

Report on Environmental Compensation to be levied on M/s. Nix Polymers, Plot No. L-57, M.I.D.C. Kupwad Tal:Miraj Dist:Sangli, Maharashtra, in compliance with order dated 21/10/2021 of Hon'ble National Green Tribunal in the matter of Original Application No. 55/2021 (WZ).

1. Background

In the matter of Original Application No. 55/2021 (WZ), titled Tousif Bagnikar versus M/s. Nix Polymers & Ors. before the Hon'ble National Green Tribunal, the joint committee consisting officials from MPCB, Sub Divisional Magistrate, Miraj, MIDC & Sangli Miraj Kupwad Municipal Corporation inspected the said unit on 23/08/2021 in compliance with order dated 03/08/2021 of the Hon'ble Tribunal.

Considering the above non-compliances, MPCB issued closure directions to the unit on 27/09/2021 and directing MIDC, Sangli and Maharashtra State Electricity Distribution Company Ltd., Sangli, to disconnect water supply and electric supply respectively of the said unit.

The Hon'ble Tribunal directed vide order dated 21/10/2021 in the aforesaid matter that Maharashtra Pollution Control Board will assess and recover the environmental compensation, on account of the infraction pointed out in the said report and indicate the nature and type of industry.

This report is about calculation of environmental compensation applicable on the said unit from Shri N.S. Awatade, Sub Regional Officer, MPCB Sangli in compliance of the aforesaid order dated 21/10/2021 of the Hon'ble Tribunal.

2. Environmental Compensation

Environmental Compensation for illegal effluent discharge and without any treatment into the environment.

Methodology recommended in "Report of the CPCB In-house Committee on Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund" which has also been referred by the Hon'ble National Green Tribunal in its order (para 14 to 16) dated 28/8/2019 in the matter of Original Application No. 593/2017 titled Paryavaran Suraksha Samiti & Anr. Versus Union of India & Ors., may be used to calculate Environmental Compensation on the unit for illegal effluent discharge and without any treatment into the environment.

Taking into account that the unit were discharging effluent without obtaining the consent to operate in violation of provisions of the Water (Prevention & Control of Pollution) Act, 1974 and also not imparting any treatment to the effluent, the following formula, as referred in the aforesaid report of the CPCB In-house Committee, may be used for levying Environmental Compensation on the unit taking case (a) among the various cases of the said report:

$$\text{Environmental Compensation (EC) in Rupees} = \text{PI} \times \text{N} \times \text{R} \times \text{S} \times \text{LF}$$

Where,

A: The unit was under Red Category No. R-78 till 06/03/2016, (copy given at Annexure-IV)

PI = Pollution index of industrial sectors
The unit falls under Red category, hence **PI = 80**

N = Number of days violation took place
The first non-compliance is from the date of industry commencement i.e. 26/05/2015

Therefore, **N = 285 days.**

R is a factor in Rupees, which may be a minimum of 100 and maximum of 500. The aforesaid report also suggests considering R as 250, as the Environmental Compensation in cases of violation. Hence, **R = 250**

S = Factor for the scale of operation
The unit being small or micro unit, **S=0.5**

LF = Location factor
Since the population of Sangli Miraj Kupwad corporation is less than one Million,
LF = 1.0

Therefore, Environmental Compensation (EC) in Rupees
= 80 x 285 x 250 x 0.5 x 1.0
= Rs. 28,50,000 /- (Rupees Twenty-Eight Lakh Fifty Thousand only)

B. The unit falls under Orange category as O-75 per CPCB Directions dated 07/03/2016

PI = Pollution index of industrial sectors
The unit falls under Orange category, hence **PI = 50**

N = Number of days violation took place
The non-compliance date from CPCB Directions i.e 07/03/2016 till closure directions of industry i.e. 27/09/2021 Therefore, **N = 1969 days.**

R is a factor in Rupees, which may be a minimum of 100 and maximum of 500. The aforesaid report also suggests considering R as 250, as the Environmental Compensation in cases of violation. Hence, **R = 250**

S = Factor for the scale of operation
The unit being small or micro unit, **S=0.5**

LF = Location factor
Since the population of Sangli Miraj Kupwad corporation is less than one Million,
LF = 1.0

Therefore, Environmental Compensation (EC) in Rupees
= 50 x 1969 x 250 x 0.5 x 1.0
= Rs. 1,23,06,250 /- (Rupees One Crore Twenty-Three Lakh Six Thousand Two Hundred Fifty Only).

Therefore, total Environment compensation = A+B

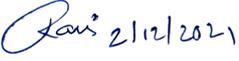
= Rs. 1,51,56,250/- (Rupees One Crore Fifty-One Lakh Fifty-Six Thousand Two Hundred Fifty Only)

3. Environmental Compensation for extraction of ground water:

As industry utilizing the water from MIDC water supply, environmental compensation for extracting ground water may not be applicable to the unit.

4. Conclusions

- (i) The environmental compensation applicable on the unit is:
Environmental Compensation for illegal effluent discharge and without any treatment into the environment is Rs. 1,51,56,250/- (Rupees One Crore Fifty-One Lakh Fifty-Six Thousand Two Hundred Fifty Only).
- (ii) Environmental compensation for extracting ground water may not be applicable to the unit.
- (iii) The total environmental compensation applicable on the unit is Rs. 1,51,56,250/- (Rupees One Crore Fifty-One Lakh Fifty-Six Thousand Two Hundred Fifty Only).

 21/12/2021

(Ravindra Andhale)
Regional Officer,
MPCB, Kolhapur.