

Action taken report by UPPCB in O.A. no. 220/2019 Adil Ansari vs. M/s C.L. Gupta Exports Pvt. Ltd. and Ors.

- Hon'ble NGT in O.A No. 220 of 2019 passed following order dated 04-12-2019.

"8. Learned Counsel for the unit states that Central Ground Water Authority (CGWA) had given a letter that the unit was compliant. We fail to understand how such a letter can be given and be of any help when the area is in 'over-exploited' category where ground water cannot be allowed to be extracted for commercial purposes as is being done and no such permission can be given in view of order of this Tribunal dated 10.10.2019 in Original Application No. 176/2015, Shailesh Singh v. Hotel Holiday Regency, Moradabad &Ors. as follows:

"6. Since the OCS areas have been found to be seriously affected by overdrawal of ground water, regulation of such drawal for commercial purposes cannot be dispensed with for any industry even in industrial area. Availability of water for drinking is a first priority. The 'Precautionary' principle, 'Sustainable Development' principle and the Intergenerational equity are part of life and in absence of replenishment of ground water, unregulated drawl thereof cannot be held to be right of any commercial entity. Shortage of availability of water for commercial purposes cannot be remedied by drawal of groundwater in over exploited, critically exploited and semi-critical exploited (OCS) areas. Water is certainly a scarce resource and the industry has to put up with such scarcity. It is for the industry and the concerned authorities to find out alternative ways and means for sustenance of the industries instead of permitting indiscriminate drawal of groundwater in such areas till situation improves. Alternative means may be shifting to areas where water is not scarce or to processes where water is not required. As already noted, groundwater is depleting in such areas and measures are required to check such depletion. If industries continue to draw ground water without NOC from CGWA as per current guidelines and orders of this Tribunal in OCS areas, the industries will have to face legal consequence of such illegal action."

9. In view of the above, let further follow up action be taken by the statutory regulators-CPCB, State PCB, CGWA and District Magistrate in accordance with the due process of law. Compliance report may be filed on or before 31.01.2020 by e-mail at judicial-ngt@gov.in."

- 1- That in compliance of the directions of Hon'ble Tribunal Central Pollution Control Board conducted a meeting of Joint Committee on 26-12-2019.
- 2- Central Pollution Control Board vide its letter dated 02-01-2020 issued the minutes of meeting dated 26-12-2019. Annexed as **Annexure No. 1**. Following recommendations were made in the minutes of meeting dated 26-12-2019 :

- a. The UPPCB shall issue directions following appropriate procedure within 30 days for closure of the manufacturing

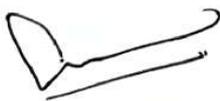


operations excluding Thermocol manufacturing section till installation and commissioning of adequate ETPs/STPs by the unit. The unit shall be directed to install and commission two stages (Physical primary treatment followed by secondary biological treatment of adequate capacity) ETPs and STPs to provide requisite treatment to effluent and ensure to meet the prescribed effluent discharge standards. The unit shall set the time bound Action plan approved by UPPCB.

- b. UPPCB shall also levy Environmental Compensation (Rs. 2,49,71,157/-) as calculated by the Joint committee in its inspection report dated 03-12-2019 accepted by the Hon'ble NGT vide order dated 04-12-2019.
- c. UPPCB shall also issue appropriate direction within 30 days for compliance of the recommendations of Joint Inspection report and file the Compliance Report to NGT and inform CPCB accordingly.

3- That in compliance of the orders passed by this Hon'ble Tribunal dated 04-12-2019 and recommendations made in the Minutes of meeting of Joint Committee dated 02-01-2020, U.P. Pollution Control Board has taken action against M/s C.L. Gupta Exports Ltd., 18 K.M. Delhi-Moradabad highway, N.H. 24, Village Jivai, Amroha, as detailed in following paragraphs:

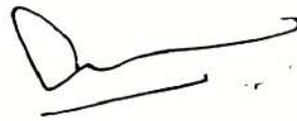
- U.P. Pollution Control Board issued Show Cause Notice under Section 33 A of Water (Prevention and Control of Pollution) Act, 1974 as amended for closure of the unit and also to impose Environmental Compensation of Rs. 1,08,60,000/- (Rs. One Crore Eight Lakh Sixty Thousand only) against M/s C.L. Gupta Exports Ltd., 18 K.M. Delhi-Moradabad highway, N.H. 24, Village Jivai, Amroha vide letter dated 29-01-2020 for discharging polluted effluent not-complying with the stipulated norms and having in adequate ETP/STP and also for violation of the condition of Consent to Operate. Letter dated 29-01-2020 is annexed as **Annexure No. 2**.
- U.P. Pollution Control Board issued notice dated 29-01-2020 for imposition of Environmental Compensation of Rs. 1,19,80,740/- (Rs. One Crore Nineteen Lakh Eighty Thousand Seven Hundred and Forty only) against M/s C.L. Gupta Exports Ltd., 18 K.M. Delhi-Moradabad highway, N.H. 24, Village Jivai, Amroha for illegal



extraction of Ground Water without the permission of CGWA. Letter dated 29-01-2020 is annexed as **Annexure No.3.**

- U.P. Pollution Control Board has issued Show Cause Notice under section 5 of Environment (Protection) Act, 1986 vide its letter dated 29-01-2020 against M/s C.L. Gupta Exports Ltd., 18 K.M. Delhi-Moradabad highway, N.H. 24, Village Jivai, Amroha for closure of the unit and imposition of Environmental Compensation of Rs. 2130417/- (Rs. Twenty One Lakh Thirty Thousand Four Hundred and Seventeen only) for not having authorization under the provision of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016. Letter dated 29-01-2020 is annexed as **Annexure No.4.**

That the unit M/s C.L. Gupta Exports Ltd., 18 K.M. Delhi-Moradabad highway, N.H. 24, Village Jivai, Amroha has submitted the reply of the above directions and Show Cause Notices issued by U.P. Pollution Control Board . The reply and compliance status of the unit are being examined by Board for passing of directions as per Rules.



Amit Chandra
Chief Environmental Officer
U.P. Pollution Control Board,
Lucknow



F. No. B-Others(N)/CPCB/2019-20

Date: 02.01.2020

OFFICE MEMORENDUM

Subject: Minutes of the meeting held on 26.12.2019 at CPCB, Delhi in the matter of Adil Ansari Vs. M/s. C.L.Gupta Exports Pvt. Ltd. & Ors. in O.A. No. 220/2019-reg.

A meeting was held at Central Pollution Control Board, Delhi with officials of UPPCB, CGWA and DM, Amroha to discuss the action taken status against the observations and suggestions made in the joint inspection report. CGWA officials could not attend the meeting and CPCB received a mail regarding the same. The minutes of the meeting is enclosed for kind information and necessary actions please.

Ansari
02/01/20
(Dr. A.K. Vidyarthi)
Additional Director & DH WQM-II

To;

1. **The Member Secretary, Uttar Pradesh Pollution Control Board**, Building No. TC-12V, Vibhuti Khand, Gomti Nagar, Lucknow-226010
2. **The Member Secretary, Central Ground Water Authority**, 18/11, Jamnagar House, Man Singh Road, New Delhi-110011.
3. **Regional Officer, Bijnor**, Uttar Pradesh Pollution Control Board, 108/11, Avas Vikas Colony, Bijnor, U.P.
4. **Shri M.K.Biswas, Sc. D**, Central Pollution Control Board, Delhi

For Information;

1. **PS to MS**, Central Pollution Control Board, Delhi

Ansari
02/01/20
(Dr. A.K. Vidyarthi)
Additional Director & DH WQM-II

Minutes of Meeting held with UPPCB, CGWA, District Magistrate, Amroha and CPCB on 26.12.2019 at CPCB, Delhi to discuss the Action to be taken in compliance to Hon'ble NGT order dated 04/12/2019 in the matter of Adil Ansari Vs M/s. C.L.Gupta Exports Pvt. Ltd. & Ors. in O.A. No. 220/2019

Hon'ble NGT in the matter of Adil Ansari Vs M/s. C.L.Gupta Exports Pvt. Ltd. & Ors. in O.A. No. 220/2019 vide its order dated 4th December, 2019 has considered the report dated 03.12.2019 filed by a Joint Committee of the CPCB, UPPCB and CGWA on the basis of the inspection carried out on 16th October, 2019.

Hon'ble NGT has directed that further follow up action be taken by the statutory regulators-CPCB, State PCB, CGWA and District Magistrate, Amroha in accordance with the due process of law, Compliance report may be filed on or before 31.01.2020 by email at judicial-ngt@gov.in.

To comply with the NGT order, a meeting of Joint Committee comprising of representatives of UPPCB, CGWA, District Magistrate, Amroha and CPCB was convened on 26.12.2019 at CPCB Delhi, to discuss follow up in view of the observations and recommendations made in the joint inspection report, so that the Compliance Report could be filed by 31.01.2020.

The list of participants is enclosed at Annexure 1.

Hon'ble NGT vide its order dated 4th December, 2019 has accepted the observation and recommendations made in the inspection report of the joint committee which was submitted to NGT on 03.12.2019.

Based on the Joint inspection report filed in NGT, the committee made following observations:

1. The unit has 04 nos. of manufacturing sections namely, Metal Art ware, Glass Art ware, Wood Art ware and Thermocol Block.
2. Wooden Art ware manufacturing section with 15 Ton/Month consented capacity has one Effluent Treatment Plant (ETP) of 25 KLPD capacity to treat the industrial effluent. However, the ETP is in-adequate as it does not have Primary Clarifier. Further, Aeration tank was also found un-stabilized during inspection. Also the treated effluent from ETP was found non-complying w.r.t the stipulated discharge standard of BOD and NH₃-N.
3. Glass Art ware manufacturing section with 150 Ton/Month consented capacity has one Effluent Treatment Plant (ETP) of 100 KLPD capacity and one Sewage Treatment Plant (STP) of 60 KLPD capacity to treat the industrial effluent and domestic effluent respectively. Both ETP as well as STP are in-adequate as both treatment plants do not have secondary biological treatment system which is required to provide requisite treatment to the effluent. The treated effluent of ETP was found non-complying w.r.t the stipulated discharge standard of NO₃-N Cr, Fe, Ni, Se and Zn. The treated effluent from STP was also found non-complying w.r.t the stipulated standard of pH, TSS and BOD.

4. Metal Art ware manufacturing section with 30 Ton/Month consented capacity has one Effluent Treatment Plant (ETP) of 175 KLPD capacity and one Sewage Treatment Plant (STP) of 60 KLPD capacity to treat the industrial effluent and domestic effluent respectively. Both ETP as well as STP are in-adequate as both treatment plant do not have requisite secondary biological treatment system. The treated effluent from STP was found non-complying w.r.t the stipulated standard of BOD and COD.
5. The unit has one Sewage Treatment Plant (STP) of 120 KLPD capacity at Residential colony to treat the domestic effluent. The STP is found in-adequate as it does not have requisite secondary biological treatment system. The treated effluent from STP was found non-complying w.r.t the stipulated standard of BOD.

The committee observed that, in absence of secondary biological treatment system/Primary Clarifier the installed ETPs/STPs are in-adequate and could not provide requisite treatment to the effluent/wastewater to meet the stipulated effluent discharge standards.

In absence of requisite treatment systems in ETPs/STPs, dilution of these ETPs/STPs through fresh water could not be ruled out. Based on the detailed deliberations held, the committee recommended the following;

- a. The UPPCB shall issue directions following appropriate procedure within 30 days for closure of the manufacturing operations excluding Thermocol manufacturing section till installation and commissioning of adequate ETPs/STPs by the unit. The unit shall be directed to install and commission two stages (Physical primary treatment followed by secondary biological treatment of adequate capacity) ETPs and STPs to provide requisite treatment to effluent and ensure to meet the prescribed effluent discharge standards. The unit shall set the time bound Action plan approved by UPPCB.
- b. UPPCB shall also levy Environmental Compensation (Rs. 2,49,71,157/-) as calculated by the Joint committee in its inspection report dated 03.12.2019 accepted by the Hon'ble NGT vide order dated 04.12.2019.
- c. UPPCB shall also issue appropriate direction within 30 days for compliance of the recommendations of Joint inspection report and file the Compliance Report to NGT and inform CPCB accordingly.

Amexare - I

Central Pollution Control Board (WQM-II)

Meeting of Joint Committee of CPCB, CGWA & District Magistrate, Amroha to discuss the Action to be taken in compliance to Hon'ble NGT order dated 04/12/2019 in the matter of Adil Ansari Vs M/s. C.L.Gupta Exports Pvt. Ltd. & Ors. in O.A. No. 220/2019

Date: 26.12.2019

Sr. No	Name of the officers	Organization	Designation	Email ID & Mobile No	Signature
1.	Sanjai Bansal	Dist. Administration Amroha	S.D.M.	9818771703	
2.	J. P. Mawya	U.P. Pollution Control Board, Bijnor	Regional Officer	regjpr@uppcb.com	
3.	A. R. Sharma	Asst. Env. Engnd U.P. PCB, Bijnor	Asst. Env. Engnd	do	
4.	A. K. Vidyankar	CPCB, Delhi	Add. Director	akvidyankar@gmail.com	
5.	M. K. Biswas	CPCB Delhi	SE	mkbiswas@gmail.com	
5.	S. P. Kishorewar	CPCB Delhi	SD	spkitt@gmail.com	
7.	C. B. Chourasia	CPCB Delhi	St. E	cbchourasia@cpcb@gmail.com	
8.	Shivangi Goswami	CPCB Delhi	RA - I	shivangi.goswami4413@gmail.com	
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CGWA could not attend the meeting. - Mail Received.

26/12/19
26/12/19
@kishorewar

H46982 / एी-२/जल-५८/मान.नो/2020

दिनांक-29-1-2020

सेवा में,

मै० सी०एल० गुप्ता एक्सपोर्ट प्रा० लि०,
18 कि०मी० दिल्ली मुरादाबाद हाइवे, एन०एच० 24, ग्राम जिवई,
अमरोहा।

विषय:-जल (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1974 की धारा-33ए के अन्तर्गत कारण बताओ नोटिस।

यह कि मै० सी०एल० गुप्ता एक्सपोर्ट प्रा० लि०, 18 कि०मी० दिल्ली मुरादाबाद हाइवे, एन०एच० 24, ग्राम जिवई, अमरोहा जो कि इलेक्ट्रोप्लेटिंग प्रक्रिया द्वारा फिनिश आर्टवेयर का उत्पादन कार्य करते हुए उपरोक्त वर्णित स्थल पर कार्यरत है, जल (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1974 की धारा-47 के अन्तर्गत एक कम्पनी है।

यह कि माननीय राष्ट्रीय हरित अधिकरण, नई दिल्ली, में विचाराधीन ओ०ए० सं०-220/2019 आदिल अंसारी बनाम मै० सी०एल० गुप्ता एक्सपोर्ट प्रा० लि० एण्ड अदर्स में पारित आदेश दिनांक 04.12.2019 के निम्न सुसंगत अंश निम्नवत् हैं -

"Learned Counsel for the unit states that Central Ground Water Authority (CGWA) had given a letter that the unit was compliant. We fail to understand how such a letter can be given and be of any help when the area is in 'over-exploited' category where ground water cannot be allowed to be extracted for commercial purposes as is being done and no such permission can be given in view of order of this Tribunal dated 10.10.2019 in *Original Application No. 176/2015, Shailesh Singh v. Hotel Holiday Regency, Moradabad & Ors.* as follows:

"6. Since the OCS areas have been found to be seriously affected by overdrawal of ground water, regulation of such drawal for commercial purposes cannot be dispensed with for any industry even in industrial area. Availability of water for drinking is a first priority. The 'Precautionary' principle, 'Sustainable Development' principle and the Intergenerational equity are part of life and in absence of replenishment of ground water, unregulated drawl thereof cannot be held to be right of any commercial entity. Shortage of availability of water for commercial purposes cannot be remedied by drawal of groundwater in over exploited, critically exploited and semi-critical exploited (OCS) areas. Water is certainly a scarce resource and the industry has to put up with such scarcity. It is for the industry and the concerned authorities to find out alternative ways and means for sustenance of the industries instead of permitting indiscriminate drawal of groundwater in such areas till situation improves. Alternative means may be shifting to areas where water is not scarce or to processes where water is not required. As already noted, groundwater is depleting in such areas and measures are required to check such depletion. If industries continue to draw ground water without NOC from CGWA as per current guidelines and orders of this Tribunal in OCS areas, the industries will have to face legal consequence of such illegal action."

In view of the above, let further follow up action be taken by the statutory regulators- CPCB, State PCB, CGWA and District Magistrate in accordance with the due process of law. Compliance report may be filed on or before 31.01.2020 by e-mail at judicial-ngt@gov.in.

A copy of this order be sent to CPCB, SPCB, CGWA and District Magistrate, Amroha for compliance.

यह कि मा० अधिकरण के उक्त आदेश के अनुक्रम में केन्द्रीय प्रदूषण नियंत्रण बोर्ड दिल्ली में दिनांक 26.12.2019 को संयुक्त समिति की बैठक आहूत की गयी जिसका कार्यवृत्त केन्द्रीय प्रदूषण नियंत्रण बोर्ड के पत्रांक-B-Others(N)/CPCB/2019-20 दिनांक 02.01.2020 को

बोर्ड प्राप्त हुआ है। संयुक्त समिति द्वारा बैठक के उपरान्त कार्यवृत्त में निम्नलिखित तथ्यों व संस्करणों का उल्लेख किया गया है-

The committee observed that, in absence of secondary biological treatment system/Primary Clarifier the installed ETPs are in-adequate and could not provide requisite treatment to the effluent/wastewater to meet the stipulated effluent discharge standards.

In absence of requisite treatment systems in ETPs/STPs, dilution of these ETPs/STPs through fresh water could not be ruled out. Based on the detailed deliberations held, the committee recommended the following:

The committee observed that, in absence of secondary biological treatment system/Primary Clarifier the installed ETPs are in-adequate and could not provide requisite treatment to the effluent/wastewater to meet the stipulated effluent discharge standards.

In absence of requisite treatment systems in ETPs/STPs, dilution of these ETPs/STPs through fresh water could not be ruled out. Based on the detailed deliberations held, the committee recommended the following:

- g. The UPPCB shall issue direction following appropriate procedure within 30 days for closure of the manufacturing operations excluding Thermocol manufacturing section till installation and commissioning of adequate ETPs/STPs by the unit. The unit shall be directed to install and commission stages (Physical primary treatment followed by secondary biological treatment of adequate capacity) ETPs and STPs to provide requisite treatment to effluent and ensure to meet the prescribed effluent discharge standards. The unit shall set the time bound Action plan approved by UPPCB.
- h. UPPCB shall also levy Environmental Compensation (Rs. 2,49,71,157/-) as calculated by the Joint Committee in its inspection report dated 03-12-2019 accepted by the Hon ble NGT vide order dated 04-12-2019.
- i. UPPCB shall also issue appropriate direction within 30 days for compliance of the recommendations of Joint inspection report and file the Compliance Report of NGT and inform CPCB accordingly.

यह कि मा0 अधिकरण के निर्देशानुसार केन्द्रीय प्रदूषण नियंत्रण बोर्ड, केन्द्रीय मूलत प्राधिकरण बोर्ड तथा उ0प्र0 प्रदूषण नियंत्रण बोर्ड की संयुक्त समिति द्वारा किये गये निरीक्षण दिनांक 16.10.2019 की निरीक्षण आख्या में उद्योग द्वारा किये गये उल्लंघन के दृष्टिगत उद्योग पर पर्यावरणीय क्षतिपूर्ति अविशेषित किये जाने का विवरण निम्नवत् है-

उल्लंघन	पर्यावरणीय क्षतिपूर्ति धनराशि
अवैध भूजल दोहन (अवधि 01.10.2017 से 16.10.2019 तक)	रु 1,19,80,740 /-
उत्पवाह निस्सारण मानकों के अनुरूप नहीं किया जाना/अपर्याप्त उत्पवाह शुद्धिकरण संयंत्र/सहमति शर्तों के उल्लंघन में शून्य उत्पवाह निस्सारण नहीं किया जाना।	रु 1,08,60,000 /-
पारसंकटमय अपशिष्ट नियम, 2016 का उल्लंघन	रु 21,30,417 /-
कुल योग	रु 2,49,71,157 /-

अतः उपरोक्त को दृष्टिगत रखते हुए उद्योग में 0 सी0एल0 गुणा एकसपोर्ट प्रा0 लि0, 18 कि0मी0 दिल्ली मुरादाबाद हाइवे, एन0एच0 24, ग्राम जिवई, अमरोहा द्वारा उत्पवाह निस्सारण मानकों के अनुरूप नहीं किये जाने/अपर्याप्त उत्पवाह शुद्धिकरण संयंत्र की स्थापना/सहमति शर्तों के उल्लंघन में शून्य उत्पवाह निस्सारण सुनिश्चित नहीं किये जाने के दृष्टिगत सक्षम अधिकारी के अनुमोदनोपरान्त जल

(3)

अधिनियम, 1974 की धारा-33ए के अन्तर्गत निम्नानुसार कारण बताओ नोटिस जारी किये जाते हैं :-

1. यह कि क्यों न उद्योग में 0 सी0एल0 गुप्ता एक्सपोर्ट प्रा0 लि0, अमरोहा के विरुद्ध बन्दी आदेश जारी कर दिया जाये।
2. यह कि क्यों न उद्योग में 0 सी0एल0 गुप्ता एक्सपोर्ट प्रा0 लि0, अमरोहा के विरुद्ध उत्पन्नवाह निस्सारण भानकों के अनुरूप नहीं किये जाने/अपर्याप्त उत्पन्नवाह शुद्धिकरण संयंत्र की स्थापना/सहमति शर्तों के उल्लंघन में शून्य उत्पन्नवाह निस्सारण सुनिश्चित नहीं किये जाने के दृष्टिगत रू 1,08,60,000/- की पर्यावरणीय क्षतिपूर्ति अधिसूचित कर दी जाए।

उपरोक्त के संबंध में स्पष्टीकरण पत्र प्राप्ति के 15 दिन में प्रस्तुत करें। संतोषजनक उत्तर निर्धारित समयावधि में प्राप्त न होने की दशा में उपरोक्त वर्णित आदेश/निर्देश की पुष्टि कर दी जाएगी, जिसका सम्पूर्ण उत्तरदायित्व स्वयं उद्योग का होगा।

मुख्य पर्यावरण अधिकारी वृत्त-7

प्रतिलिपि: निम्नलिखित को सूचनाार्थ एवं आवश्यक कार्यावाही हेतु प्रेषित।

1. जिलाधिकारी, अमरोहा।
2. क्षेत्रीय अधिकारी, उ0प्र0 प्रदूषण नियंत्रण बोर्ड, बिजनौर को इस निर्देश के साथ प्रेषित कि में 0 सी0एल0 गुप्ता एक्सपोर्ट प्रा0 लि0, अमरोहा के विरुद्ध जारी कारण बताओ नोटिस की प्रति उद्योग को प्राप्त कराते हुए सतत निरीक्षणों के क्रम में अद्यतन निरीक्षण करते हुए आख्या स्पष्ट संस्तुति सहित 15 दिन के अन्दर बोर्ड मुख्यालय प्रेषित करना सुनिश्चित करें।

मुख्य पर्यावरण अधिकारी वृत्त-7

o l c i c b

H46981/सी-7/अल-58/नोटिस/2020

दिनांक - 29-1-2020

सेवा में,

मै० सी०एल० गुप्ता एक्सपोर्ट प्रा० लि०,
18 कि०मी० दिल्ली मुरादाबाद हाइवे, एन०एच० 24, ग्राम जिवई,
अमरोहा।

विषय:—अवैध भूजल दोहन किये जाने के दृष्टिगत पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने हेतु नोटिस।

यह कि मै० सी०एल० गुप्ता एक्सपोर्ट प्रा० लि०, 18 कि०मी० दिल्ली मुरादाबाद हाइवे, एन०एच० 24, ग्राम जिवई, अमरोहा जो कि इलेक्ट्रोप्लेटिंग प्रक्रिया द्वारा फिनिश आर्टवेयर का उत्पादन कार्य करते हुए उपरोक्त वर्णित स्थल पर कार्यरत है, जल (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1974 की धारा-47 के अन्तर्गत एक कम्पनी है।

यह कि माननीय राष्ट्रीय हरित अधिकरण, नई दिल्ली, में विचाराधीन ओ०ए० सं०-220/2019 आदिल अंसारी बनाम मै० सी०एल० गुप्ता एक्सपोर्ट प्रा० लि० एण्ड अदर्स में पारित आदेश दिनांक 04.12.2019 के निम्न सुसंगत अंश निम्नवत् हैं -

"Learned Counsel for the unit states that Central Ground Water Authority (CGWA) had given a letter that the unit was compliant. We fail to understand how such a letter can be given and be of any help when the area is in 'over-exploited' category where ground water cannot be allowed to be extracted for commercial purposes as is being done and no such permission can be given in view of order of this Tribunal dated 10.10.2019 in *Original Application No. 176/2015, Shailesh Singh v. Hotel Holiday Regency, Moradabad & Ors.* as follows:

"6. Since the OCS areas have been found to be seriously affected by overdrawal of ground water, regulation of such drawal for commercial purposes cannot be dispensed with for any industry even in industrial area. Availability of water for drinking is a first priority. The 'Precautionary' principle, 'Sustainable Development' principle and the Intergenerational equity are part of life and in absence of replenishment of ground water, unregulated drawl thereof cannot be held to be right of any commercial entity. Shortage of availability of water for commercial purposes cannot be remedied by drawal of groundwater in over exploited, critically exploited and semi-critical exploited (OCS) areas. Water is certainly a scarce resource and the industry has to put up with such scarcity. It is for the industry and the concerned authorities to find out alternative ways and means for sustenance of the industries instead of permitting indiscriminate drawal of groundwater in such areas till situation improves. Alternative means may be shifting to areas where water is not scarce or to processes where water is not required. As already noted, groundwater is depleting in such areas and measures are required to check such depletion. If industries continue to draw ground water without NOC from CGWA as per current guidelines and orders of this Tribunal in OCS areas, the industries will have to face legal consequence of such illegal action."

In view of the above, let further follow up action be taken by the statutory regulators- CPCB, State PCB, CGWA and District Magistrate in accordance with the due process of law. Compliance report may be filed on or before 31.01.2020 by e-mail at judicial-ngt@gov.in.

A copy of this order be sent to CPCB, SPCB, CGWA and District Magistrate, Amroha for compliance.

यह कि मा० अधिकरण के उक्त आदेश के अनुक्रम में केन्द्रीय प्रदूषण नियंत्रण बोर्ड दिल्ली में दिनांक 26.12.2019 को संयुक्त समिति की बैठक आहूत की गयी जिसका कार्यवृत्त केन्द्रीय प्रदूषण नियंत्रण बोर्ड के पत्रांक-B-Others(N)/CPCB/2019-20 दिनांक 02.01.2020 को

(2)

बोर्ड प्राप्त हुआ है। संयुक्त समिति द्वारा बैठक के उपरान्त कार्यवृत्त में निम्नलिखित तथ्यों व संस्कारियों का उल्लेख किया गया है-

The committee observed that, in absence of secondary biological treatment system/Primary Clarifier the installed ETPs are in-adequate and could not provide requisite treatment to the effluent/wastewater to meet the stipulated effluent discharge standards.

In absence of requisite treatment systems in ETPs/STPs, dilution of these ETPs/STPs through fresh water could not be ruled out. Based on the detailed deliberations held, the committee recommended the following:

The committee observed that, in absence of secondary biological treatment system/Primary Clarifier the installed ETPs are in-adequate and could not provide requisite treatment to the effluent/wastewater to meet the stipulated effluent discharge standards.

In absence of requisite treatment systems in ETPs/STPs, dilution of these ETPs/STPs through fresh water could not be ruled out. Based on the detailed deliberations held, the committee recommended the following:

- The UPPCB shall issue direction following appropriate procedure within 30 days for closure of the manufacturing operations excluding Thermocol manufacturing section till installation and commissioning of adequate ETPs/STPs by the unit. The unit shall be directed to install treatment of adequate capacity) ETPs and STPs to provide requisite treatment to effluent and ensure to meet the prescribed effluent discharge standards. The unit shall set the time bound Action plan approved by UPPCB.
- UPPCB shall also levy Environmental Compensation (Rs. 2,49,71,157/-) as calculated by the Joint Committee in its inspection report dated 03-12-2019 accepted by the Hon'ble NGT vide order dated 04-12-2019.
- UPPCB shall also issue appropriate direction within 30 days for compliance of the recommendations of Joint inspection report and file the Compliance Report of NGT and inform CPCB accordingly.

यह कि मा0 अधिकरण के निर्देशानुसार केन्द्रीय प्रदूषण नियंत्रण बोर्ड, केन्द्रीय भूजल प्राधिकरण बोर्ड तथा उ0प्र0 प्रदूषण नियंत्रण बोर्ड की संयुक्त समिति द्वारा किये गये निरीक्षण दिनांक 16.10.2019 की निरीक्षण आख्या में उद्योग द्वारा किये गये उल्लंघन के दृष्टिगत उद्योग पर पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने का विवरण निम्नवत् है-

उल्लंघन	पर्यावरणीय क्षतिपूर्ति धनराशि
अवैध भूजल दोहन (अवधि 01.10.2017 से 16.10.2019 तक)	रु 1,19,80,740 /-
उत्पवाह निस्सारण मानकों के अनुरूप नहीं किया जाना/अपर्याप्त उत्पवाह शुद्धिकरण संयंत्र/सहमति शर्तों के उल्लंघन में शून्य उत्पवाह निस्सारण नहीं किया जाना।	रु 1,08,60,000 /-
परिसंकटमय अपशिष्ट नियम, 2016 का उल्लंघन	रु 21,30,417 /-
कुल योग	रु 2,49,71,157 /-

अतः उपरोक्त को दृष्टिगत रखते हुए उद्योग में 0 सी0एल0 गुप्ता एक्सपोर्ट प्रा0 लि0, 18 कि0मी0 दिल्ली मुरादाबाद हाइवे, एन0एच0 24, ग्राम जिबई, अमरोहा द्वारा अवैध भूजल दोहन किये

(3)

जाने के दृष्टिगत सक्षम अधिकाारी के अनुमोदनोपरान्त निम्न निर्देश जारी किये जाते हैं :-

“ यह कि क्यों न उद्योग में 0 सी0एल0 गुप्ता एक्सपोर्ट प्रा0 लि0, अमरोहा के विरुद्ध अवैध भूजल दोहन किये जाने के दृष्टिगत रू रू 1.19.80,740/-की पर्यावरणीय क्षतिपूर्ति अधिसूचित कर दी जाए। ”

उपरोक्त के संबंध में स्पष्टीकरण पत्र प्राप्ति के 15 दिन में प्रस्तुत करें। संतोषजनक उत्तर निर्धारित समयावधि में प्राप्त न होने की दशा में उपरोक्त वर्णित आदेश/निर्देश की पुष्टि कर दी जाएगी, जिसका सम्पूर्ण उत्तरदायित्व स्वयं उद्योग का होगा।

मुख्य पर्यावरण अधिकाारी वृत्त-7

प्रतिलिपि: निम्नलिखित को सूचनाार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

1. जिलाधिकारी, अमरोहा।
2. क्षेत्रीय अधिकाारी, उ0प्र0 प्रदूषण नियंत्रण बोर्ड, बिजनौर को इस निर्देश के साथ प्रेषित कि में 0 सी0एल0 गुप्ता एक्सपोर्ट प्रा0 लि0, अमरोहा के विरुद्ध जारी निर्देश की प्रति उद्योग को प्राप्त कराते हुए सतत् निरीक्षणों के कम में अद्यतन निरीक्षण कराते हुए आख्या स्पष्ट संस्तुति सहित 15 दिन के अन्दर बोर्ड मुख्यालय प्रेषित करना सुनिश्चित करें।

मुख्य पर्यावरण अधिकाारी वृत्त-7

ok G.C.H.

146983/एन-7/जल-58/राज.गो/2020

दिनांक-29-1-2020

सेवा में,

मै0 सी0एल0 गुप्ता एक्सपोर्ट प्रा0 लि0,
18 कि0मी0 दिल्ली मुरादाबाद हाइवे, एन0एच0 24, ग्राम जिवई,
अमरोहा।

विषय:-परिसंकटमय और अन्य अपशिष्ट (प्रबन्धन और सीमापारीय संचालन) नियम, 2016 के उल्लंघन के दृष्टिगत पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा-5 के अन्तर्गत कारण बताओ नोटिस।

यह कि मै0 सी0एल0 गुप्ता एक्सपोर्ट प्रा0 लि0, 18 कि0मी0 दिल्ली मुरादाबाद हाइवे, एन0एच0 24, ग्राम जिवई, अमरोहा जो कि इलेक्ट्रोप्लेटिंग प्रक्रिया द्वारा फिनिश आर्टवेयर का उत्पादन कार्य करते हुए उपरोक्त वर्णित स्थल पर कार्यरत है, जल (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1974 की धारा-47 के अन्तर्गत एक कम्पनी है।

यह कि माननीय राष्ट्रीय हरित अधिकरण, नई दिल्ली, में विचाराधीन ओ0ए0 सं0-220/2019 आदिल अंसारी बनाम मै0 सी0एल0 गुप्ता एक्सपोर्ट प्रा0 लि0 एण्ड अदर्स में पारित आदेश दिनांक 04.12.2019 के निम्न सुसंगत अंश निम्नवत् हैं -

"Learned Counsel for the unit states that Central Ground Water Authority (CGWA) had given a letter that the unit was compliant. We fail to understand how such a letter can be given and be of any help when the area is in 'over-exploited' category where ground water cannot be allowed to be extracted for commercial purposes as is being done and no such permission can be given in view of order of this Tribunal dated 10.10.2019 in Original Application No. 176/2015, Shailesh Singh v. Hotel Holiday Regency, Moradabad & Ors. as follows:

"6. Since the OCS areas have been found to be seriously affected by overdrawal of ground water, regulation of such drawal for commercial purposes cannot be dispensed with for any industry even in industrial area. Availability of water for drinking is a first priority. The 'Precautionary' principle, 'Sustainable Development' principle and the Intergenerational equity are part of life and in absence of replenishment of ground water, unregulated drawl thereof cannot be held to be right of any commercial entity. Shortage of availability of water for commercial purposes cannot be remedied by drawal of groundwater in over exploited, critically exploited and semi-critical exploited (OCS) areas. Water is certainly a scarce resource and the industry has to put up with such scarcity. It is for the industry and the concerned authorities to find out alternative ways and means for sustenance of the industries instead of permitting indiscriminate drawal of groundwater in such areas till situation improves. Alternative means may be shifting to areas where water is not scarce or to processes where water is not required. As already noted, groundwater is depleting in such areas and measures are required to check such depletion. If industries continue to draw ground water without NOC from CGWA as per current guidelines and orders of this Tribunal in OCS areas, the industries will have to face legal consequence of such illegal action."

In view of the above, let further follow up action be taken by the statutory regulators-CPCB, State PCB, CGWA and District Magistrate in accordance with the due process of law. Compliance report may be filed on or before 31.01.2020 by e-mail at judicial-ngt@gov.in.

A copy of this order be sent to CPCB, SPCB, CGWA and District Magistrate, Amroha for compliance.

यह कि मा0 अधिकरण के उक्त आदेश के अनुक्रम में केन्द्रीय प्रदूषण नियंत्रण बोर्ड दिल्ली में दिनांक 26.12.2019 को संयुक्त समिति की बैठक आहूत की गयी जिसका कार्यवृत्त केन्द्रीय प्रदूषण नियंत्रण बोर्ड के पत्रांक-B-Others(N)/CPCB/2019-20 दिनांक 02.01.2020 को

(2)

बोर्ड प्राप्त हुआ है। संयुक्त समिति द्वारा बैठक के उपरान्त कार्यवृत्त में निम्नलिखित तथ्यों व संस्कारियों का उल्लेख किया गया है-

The committee observed that, in absence of secondary biological treatment system/Primary Clarifier the installed ETPs are in-adequate and could not provide requisite treatment to the effluent/wastewater to meet the stipulated effluent discharge standards. In absence of requisite treatment systems in ETPs/STPs, dilution of these ETPs/STPs through fresh water could not be ruled out. Based on the detailed deliberations held, the committee recommended the following:

The committee observed that, in absence of secondary biological treatment system/Primary Clarifier the installed ETPs are in-adequate and could not provide requisite treatment to the effluent/wastewater to meet the stipulated effluent discharge standards.

In absence of requisite treatment systems in ETPs/STPs, dilution of these ETPs/STPs through fresh water could not be ruled out. Based on the detailed deliberations held, the committee recommended the following:

- d. The UPPCB shall issue direction following appropriate procedure within 30 days for closure of the manufacturing operations excluding Thermocol manufacturing section till installation and commissioning of adequate ETPs/STPs by the unit. The unit shall be directed to install and commission stages (Physical primary treatment followed by secondary biological treatment of adequate capacity) ETPs and STPs to provide requisite treatment to effluent and ensure to meet the prescribed effluent discharge standards. The unit shall set the time bound Action plan approved by UPPCB.
- e. UPPCB shall also levy Environmental Compensation (Rs. 2,49,71,157/-) as calculated by the Joint Committee in its inspection report dated 03-12-2019 accepted by the Hon ble NGT vide order dated 04-12-2019.
- f. UPPCB shall also issue appropriate direction within 30 days for compliance of the recommendations of Joint inspection report and file the Compliance Report of NGT and inform CPCB accordingly.

यह कि मा0 अधिकरण के निर्देशानुसार केन्द्रीय प्रदूषण नियंत्रण बोर्ड, केन्द्रीय भूजल प्राधिकरण बोर्ड तथा उ0प्र0 प्रदूषण नियंत्रण बोर्ड की संयुक्त समिति द्वारा किये गये निरीक्षण दिनांक 16.10.2019 की निरीक्षण आख्या में उद्योग द्वारा किये गये उल्लंघन के दृष्टिगत उद्योग पर पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने का विवरण निम्नवत् है-

उल्लंघन	पर्यावरणीय क्षतिपूर्ति धनराशि
अवैध भूजल दोहन (अवधि 01.10.2017 से 16.10.2019 तक)	₹ 1,19,80,740 /-
उत्सवाह निस्सारण मानकों के अनुरूप नहीं किया जाना /अपर्याप्त उत्सवाह शुद्धिकरण संयंत्र /सहमति शर्तों के उल्लंघन में शून्य उत्सवाह निस्सारण नहीं किया जाना।	₹ 1,08,60,000 /-
परिसंकटमय अपशिष्ट नियम, 2016 का उल्लंघन	₹ 21,30,417 /-
कुल योग	₹ 2,49,71,157 /-

अतः उपरोक्त को दृष्टिगत रखते हुए उद्योग में 0 सी0एल0 गुत्ता एक्सपोर्ट प्रा0 लि0, 18 कि0मी0 दिल्ली मुरादाबाद हाइवे, एन0एच0 24, ग्राम जिबई, अमरोहा द्वारा परिसंकटमय और अन्य

(3)

अपशिष्ट (प्रबन्धन और सीमापारीय संचालन) नियम, 2016 के उल्लंघन के दृष्टिगत पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा-5 के अन्तर्गत निम्नानुसार कारण बताओ नोटिस जारी किये जाते हैं :-

1. यह कि क्यों न उद्योग मै0 सी0एल0 गुणा एक्सपोर्ट प्रा0 लि0, अमरोहा के विरुद्ध बन्दी आदेश जारी कर दिया जाये।
2. यह कि क्यों न उद्योग मै0 सी0एल0 गुणा एक्सपोर्ट प्रा0 लि0, अमरोहा के विरुद्ध परिसंकटमय अपशिष्ट नियम, 2016 के उल्लंघन के दृष्टिगत रू 21,30,417/-की पर्यावरणीय क्षतिपूर्ति अधिरोधित कर दी जाए।

उपरोक्त के संबंध में स्पष्टीकरण पत्र प्रादि के 15 दिन में प्रस्तुत करें। संतोषजनक उत्तर निर्धारित समयावधि में प्राप्त न होने की दशा में उपरोक्त वर्णित आदेश/निर्देश की पुष्टि कर दी जाएगी, जिसका सम्पूर्ण उत्तरदायित्व स्वयं उद्योग का होगा।


(आशीष तिवारी)
सदस्य सचिव

प्रतिलिपि: निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

1. जिलाधिकारी, अमरोहा।
2. क्षेत्रीय अधिकारी, उ0प्र0 प्रदूषण नियंत्रण बोर्ड, बिजनौर को इस निर्देश के साथ प्रेषित कि मै0 सी0एल0 गुणा एक्सपोर्ट प्रा0 लि0, अमरोहा के विरुद्ध जारी कारण बताओ नोटिस की प्रति उद्योग को प्राप्त कराते हुए सतत निरीक्षणों के कम में अद्यतन निरीक्षण करते हुए आख्या स्पष्ट संस्तुति सहित 15 दिन के अन्दर बोर्ड मुख्यालय प्रेषित करना सुनिश्चित करें।


सदस्य सचिव


a/c