup> September 2006, the process of environmental clearance for new projects was to comprise of a maximum of four stages, all of which might not apply to particular cases. The stages were (1) Screening, (2) Scoping, (3) Public Consultation and (4) Appraisal.

19. In the meanwhile, by a notification being S.O. 327 (E) dated 10<sup>th</sup> April 2001, published in the Gazette of India on 12<sup>th</sup> April 2001, the Central Government has delegated the powers vested in it under the EP Act, to the Chairpersons of the respective State Pollution Control Boards/Committees to issue directions to any industry or any local or other authority to prevent violation of the Rules.

20. The Appellants carry on business, *inter alia*, of manufacture and sale of basic organic chemicals, namely, Formaldehyde. The Appellant No.1, M/s Pahwa Plastics Private Limited has two manufacturing units, one at village Kharawar in Rohtak, hereinafter referred to as the "Rohtak Unit" and the other at village Jathlana, Jagadhri in Yamuna Nagar in Haryana, hereinafter referred to as the "Yamuna Nagar Unit".

The Appellant No.2 has a manufacturing unit at village Ghespur in Yamuna Nagar, Haryana which is hereinafter referred to as the "Yamuna Nagar Unit". The manufacturing units established, run and operated by the respective Appellants fall in the category of Micro, Small and Medium Enterprise (MSME) as defined under the Micro, Small and Medium Enterprises Development Act, 2006, hereinafter referred to as "the MSME Act".

21. On or about 31<sup>st</sup> March 2014, the Appellant No.1, M/s Pahwa Plastics Ltd. applied for Consent to Establish (CTE) its Yamuna Nagar unit for manufacture of Formaldehyde.

22. By a communication No. HSPCB/Consent/:2846616YAMCTE 3087415 dated 2<sup>nd</sup> June 2016, the Haryana State Pollution Control Board (HSPCB) granted Consent to Establish (CTE) to the Appellant No.1 M/s Pahwa Plastics Private Limited in respect of its Yamuna Nagar Unit. The CTE was to remain valid for 60 months from the date of its issue, to be extended for another year at the discretion of the Board or till the time the unit started its trial production, whichever was earlier.

23. Some of the terms and conditions on which CTE was granted are set out hereinbelow:-

*"3. The officer/official of the Board shall have the right to access and inspection of the industry in connection with the various processes and the treatment facilities being provided simultaneously with the construction of building/machinery. The effluent should conform the effluent standards as applicable.*

*4. That necessary arrangement shall be made by the industry for the control of Air Pollution before commissioning the plant. The*

*emitted pollutants will meet the emission and other standards as laid/will be prescribed by the Board from time to time.*

*5. The applicant will obtain consent under section 25/26 of the Water (Prevention & Control of Pollution) Act, 1974 and under section 21/22 of the Air (Prevention & Control of Pollution) Act, 1981 as amended to-date-even before starting trial production.*

*6. The above Consent to Establish is further subject to the conditions that the unit complies with all the laws/rules/decisions and competent directions of the Board/Government and its functionaries in all respect before commissioning of the operation and during its actual working strictly.*

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*8. The Electricity Department will give only temporary connection and permanent connection to the unit will be given after verifying the consent granted by the Board, both under Water Act and Air Act.*

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*12. That there is no discharge directly or indirectly from the unit or the process into any interstate river or Yamuna River or River Ghaggar.*

*13. That the industry or the unit concerned is not sited within any prohibited distances according to the Environmental Laws and Rules, Notification, Orders and Policies of Central Pollution Control Board and Haryana State Pollution Control Board.*

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*17. In case of change of name from previous Consent to Establish granted, fresh Consent to Establish fee shall be levied.*

*18. Industry should adopt water conservation measures to ensure minimum consumption of water in their Process. Ground water based proposals of new industries should get clearance from Central Ground Water Authority for scientific development of previous resources.*

*19. That the unit will take all other clearances from concerned agencies, whenever required.*

*20. That the unit will not change its process without the prior permission of the Board.*

*21. That the Consent to Establish so granted will be invalid, if the unit falls in Aravali Area or non conforming area.*

*22. That the unit will comply with the Hazardous Waste Management Rules and will also make the non-leachate pit for storage of Hazardous waste and will undertake not to dispose off the same except for pit in their own premises or with the authorized disposal authority.*

*23. That the unit will submit an undertaking that it will comply with all the specific and general conditions as imposed in the above*

*Consent to Establish within 30 days failing which Consent to Establish will be revoked."*

24. By another communication No.HSPCB/Consent/: 2846618YAMCTO3098246 dated 26<sup>th</sup> March 2018, HSPCB granted consent to the Appellant No.1 to operate its Yamuna Nagar Unit from 8<sup>th</sup> February 2018 to 31<sup>st</sup> March 2022.

25. By an order No.HSPCB/YMN/2242, dated 31<sup>st</sup> March 2010, the Appellant No.2, M/s Apcolite Polymer Private Limited was granted CTE to establish its Yamuna Nagar Unit for manufacture of Formaldehyde with the manufacturing capacity of 80 tonnes per day.

26. By another communication Nos. HSPCB/Consent/: HSPCB/YMN/DLC/2011/4027 & HSPCB/YMN/DLC/2011/4029 dated 16<sup>th</sup> January 2012, HSPCB granted the Appellant No.2, M/s Apcolite Polymers Private Limited, Consent to Operate (CTO) its Yamuna Nagar Unit. The CTO has been extended from 1<sup>st</sup> April 2016 till 31<sup>st</sup> March 2026, by a letter dated 13<sup>th</sup> March 2016. The CTO is valid till March 2026.

27. By a communication No. HSPCB/Consent/: 2846616YAMCT OHWM2630357 dated 13<sup>th</sup> March 2016, HSPCB granted consent for emission of AIR to Appellant No.2, M/s Apcolite Polymers Private Limited in respect of its Yamuna Nagar Unit on, *inter alia*, the terms and conditions specified in the said letter, some of which are extracted hereinbelow:-

*“10. The air pollution control equipment of such specification which shall keep the emissions within the emission standard as approved by the State Board from time to time shall be installed and operated in the premises where the industry is carrying on/proposed to carry on its business.*

*11. The existing air pollution control equipment if required shall be alerted or replaced in accordance with the direction on the Board.*

*12. All solid wastes arising in the factory premises shall be properly graded and disposed of by:-*

*(i) In case of Land fill material, care should be taken to ensure that the material does not give rise to leachate which may percolate in ground water or carried away with storm run off.*

*(ii) Composting in case of bio degradable materials.*

*(iii) If the method of incineration is used for the disposal of solid waste the consent application should be processed separately and it should be taken up which consent is granted.*

*13. The industry shall submit an undertaking to the effect that the above conditions shall be complied with by them.*

*14. The applicant shall submit its undertaking to the effect that the above conditions shall be complied with by them.*

*15. The applicant shall make an application for grant of fresh consent at least 90 days before the date of expiry of this consent.*

*\*\*\**

*18. There should not be any fugitive emission from the premises.*

*19. The liquid effluent arising out of the operation of the air pollution control equipment shall also be treated in a manner and to the standards stipulated in the consent granted under Water (Prevention & Control of Pollution) Act, 1974 by this Board.*

*\*\*\**

*21. If the industry fails to adhere to any of the condition of this consent order the consent so granted shall automatically lapse.*

*\*\*\**

*33. The industry shall submit Environment Audit report once in a year.*

*\*\*\**

*38. In case of by passing the emissions, the consent shall be deemed revoked.”*

28. It is the case of the Appellants that at the time when CTE was granted to the Appellants, it was thought that EC was not required for units which manufactured Formaldehyde. Even HSPCB itself was not sure of whether EC was required for such units.

29. Mr. Gupta argued that the Appellants were *bona fide* under the impression that the Appellants were not required to obtain prior EC for setting up this establishment to manufacture Formaldehyde. On the basis of CTE granted by HSPCB, the Appellants set up their units taking huge loans from banks for which repayments have to be paid in installments.

30. In exercise of power under Section 3(1) and Section 3(2)(v) of the EP Act read with Rule 5(3)(d) of the EP Rules, the Central Government issued a notification being S.O. 804(E) dated 14<sup>th</sup> March 2017 which provides for grant of *ex post facto* EC for project proponents who had commenced, continued or completed a project without obtaining EC under the EP Act/ EP Rules or the Environmental Impact Notification issued thereunder. Paragraphs 3, 4 and 5 of the said notification, read as hereunder:

*“(3) In cases of violation, action will be taken against the project proponent by the respective State or State Pollution Control Board under the provisions of section 19 of the Environment (Protection) Act, 1986 and further, no consent to operate or occupancy certificate will be issued till the project is granted the environmental clearance.*

*(4) The cases of violation will be appraised by respective sector Expert Appraisal Committees constituted under sub-section (3) of Section 3 of the Environment (Protection) Act, 1986 with a view to assess that the project has been constructed at a site which under*

*prevailing laws is permissible and expansion has been done which can be run sustainably under compliance of environmental norms with adequate environmental safeguards; and in case, where the finding of the Expert Appraisal Committee is negative, closure of the project will be recommended along with other actions under the law.*

*(5) In case, where the findings of the Expert Appraisal Committee on point at sub-para(4) above are affirmative, the projects under this category will be prescribed the appropriate Terms of Reference for undertaking Environment Impact Assessment and preparation of Environment Management Plan. Further, the Expert Appraisal Committee will prescribe a specific Terms of Reference for the project on assessment of ecological damage, remediation plan and natural and community resource augmentation plan and it shall be prepared as an independent chapter in the environment impact assessment report by the accredited consultants. The collection and analysis of data for assessment of ecological damage, preparation of remediation plan and natural and community resource augmentation plan shall be done by an environmental laboratory duly notified under Environment (Protection) Act, 1986, or a environmental laboratory accredited by National Accreditation Board for Testing and Calibration Laboratories, or a laboratory of a Council of Scientific and Industrial Research institution working in the field of environment.”*

31. The Notification of 2017 is a valid statutory notification issued by the Central Government in exercise of power under Sections 3(1) and 3(2)(v) of the EP Act read with Rule 5(3)(d) of the EP Rules in the same manner as the EIA Notification dated 27<sup>th</sup> January 1994 and the Notification dated 14<sup>th</sup> September 2006.

32. Section 21 of the General Clauses Act, 1897 provides that where any Central Act or Regulations confer a power to issue notifications, orders, rules or bye-laws, that power includes the power, exercisable in

like manner, and subject to like sanction and conditions, if any, to add to, amend, vary or rescind any notification, order, rule or bye-law so issued. The authority, which had the power to issue Notifications dated 27<sup>th</sup> January 1994 and 14<sup>th</sup> September 2006 undoubtedly had, and still has the power to rescind or modify or amend those notifications in like manner. As held by this Court in ***Shree Sidhbali Steels Ltd. & Others v. State of Uttar Pradesh & Others***<sup>1</sup>, power under Section 21 to amend, vary or rescind notifications, orders, rules or bye-laws can be exercised from time to time having regard to the exigency.

33. Puducherry Environment Protection Association filed a Writ Petition being W.P. No.11189 of 2017 in the High Court of Madras assailing the said notification dated 14<sup>th</sup> March 2017. By a judgment and order dated 13<sup>th</sup> October 2017, a Division Bench of the High Court refused to interfere with the said notification, holding that the impugned notification did not compromise with the need to preserve environmental purity.

34. The Ministry of Environment, Forest and Climate Change (MoEF &CC) issued a draft notification dated 23<sup>rd</sup> March 2020 which was duly published in the Gazette of India Extraordinary Part II. The Notification was proposed to be issued in exercise of powers conferred by sub-section (1) and clause (v) of sub-section (2) of Section 3 of the EP Act for dealing with cases of violation of the notification with regard to EC.

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1 (2011) 3 SCC 193

It was proposed that cases of violation would be appraised by the Appraisal Committee with a view to assess whether the project had been constructed or operated at a site which was permissible under prevailing laws and could be run sustainably on compliance of environmental norms with adequate environmental safeguards. Closure was to be recommended if the findings of the Appraisal Committee were in the negative. If the Appraisal Committee found that such unit had been running sustainably upon compliance of environmental norms with adequate environment safeguards, the unit would be prescribed appropriate Terms of Reference (TOR) after which the procedure for grant of EC would follow.

35. On 10<sup>th</sup> November 2020, the Department of Environment and Climate Change of the Government of Haryana issued an order which is extracted hereinbelow for convenience:

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

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

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

*all pollution control measures, following the pollution control norms applicable, and,*

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

*Therefore, it is ordered accordingly."*

36. Referring to the Counter Affidavit filed by HSPCB before the NGT, Mr. Gupta pointed out that, since HSPCB itself was under the misconception that prior EC was not necessary for units such as the Yamunanagar units of the Appellants Nos. 1 and 2 respectively. HSPCB took a policy decision to allow the units which did not have prior EC to operate for six months, on condition that they would apply for EC within sixty days.

37. The Appellants duly applied for EC in respect of their manufacturing units. After scrutinizing their applications and after finding the units suitable for grant of EC in terms of the prevailing guidelines, the Expert Appraisal Committee constituted by the MoEF&CC conducted a public hearing to finalize the cases of the Appellants for issuance of Terms of Reference (TOR).

38. By an Office Memorandum, being F.No. 22-21/2020-1A III, dated 7<sup>th</sup> July 2021, the MoEF&CC issued Standard Operating Procedure (SOP) for identification and handling of violation cases under EIA Notification 2006.

39. The said Office Memorandum, *inter alia*, reads:

*“The Ministry had issued a notification number S.O.804(E), dated the 14<sup>th</sup> March, 2017 detailing the process for grant of Terms of Reference and Environmental Clearance in respect of projects or activities which have started the work on site and/or expanded the production beyond the limit of Prior EC or changed the product mix without obtaining Prior EC under the EIA Notification, 2006.*

*2. This Notification was applicable for six months from the date of publication i.e. 14.03.2017 to 13.09.2017 and further based on court direction from 14.03.2018 to 13.04.2018.*

*3. Hon’ble NGT in Original Application No.287 of 2020 in the matter of Dastak N.G.O. Vs Synochem Organics Pvt. Ltd. & Ors. and in applications pertaining to same subject matter in Original Application No. 298 of 2020 in Vineet Nagar vs. Central Ground Water Authority & Ors., vide order dated 03.06.2021 held that “(...) for past violations, the concerned authorities are free to take appropriate action in accordance with polluter pays principle, following due process”.*

*4. Further, the Hon’ble National Green Tribunal in O.A. No. 34/2020 WZ in the matter of Tanaji B. Gambhire vs. Chief Secretary, Government of Maharashtra and Ors., vide order dated 24.05.2021 has directed that”.... **a proper SoP be laid down for grant of EC in such cases so as to address the gaps in binding law and practice being currently followed. The MoEF may also consider circulating such SoP to all SEIAAs in the country”.***

*5. Therefore, in compliance to the directions of the Hon’ble NGT a Standard Operating Procedure (SoP) for dealing with violation cases is required to be drawn. The Ministry is also seized of different categories of ‘violation’ cases which have been pending for want of an approved structural/procedural framework based on ‘Polluter Pays Principle’ and ‘Principle of Proportionality’. It is undoubtedly important that action under statutory provisions is taken against the defaulters/violators and a decision on the closure of the project or activity or otherwise is taken expeditiously.*

*6. In the light of the above directions of the Hon’ble Tribunal and the issues involved, the matter has accordingly been examined in detail in the Ministry. A detailed SoP has accordingly been framed and is outlined herein. The SoP is also guided by the observations/decisions of the Hon’ble Courts wherein principles of proportionality and polluters pay have been outlined.”*

40. The SOP formulated by the said Office Memorandum dated 7<sup>th</sup> July 2021 refers to and gives effect to various judicial pronouncements

including the judgment of this Court in ***Alembic Pharmaceuticals Ltd. v. Rohit Prajapati & Others***<sup>2</sup>.

41. In terms of the SOP, the proposal for grant of EC in cases of violation are to be considered on merits, with prospective effect, applying principles of proportionality and the principle that the polluter pays and is liable for costs of remedial measures.

42. By an order dated 9<sup>th</sup> July 2021, the MoEF&CC confirmed the minutes of an earlier meeting of the Expert Appraisal Committee and recommended issuance of terms of reference to the Appellant No.1, M/s Pahwa Plastics Private Limited for expansion of its Formaldehyde Manufacturing unit from 60 TPD to 150 TPD.

43. In the meanwhile, on or about 26<sup>th</sup> November 2020, the Respondent No.1, a Non-Governmental Organisation (NGO) hereinafter referred to as “Dastak” filed an application being O.A. No./287/2020 before the NGT praying that the order dated 10<sup>th</sup> November 2020 passed by the State of Haryana be quashed and units which were operating without EC be closed. The NGT disposed of the said application of Dastak by the impugned order dated 3<sup>rd</sup> June 2021.

44. A Public Interest Litigation being W.P. (MD) No. 11757 of 2021 (***Fatima v. Union of India***) was filed before the Madurai Bench of the Madras High Court challenging the said Memorandum dated 7<sup>th</sup> July 2021. By an interim order dated 15<sup>th</sup> July 2021 a Division Bench of the

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2 2020 SCC Online SC 347

Madras High Court admitted the Writ Petition and stayed the said memorandum.

45. The Madurai Bench of the Madras High Court observed and held:-

*“This writ petition has been filed as a public interest litigation challenging the validity of the office memorandum dated 07.07.2021, issued by the respondent.*

*2. We have heard Mr.A.Yogeshwaran, learned counsel appearing for the writ petitioner and Mr.L.Victoria Gowri, learned Assistant Solicitor General of India, accepts notice for the respondent.*

*3. The impugned office memorandum is challenged as being wholly without jurisdiction, contrary to the Environment Impact Assessment Notification, 2006, ultra vires the powers of the respondent under the Environment (Protection) Act, 1986 and violative of the various principles enunciated by the Hon'ble Supreme Court, while interpreting Article 21 and Article 48-A of the Constitution of India.*

*4. Further, it is submitted that the impugned notification is in gross violation of the undertaking given before the Hon'ble Full Bench of this Court in W.P.No.11189 of 2017, wherein, the Court took note of the submissions made on behalf of the Government of India, that the notification impugned therein is only a one-time measure. Further, it is submitted that the respondent failed to see that concept of ex-post facto approval is alien to environment jurisprudence and it is anathema to the Environment Impact Assessment Notification, 2006.*

*5. Further, it is submitted that the impugned notification is in gross violation of the judgment of the Hon'ble Supreme Court in the case of **Alembic Pharmaceuticals Ltd. vs Rohit Prajapati**, 2020 SCC Online SC 347 and the orders passed by the National Green Tribunal, Principal Bench, New Delhi, in the case of **S.P.Muthuraman vs. Union of India & Another**, 2015 SCC Online NGT 169.*

*6. Identical grounds were considered by us in a challenge to an office memorandum dated 19.02.2021, which provided a procedure for granting post facto clearance under Coastal Regulation Zone (CRZ) Notification 2011, on the ground that despite no such provisions in the notification and being contrary to the earlier judgments and undertaking. The said writ petition in W.P(MD).No.8866 of 2021 was admitted and by order dated 30.04.2021, the said office memorandum dated 19.02.2021 has been stayed.*

*7. The core issue in this writ petition is whether the Government of India could have issued the office memorandum and brought about the Standard Operating Procedure for dealing with violators, who failed to comply with the mandatory*

condition of obtaining prior environment clearance under the Environment Impact Assessment Notification 2006, read with the provisions of Environment (Protection) Act, 1986. This issue was considered by the Hon'ble Supreme Court in **Alembic Pharmaceuticals Ltd** (cited supra), and it was held that such office memorandum in the nature of circular is without jurisdiction. The operative portion of the judgment reads as follows:

*"...What is sought to be achieved by the administrative circular dated 14 May 2002 is contrary to the statutory notification dated 27 January 1994. The circular dated 14 May 2002 does not stipulate how the detrimental effects on the environment would be taken care of if the project proponent is granted an ex post facto EC. The EIA notification of 1994 mandates a prior environmental clearance. The circular substantially amends or alters the application of the EIA notification of 1994. The mandate of not commencing a new project or expanding or modernising an existing one unless an environmental clearance has been obtained stands diluted and is rendered ineffective by the issuance of the administrative circular dated 14 May 2002. This discussion leads us to the conclusion that the administrative circular is not a measure protected by Section 3. Hence there was no jurisdictional bar on the NGT to enquire into its legitimacy or vires. Moreover, the administrative circular is contrary to the EIA Notification 1994 which has a statutory character. The circular is unsustainable in law."*

8. Despite the above decision, once again the Government of India, Ministry of Environment, Forest and Climate Change have chosen to adopt the route of issuing the office memorandum and virtually setting at naught the provisions of the Environment Impact Assessment Notification and the Environment (Protection) Act.

9. Before the Hon'ble First Bench, a public interest litigation was filed by the Puducherry Environment Protection Association, challenging the notification dated 14.03.2017, on identical grounds and the Hon'ble First Bench by judgment dated 13.10.2017, recorded the submissions of the learned Assistant Solicitor General of India that the said notification was a one-time measure and accordingly, disposed of the writ petition.

10. Once again, the Ministry of Environment, Forest and Climate Change have issued the impugned office memorandum. Thus, from what we have noted above, we are of the clear view that the petitioner has made out a prima facie case for entertaining the writ petition. Accordingly, the writ petition is **admitted** and there shall be an order of interim stay."

46. It is true that in the case of ***Puducherry Environment Protection Association v. Union of India***<sup>3</sup>, the Division Bench of Madras High Court took note of and recorded the submission made on behalf of the Union of India that the relaxation was a one time relaxation. In view of such submission, this Court held that a one time relaxation was permissible.

47. It is, however, well settled that words and phrases and/or sentences in a judgment cannot be read in the manner of a statute, and that too out of context. The observation of the Division Bench that a one time relaxation was permissible, is not to be construed as a finding that relaxation cannot be made more than once. If power to amend or modify or relax a notification and/or order exists, the notification and/or order may be amended and/or modified as many times, as may be necessary. A statement made by counsel in Court would not prevent the authority concerned from making amendments and/or modifications provided such amendments and/or modifications were as per the procedure prescribed by law.

48. The Division Bench of Madras High Court fell in error in staying the said office memorandum, by relying on observations made by this Court in ***Alembic Pharmaceuticals Ltd.*** (supra), in the context of a circular which was contrary to the statutory Environment Impact Notification of 1994. The attention of the High Court was perhaps not drawn to the fact that the notification of 7<sup>th</sup> July 2021 was in pursuance of the statutory notification of 2017 which was valid. The judgment of

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3 2017 SCC OnLine Mad 7056

this Court in ***Alembic Pharmaceuticals Ltd.*** (*supra*), was clearly distinguishable and could have no application to the office memorandum dated 7<sup>th</sup> July 2021 which was issued pursuant to the notification dated 14<sup>th</sup> March 2017.

49. The Appellants have already applied for EC. The Expert Appraisal Committee of the MoEF&CC has, after scrutinizing the application of the Appellants and finding them eligible for grant of EC, recommended their cases for grant of Terms of Reference (ToR). ToR was granted to the Appellants and a public hearing had also been conducted. Only last procedural step of issuance of EC is left.

50. It is claimed that the units of the Appellants are totally non-polluting units having “Zero Trade discharge”. They have been in operation for many years. In the reply affidavit filed by the State before the NGT, it was mentioned that the units were operating in good faith with valid CTOs granted by the HSPCB. It was stated that the units were not causing pollution hazards. The only thing against the units was the procedural lapse of not obtaining EC.

51. By a communication No. F. No. IA-J-110011/185/2020-IA-II(I) dated 20<sup>th</sup> July 2021 issued to the Appellant No.1, the MoEF&CC rejected the proposal for terms of reference on the purported ground that the activity of the Appellant No.1 was covered under category “A” of item 5(f) “Synthetic Organic Chemicals” of the Schedule to the EIA Notification, 2006. A similar communication was issued in respect of M/s Apcolite Polymers Pvt. Ltd. Significantly, by an order dated 9<sup>th</sup> July 2021, the MoEF&CC had confirmed the minutes of an earlier meeting of the Expert

Appraisal Committee and recommended issuance of ToR to the Appellant No.1, as observed above. The proposal for Terms of Reference has obviously been rejected at the final stage after the public hearing, by reason of the impugned order dated 3<sup>rd</sup> June 2021 passed by the NGT on the application of Dastak, which is under appeal.

52. This appeal was listed for admission on 30<sup>th</sup> September 2021, along with an application for interim relief being I.A. No.110064 of 2021 praying for orders permitting the Appellants to operate their units during the pendency of the appeal. The appeal was heard at length at the admission stage and reserved for judgment along with the interim application by an order dated 30<sup>th</sup> September 2021.

53. After receiving the communication dated 20<sup>th</sup> July 2021 rejecting the proposal for Terms of Reference, the Appellants requested HSPCB to forward to the Appellants the proceedings of public hearing in respect of the manufacturing units of the Appellants. By a communication No. HSPCB/YR/2021/2830 dated 15<sup>th</sup> February 2022, HSPCB forwarded proceedings of the public hearing in respect of the Yamuna Nagar unit of the Appellant No.1. By another Communication No. HSPCB/YR/29021/2829 dated 15<sup>th</sup> February 2022 the HSPCB forwarded to the Appellant No.2 the proceedings of the public hearing held on 3<sup>rd</sup> February 2022 in connection with the Yamuna Nagar Unit of the Appellant No.2.

54. The manufacturing units of the Appellants appoint about 8,000 employees and have a huge annual turnover. An establishment contributing to the economy of the country and providing livelihood ought

not to be closed down only on the ground of the technical irregularity of not obtaining prior Environmental Clearance irrespective of whether or not the unit actually causes pollution.

55. In ***Electrosteel Steels Limited v. Union of India***<sup>4</sup>, this Court held:-

***“82. The question is whether an establishment contributing to the economy of the country and providing livelihood to hundreds of people should be closed down for the technical irregularity of shifting its site without prior environmental clearance, without opportunity to the establishment to regularize its operation by obtaining the requisite clearances and permissions, even though the establishment may not otherwise be violating pollution laws, or the pollution, if any, can conveniently and effectively be checked. The answer has to be in the negative.***

***83. The Central Government is well within the scope of its powers under Section 3 of the 1986 Act to issue directions to control and/or prevent pollution including directions for prior Environmental Clearance before a project is commenced. Such prior Environmental Clearance is necessarily granted upon examining the impact of the project on the environment. Ex-Post facto Environmental Clearance should not ordinarily be granted, and certainly not for the asking. At the same time ex post facto clearances and/or approvals and/or removal of technical irregularities in terms of Notifications under the 1986 Act cannot be declined with pedantic rigidity, oblivious of the consequences of stopping the operation of a running steel plant.***

***84. The 1986 Act does not prohibit ex post facto Environmental Clearance. Some relaxations and even grant of ex post facto EC in accordance with law, in strict compliance with Rules, Regulations Notifications and/or applicable orders, in appropriate cases, where the projects are in compliance with, or can be made to comply with environment norms, is in over view not impermissible. The Court cannot be oblivious to the economy or the need to protect the livelihood of hundreds of employees and others employed in the project and others dependent on the project, if such projects comply with environmental norms.***

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***88. The Notification being SO 804(E) dated 14th March, 2017 was not an issue in Alembic Pharmaceuticals (supra). This Court was examining the propriety and/or legality of a 2002 circular which was inconsistent with the EIA Notification dated 27th January, 1994, which was statutory. Ex post facto***

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4 2021 SCC online SC 1247

*environmental clearance should not however be granted routinely, but in exceptional circumstances taking into account all relevant environmental factors. Where the adverse consequences of ex post facto approval outweigh the consequences of regularization of operation of an industry by grant of ex post facto approval and the industry or establishment concerned otherwise conforms to the requisite pollution norms, ex post facto approval should be given in accordance with law, in strict conformity with the applicable Rules, Regulations and/or Notifications. **Ex post facto approval should not be withheld only as a penal measure.** The deviant industry may be penalised by an imposition of heavy penalty on the principle of 'polluter pays' and the cost of restoration of environment may be recovered from it.*

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**96. The appeals are allowed. The impugned order is set aside. The Respondent No. 1 shall take a decision on the application of the Appellant for revised EC in accordance with law, within three months from date. Pending such decision, the operation of the steel plant shall not be interfered with on the ground of want of EC, FC, CTE or CTO."**

56. As held by this Court in **Electrosteel Steels Limited** (supra) *ex post facto* Environmental Clearance should not ordinarily be granted, and certainly not for the asking. At the same time *ex post facto* clearances and/or approvals and/or removal of technical irregularities in terms of a Notification under the EP Act cannot be declined with pedantic rigidity, oblivious of the consequences of stopping the operation of mines, running factories and plants.

57. The 1986 Act does not prohibit *ex post facto* Environmental Clearance. Grant of *ex post facto* EC in accordance with law, in strict compliance with Rules, Regulations, Notifications and/or applicable orders, in appropriate cases, where the projects are in compliance with, or can be made to comply with environment norms, is in our view not impermissible. The Court cannot be oblivious to the economy or

the need to protect the livelihood of hundreds of employees and others employed in the project and others dependent on the project, if such projects comply with environmental norms.

58. As held by a three Judge Bench of this Court in **Lafarge Umiam Mining Private Limited v. Union of India**<sup>5</sup>:-

*“119. The time has come for us to apply the constitutional “doctrine of proportionality” to the matters concerning environment as a part of the process of judicial review in contradistinction to merit review. It cannot be gainsaid that utilization of the environment and its natural resources has to be in a way that is consistent with principles of sustainable development and intergenerational equity, but balancing of these equities may entail policy choices. In the circumstances, barring exceptions, decisions relating to utilisation of natural resources have to be tested on the anvil of the well-recognized principles of judicial review. Have all the relevant factors been taken into account? Have any extraneous factors influenced the decision? Is the decision strictly in accordance with the legislative policy underlying the law (if any) that governs the field? Is the decision consistent with the principles of sustainable development in the sense that has the decision-maker taken into account the said principle and, on the basis of relevant considerations, arrived at a balanced decision? Thus, the Court should review the decision-making process to ensure that the decision of MoEF is fair and fully informed, based on the correct principles, and free from any bias or restraint. Once this is ensured, then the doctrine of “margin of appreciation” in favour of the decision-maker would come into play.”*

59. In **Alembic Pharmaceuticals Ltd.**(supra), this Court observed:-

*“27. The concept of an ex post facto EC is in derogation of the fundamental principles of environmental jurisprudence and is an anathema to the EIA notification dated 27 January 1994. It is, as the judgment in Common Cause holds, detrimental to the environment and could lead to irreparable degradation. The reason why a retrospective EC or an ex post facto clearance is alien to environmental jurisprudence is that before the issuance of an EC, the statutory notification warrants a careful application of mind, besides a study into the likely consequences of a proposed activity on the environment. An EC can be issued only after various stages of the decision-*

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5 (2011) 7 SCC 338

*making process have been completed. Requirements such as conducting a public hearing, screening, scoping and appraisal are components of the decision-making process which ensure that the likely impacts of the industrial activity or the expansion of an existing industrial activity are considered in the decision-making calculus. Allowing for an ex post facto clearance would essentially condone the operation of industrial activities without the grant of an EC. In the absence of an EC, there would be no conditions that would safeguard the environment. Moreover, if the EC was to be ultimately refused, irreparable harm would have been caused to the environment. In either view of the matter, environment law cannot countenance the notion of an ex post facto clearance. This would be contrary to both the precautionary principle as well as the need for sustainable development."*

60. Even though this Court deprecated *ex post facto* clearances, in ***Alembic Pharmaceuticals Ltd.*** (*supra*), this Court did not direct closure of the units concerned but explored measures to control the damage caused by the industrial units. This Court held:-

*"However, since the expansion has been undertaken and the industry has been functioning, we do not deem it appropriate to order closure of the entire plant as directed by the High Court."*

61. The Notification being SO. 804(E) dated 14<sup>th</sup> March 2017 was not in issue in ***Alembic Pharmaceuticals Ltd.*** (*supra*). In ***Alembic Pharmaceuticals Ltd.*** (*supra*) this Court was examining the propriety and/or legality of a 2002 circular which was inconsistent with the EIA Notification dated 27<sup>th</sup> January 1994, which was statutory. The EIA Notification dated 27<sup>th</sup> January 1994 has, as stated above, been superseded by the Notification dated 14<sup>th</sup> September 2006.

62. There can be no doubt that the need to comply with the requirement to obtain EC is non-negotiable. A unit can be set up or allowed to expand subject to compliance of the requisite

environmental norms. EC is granted on condition of the suitability of the site to set up the unit, from the environmental angle, and also existence of necessary infrastructural facilities and equipment for compliance of environmental norms. To protect future generations and to ensure sustainable development, it is imperative that pollution laws be strictly enforced. Under no circumstances can industries, which pollute, be allowed to operate unchecked and degrade the environment.

63. *Ex post facto* environmental clearance should not be granted routinely, but in exceptional circumstances taking into account all relevant environmental factors. Where the adverse consequences of denial of *ex post facto* approval outweigh the consequences of regularization of operations by grant of *ex post facto* approval, and the establishment concerned otherwise conforms to the requisite pollution norms, *ex post facto* approval should be given in accordance with law, in strict conformity with the applicable Rules, Regulations and/or Notifications. The deviant industry may be penalised by an imposition of heavy penalty on the principle of 'polluter pays' and the cost of restoration of environment may be recovered from it.

64. The question in this case is, whether a unit contributing to the economy of the country and providing livelihood to hundreds of people, which has been set up pursuant to requisite approvals from the concerned statutory authorities, and has applied for *ex post facto* EC, should be closed down for the technical irregularity of want of prior

environmental clearance, pending the issuance of EC, even though it may not cause pollution and/or may be found to comply with the required norms. The answer to the aforesaid question has to be in the negative, more so when the HSPCB was itself under the misconception that no environment clearance was required for the units in question. HSPCB has in its counter affidavit before the NGT clearly stated that a decision was taken to regularize units such as the Apcolite Yamuna Nagar and Pahwa Yamuna Nagar Units, since requisite approvals had been granted to those units, by the concerned authorities on the misconception that no EC was required.

65. It is reiterated that the 1986 Act does not prohibit *ex post facto* EC. Some relaxations and even grant of *ex post facto* EC in accordance with law, in strict compliance with Rules, Regulations, Notifications and/or applicable orders, in appropriate cases, where the projects are in compliance with environment norms, is not impermissible. As observed by this Court in ***Electrosteel Steels Limited*** (supra), this Court cannot be oblivious to the economy or the need to protect the livelihood of hundreds of employees and others employed in the units and dependent on the units in their survival.

66. *Ex post facto* EC should not ordinarily be granted, and certainly not for the asking. At the same time *ex post facto* clearances and/or approvals cannot be declined with pedantic rigidity, regardless of the consequences of stopping the operations. This Court is of the view

that the NGT erred in law in directing that the units cannot be allowed to function till compliance of the statutory mandate.

67. Accordingly, the appeal is allowed. The impugned order is set aside in so far as the same is applicable to the units of the Appellants established and operated pursuant to CTE and CTO from the HSPCB in respect of which applications for *ex post facto* EC have been filed. The Respondent shall take a decision on the applications of the Appellants for EC in accordance with law within one month from date. Pending decision, the operation of the Pahwa Yamuna Nagar Unit and the Apcolite Yamuna Nagar Unit, in respect of which consents have been granted and even public hearing held in connection with grant of EC, shall not be interfered with.

68. The Appellants will be allowed to operate the units. Electricity, if disconnected, shall be restored subject to payment of charges, if any. If the application for EC is rejected on the ground of any contravention on the part of the Appellants, it will be open to the Respondents to disconnect the supply of electricity.

69. The Union of India had proceeded with the application for EC and even public hearing had been held. Counsel appearing on behalf of the Union of India contended that the Appellant had not submitted its final application for EC, after public hearing. It is not clear what more was required of the Appellants. Be that as it may, the Union of India shall, within three working days from the date of receipt of a copy of this judgment and order, inform the Appellants in writing of whether

anything further is required to be done by the Appellants, and if so what is required to be done. The Appellants shall, within a week thereafter do the needful. The final decision on the application of the Appellants for EC shall be taken within three weeks thereafter.

70. The application being I.A. No.110064/2021 and other pending applications, if any, in this appeal are disposed of accordingly.

.....J.  
[INDIRA BANERJEE]

.....J.  
[J.K. MAHESHWARI]

**NEW DELHI**  
**MARCH 25, 2022**

ITEM NO.23

COURT NO.3

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 1394/2023

VANASHAKTI

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

(FOR ADMISSION  
ORDERS/DIRECTIONS )

and

IA

No.257416/2023-APPROPRIATE

Date : 02-01-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI

HON'BLE MR. JUSTICE SANDEEP MEHTA

For Petitioner(s) Mr. Gopal Sankaranarayanan, Sr. Adv.  
Mr. Vanshdeep Dalmia, AOR  
Ms. Anisha Jian, Adv.  
Ms. Tanya Shrivastava, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

1. Issue notice returnable in four weeks.
2. Until further orders, there shall be stay of operation of the Office Memoranda dated 7<sup>th</sup> July, 2021 and 28<sup>th</sup> January, 2022 issued by the Ministry of Environment, Forest and Climate Change.

(ASHA SUNDRIYAL)  
ASTT. REGISTRAR-cum-PS(BEENA JOLLY)  
COURT MASTER (NSH)



सत्यमेव जयते

**Government of India**  
**Ministry of Environment, Forest and Climate Change**  
**IA Division**  
**(Industrial Projects - 3)**

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**Minutes of AGENDA FOR 73rd MEETING OF THE EXPERT APPRAISAL COMMITTEE (INDUSTRY-3 SECTOR), SCHEDULED TO BE HELD ON 16th January, 2024 & 17th January 2024 meeting Industrial Projects - 3 held from 16/01/2024 to 17/01/2024** **Date: 25/01/2024**

**MoM ID:** EC/MOM/EAC/655817/1/2024

**Agenda ID:** EC/AGENDA/EAC/655817/1/2024

**Meeting Venue:** N/A

**Meeting Mode:** Virtual

**Date & Time:**

16/01/2024	10:30 AM	08:30 PM
17/01/2024	11:00 AM	07:00 PM

**1. Opening remarks**

Prof. (Dr.) A.B. Pandit, Chairman welcomed the Committee members and opened the EAC meeting for further deliberations.

**2. Confirmation of the minutes of previous meeting**

(iii) Confirmation of Minutes of the 72nd EAC Meeting held on 2nd January, 2024. The EAC noted that the final minutes of the above meeting were issued after incorporating the comments offered by the members and approved by the Chairman. The EAC confirmed the MoM with the following corrections in agenda No (72.4) and agenda No. (72.5)

**3. Details of proposals considered by the committee****Day 1 -16/01/2024****3.1. Agenda Item No 1:****3.1.1. Details of the proposal**

**Proposed Manufacturing Unit of Ethyl Acetate and or Butyl Acetate Plant with production capacity of 30 TPD by M/s Mantung Organics Private Limited by MANTUNG ORGANICS PRIVATE LIMITED located at MEERUT,UTTAR PRADESH**

**Proposal For**

Fresh EC

	and Import of Hazardous Chemicals (MSIHC) Rules, 1989, as amended time to time, the Chemical Accidents (Emergency Planning, Preparedness and Response) Rules, 1996, and Hazardous and Other Wastes (Management and Trans-Boundary Movement) Rules, 2016 and other rules notified under various Acts.
1.	The energy source for lighting purpose shall be preferably LED based, or advanced having preference in energy conservation and environment betterment.
1.	The overall noise levels in and around the plant area shall be kept well within the standards by providing noise control measures including acoustic hoods, silencers, enclosures etc. on all sources of noise generation. The ambient noise levels shall conform to the standards prescribed under the Environment (Protection) Act, 1986 Rules, 1989 viz. 75 dBA (day time) and 70 dBA (night time).
1.	The company shall undertake all relevant measures for improving the socio-economic conditions of the surrounding area. The activities shall be undertaken by involving local villages and administration. The company shall undertake eco-developmental measures including community welfare measures in the project area for the overall improvement of the environment.
1.	The company shall earmark sufficient funds towards capital cost and recurring cost per annum to implement the conditions stipulated by the Ministry of Environment, Forest and Climate Change as well as the State Government along with the implementation schedule for all the conditions stipulated herein. The funds so earmarked for environment management/ pollution control measures shall not be diverted for any other purpose.
1.	A copy of the clearance letter shall be sent by the project proponent to concerned Panchayat, Zilla Parishad/Municipal Corporation, Urban local Body and the local NGO, if any, from whom suggestions/ representations, if any, were received while processing the proposal.
1.	The project proponent shall also upload/submit six monthly reports on Parivesh Portal on the status of compliance of the stipulated Environmental Clearance conditions including results of monitored data to the respective Integrated Regional Office of MoEF&CC, the respective Zonal Office of CPCB and SPCB. A copy of Environmental Clearance and six monthly compliance status report shall be posted on the website of the company.
1.	The environmental statement for each financial year ending 31st March in Form-V as is mandated shall be submitted to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website of the company along with the status of compliance of environmental clearance conditions and shall also be sent to the respective Integrated Regional Office of MoEF&CC by e-mail.
1.	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 and at <a href="https://parivesh.nic.in/">https://parivesh.nic.in/</a> . 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.
1.	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.
1.	This Environmental clearance is granted subject to final outcome of Hon'ble Supreme Court of India, Hon'ble High Court, Hon'ble NGT and any other Court of Law, if any, as may be applicable to this project.

### 3.5. Agenda Item No 5:

#### 3.5.1. Details of the proposal

**Expansion of Formaldehyde manufacturing unit in existing Facility from 100 TPD to 200 TPD at Village Bhagwanpur, Kharwan Road, Tehsil Jagadhri, District Yamuna Nagar, Haryana by M/s Chemwood Industries**

by M/S CHEMWOOD INDUSTRIES located at YAMUNANAGAR,HARYANA			
<b>Proposal For</b>		Fresh EC	
<b>Proposal No</b>	<b>File No</b>	<b>Submission Date</b>	<b>Activity (Schedule Item)</b>
<a href="#">IA/HR/IND3/446942/2023</a>	IA-J-11011/108/2021-IA-II(I)	08/12/2023	Synthetic organic chemicals industry (5(f))

### 3.5.2. Project Salient Features

null
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### 3.5.3. Deliberations by the committee in previous meetings

N/A
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### 3.5.4. Deliberations by the EAC in current meetings

<p><i>The Committee noted that Hon'ble Supreme Court in W.P.(C) No. 1394/2023 titled Vanashakti vs. Union of India, has stayed the operation of both the Office Memoranda dated 7th July 2021 and dated 28th January 2022 issued by this Ministry. The Ministry also issued an Office Memorandum dated 08.01.2024 regarding the stay imposed by the Hon'ble Supreme Court with reference to the SOP dated 7th July, 2021 and OM dated 28.01.2022.</i></p> <p>In view of the above, the Committee returned the proposal in its present form.</p>
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### 3.5.5. Recommendation of EAC

Returned in present form
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### 3.6. Agenda Item No 6:

#### 3.6.1. Details of the proposal

<b>Proposed API and API intermediates Manufacturing unit of capacity 15600 TPA at Survey No. 48/1, 48/2, 48/3A, 48/3B, 49/1, 55/1A, Village- Honad, Tal.- Khalapur, Dist. - Raigad, Maharashtra by M/s. Rama Enterprises by M/S. RAMA ENTERPRISES located at RAIGAD,MAHARASHTRA</b>			
<b>Proposal For</b>		Fresh EC	
<b>Proposal No</b>	<b>File No</b>	<b>Submission Date</b>	<b>Activity (Schedule Item)</b>
<a href="#">IA/MH/IND3/450731/2023</a>	IA-J-11011/440/2021-IA-II(I)	08/12/2023	Synthetic organic chemicals industry (5(f))

#### 3.6.2. Project Salient Features

1. The proposal is for Environmental Clearance to the Proposed API and API intermediates Manufacturing unit of
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REVISED

ITEM NO.56

COURT NO.3

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 1394/2023

VANASHAKTI

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

(IA No. 257416/2023 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 02-02-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI  
HON'BLE MR. JUSTICE SANDEEP MEHTA

For Petitioner(s)

Mr. Gopal Sankaranarayanan, Sr. Adv.  
Mr. Vanshdeep Dalmia, AOR  
Ms. Anisha Jian, Adv.  
Mr. Sarthak Dora, Adv.  
Ms. Trisha Chandran, Adv.

For Respondent(s)

Mr. Tushar Mehta, Solicitor General  
Ms. Aishwarya Bhati, A.S.G.  
Mr. Gurmeet Singh Makker, AOR  
Mr. Ketan Paul, Adv.  
Ms. Ruchi Kohli, Adv.  
Ms. Swarupama Chaturvedi, Adv.  
Mr. Rajat Nair, Adv.Mr. Puneet Bali, Sr. Adv.  
Mr. Akhil Anand, Adv.  
Mr. Samit Shukla, Adv.  
Mr. Himanshu Vij, Adv.  
Ms. Saakshi Saboo, Adv.  
Mr. Anuj Salva, Adv.  
M/S. D.S.k. Legal, AORMr. T. V. S. Raghavendra Sreyas, AOR  
Mr. Naveen Hegde, Adv.  
Mr. A Yogeswaran, Adv.  
Ms. B Poongkhulali, Adv.  
Mr. Siddharth Vasudev, Adv.

Mr. Vanshdeep Dalmia, AOR

Mr. Anisha Jain, Adv.  
Mr. Sarthak Dosa, Adv.

Mr. Guru Krishna Kumar, Sr. Adv.  
Mr. Saket Mone, Adv.  
Ms. Anshula Vijay Kumar Grover, AOR  
Mr. Abhishek Salian, Adv.  
Ms. Nitika Grover, Adv.  
Mr. Devansh, Adv.

Mr. Atmaram Nadkarni, Sr. Adv.  
Mr. Kunal Mimani, AOR  
Mr. Samit Shukla, Adv.  
Mr. Kunal Vajani, Adv.  
Ms. Sakshi Saboo, Adv.  
Mr. Anuj Savla, Adv.  
Mr. Shubhang Tandon, Adv.  
Ms. Shraddha Chiramia, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

I.A. Nos. 25197, 25309 and 25150 of 2024

1. The application (IA No. 25150 of 2024) for intervention is allowed.
2. The applicant(s) approached this Court seeking modifications/alterations of the order dated 02<sup>nd</sup> January, 2024.
3. Vide order dated 2<sup>nd</sup> January, 2024, we had granted stay of operation of the Office Memoranda dated 07<sup>th</sup> July, 2021 and 28<sup>th</sup> January, 2022 issued by the Ministry of Environment, Forest and Climate Change.
4. Mr. A.N.S. Nadkarni and Mr. Puneet Bali, learned senior counsels appearing for the applicant(s) submit that though their projects had acquired environmental clearances much prior to the Office Memoranda dated 07<sup>th</sup> July, 2021 and only certain modifications/alterations are required therein, the

same cannot be considered in view of the order dated 2<sup>nd</sup> January, 2024.

5. We clarify that our orders dated 02<sup>nd</sup> January, 2024 would not come in the way of the competent authorities in considering the proposals for modifications/alterations in the Environmental Clearances if area of such projects had any valid environmental clearances prior to 07<sup>th</sup> July, 2021.

6. Needless to state that such applications for modification/alteration would be considered by the competent authorities strictly in accordance with law as it existed prior to 07<sup>th</sup> July, 2021.

7. We further clarify that our order should not be construed as having stayed any proceedings before any High Courts touching the subject matter of the Office Memoranda, referred to above.

8. The applications are, accordingly, disposed of.

I.A. Nos. 13975, 16527, 21877, 21878 and 24981 of 2024

1. Mr. Gopal Sankaranarayanan, learned senior counsel appearing for the petitioner-Vanashakti seeks four weeks' time to file reply affidavit to these applications.

2. List these applications alongwith main matter after four weeks.

(DEEPAK SINGH)  
COURT MASTER (SH)

(ANJU KAPOOR)  
COURT MASTER (NSH)

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

C.A. NO. 2881/2021

IN THE MATTER OF:

NEETU SOLVENTS

...APPELLANT

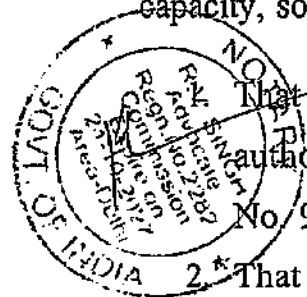
Versus

VINEET NAGAR AND ORS.

...RESPONDENT(S)

COMPLIANCE AFFIDAVIT ON BEHALF OF RESPONDENT NO. 9,  
UNION OF INDIA (MINISTRY OF ENVIRONMENT, FOREST AND  
CLIMATE CHANGE)

I, Dr. Motipalli Ramesh, S/o Shri M. G. K. Murthy aged about 44 years, presently working as Scientist 'E' in the Ministry of Environment, Forest & Climate Change (hereinafter referred to as MoEF&CC) do hereby, in my official capacity, solemnly affirm and state on oath as follows:



That the Deponent is conversant with the facts of the case and duly authorized to file the present compliance affidavit on behalf of Respondent No. 9.

That vide order dated 28.02.2023, this Hon'ble Court passed the following order:

*"On the request made by learned counsel for the parties, list after six weeks. Status report be filed in the meantime."*

3. That the Deponent is filing the instant compliance affidavit in compliance of the direction issued by this Hon'ble Court vide the aforesaid Order dated 28.02.2023.
4. That Status Report on Action taken by the Ministry in C.A. NO. 4795/2021 and Status of proposals of Appellants in connected matters C.A. NO. 2881/2021 is annexed hereto as Annexure-A.

*Ramesh*  
DEPONENT

डा. एम. रमेश / Dr. M. RAMESH  
वैज्ञानिक 'ई' / Scientist 'E'  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
Ministry of Env., Forest & Climate Change  
भारत सरकार / Govt. of India  
नई दिल्ली / New Delhi

**VERIFICATION**

Verified at New Delhi on this August, 2023 that the contents of the above compliance affidavit are true and correct to my knowledge on the basis of information derived from the record and that no part of it is false and nothing has been concealed therefrom.

*Ramesh*  
DEPONENT

डा. एम. रमेश / Dr. M. RAMESH  
वैज्ञानिक 'ई' / Scientist 'E'  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
Ministry of Env., Forest & Climate Change  
भारत सरकार / Govt. of India  
नई दिल्ली / New Delhi

*I identify the deponent / executor  
who has signed in my presence*



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

*[Signature]*  
Notary Public, DELHI

25 AUG 2023

**STATUS REPORT ON THE ACTION TAKEN BY THE MINISTRY IN CA NO. 4795/2021 TITLED PAHWA PLASTICS PVT. LTD. & ANR. VS DASTAK NGO & ORS., AND (II) STATUS OF PROPOSALS OF APPELLANTS IN CONNECTED MATTERS, CA NO. 2881/2021 TITLED NEETU SOLVENTS VS VINEET NAGAR & ORS BEFORE THE HON'BLE SUPREME COURT**

1. The Hon'ble Supreme Court in CA No. 4795/2021 titled Pahwa Plastics Pvt. Ltd. & Anr. vs Dastak NGO & Ors. disposed of the matter vide judgment dated 25.03.2022 and directed the following:

*"(...) 69. The Union of India had proceeded with the application for EC and even public hearing had been held. Counsel appearing on behalf of the Union of India contended that the Appellant had not submitted its final application for EC, after public hearing. It is not clear what more was required of the Appellants. Be that as it may, the Union of India shall, within three working days from the date of receipt of a copy of this judgment and order, inform the Appellants in writing of whether anything further is required to be done by the Appellants, and if so what is required to be done. The Appellants shall, within a week thereafter do the needful. The final decision on the application of the Appellants for EC shall be taken within three weeks thereafter."*

2. In this regard, subsequent to the issuance of ToR (for preparation of the EIA/EMP Report) on 20.07.2021 to M/s Pahwa Plastics Pvt. Ltd. and M/s Apcolite Polymers Pvt. Ltd., the Ministry issued letters dated 29.03.2022 to M/s Pahwa Plastics Pvt. Ltd. and M/s Apcolite Polymers Pvt. Ltd., in compliance to the above said directions (Annexure A-1 & A-2 respectively). The Environment Impact Assessment (EIA)/Environment Management Plan (EMP) report from M/s Pahwa Plastics Pvt. Ltd. is still awaited for further consideration of Environmental Clearance (EC). The EIA/EMP report from M/s Apcolite Polymers Pvt. Ltd. was received on 02.06.2023 and is under consideration as per the procedure laid down in the EIA Notification, 2006 (as amended).
3. The status of proposals for the EC w.r.t the Appellants in CA No. 2881/2021 titled NEETU SOLVENTS VS VINEET NAGAR & ORS is as follows:

Sr.No.	Project Name	Status of Terms of Reference (ToR) for preparation of the EIA/EMP Report (Validity of ToR is	Status of EC

		for a period of four years for the submission of EIA/EMP Report as required under EIA Notification, 2006 and it's amendments)	
1.	M/s Neetu Solvents	ToR granted on 16.07.2021	
2.	M/s TOPNOTCH TRADING CORPORATION PVT. LTD.	ToR granted on 18.03.2022	The EIA/EMP report is awaited.
3.	M/s D.C. INDUSTRIES	ToR granted on 22.07.2021	
4.	M/s DEE BEE ORGANICS PVT.LTD	ToR granted on 18.03.2022	The EIA/EMP report is awaited.
5.	M/S GOYAL OVERSEAS AND ORS.	EC granted on 17.04.2023	
6.	M/s GURUJI OVERSEAS AND ANR.	ToR granted on 15.03.2022	The EIA/EMP report is awaited.
7.	M/s BANKE BIHARI OVERSEAS PVT. LTD. AND ORS.	EC granted on 5 Dec 2022.	
8.	M/S RAJ HOMES PVT. LTD.	The information is not available.	

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**Acknowledgement Slip for TOR**

This is to acknowledge that the proposal has been successfully uploaded on the portal of the Ministry. The proposal shall be examined in the Ministry to ensure that required information has been submitted. An email will be sent for seeking additional information, if any, within 5 working days. Once verified, an acceptance letter shall be issued to the project proponent.

Following should be mentioned in further correspondence

1. **Proposal No.** : IA/HR/IND3/204454/2021
2. **Category of the Proposal** : Industrial Projects - 3
3. **Project/Activity applied for** : 5(f) Synthetic organic chemicals industry (dyes & dye intermediates; bulk  
Formaldehyde Manufacturing Unit with  
production capacity 130 TPD at Village  
Ghespur, Radaur, District Yamuna Nagar by  
M/s Apcolite Polymers Pvt. Ltd.
4. **Name of the proposal** :
5. **Date of submission for TOR** : 18 Mar 2021
6. **Name of the Project proponent along with contact details**
  - a) **Name of the proponent** : APCOLITE POLYMERS PRIVATE LIMITED
  - b) **Mobile No.** : 9810876666
  - c) **State** : Delhi
  - d) **District** : North West
  - e) **Pincode** : 110034

This is to acknowledge that the proposal has been successfully uploaded on the portal. The proposal shall be examined by MS of SEIAA to ensure that required information has been submitted. An email will be sent for seeking additional information, if any, within 5 working days. Once verified, an acceptance letter shall be issued to the project proponent.

Following should be mentioned in further correspondence

1. **Proposal No.** : SIA/HR/IND3/63305/2021
2. **Category of the Proposal** : Industrial Projects - 3
3. **Project/Activity applied for** : 5(f) Synthetic organic chemicals industry (dyes & dye intermediates; bulk  
Capacity Expansion of Formaldehyde  
Manufacturing Unit in existing facility from 100
4. **Name of the proposal** : TPD to 120 TPD at Plot No. M-28 & E-57,  
Industrial area Yamunanagar, Haryana by M/s  
Globe Panel Industries India Pvt. Ltd., Unit-III
5. **Date of submission for TOR** : 13 May 2021
6. **Name of the Project proponent along with contact details**
  - a) **Name of the proponent** : M/S GLOBE PANEL INDUSTRIES INDIA  
PVT. LTD. UNIT-III
  - b) **Mobile No.** : 8958649417
  - c) **State** : Haryana
  - d) **District** : Yamunanagar
  - e) **Pincode** : 135001

This is to acknowledge that the proposal has been successfully uploaded on the portal of the Ministry. The proposal shall be examined in the Ministry to ensure that required information has been submitted. An email will be sent seeking additional information, if any, within 20 working days. Once verified, an acceptance letter shall be issued to the project proponent.

Following should be mentioned in further correspondence

1. **Proposal No.** : IA/HR/IND3/204922/2021
2. **Category of the Proposal** : Industrial Projects - 3  
CAPACITY EXPANSION IN FORMALDEHYDE MANUFACTURING UNIT WITH THE EXISTING PRODUCTION CAPACITY 100 TPD TO 200
3. **Name of the proposal** : TPD AT VILLAGE BHAGWANPUR, KHARWAN ROAD, TEHSIL JAGADHRI, DISTRICT YAMUNA NAGAR, HARYANA BY M/S. CHEMWOOD INDUSTRIES
4. **Date of Receipt of Proposal** : 04 Aug 2022
5. **Date of TOR Granted** :
6. **Date of submission for EC** : 04/08/2022
6. **Name of the Project proponent along with contact details**
  - a) **Name of the proponent** : M/S CHEMWOOD INDUSTRIES
  - b) **State** : Haryana
  - c) **District** : Yamunanagar
  - d) **Pincode** : 133103



This is to acknowledge that the proposal has been successfully uploaded on the portal of the Ministry. The proposal shall be examined in the Ministry to ensure that required information has been submitted. An email will be sent for seeking additional information, if any, within 5 working days. Once verified, an acceptance letter shall be issued to the project proponent.

Following should be mentioned in further correspondence

- 1. Proposal No.** : IA/HR/IND3/186191/2020
- 2. Category of the Proposal** : Industrial Projects - 3
- 3. Project/Activity applied for** : 5(f) Synthetic organic chemicals industry (dyes & dye intermediates; bulk  
Proposed Project for Manufacturing of Formaldehyde 2×100 M.T per day at Khasra No. 13//12/2, 13/5/1, 13/1, 13/4, 14/2, 13/3, 13/2
- 4. Name of the proposal** : Village Jathlana HB No. 04 Tehsil Radaur, District Yamuna Nagar, Haryana by M/s Guruji overseas.
- 5. Date of submission for TOR** : 02 Dec 2020
- 6. Name of the Project proponent along with contact details**
  - a) Name of the proponent** : M/S GURUJI OVERSEAS
  - b) Mobile No.** : 8958649417
  - c) State** : Haryana
  - d) District** : Yamunanagar
  - e) Pincode** : 135133

This is to acknowledge that the proposal has been successfully uploaded on the portal. The proposal shall be examined by MS of SEIAA to ensure that required information has been submitted. An email will be sent for seeking additional information, if any, within 5 working days. Once verified, an acceptance letter shall be issued to the project proponent.

Following should be mentioned in further correspondence

- 1. Proposal No.** : SIA/HR/IND3/63311/2021
- 2. Category of the Proposal** : Industrial Projects - 3
- 3. Project/Activity applied for** : 5(f) Synthetic organic chemicals industry (dyes & dye intermediates; bulk  
Environment Clearance for Capacity Expansion of Formaldehyde Manufacturing Unit in Existing Facility from 80 TPD to 250 TPD at Plot No.211,
- 4. Name of the proposal** : HSIIDC Industrial Estate, Manakpur, Jagadhri, Distt. Yamuna Nagar (H.R) by M/s Sanwaria Polymer Industries Pvt. Ltd.
- 5. Date of submission for TOR** : 13 May 2021
- 6. Name of the Project proponent along with contact details**
  - a) Name of the proponent** : M/S SANWARIA POLYMERS INDUSTRIES PVT. LTD.
  - b) Mobile No.** : 9355380678
  - c) State** : Haryana
  - d) District** : Yamunanagar
  - e) Pincode** : 135003

**Acknowledgement Slip for TOR**

236

This is to acknowledge that the proposal has been successfully uploaded on the portal of the Ministry. The proposal shall be examined in the Ministry to ensure that required information has been submitted. An email will be sent for seeking additional information , if any, within 5 working days. Once verified, an acceptance letter shall be issued to the project proponent .

Following should be mentioned in further correspondence

- 1. Proposal No.** : IA/HR/IND3/204462/2021
- 2. Category of the Proposal** : Industrial Projects - 3
- 3. Project/Activity applied for** : 5(f) Synthetic organic chemicals industry (dyes & dye intermediates; bulk  
Environment Clearance for Expansion in Formaldehyde Manufacturing unit in existing
- 4. Name of the proposal** : facility from 60 TPD to 150 TPD at Village Jathlana, Tehsil- Jagadhri Distt. Yamunanagar, Haryana by M/s Pahwa Plastics Pvt. Ltd.
- 5. Date of submission for TOR** : 19 Mar 2021
- 6. Name of the Project proponent along with contact details**
  - a) Name of the proponent** : M/S PAHWA PLASTICS PVT. LTD.
  - b) Mobile No.** : 9560640000
  - c) State** : Haryana
  - d) District** : Yamunanagar
  - e) Pincode** : 135133

(TRUE COPY)



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**Reply on behalf of Respondent Nos. 4 to 9, O.A. No. 802 of 2023**

1 message

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**Tarun Gupta** <officeofadvtarungupta955@gmail.com>  
To: Panchkula Region Hspcb <hspcbropkl@gmail.com>

Fri, Nov 29, 2024 at 1:38 PM

Respect Sir,

Please find enclosed copy of Reply on behalf of Respondent Nos. 4 to 9, O.A. No. 802 of 2023

Regard,  
TARUN GUPTA  
ADV. FOR THE RESPONDENT NOS. 4 to 9



Anand Hooda Reply on behalf of Respondent.pdf