

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

APPEAL NO 34/ 2022

IN THE MATTER OF

HARYANA STATE POLLUTION CONTROL BOARDAPPLICANT

VS

M/S BALAJI RUBBER INDUSTRIES

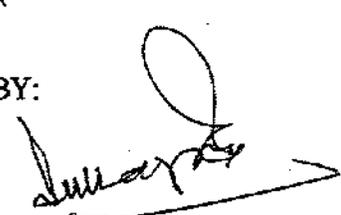
...RESPONDENT

I N D E X

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NEW DELHI
DT. 29/7/2022

FILED BY:


(I.K. Kapila)

Ph-9582063272,

mailkapilaik@yahoo.co.in

E-13, G K II Enclave, New Delhi

Advocate for Respondent

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REPLY ON BEHALF OF RESPONDENT

MOST RESPECTFULLY SHOWETH :-

1. That at the outset, it is respectfully submitted that unit is a small scale industry which has a valid consent under Air Act 1981 and Water Act 1974 with validity up to 31.3.2025. Unit is using only about 5 litre per hour HSD as liquid fuel for initial firing of furnace and it is producing only cooling water effluent which is reused after treatment in ETP of 3 KLD capacity. Unit has installed wet scrubber to control emissions from chimney of 32 m height. ETP comprises of Physico-chemical treatment units i.e. collection tank, mixing tank cum dosing tank, Dosing drums for dosing lime, alum and poly electrolyte, tube settler and sand and carbon media filter. Energy meter, pH meter and flow meter have also been installed. Unit has attempted to comply each deficiency observed by HSPCB.
2. That the officials of Appellant HSPCB inspected the unit on 29.1.2020 and collected samples of stack emission and effluent from ETP. Although copy of the test report for stack emission and effluent from ETP has not been provided to the unit, according to para 4(d) of present Appeal, test report was issued on 11.2.2020. The notice for closure of unit by exercising powers under section

33A of Water Act 1974 and Section 31 A of Air Act 1981 issued by HSPCB allegedly on 12.2.2020, giving only 3 days to submit reply but it was not served upon the unit. Based on inspection dated 29.1.2020, HSPCB also issued notice u/s 5 of EP Act 1986 on 29.1.2020 through Regional office at a distance of more than 170 km from location of the unit. HSPCB finally issued closure order dated 17.2.2020 on this basis of said inspection and recommendation of Regional Officer dated 15.2.2020 without hearing the unit. Closure direction issued vide order dated 17.2.2020 (Annexure A-2) does not mention a word about sample test results or any pollution parameter that is found exceeding prescribed standards which shows that test report dated 11.2.2020 actually did not show any adverse finding.

3. That an Appeal against order of HSPCB dated 17.2.2020 was filed before Ld Appellate Authority. The Appellate Authority stayed the impugned closure direction vide order dated 4.3.2020 till next date of hearing on 18.3.2020 and finally disposed off the appeal of the unit vide order dated 7.8.2020 with direction to HSPCB to hear the applicant on 11.8.2020 and thereafter decide the case. The HSPCB heard the unit but completely ignored representation of unit dated 31.8.2020 interalia requesting for re-sampling, and passed closure order on 9.9.2020 reiterating its earlier closure order dated 17.2.2020 and citing new baseless grounds of structural deficiency in pollution control device and pollution parameters exceeding limit. Appeal against said closure order dated 9.9.2020 was filed by the unit before Appellate Authority.
4. That a summary of deficiencies observed by HSPCB in its closure direction dated 17.2.2022 and direction dated 9.9.2020 and compliance status are presented in tabular form below-

Sno.	Deficiency listed in closure direction dated 17.2.2020.	Deficiency listed in closure direction dated 9.9.2020(closed unit)	Compliance with observed deficiencies and remarks.
1	Feeding of waste tyre is not mechanised		Hydra machine is used to feed tyres. Feeding is not manual.
2	Waste tyre being fed manually without removal of wire.		Hydra feeding machine is used for feeding tyres. Tyres being fed do not contain any steel wire. Steel removal machine has since been provided although it is required only for tyre scrap from which steel wire is not already removed.
3	Inadequate no. of sensors with alarm to detect leakage of flammable vapours		2 No. of fire detection sensors are installed. Neither HSPCB nor SOP states any criteria for determining adequate number of sensors. HSPCB is to required to inform number of sensors to be installed.
4	Wood being used		HSD is used for initial

A

	for initial firing		firing. No wood is used.
5	Not provided details of authorised processors to whom carbon black and oil is sold		Informed that carbon black is supplied to M/S Color Plast, Bawana and oil is supplied to M/S Dabba Contractors and Earthmovers.
6	No agreement with GEPIL to dispose off sludge generated.		Agreement with GEPIL to dispose off tiny quantity of sludge from ETP is made.
7		Parameters of samples collected on 29.1.2020 exceed prescribed limits for SPM, SS and BOD.	New Ground. Reported BOD in effluent is 40 mg/l. Report is not provided. Sample collected on 21.1.1.2020 and 8.7.2020 by recognised Lab show that all results are within limit.
8		Request of unit for re-inspection as per 2016 policy can not be accepted since unit is having structurally inadequate	New Ground. Closure direction dated 17.2.2020 do not allege any structural deficiency in pollution control devices. Wet scrubber is installed with stack of

		pollution control devices	32 m height and Physcio-chemical effluent treatment plant of 3 kld capacity is installed to treated used cooling water and scrubber waste water and same is reused for cooling purposes in the plant.
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5. That the unit was re-inspected by officials of HSPCB on 19.1.2022 (Annexure A-12 that shows date of inspection as 20.1.2020) as per order of Appellate Authority dated 6.1.2022 when the unit was still closed. During inspection several new deficiencies were observed. Compliance status in respect of deficiencies other than already mentioned in earlier table is as under

S no.	Deficiency observed during inspection on 19.1.2022	Compliance Status
1	pH meter, dosing system, filtration unit and flow meter not provided	pH meter, filtration unit, dosing system and flow meter is provided.
2	Log book for consumption of electricity / effluent quantity not provided	Energy meter has been provided. Flow meter has been provided. However, register log book has also been prepared for these consumptions.

6. That upon hearing the unit on said deficiencies, speaking order was passed by Appellate Authority vide order dated 27.1.2022 (

Annexure A-1) which directs HSPCB to intimate within 7 days requirements to be fulfilled to remove deficiencies now pointed out and the unit to comply the same within 3 months after which HSPCB may inspect to decide further operation of the unit. Closure directions dated 17.2.2022 and 9.9.2020 are set aside. Instead of intimating requirements to unit within 7 days, HSPCB has preferred present appeal.

7. That the HSPCB has also filed complaint before competent court at Kurukshetra against 6 partners of the unit under Sec 43 and 44 read with sec 47 of Water Prevention & Control of Pollution Act 1974 for violation of sec 25 and 26 of Water act 1974 and Sec 40 of Air Prevention & Control of Pollution Act 1981 for violation of sec 21 and 22 of the Air Act 1981. Matter is pending in the court. One of the Accused has died during intervening period.
8. That the HSPCB had also imposed EC for Rs 25,25,000/- against the unit vide order dated 17.6.2020 without disclosing basis or number of days of violation. A WP (C) no 4163 was filed by the unit before Hon'ble P& H High Court against imposition of the EC. The matter has been disposed off by Hon'ble High Court vide order dated 15.2.2022. HSPCB is required to reassess EC as per modified policy for EC after giving opportunity of hearing to the unit. Unit has operated only for about 20 months since grant of consent in Aug 2018 and it has remained closed for more than 30 months so far.

9. Para wise Reply to the Appeal

Synopsis - In reply, it submitted that there are no admitted unexplained violations of environmental norms during two inspection ie one before passing of closure direction dated 17.2.2020 on 29.1.2020 and other on 19.1.2022 before passing of impugned order of Appellate Authority. In fact, as after-thought, Appellant HSPCB , to

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deny request for re-sampling has later termed the deficiencies as structural deficiencies which is absolutely false and baseless. Further, tyre waste available at site contained no tyre with steel wire therefore there was no occasion to submit proof to Appellate authority that tyre waste without wire is being obtained and processed.

List of dates – Need no reply. However, it is submitted that Hon'ble NGT has consistently directed Appellant HSPCB to take action as per law. It is further submitted that neither copy of inspection report nor air/water effluent sample test report has been provided to the Respondent unit. The unit was informed the deficiencies observed by Appellant HSPCB for first time only through closure direction dated 17.2.2020. It remains an admitted fact that show cause notice dated 12.2.2020 was never served upon the Respondent unit. Bias of the Respondent field officers is clearly visible also from fact that a notice under sec 5 of EP Act was issued to unit on 29.1.2020 after inspection of unit on 29.1. 2020 at a distance of more than km from office of HSPCB at Sohna Road, Daharuhera. As also, noted by Ld Appellate Authority, super haste in recommending closure of unit was again shown by Regional office that recommended closure of unit on 15.2.2020 (Saturday) even before 3 days lapsed after date of alleged issuance of show cause notice dated 12.2.2020. These time lines speak for themselves as for bias of the officials against the unit. Even in this back drop on record of Appellate Authority, the Appellate Authority merely directed HSPCB to hear the unit on 11.8.2020 and thereafter pass orders which Appellant HSPCB did by passing closure order dated 9.9.2022 under Sec 31 A of Air Act 1981 and Sec 33 A of Water Act 1974. Not a word from the representation of unit dated 31.8.2020 has been rebutted in the said claimed speaking order for closure of the unit. The HSPCB inspected the unit on 19.1.2022 and new deficiencies observed in the report are duly considered by the Appellate Authority before setting aside the closure

direction dated 9.9.2020 & 17.2.2020 vide order dated 27.1.2022 with certain directions to HSPCB to be complied with in 7 days. Present appeal has been filed against order dated 27.1.2022.

Para 1 to 3 need no reply.

Para 4 (a) – Admitted. It is further submitted that consent condition no 5 of the consent under Water Act 1974 states -

“ If due to any technological reason , the board is of the opinion that all or any of the conditions referred to above require variation (including change of any control equipment either in whole or 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 condition so varied.”

The said consent (Annexure A-4) does not prescribe condition to install pH meter, flow meter etc. Consent to operate is granted only after satisfying itself that adequate ETP/APCM has been installed. However, these have already been installed. The unit has installed wet scrubber with 32 m high stack of the furnace, fired by HSD and a physico-chemical ETP of 3 KLD capacity has been installed to treat cooling water effluent and wet scrubber effluent. ETP comprises of collection tank, mixing tank, chemical dosing system, tube settler and filter of sand and activated carbon and sludge bed. Treated water is reused and not discharged in to any water body.

Para 4 (b) – Matter of Record.

Para 4 (c) – in reply, it is submitted that admittedly notice under Sec 5 of EP Act 1986 was issued on 29.1.2020 on the basis of inspection dated 29.1.2020 at the unit which is at least 170 km away from the Regional office of the HSPCB at Dharuhera who issued the said notice. Clearly the officers were bent upon to take punitive action against the unit at the super haste speed.

Para 4(d)- In reply, it is submitted that test report of samples was also not provided to the Respondent unit. Test conducted by recognised labs have found effluent and stack emissions meeting prescribed standards. A copy each of test report for samples drawn on 21.1.2020 and 8.7.2020 are enclosed herewith as **Annexure R-1**. (copy)

Para 4(e)- In reply, it is submitted that Recommendation has been made by the Regional office on 15.2.2020 even before expiry of three days allowed for submitting reply to show cause notice dated 12.2.2020, which admittedly was not served upon the Respondent unit. A copy of notice dated 12.2.2020 as later obtained is enclosed herewith as **Annexure R-2** which does not even allege that SS was found exceeding prescribed limits.

4 (f)- In reply, It is submitted that grounds for issuing closure order as mentioned in the order dated 17.2.2020 and order dated 9.9.2020 are different but based on same inspection dated 29.1.2020. Ground of effluent/emission parameter exceeding prescribed limit and structural deficiency in ETP are also absolutely false and these are not mentioned in closure direction dated 17.2.2022 (Annexure A- 2).

4 (g to j) – matter of record.

4 (k) – In reply, it is submitted that the closure order dated 9.9.2020 (Annexure A-1) is based on new but baseless grounds introduced only to deny re-inspection of the unit as per policy as requested through representation dated 31.8.2020. Respondent unit never had an occasion to respond to these new grounds before passing of said order.

4 (l –o)- Matter of Record.

4 (p) – It is true that inspection was carried by official of HSPCB on 19.1.2022. However, it is incorrect that pH meter, dosing system, filtration unit and flow meter are not provided. In fact, pH meter is provided, filtration unit is provided, flow meter is provided and tanks containing chemicals have system to manually regulate the dosing of

chemicals in to mixing tank. The energy meter provided keeps record of energy consumption for pollution control equipment. As regard deficiencies alleged in following the SOP, it is submitted that steel wire removing machine was not needed since unit processed only such tyre waste from which steel wire had already been retrieved/ removed. However, keeping in view the allegation, steel wire removing machine and tyre cutting machine has been installed. Six fire hydrants and two nitrogen fire hydrants are already installed and two number fire sensors are installed. Names of client to whom carbon black is sold is M/S Colour Plast, Bawana, New Delhi and oil was being supplied to m/s Dabaa Contractors and Earth Movers, Bhiwani and same has been intimated to HSPCB.

4(q) – Matter of record.

Reply to Additional relevant facts in the Appeal

Para 4 (r) – Matter of record. However it is submitted that said writ petition has been disposed off the Hon'ble High Court upon submission of Applicant that HSPCB policy for assessment of EC has been modified and EC against the unit is to be reassessed as per new policy after giving hearing to the unit. The Respondent unit shall comply with the reassessed EC order in terms of order of Hon'ble High Court dated 15.2.2022. A copy of order of Hon'ble High Court dated 15.2.2022 is enclosed as **Annexure R-3**.

Para 4(s) – Matter of record. It is intimated to special trial court that one of the accused has already expired during pendency of the trial.

(t and u) – Matter of record. However, it is submitted that allegation of structurally inadequate pollution control devise (ETP) was not made in the closure direction dated 17.2.2020 (Annexure A-2) and it is factually incorrect that there is any structural deficiency in the pollution control device. Appellant HSPCB is taking refuge under said policy provision without any basis to merely justify its denial of re sampling request of the unit. There is further no allegation that the

unit was by passing any effluent. Test report for samples collected on 21.1.2020 and 8.7.2020 show all parameters within limit and also prove that there is no structural deficiency in the ETP as alleged.

Para 5 - Matter of record. It is denied that there has been any admission of violation of pollution control norms. It is also denied that Appellate Authority passed order without understanding policy and orders of the HSPCB.

Reply to Grounds in the Appeal

A - it is denied that order dated 27.5.2022 has been passed by Ld Appellate Authority without appreciating that unit was found in gross violation of environmental norms. In fact, Ld Appellate Authority has considered all facts placed before it and passed a speaking reasoned order, including the fact that different grounds are relied for issuing closure directions on the basis of same inspection. It may not be out of place to mention here that it will always remain intriguing as to what could contribute 40 mg/l BOD to effluent that is emanating from cooling water primarily and that unit has never used wood as fuel. It can also not be lost sight of that treated effluent is reused after treatment in ETP and not discharged in any water body.

B- It is denied that unit is polluting in gross violation of environmental norms. Even by going as per HSPCB result effluent from ETP was found containing BOD 40 mg/l against prescribed standards of 30 mg/l which is applicable to discharge of treated effluent in to any water body but effluent from unit is not being discharged in to any stream or well or even land to pollute environment. Effluent is being reused for cooling purposes in the plant itself.

C- It is denied that Ld Appellate Authority failed to appreciate allegation of HSPCB on the basis of inspection on 19.1.2022 (inspection date shown 20.1.2022 on inspection report). In fact, Ld Appellate Authority fully appreciated and evaluated the facts

presented from both sides and passed a reasoned order, keeping in view the basis of closure order relied by HSPCB.

D- It is incorrect to allege that deficiencies pointed out during first inspection on 29.1.2020 as not denied by the unit. In fact, as soon as deficiencies were brought to knowledge of the unit, it moved before Appellate Authority and also, like any unit will say to powerful authority like HSPCB, offered remove all alleged deficiencies to buy peace. As already submitted, all observed deficiencies, which do not affect pollution control efficiency of devices, are dully removed/ addressed.

E- it is incorrect to allege that wire removal machine and tyre cutting machine is are requisite equipment as per SOP. SOP vide clause 2.1 states "the feed to the pyrolysis reactor should be devoid of steel. After removal of wire, the tyre can be put either in the form of crumbs or chips (which can be made simply by cutting without going for shredding process. Further feeding arrangement of the rubber crumb to the reactor should be mechanised.". The SOP does not says that wire has to be removed at unit it self or wire free tyre crumb can not be procured. Further, it is pertinent to mention that it was brought before Ld Appellate Authority the Hydra machine is installed and being used to feed crumbs in to furnace in mechanised manner. Further, to satisfy the HSPCB, steel wire removing machine and tyre cutting machine has also been provided.

F & G- The allegation that conduct of the unit is detrimental to the health of citizens residing in near by area is devoid of any merit and hence denied. In fact, unit does not have any population in its vicinity and stack of more than prescribed height along with air pollution control system in form of wet scrubber has been installed. No effluent from unit is being discharged in to any water body or on land.

H- it is denied that by impugned order, the Appellate Authority has stopped the regulatory authority to discharge its duties under Air Act

1981. In fact, the Appellate Authority constituted under provisions of Air Act 1981 has discharged its function properly and set aside a patently biased and unjustified order, for which purpose only the Appellate Authority is constituted under law.

I. It is denied that Appellate Authority has made grave error in law by passing impugned order. In fact, Appellate Authority has passed a speaking order after hearing both parties impartially and dispassionately.

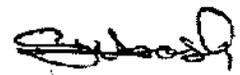
J. It is denied that impugned order is illegal, unjustified and settled principles of environmental jurisprudence.

PRAYER

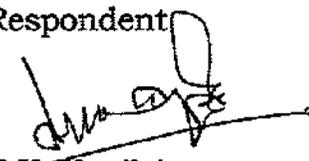
In view of the afore mentioned facts and circumstances, this Hon'ble Tribunal may kindly be pleased to

- (i) Dismiss the Appeal
- (ii) Direct HSPCB to comply with direction of Appellate Authority vide order dated 27.1.2022.
- (iii) Pass such other order as deemed fit in the facts and circumstances of the case.

FILED BY:



Respondent



(I.K. Kapila)

Advocate for the Respondent

Date: 29/7/2022

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

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IN THE MATTER OF

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VS

M/S BALAJI RUBBER INDUSTRIES

...RESPONDENT

AFFIDAVIT

I, Subhash Chander, Partner M/S Balaji Rubber Industries, Vill Ikkas, Hansi Road, Jind at present at New Delhi, do hereby solemnly affirm and declare as under: -

- 1. That I am of the Respondent in the above mentioned appeal.
- 2. That I am fully conversant with facts of the case.
- 3. That I have read the accompanying reply on and have understood the contents thereof. The facts stated there in the reply are true and correct to the best of my knowledge and nothing has been concealed

there from.

That the Annexures are true copies of their respective originals.

DEPONENT



VERIFICATION:

29 JUL 2022

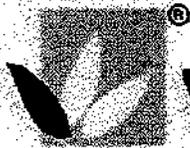
Verified at New Delhi on this day of July 2022, I the above named deponent, do hereby verify that the contents of the above affidavit are true and correct. No part of it is false and nothing material has been concealed there from.

I certify the Deponent who signed/put T.I. in my presence

ATTESTED
NOTARY PUBLIC (India)
Neeraj Sharma
Advocate
Ct. No. 165A, Gate No. No. 11,
Patiala House Courts,
New Delhi-110001
M/F 889840830

DEPONENT

29 JUL 2022



Vardan EnviroLab (Collg)

Annexure-R-1

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Laboratory: Plot No. 82A, Sector - S, IMT Manesar, Gurugram - 122052, Haryana
Branch Off: Plot No. 24 & 25, Narayan Vihar, B-Block, Jaipur - 302035, Rajasthan
NABL Accredited | MoEF&CC Recognized | ISO 9001|ISO 14001|ISO 45001

Test Report

Sample Number:	VEL/BR/ST/01	Report No.:	VEL/ST/2001/17/001
Name & Address of Party:	M/s Balaji Rubber Industries, Village - Jkkas, Distt. Jind, (HR)	Format No.:	7&F-01
		Party Reference No.:	NIL
		Reporting Date:	21/01/2020
		Period of Analysis:	17/01/2020 - 21/01/2020
		Receipt Date:	17/01/2020

Sample Description : Stack Emission Monitoring

Sample Collected	: Vardan Enviro Lab Representative
Date of Sampling	: 16/01/2020
Sampling duration (Minutes)	: 38.00
Name of the Plant / Emission source monitored	: Reactor
Stack attached to	: Wet Scrubber
Diameter of stack	: 16 Inch
Height of stack from Ground Level	: 105 Feet
Make of Stack	: Metal
Meteorological Condition	: Clear Sky
Product & Fuel	: Pyrolysis Oil & HSD & Electricity
Instrument calibration status	: OK
Ambient Temperature - Ta (°C)	: 32.0
Temperature of Stack Gases - Ts (°C)	: 182.0
Velocity of Stack Gases (m/sec.)	: 8.20
Flow rate of PM (LPM)	: 24.0
Flow rate of Gas (LPM)	: 2.0
Sampling condition	: Isokinetic
Protocol used	: IS :11255 & EPA

RESULTS

S. No.	Parameters	Protocol	Results	Units	Limits
1.	Suspended Particulate Matter (SPM)	IS 11255 (P-1), Gravimetric Method,	112.50	mg/Nm ³	150.0
2.	Sulphur Dioxide (as SO ₂)	IS 11255 (P-2) Titrimetric Method	15.32	mg/Nm ³	-
3.	Oxide of Nitrogen (as NO _x)	IS 11255 (P-7), Colorimetric Method	*ND	mg/Nm ³	-

*ND-Not Detected

MEENU KAUSHIK
SR. ANALYST

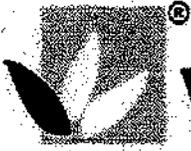
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NOTE: a) The results listed refer only to the tested samples & applicable parameters.
 b) Total liability of our lab will be restricted to the invoice amount only.
 c) The sample will be destroyed after retention time unless otherwise specified.
 d) This report is not to be reproduced wholly or in part and cannot be used as evidence in the court of law.

www.vardan.co.in

Tel: 0124-4343750, 4343752, 4343753 | E-mail: lab@vardanenvirolab.com, bd@vardanenvirolab.com



Vardan EnviroLab

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Laboratory: Plot No. 82A, Sector - 5, IMT Manesar, Gurugram - 122052, Haryana
Branch Off: Plot No. 24 & 25, Narayan Vihar, B-Block, Jaipur - 302035, Rajasthan
NABL Accredited | MoEF&CC Recognized | ISO 9001 | ISO 14001 | ISO 45001

Test Report

Sample Number: VEL/BRI/WW/01
Name & Address of Party: M/s Balaji Rubber Industries,
Village - Ikkas, Distt. - Jind, (HR)

Report No.: VEL/WW/2001/17/002
Format No.: 7.8 F-01
Party Reference No.: NIL
Reporting Date: 21/01/2020
Period of Analysis: 17/01/2020 to 21/01/2020
Receipt Date: 17/01/2020
Sampling Date: 16/01/2020
Preservation: Refrigerated
Sampling Quantity: 2.0 Ltr.

Sample Description: Waste Water Sample
Sampling Location: ETP Inlet (ETP Plant)
Sample Collected by: Vardan Enviro Lab Representative
Parameter Required: As per Client Requirement
Analysis Protocol:- IS 3025, APHA

TEST RESULTS

S. No.	Parameter	Test Method	Result	Unit
1.	pH (at 25 °C)	APHA 4500-H ⁺ B Electrometric Method	8.12	--
2.	Appearance	APHA 2120 B, Visual Comparison Method	Blackish	--
3.	Odour	APHA 2150 B, Threshold Test Method	Bad	--
4.	COD	APHA 5220 B Open Reflux Method	450.00	mg/l
5.	BOD (3 Days at 27 °C)	APHA 5210 C/IS 3025 (Part 4)	121.00	mg/l
6.	Total Suspended Solid	APHA 2540 D Gravimetric Method	320.00	mg/l
7.	Oil and Grease	APHA 5520 B Partition Gravimetric Method	8.49	mg/l

MEENU KAUSHIK
Sr. Analyst
(Tested By)

Handwritten signature



NOTE: a) The results listed refer only to the tested samples & applicable parameters
b) Total liability of our lab will be restricted to the invoice amount only
c) The sample will be destroyed after retention time unless otherwise specified
d) This report is not to be reproduced wholly or in part and cannot be used as evidence in the court of law

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Tel: 0124-4343750, 4343752, 4343753 | E-mail: lab@vardanenvironet.com, bd@vardanenvironet.com



Vardan EnviroLab

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Laboratory: Plot No. 82A, Sector - 5, IMT Manesar, Gurugram - 122052, Haryana
Branch Off: Plot No. 24 & 25, Narayan Vihar, B-Block, Jaipur - 302035, Rajasthan
NABL Accredited | MoEF&CC Recognized | ISO 9001 | ISO 14001 | ISO 45001

Test Report

Sample Number:	VEL/BRI/WW/02	Report No.:	VEL/WW/2001/17/002
Name & Address of Party:	M/s Balaji Rubber Industries, Village - Ikas, Distt. - Jind, (HR)	Format No.:	7.8 F-01
Sample Description:	Waste Water Sample	Party Reference No.:	NIL
Sampling Location:	ETP Outlet (ETP Paint)	Reporting Date:	21/01/2020
Sample Collected by:	Vardan Enviro Lab Representative	Period of Analysis:	17/01/2020 to 21/01/2020
Parameter Required:	As per Client Requirement	Receipt Date:	17/01/2020
Analysis Protocol:-	IS 3025, APHA	Sampling Date:	16/01/2020
		Preservation:	Refrigerated
		Sampling Quantity:	2.0 Ltr.

TEST RESULTS

S. No.	Parameter	Test Method	Result	Unit	*Standards for Discharge as per CPCB		
					In-Land Surface Water	Public Sewers	Land for Irrigation
1.	pH (at 25 °C)	APHA, 4500-H ⁺ B Electrometric Method	7.96	--	5.5-9.0	5.5-9.0	5.5-9.0
2.	Appearance	APHA, 2120 B, Visual Comparison Method	Colourless	--	--	--	--
3.	Odour	APHA, 2130 B, Threshold Test Method	Odourless	--	--	--	--
4.	COD	APHA, 5220 B Open Reflux Method	92.70	mg/l	250	--	--
5.	BOD (3 Days at 27 °C)	APHA, 5210 C/ IS 3025 (Part 44)	25.00	mg/l	30	350	100
6.	Total Suspended Solid	APHA 2540 D Gravimetric Method	28.00	mg/l	100	600	200
7.	Oil and Grease	APHA, 5520 B Partition Gravimetric Method	<0.20	mg/l	10	20	10

*General Standards for Discharge of Environmental Pollutants (Part A): Effluents, as given in Schedule -VI, inserted by Rule 2(d) of Environment (Protection) Second Amendment Rules, 1993 notified by GSR 422(E) dated 19.05.1993 published in Gazette no. 174 dated 19.05.1993.

MEENU KAUSHIK
SR. ANALYST
(Tested By)



NOTE: a) The results listed refer only to the tested samples & applicable parameters
b) Total liabilities of our lab will be restricted to the invoice amount only
c) The sample will be destroyed after retention time unless otherwise specified
d) This report is not to be reproduced wholly or in part and cannot be used as evidence in the court of law

www.vardan.co.in

Tel: 0124-4343750, 4343752, 4343753 | E-mail: lab@vardanenvironet.com, bd@vardanenvironet.com

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19, University Road, Delhi - 110007 (India)
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E-mail id : customercare@shriraminstitute.org

TEST CERTIFICATE

NO. : C1/0000221939

Issued To:
Client Code : B1221
BALAJI RUBBER INDUSTRIES
JIND TO HANSI ROAD, IKKAS JIND
JIND
HARYANA-126102
Kind Attn: MR. SUBHASH CHANDER

Date 16/07/2020
Job No. 2006-1-411-2261
Booking No. RG2021/1/1387
Booking Date 29/06/2020
Customer Ref No. EMAIL
Customer Ref Date 24/06/2020
ULR NO. TCS44420000006958F



Sample Description :

ONE GRAB SAMPLE OF FINAL OUTLET OF ETP OUTLET DRAWN BY OUR REPRESENTATIVE ON 07.07.2020, SITE ADDRESS: BALAJI RUBBER INDUSTRIES, VILL. IKKAS, JIND TO HANSI ROAD, IKKAS JIND, HARYANA 126102 WAS RECEIVED.

S.No. Tests	Result	Protocol
1. Total Suspended Solids, mg/l	13	IS:3025, Pt-17-1984, RA 2012
2. Biochemical Oxygen Demand, mg/l (for 5 days at 20°C)	10	APHA 22nd Ed 5210

D.O.R. 08.07.2020
D.O.C. 16.07.2020

AUTHORISED SIGNATORY
EMPLOYEE CODE : (6171)

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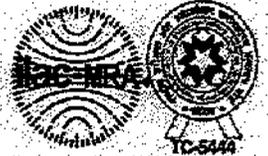
TEST CERTIFICATE

NO : CI/0000222005

Issued To :

Client Code : (JIND01B1221)
BALAJI RUBBER INDUSTRIES
JIND TO HANSI ROAD, IKKAS JIND
JIND
HARYANA-126102
Kind Attn: MR. SUBHASH CHANDER

Date : 16-07-2020
Job No : 3006-1-421-2262
Booking No : RG2021/1/1387
Booking Date : 29-06-2020
Customer Ref No. : E.MAIL
Customer Ref Dt. : 24-06-2020
ULR NO. : TC544420000006996F



Sample Particulars:

Stack gas emission sampling was carried out by our representative as per details given below.
(The plant data details provided in test certificate is based on declaration by the sponsor).

PLANT DATA:

1. Name & address of the industry : M/s. Balaji Rubber Industries,
Vill. Ikkas, Jind to Hansi Road
Jind (Hr.)-12610
 - a) Plant Representative : Mr. Subhas Chander, Partner
 - b) Product Manufactured : Pyrolysis Oil & Tyre Scraps
 - c) Production capacity : 2 Ton/day - Pyrolysis Oil; 2 Ton/day - Tyre Scraps
2. Date of sampling : 07.07.2020
3. Name of the plant/section : Reactor Area
4. Normal operating schedule of the plant (hrs/day) : 8 -10 hrs/day
5. Name of the emission source monitored : Reactor No. # 1 & 2
 - b) Rated capacity : 10 Ton x 2
 - c) Capacity on the sampling day : 6-7 Ton
 - d) Type of fuel used and its consumption : H.S.D., 5-6 liters/hr.
6. Stack identification : Common stack attached to Reactor No.1 & 2
7. Type of chimney : Metal
8. Location of the sampling point : As per norms
9. Stack height (m)
 - a) From ground level : 32
 - b) From bend/disturbance : -
 - c) Above roof level : -
 - d) From source of emission : -

AUTHORISED SIGNATORY
EMPLOYEE CODE: (6171)

GC-01(Rev-05)

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SIS-C1 (Rev. 02)

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Fax : 91-11-27667207

See overleaf for terms & conditions



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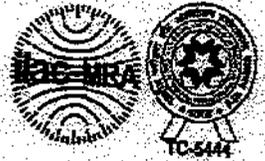
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TEST CERTIFICATE

NO : CI/0000222005



- 10. Diameter of the stack (cm) : 40.6
- 11. Sampling duration : 60 min.
- 12. Parameter required : PM only
- 13. Purpose of monitoring : To assess the pollution load for internal purpose
- 14. Air Pollution control measures : Wet Scrubber (2 Nos.)
 - a) Status : Working (both)
 - b) Recovery of material : Sludge: 0.5 kg/month
- 15. Fugitive emissions, if any : Nil

OBSERVATIONS

- 1. Ambient air temperature (°C) : 35
- 2. Stack gas temperature (°C), average : 142
- 3. Stack gas velocity (m/s), average : 8.8
- 4. Volumetric flow rate (Nm³/hr.) : 2778

RESULTS

S. No.	Parameter	Unit	Test Value	General Emission Standards (Part D)	Protocol/ Method Followed
1.	Particulate matter (PM)	mg/Nm ³	49	Max, 150	IS:11255 (Pt-1) 1985 (RA-2014)

Note: Emission limit mentioned above as per The Environment Protection Rules, 1986.

D.O.R.: 07.07.2020
D.O.C.: 10.07.2020

Handwritten initials

Handwritten signature
AUTHORISED SIGNATORY
EMPLOYEE CODE: (6171)

GC-01(Rev-05)

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Tele No. 01664-256259

Annexure F

Regional Office

Haryana State Pollution Control Board,
SCF-32, Opp. Community Centre, Sector-13, HSVP, Bhiwani
Email-hspcbrojr@gmail.com



No. HSPCB/BHI/2020/20566
To

Dated: 12-2-20

M/s Balaji Rubber Industries,
Hansi Road, Village-Ikkas,
Jind

Annexure-R-2 (21)

Sub: Show cause notice for closure under section 33-A of the Water (Prevention & Control of Pollution) Act, 1974 and under section 31-A of the Air (Prevention & Control of Pollution) Act, 1981 and revocation of Consent to Operate.

Whereas your unit was inspected by undersigned and field officer on dated 29.01.2020 in reference to OA No.868/2019 titled as Shamsheer Singh vs State of Haryana.

Whereas sample of the final out of ETP said unit was collected and as per analysis report No.2087 dated 11.02.2020, the following parameter are found exceeding the prescribed limits:-

Sr. No.	Parameter Name	Result of Outlet of ETP(mg/l)	Prescribed Limit(mg/l)
1	Suspended Solids	117	100
2	BOD	40	30

Whereas sample of the air emission from stack to reactor said unit was collected and as per analysis report No.545 dated 06.02.2020 the following parameter are found exceeding the prescribed limits:-

Sr. No.	Parameter Name	Result air emission stack to reactor	Prescribed Limit (mg/m3)
1	SPM	247.8	150

Thus, your unit is wilfully & deliberately violating under section 33-A of Water Act, 1974 and under section 31-A of Air Act, 1981 and HOWM Rules, 2016.

In view of above, you are hereby issued a show cause notice for 03 days for the non-compliance under Water Act, 1974 and Air Act, 1981, HOWM Rules, 2016 as to why closure may not be issued against your unit. Failing which closure/legal action under Section 43/44, 33-A of the Water (Prevention & Control of Pollution) Act, 1974 under Section 37/38, 31-A of the Air (Prevention & Control of Pollution) Act, 1981 will be taken against your unit.

PRMS-10302

Regional Officer,
Bhiwani Region

Endst. No. HSPCB/BHI/2020/20567

Dated: 12-2-20

A copy of the above is forwarded to the Chairman, Head Office, Haryana State Pollution Control Board, C-11, Sector 6, Panchkula for information please.

Regional Officer,
Bhiwani Region

Handwritten initials

Annexure-R-3

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-4163-2021

Date of decision : 15.02.2022

M/s Balaji Rubber Industries

.....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Jitender Dhanda, Advocate,
for the petitioner.

Mr. Deepak Balyan, Addl. Advocate General, Haryana.

Mr. Ankur Mittal, Advocate,
Ms. Kushaldeep Kaur, Advocate, and
Ms. Vasundhara, Advocate,
for respondents No.2 and 3.

(The aforesaid presence is being recorded through video conferencing since
the proceedings are being conducted in virtual Court).

RAVI SHANKER JHA, CHIEF JUSTICE (Oral)

Learned counsel for the petitioner submits that during the pendency of this petition, policy on the basis of which the impugned order levying the environment compensation was passed has been modified. In such circumstances, the petitioner may be granted liberty to approach the authorities for re-determination of the environment compensation in accordance with the modified policy, after giving an opportunity of hearing to the petitioner.

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Learned counsel for respondents No.2 and 3 submits that he has no objection to the statement made by learned counsel for the petitioner. In case, the petitioner approaches the authorities and file an application for re-determination of environment compensation in accordance with the modified policy, the authorities would consider the same and decide it after giving an opportunity of hearing to the petitioner.

In view of the aforesaid statements made by learned counsel for the parties, which are taken on record, and in terms thereof, the petition stands disposed of.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

February 15, 2022
ndj

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No

TC

IN THE NATIONAL GREEN TRIBUNAL AT NEW DELHI

CIVIL/ APPELLATE/ORIGINAL JURISDICTION

Appeal No 34 No. of 2022 of 20

Haryana State Pollution Control Bd **Petitioner (s)**
Appellant (s)

VERSUS

M/s Balaji Rubber Industry **Respondent(s)**
Appellant (s)

VAKALATNAMA

I/We Subhash chander s/o Sh Jiwon Singh Dhull
R/o 484/8 Jind, sector 8, Haryana, Partner M/s Balaji
Rubber Industry, village, Sirka, Hansi Road, Jind
Petitioner(s)/ Respondent(s) in the above petition/Suit/Appeal/Reference do hereby appoint and retain Sh **I.K.KAPILA**, Advocate to act and appear for me/us in the above Suit/Appeal/Reference and on my/our behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same of any decree or order passed therein, including proceedings in taxation and application for Review, to file and obtain return of documents, and to deposit and receive money on my/our behalf in the said Suit/Appeal/Reference and in applications of Review, and to represent me/us and to take all necessary steps on my/our behalf in the above matter. I/We agree to ratify all acts done by the aforesaid Advocate in pursuance of this authority.

Dated this the 29th day of July 2022.

ACCEPTED

(I.K.KAPILA)

I.K.
E-13, Greater Kailash II
New Delhi-110024



Subash
Petitioner(s)/ Appellant(s)
/ Respondent(s)

