

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

ORIGINAL APPLICATION NO. 562/2019

Residents of Gram Panchayat Atun, Bhilwara

Applicant

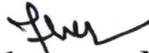
Versus

State of Rajasthan

Respondent

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(Mahaveer Mehta)
Regional Officer, RSPCB,

Bhilwara
Regional Officer
Rajasthan State Pollution Control Board
Bhilwara (Raj.)

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

01

ORIGINAL APPLICATION NO. 562/2019

Residents of Gram Panchayat Atun, Bhilwara

Applicant

Versus

State of Rajasthan

Respondent

COMPLIANCE REPORT OF THE HON'BLE TRIBUNAL
ORDER DATED 05.08.2019, ON BEHALF OF
RAJASTHAN STATE POLLUTION CONTROL BOARD.

I, Mahaveer Mehta S/o Late Shri S. S. Mehta, aged about 56 years, at present working as Regional Officer, Rajasthan State Pollution Control Board, Bhilwara (Raj.) do, hereby submits the compliance report as follows:-

- 1) That the Hon'ble Tribunal by order dated 05.08.2019 directed inter-alia as follows:-

"Grievance in this letter, which has been treated as an application is against illegal operation of Washwell Bio-diesel Plant, Chittor Road, Village Atun, District Bhilwada, Rajasthan without NoC causing pollution affecting the inhabitants of the area.

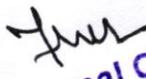
Let the Rajasthan State Pollution Control Board (RSPCB) look into the matter, take appropriate action in accordance with law and furnish a factual and action taken report in the matter within one month by e-mail at judicial-ngt@gov.in."

Yona
Regional Officer
Rajasthan State Pollution Control Board
Bhilwara (Raj.)

- 2) That the disputed industry i.e. M/s Devilal Kutir Soap (Brand Name- Washwell Bio-Diesel), Pragati Path, Opposite Old Octroi, Near Sangam House, Chittor Road, Tehsil & District-Bhilwara had obtained consent to operate under section 25/26 of water (Prevention and Control of Pollution) Act, 1974 and under section 21(4) of the Air (Prevention and Control of Pollution) Act, 1981 for products-(i) Refinery Oil- 300.00 MT/Month and (ii) Soap- 10. 00 MTPD vide letter no. RPCB/RO/BHL/D-15/5729 Dt. 30.12.2004. The photo copy of consent order dated 30.12.2004 is annexed herewith and marked as **Annexure-1**.

It is submitted that the industry has applied for Consent to Operate (Fresh) under Water Act, 1974 & Air Act, 1981 for products- (i) Bio-Fuel- 3 Lac litres/ day and (ii) Soap -40.0 Ton/day vide application no. 195656 dated 03.10.2017 and the same was refused vide letter no. 896-897 dated 15.06.2018 due to non-compliance found during inspection dated 03.04.2018 and 07.06.2018. The photo copy of inspection reports dated 03.04.2018 & 07.06.2018 and consent refusal order dated 15.06.2018 are annexed herewith and marked as **Annexure-2(Coll.)**.

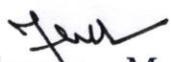
- 3) That on the basis of complaint dated 01.05.2019 filed by the resident of village Panchayat Atun. The officials of the State Board have inspected the disputed unit on 02.05.2019, during the course of inspection the unit was found non-operational, however, various other deficiencies were observed. The photo copy of the inspection report dated 02.05.2019 is annexed herewith and marked as **Annexure-3**. On the basis of inspection report dated 02.05.2019, the State Board has issued show cause notice dated 09.07.2019 to the disputed unit for intended refusal of the consent to operate application dated 31.07.2018. The photo copy of the show cause notice dated 09.07.2019 is annexed herewith and marked as **Annexure-4**.


Regional Officer
Rajasthan State Pollution Control Board
Bhilwara (Raj.)

- 4) That in compliance of the directions passed by this Hon'ble Tribunal and to verify the reply to show cause notice dated 09.07.2019, the officials of the State Board have inspected the disputed unit and nearby villages on 09.12.2019. During the course of inspection the unit was found non-operational, however, various other deficiencies were observed. The photo copy of the inspection report dated 09.12.2019 alongwith show cause notice reply verification is annexed herewith and marked as **Annexure-5 (Coll.)**.

On the basis of inspection/verification report dated 09.12.2019, the State Board has refused the pending consent to operate application of the disputed unit vide refusal letter dated 08.01.2020 and also issued closure direction dated 08.01.2020. The photo copy of the refusal letter dated 08.01.2020 and closure directions dated 08.01.2020 are annexed herewith and marked as **Annexure-6 (Coll.)**.

- 5) That in the light of submissions made herein above, it is requested that the compliance report may kindly be taken on record and the original application may kindly disposed of with respect to the State Board.


(Mahaveer Mehta)

Regional Officer, RSPCB,

Bhilwara
Regional Officer
Rajasthan State Pollution Control Board
Bhilwara (Raj.)

M/s Devi Lal Kutir Soap, Village- Atun, Chittor Road, Bhiwara



Phone: 41159

REGIONAL OFFICE

क्षेत्रीय कार्यालय

RAJASTHAN STATE POLLUTION CONTROL BOARD

राजस्थान राज्य प्रदूषण नियंत्रण मण्डल

1-B-8, Chandra Shekhar Azad Nagar, Chittor Road, Bhiwara
1.बी.8. चन्द्रशेखर आजाद नगर, चित्तौड़ रोड, भीलवाड़ा

NO: RPCB/RO BHL/D-15/ 5729/

DATE: 30 DEC 2004

M/s Devi Lal Kutir Soap

Village- Atun, Chittor Road,
Bhiwara

Sub : Grant of Consent to Operate under section 25/26 of Water (Prevention and Control of Pollution) Act, 1974 and under section 21(4) of the Air (Prevention and Control of Pollution) Act, 1981.

Ref: Your Consent application for Consent to Operate under Air Act' 1981 & Water Act' 1974 dated NIL received in this office on dated 07.07.2004.

With reference to above, it is inform that the unit falls under "Orange Category" as identified by the Rajasthan Pollution Control Board and in view of the proposals/scheme submitted by the industry for pollution control measures for the purpose of water pollution control, air pollution control and the implementation of proposed pollution control measure/scheme, Consent to Operate is being issued under section 25/26 of Water (Prevention & Control of Pollution) Act, 1974 and under section 21 of Air (Prevention & Control of Pollution) Act, 1981 & E.P. Act, 1986 and without reducing the industry's responsibility under the aforesaid Acts for control of pollution with following condition-

1. that this Consent to operate is being granted in favor of M/s Devi Lal Kutir Soap for their Refinery Oil unit & Soap manufacturing project in the existing premises located on **Chittor Road village - Atun** on converted Land.
2. that this Consent to Operate is valid from **01.05.2004** to **30.04.2009** (Five Years).

<u>Sr. No.</u>	<u>Product and by-Product</u>	<u>Production Capacity (per Annum)</u>
1	Refinery oil	300.0 MT/Month
2	Soap	10.0 MTPD

The total project cost shall not exceed to Rs 45.36/- lacs and accordingly industry has deposited Consent to Operate fee of Rs 17500/- under Water Act'1974 and Rs 17500/- under Air Act' 1981 (Slab 25Lacs- 50 Lacs, Orange Category)

M/s Devi Lal Kutir Soap, Village- Atun, Chittor Road, Bhiwara

3. that industry shall not make any changes/modification/rectification with respect to site, product and production capacity as mentioned above.
4. that the entire soap stock generated from the refinery shall be consumed with existing soap manufacturing unit. Besides, the process effluent shall also be consumed in the existing unit of soap manufacturing. As such industry shall not be allow to discharge any soap shock/process effluent within or outside the premises.
5. that this consent shall not be valid for manufacturing of Acid oil from soap stock of refinery.
6. that the domestic effluent shall be disposed off in soak pits through properly designed septic tanks.
7. that the industry shall maintain effective operation & maintenance of Boiler (Capacity 300Kg/hour steam generation) so as to achieve the Air Emission Standards prescribed under E.P. Act' 86 which are as under:-

Sr.No.	Pollutant	Limit for Ambient Air	Limit for stack emission
1.	SPM	500ug/m ³	1200 mg/m ³
2.	NO _x	120ug/m ³	-
3.	SO ₂	120ug/m ³	-
4.	CO	5000ug/m ³	

8. that the industry shall provide minimum stack height of 11.0 mts from Ground level with the Boiler & thermopack.
9. that industry shall install adequate infrastructure facilities for monitoring of stack emission to confirm compliance of stack emission standards as per condition no. 7.
- 10.that the industry shall apply for authorization under Hazardous Waste (Management & Handling) Rules-1989 for the waste lubricating generated for D.G. Sets and other machines.
- 11.that the industry shall ensure that noise from the unit does not exceed the prescribed noise standards for Industrial area i.e. 75 dB (A) Leq during day time and 70 dB (A) Leq during night time to meet the prescribed ambient noise standards. Day time is reckoned between 6 a.m. to 9 p.m. and nighttime is reckoned between 9 p.m. to 6 a.m.
- 12.that under no circumstances this Consent to Operate be treated as Consent to Establish for the industry under the provisions of the Water Act, 1974 & Air Act, 1981 as referred above.
- 13.that in case of failure to comply with any of the Consent conditions stated above, the Consent issued to the industry shall automatically stands revoked without any notice.
- 14.that not withstanding anything contained in this letter of conditional Consent to Operate, the State Board hereby reserves to it the right and powers under section 27 (2) of Water (Prevention & Control of Pollution) Act, 1974 and under section 21(6) of Air (Prevention & Control of Pollution) Act, 1981 as amended to date to review any one or all the conditions imposed herein above

M/s Devi Lal Kutir Soap, Village- Atun, Chittor Road, Bhiwara
and to make such variations as deemed fit for the purpose of Act by the State Board.

15. that this Consent to Operate is granted to aforesaid industry is to ensure control of pollution from the premises of the industry in accordance with various Pollution Control Acts, in no way confers the right to the industry to exist in violation of other Laws and statutory provisions.
16. that the consent is valid subject to fulfillment of all the other statutory requirements in other Laws/Acts/Rules as applicable.
17. that the industry shall develop tree plantation on top priority to cover at least 33% of available plot area by plantation to maintain air quality around the industry.

Please note that non-compliance of any of the above stated conditions would tantamount to revocation/withdrawal of this Consent to Operate and the industry shall be liable for prosecution under the provisions of Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981.

Your's faithfully,

[Signature]
30/12/2014

Regional Officer

Cc to-

1. Master File/Consent Register.

[Signature]
30/12/2014

Regional Officer

[Signature]
30/12

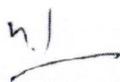
Inspection Report

M/s Devilal Kutir Soap

Pragati Path, Near Sangam House, Village- Atun, Tehsil & District- Bhilwara

In reference to complaint registered on Rajasthan Sampark Portal by Shri Bhagwat Singh, residence of Village Gathila Khera (complaint No. 03183633298742), Shri Sanwar lal Bhil, residence of naya Sameliya, Harni Mahadev Road (Complaint No. 03183083343471), Shri Narayan Regar, residence of Gathila Khera, District Bhilwara (Complaint No. 03183083385908), aforesaid industry was inspected on 03.04.2018 by undersigned Board officials of Regional Office, Bhilwara in presence of Shri Devi lal Somani , Director of Industry . during inspection following observations were made :-

1. During inspection plant was found operative.
2. Industry has installed Three D.G. Sets i.e. One of 180 KVA with acoustic enclosure , one of 180 KVA without acoustic enclosure & One of 62.5 KVA without acoustic enclosure . All the three D.G. sets are having inadequate stack height.
3. Industry has not obtained prior consent for Three D.G. sets i.e. Two of 180 KVA ,& One of 62.5 KVA from State Board.
4. Industry has not provided any pollution control measures on common stack attached with one 2.0 Ton Boiler & One Thermopack of coal & wood based and also adequate stack height & safe infrastructure monitoring facility not provided on stack .
5. During inspection housekeeping of plant were not found satisfactory.
6. Industry has installed One Biodiesel & One oil based soap noodles manufacturing unit.
7. One Biodiesel unit was also found under commissioning stage.
8. Discharge was observed outside the premises near by plant boundary at open kachha tank in this connection Shri Devilal Somani reported that it was only due to leakage of raw material from raw material storage tank & it will be removed with in one day and compliance report will be submitted to office.
9. Industry is having three Borewell in plant premises.
10. During inspection pungent smell was observed in plant premises.
11. Industry has installed reaction tanks of different capacities , raw material & Diesel Storage tank .





12. Industry has established two laboratories in plant premises.

Consent Status :-

1. Consent to operate under Water & Air Act was granted to industry vide this office letter no. 5729 dated 30.12.2004 , valid upto 30.04.2009 for Refinery Oil- 300 Mt/Month & Soap- 10.0 MTPD
2. Further industry has submitted application for consent to operate under Water & Air Act through online mode under Green category on dated 03.10.2017 for Bio Fuels- 3.0 Lac Liters/Day & Soap- 40 Ton/Day .


Hitesh Kumar, JSO


Vikas Singh, JSO

C/s


Regional Officer

INSPECTION REPORT

**M/s Devilal Kutir Soap
Pragati Path, Near Sangam House, Atun
Tehsil & District – Bhilwara**

In Reference of Complaints Received on Rajasthan Sampark Portal (complaint no. 03183633298742,02180263201767,03183083343471,03183083385908,03183633390157,04183083545421), office of District Collector, Bhilwara, villages of nearby area of industry and to verify the compliance of Show Cause Notice issued vide the office letter dated 05/04/2018. Industry was inspected by the undersigned Board officials of RO Bhilwara on 07/06/2018 in presence of Shri Devi lal somani, Director of Industry. During Inspection following observation were made :-

1. During Inspection Industry was found Non-operative.
2. Industry has installed one biodiesel & one oil based soap manufacturing unit .
3. During inspection one biodiesel manufacturing unit work was also found under commissioning stage.
4. Industry has installed storage tanks of different Capacity for Raw material & Diesel.
5. Industry has installed Reaction tanks of different Capacities.
6. Industry has installed Two DG set of 180 KVA & One DG set of 62.5 KVA without prior consent from the State Board.
7. Industry has not provided acoustic Enclosure and adequate stack height to the DG sets.
8. Industry has installed 2.0 ton boiler and one thermo pack of coal.
9. Industry has not provided adequate height & safe and adequate infrastructure monitoring facility on common stack attached with Boiler & Thermo pack.

Red. San

Amirul

10. During inspection house keeping of industry was not found satisfactory.
11. Industry having Three Bore wells inside premises without prior approval of Central Ground Water Authority.
12. During inspection no any discharge was found inside & outside of plant premises.
13. Industry has not installed pollution control measures on common stack attached with One Boiler & One Thermopack.

Rohitash

Rohitash Balai

JEE, RPCB, Bhilwara

Aniket

Aniket Bagara

JEE, RPCB, Bhilwara

C/s

Sub

Regional Officer



RAJASTHAN STATE POLLUTION CONTROL BOARD
18, Azad Nagar, Near Pannadhai Circle, Bhilwara
Phone: ~~014921~~41159



Registered

File No : F(Tech)/Bhilwara(Bhilwara)/5099(1)/2018-2019/896-897

Order No : 2018-2019/Bhilwara/6776 Dated 15/06/2018

Date: 15/06/2018

Unit Id : 89547

M/s DEVILAL KUTIR SOAP

R/O , BHILWARA Tehsil: Bhilwara

District: Bhilwara

Sub: Refusal of Consent to Operate application under provisions of Air (Prevention & Control of Pollution) Act, 1981 and Water (Prevention & Control of Pollution) Act, 1974.

Ref: Your application dated 16/09/2017 for Consent to Operate received on dated 16/09/2017.

Sir,

Apropos above, it is to inform you that applications for Consent to Operate under reference is hereby refused under the provisions of section 21(4) of Air (Prevention & Control of Pollution) Act, 1981 and section 25/26 of Water (Prevention & Control of Pollution) Act, 1974 for the reasons that:

- 1 Complaint received through Rajasthan Sampark portal , office of District collector, Bhilwara and near by villages regarding discharge Air & water Pollution & odour problem.
- 2 That industry was inspected on dated 03.04.2018 & show cause notice for intended refusal of pending consent to operate application and intended closure direction under the provisions of Air (prevention & control of pollution) act, 1981 & Water (prevention & control of pollution)Act, 1974 was issued to industry vide this office letter no. Sp-01 dated 05.04.2018.
- 3 That industry was again inspected on dated 07.06.2018 to verify the compliance of this office show cause notice dated 05/04/2018 & to verify the complaint received through rajasthan sampark portal during inspection it was observed that :-
 - i. Industry has not provided acoustic enclosure & adequate stack height on Three D.G. sets i.e. Two of 180 KVA & One of 62.5 KVA.
 - ii. Industry has not submitted application for consent to establish & consent to operate for Three D.G. sets i.e. Two of 180 KVA & One of 62.5 KVA till date.
 - iii. During inspection house keeping of industry was not found satisfactory.
 - iv. Industry has not provided adequate stack height & safe and adequate infrastructure monitoring facility on common stack attached with Boiler & Thermopack.
 - v. Industry has not provided pollution control measures on common stack attached with One Boiler & One Thermopack.
- 4 That industry has failed to apply consent to establish application for manufacturing of Bio diesel unit till date.

Signature valid

Digitally signed by
RAJASTHAN STATE
POLLUTION CONTROL BOARD
11.06.2018 15:31:51



RAJASTHAN STATE POLLUTION CONTROL BOARD
18, Azad Nagar, Near Pannadhai Circle, Bhilwara
Phone: ~~014821241159~~ 014821241159

Registered

File No : F(Tech)/Bhilwara(Bhilwara)/5099(1)/2018-2019/896-897

Order No: 2018-2019/Bhilwara/6776 Dated 15/06/2018

Date: 15/06/2018

Unit Id : 89547

5 That the industry has failed to submit satisfactory reply of this office show cause notice dated 05/04/2018.

6 That State Board cannot keep your consent application pending for an indefinite period.

It may be noted that the industry's fresh application for grant of Consent to Operate, submitted soon after the refusal, shall not be treated as complete application unless it is supported with evidence-based proof for addressal of the issues/ reasons for the refusal of earlier consent or application, and thus may again be refused without any further notice.

It is further to inform you that after refusal of Consent to Operate legally you can not Operate your plant.

Yours sincerely

Regional Officer

Copy To:-

1 Master File.

Regional Officer

ANNEXURE-3

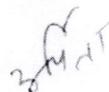
Inspection- Report

M/s Devilal Kutir Soap,
Pragati Path, Opp. Old Octroi, Near Sangam House,
Chittor Road, Tehsil & District- Bhilwara

In reference to compliant (Enclosed at Annexure - 1) received by hand in this office on 01.05.2019 by nearby villagers of Village-Vasi, Gram Panchayat-Atun, Bhilwara, the aforesaid industry was inspected by undersigned Board officials on 02.05.2019 in presence of Shri Devi Lal Somani, Proprietor of the industry. During inspection:-

1. Plant was found non operational.
2. The complaint was mainly because of unpleasant smell caused by the unit.
3. Although unit was non-operative during inspection, mild smell was being felt so the possibility of foul smell cannot be ruled out in operating condition.
4. A flexible pipeline was observed carrying waste water from the settling tank (Oil, Water, Sludge) to kacchha lagoon (Photographs along with GPS coordinates enclosed at Annexure-2). The representative was failed to justify the purpose of installation of this pipe line.
5. At the back side of industry, a kacchha lagoon was observed (Photographs along with GPS coordinates enclosed at Annexure-3) which was filled with the waste water generated from process along with the layer of oil. Sample of the same was collected during inspection and shall be deposited in Regional Laboratory, Kota for analysis.
6. Overall house-keeping was very poor, lots of leakages of oil from raw material storage tank, near reaction tanks and other places were observed (photographs along with GPS coordinates enclosed at Annexure-4).
7. Unit is not maintaining zero liquid discharge status within premises.
8. The unit has not installed any treatment facility for effluent generated during process.
9. Unit has neither installed metering devices nor maintaining the record of the water consumption, waste water generation from process.
10. Expansion activities were observed in the premises viz. Five new tanks were being installed without prior permission from the Board (Photographs along with GPS coordinates enclosed at Annexure-5). The representative informed that they are installing a new Resin Plant, in place of distillation process to enhance the quality and quantity of Biodiesel. The unit has not applied for Consent To Establish for any of the above.





Consent Status/ Other Information:-

1. Unit has applied for Consent to Operate on 03.10.2017 for Biofuel-3 Lac LPD and Soap 40 TPD which was refused by this Office on 15.06.2018 and forwarded to HO for confirmation of closure directions on 15.06.2018.
2. Unit had again applied for CTO vide application dated 31.07.2018 in reference to which inspection was carried out by this Office on 03.12.2018.
3. During inspection, unit was found operational without obtaining CTE and CTO for production of Biodiesel and I/R was being forwarded to HO for further action on dated 01.01.2019.



(K.B.Paliwal)

JSO, RPCB, Bhilwara



(Arpita Agarwal)

AEE, RPCB, Bhilwara

Recommendations:- Looking to the above non-compliances and frequent complaints against the unit, applications for Consent to Operate may be refused and closure directions under Section 31 (A) of the Air Act and Section 33 (A) of the Water Act may be confirmed.



(Rajeev Parshetkar)
Regional Officer

Annexure-I

सेवाने,

श्रीमान क्षेत्रिय अधिकारी महोदय,
राजस्थान प्रदूषण नियन्त्रण मण्डल,
आजादनगर, भीलवाडा (राज.)



Forward No.

K.P.P.

प्रार्थीगण-

समस्त ग्राम पंचायत वारी, ग्राम पंचायत आटूण, तहसील व जिला- भीलवाडा (राज.)

विषय-

ग्राम पंचायत आटूण की सीमा क्षेत्र में अवैध तरीके से संचालित वाशवेल बायो डिजल प्लान्ट जो कि चित्तौड रोड पर स्थित है, से निकलने वाली तेज गन्ध युक्त जहरीली गैस से वातावरण के प्रदूषण के सम्बन्ध में।

महोदय जी,

उपरोक्त विषय में समस्त ग्राम पंचायत वासी, ग्राम पंचायत आटूण, तहसील व जिला- भीलवाडा (राज.) की ओर से यह प्रार्थनापत्र पेश कर निवेदन है कि -

- 1- यह कि प्रार्थीगण ग्राम पंचायत आटूण के वाशिन्दे हैं एवं अपने अपने बाल बच्चों एवं परिवार के साथ अपने अपने गांव/निवास स्थानों में निवास करते हैं।
- 2- यह कि अभी कुछ समय पूर्व से चित्तौड रोड पर वाशवेल बाँयो डिजल्स के नाम से एक डिजल उत्पादक प्लान्ट का संचालन किया जा रहा है, जो प्रदूषण विभाग, सी एम एण्ड एच ओ, रसद विभाग एवं इससे सम्बन्धित अन्य विभागों से नियमानुसार एन ओ सी प्राप्त नहीं कर रखी है एवं विधि विरुद्ध तौर गलत एवं जान लेवा संसाधनों एवं केमिकल का उपयोग अपने उक्त प्लान्ट में कर बाँयो डिजल का उत्पादन किया जा रहा है।

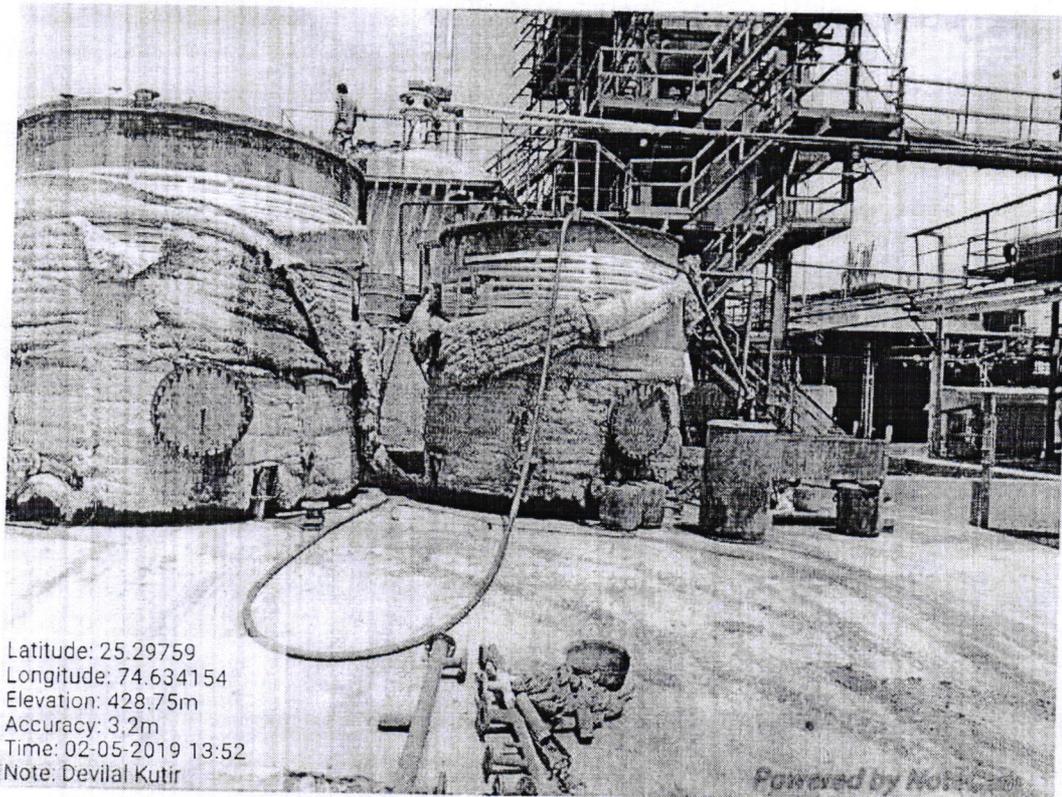
3- यह कि चित्तौड रोड पर स्थापित वाशवेल बाँयो डिजल्स के नाम से संचालित डिजल उत्पादक प्लान्ट की हालत यह हो गई है कि इससे लगातार तेज गन्ध युक्त जहरीली गैसों का रिसाव हो रहा है जिसके चलते गांव पंचायत के वाशिन्दों के स्वास्थ्य पर काफी प्रतिकूल प्रभाव पड़ता चला आ रहा है, जिससे आये दिन रात के समय तेज गन्ध युक्त जहरीली गैसों से रिसाव से देर रात व राडके पूरा ग्राम पंचायत का वायुमण्डल प्रदूषित हो जाता है एवं इस प्लान्ट से निकलने वाली

M. Nath

M. Nath

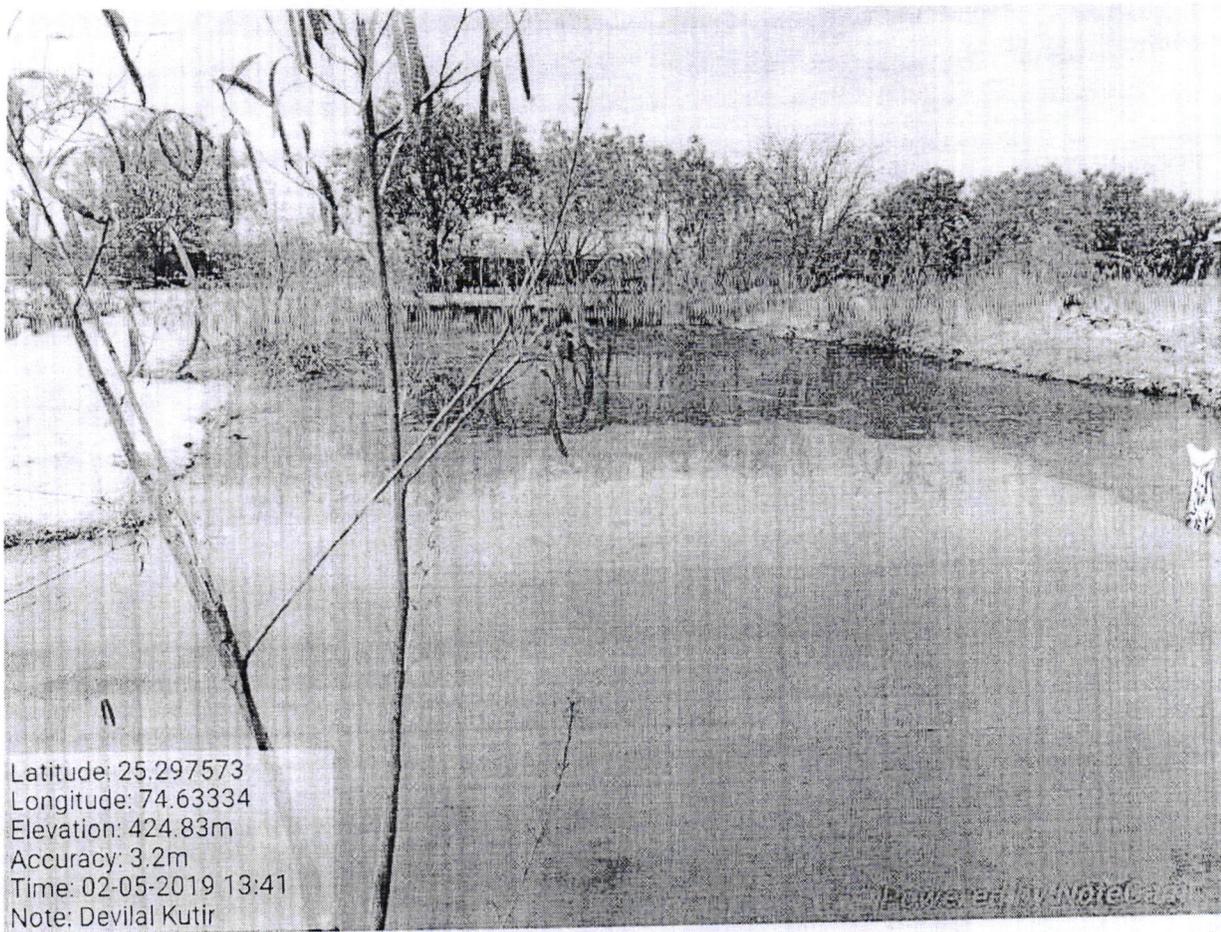
Ramesh Bhatt

Annexure-2



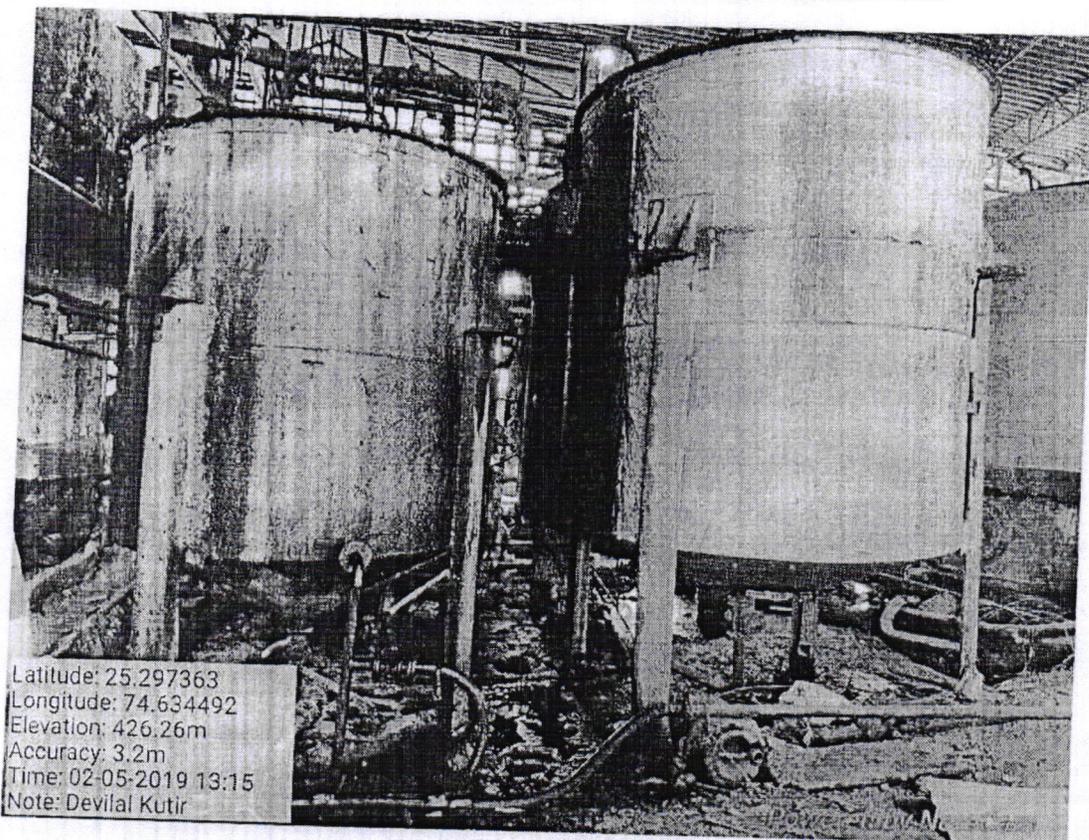
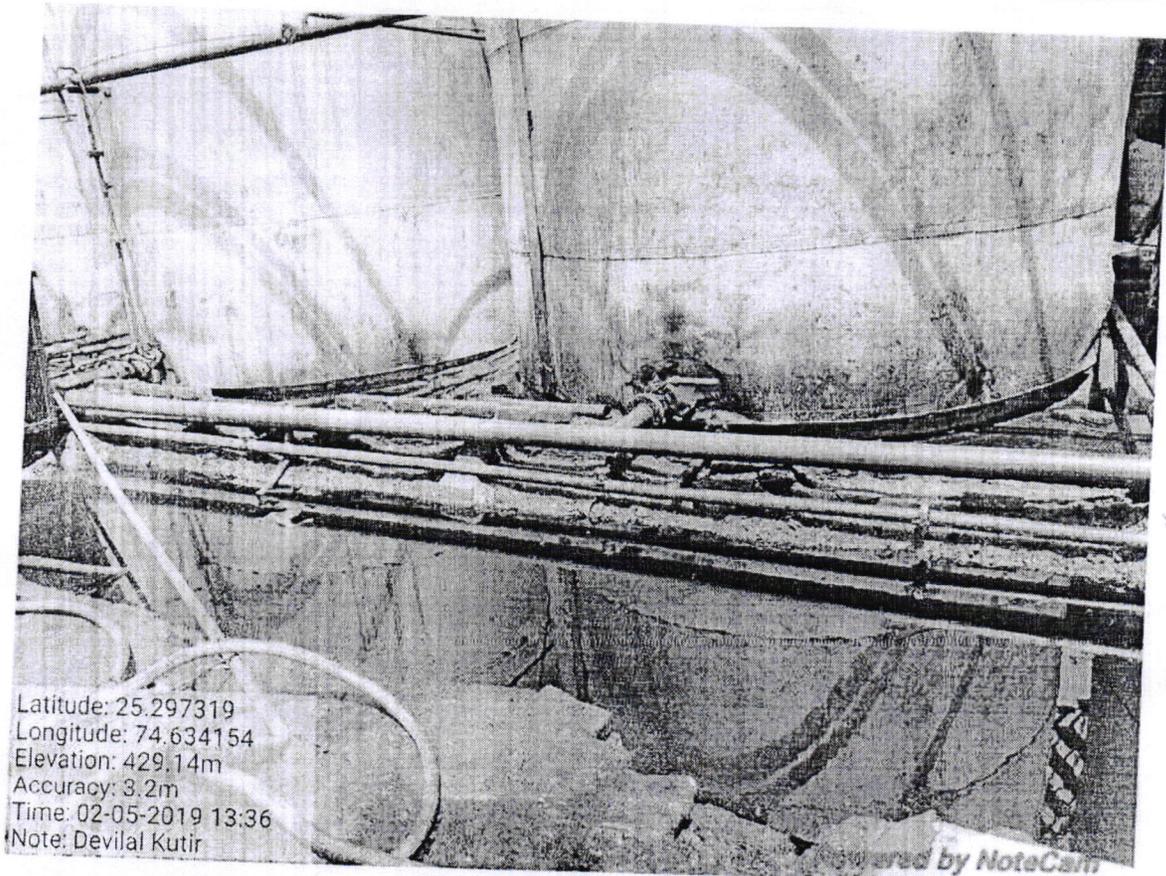
Flexible Pipeline

Annexure-3



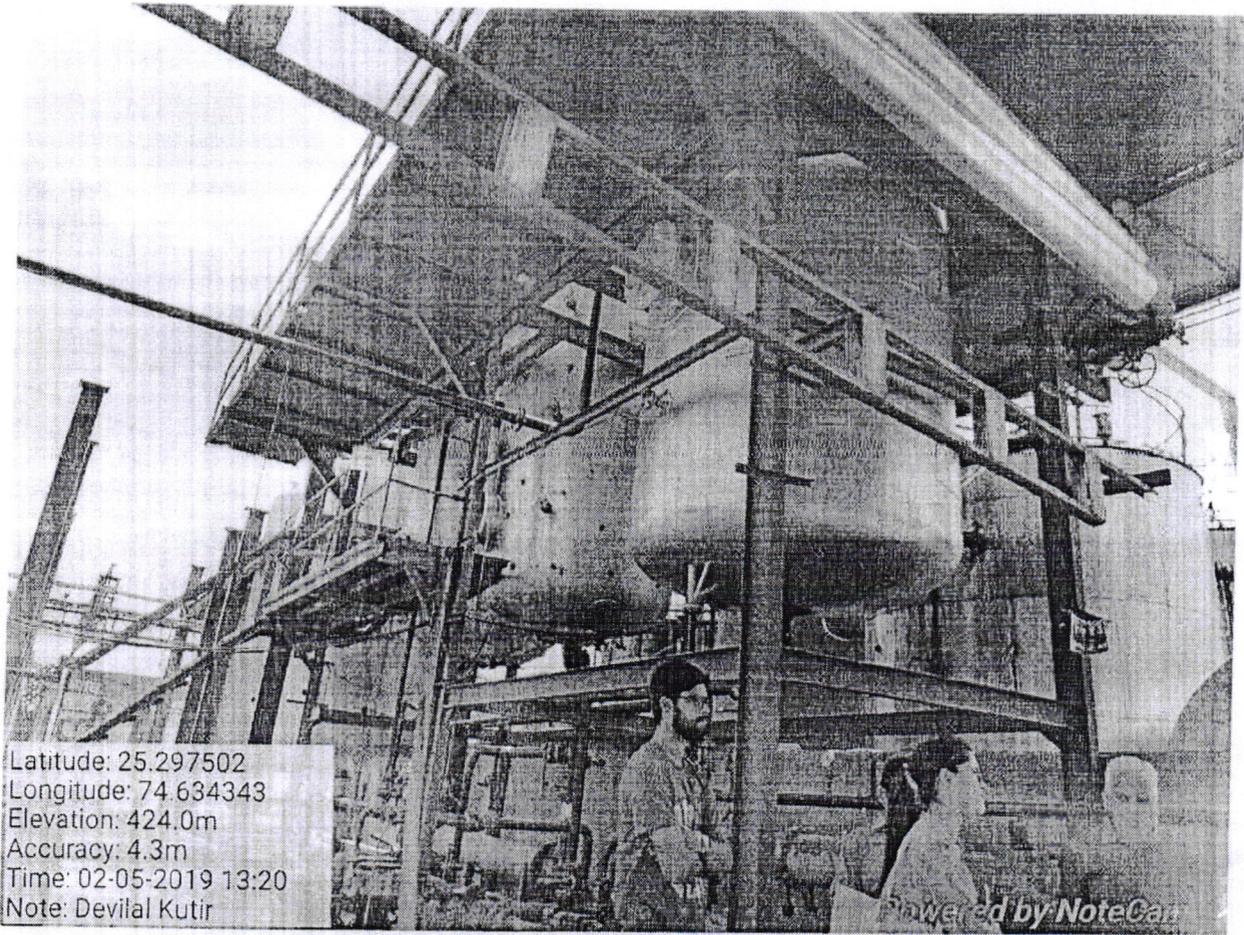
Kachha Lagoon

Annexure-4



Leakages of Oil

Annexure-5



New Tanks

ANNEXURE-4



राजस्थान राज्य प्रदूषण नियन्त्रण मण्डल 4, संस्थानिक क्षेत्र, झालाना डूंगरी, जयपुर

फोन नं.: 5101871,5101872, ईपीबीएक्स: 5159600,5159699 फैक्स: 5159694-97

REGD.A.D.

F.14/Tech_Bhilwara(72)/RPCB/MUID/ 399

Date: 09/07/2019

M/s Devlal Kutir Soap,
Pragati Path, Opp. Old Octroi,
Near Sangam House, Chittor Road,
Tehsil & District: Bhilwara.



KRP
ke 4/1/19

Pl send verification of reply of submitted.

Sub: Show cause notice for intended refusal of application for Consent to operate under section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and under section 25/26 of the Water (Prevention & Control of Pollution) Act, 1974 and intended closure directions under section 31 (A) of the Air (Prevention & Control of Pollution) Act, 1981 and under section 33 (A) of the Water (Prevention & Control of Pollution) Act, 1974 for soap manufacturing unit at Pragati Path, Opp. Old Octroi, Near Sangam House, Chittor Road, Tehsil & District: Bhilwara.

Ref: Your application for consent to operate dated 31.07.2018.

Sir,

1. Whereas the Water (Prevention & Control of Pollution) Act, 1974 & the Air (Prevention & Control of Pollution) Act, 1981 (hereinafter referred as 'the Water Act' 'the Air Act' respectively) have come into force in the whole of the State of Rajasthan w.e.f. 23.03.1974 & 16.05.1981 respectively.
2. And whereas the Water Act & the Air Act have been enacted to provide for the prevention, control and abatement of water and air pollution respectively and to carry out the aforesaid purpose and the Rajasthan State Pollution Control Board (hereinafter referred to as the "Board") has been conferred power to take such steps as are deemed necessary for the enforcement of the provisions of the aforesaid Acts.
3. And whereas M/s Devlal Kutir Soap, (here-in-after called as the "Unit") is operating a soap manufacturing unit at Pragati Path, Opp. Old Octroi, Near Sangam House, Chittor Road, Tehsil & District: Bhilwara.
4. And whereas, your application for consent to operate dated 16.09.2017 was refused vide R.O. Bhilwara letter dated 15.06.2018.
5. And whereas, the unit has applied for Consent to operate under Water & Air Act vide dated 31.07.2018 and after examination it was found that you have not submitted following details/documents:-
 - (i) You have not submitted deficient fee of Rs. 144000/- for consent to operate under Water & Air Act.
 - (ii) You have increased the production capacity and change the product type without applying for consent to establish with required fee/documents.
6. And whereas the Board Officials of Regional Office, Bhilwara has inspected the unit on dated 02.05.2019 and following observations were made:-
 - a) The unit is discharging waste water outside the premises and not maintaining Zero liquid discharge status.
 - b) The unit has not installed any treatment facility for affluent generated during process.
 - c) The unit has not maintained housekeeping in proper condition.
 - d) The unit has not installed metering device and not maintaining the record of water balance.
 - e) The unit has made expansion without applying in the State Board.
 - f) The unit has not applied in CGWA for having 03 Bore wells.
 - g) The unit has not provided adequate pollution control measures on D.G. set.
7. And whereas a complaint has been received regarding spreading of unpleasant smells nearby area.
8. And whereas the industry is in operation without obtaining prior consent of the State Board.
9. And whereas above stated non-compliances and violations of the provisions of the Water & Air Act have been viewed seriously by the Board.

Therefore, the Board in the interest of prevention of perpetual offence being committed by the industry and in the interest of control pollution intends to refuse of consent to operate application under section 21/22 of the Air (Prevention & Control of Pollution) Act, 1981 and under section 25/26 of the Water (Prevention & Control of Pollution) Act, 1974, issue following directions under the provisions of section 31(A) of the Air Act & section 33 (A) of Water Act.

- a) The industry is directed to close down immediately.



राजस्थान राज्य प्रदूषण नियन्त्रण मण्डल
4, संस्थानिक क्षेत्र, झालाना डूंगरी, जयपुर

फोन नं.: 5101871,5101872, ईपीबीएक्स: 5159600,5159699 फैक्स: 5159694-97

- b) The authorities responsible for supplying of electricity and water to industry are directed to immediately disconnect the facilities.

In view of above, this show cause notice is being issued as to why consent to operate application dated 31.07.2018 be not refused & the above intended directions may not be confirmed. In case, if you wish to submit any objection/clarification to the intended refusal & directions for closure, you may submit your reply along with the supporting documents within 10 days from date of this notice to this office failing to which, the consent to operate application shall be refused & directions for closure may be confirmed by the State Board without any further notice in the matter.

Yours sincerely,

-sd-

Sr. Environmental Engineer (MUID)

Copy to:

1. Regional Officer, Rajasthan State Pollution Control Board, Bhilwara to verify the reply which will be submitted by the unit and send verification report along with clear comments/recommendations for disposal of pending application within 10 days.
2. Master File.

[Handwritten Signature]

Sr. Environmental Engineer (MUID)

ANNEXURE-5

Site visit report in reference to O.A. no. 562/2019 (Resident of Gram
Panchayat Atun, Bhilwara)

Reference:

- (i) Head office legal cell email received in this office on 03.12.2019.
- (ii) Hon'ble Nation Green tribunal order dated 05.08.2019 passed in the O.A. no. 562/2019.

To know the factual status undersigned Board Official has visited the industry namely M/s Devilal Kutir Soap, Pragati Path, Opp. Old Octroi, Near Sangam, House, Chittor Road, Tehsil & District- Bhilwara and nearby habitat on 09.12.2019 and information's collected during visit were as under:-

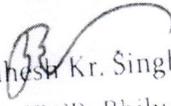
1. Observations during visit of Industry:

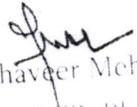
- (i) During visit Shri Devi Lal Somani, Proprietor of the industry was contacted telephonically at site.
- (ii) Plant was non operational, the representative informed that due to financial crisis they have stopped the production from last two months & earlier they have imported raw material from Malaysia which produced pungent foul smell during processing.
- (iii) In the plant premises water was found stored at two places, as per visual observation, it may be rain water and its pH was found neutral.
- (iv) No pungent/ foul smell was felt.

2. Observations during visit of nearby habitat:-

- (i) During visit undersigned Board officials visited Government Senior Secondary School, Atun and contacted to Sh. Prahlad Sharma, Teacher. He informed that during school hours they have never observed smell and advised to contact to Sarpanch of village.
- (ii) After that team has contacted to Sh. Kanhaiya Lal (Husband of present Sarpanch) on his mobile no.- 97845-25965. He informed that problem of smell was raised by Villagers of Sameliya, which comes under Gram Panchayat Atun.
- (iii) During visit of Sameliya village team has contacted to Sh. Govind Singh Panwar S/o Mahipal Singh Panwar, Sh. Satyanarayan Tailor (Mob. No. 99298-22469) and both informed that the problem of pungent/ foul smell is not being felt from last two months. But earlier when M/s Devilal Kutir Soap was operational villagers faced the problem of pungent/ foul smell.


(K.B. Patilwal)
ISO, RSPCB, Bhilwara


(Mahesh Kr. Singh)
S.O., RSPCB, Bhilwara


(Mahaveer Mehta)
R.O., RSPCB, Bhilwara

Verification report of M/s Devilal Kutir Soap

Reference: - H.O. show cause notice issued vide letter no. F.14/Tech-Bhilwara(72)/ RPCB/ MUID/399 dated 09.07.2019.

To know the factual status undersigned Board Official has visited the industry namely M/s Devilal Kutir Soap, Pragati Path, Opp. Old Octroi, Near Sangam, House, Chittor Road, Tehsil & District- Bhilwara on 09.12.2019 and point wise status of verification is as under:-

S. No.	Point of show cause notice	Verification status as on 09.12.2019
a.	The unit is discharging waste water outside the premises and not maintaining Zero liquid discharge status.	Plant was non operational, the representative informed that due to financial crisis they have stopped the production from last two months. However, in the plant premises water was found stored at two places. As per visual observation, it may be rain water and its pH was found neutral and no oily layer found on surface of above accumulated water.
b.	The unit has not installed any treatment facility for effluent generated during process.	Till date unit has not started the work to install treatment facility for effluent generated during process.
c.	The unit has not maintained housekeeping in proper condition.	Plant is non operational from last two months.
d.	The unit has not installed metering device and not maintain the record of water balance.	Till date unit has not installed any metering device. Plant is non operational from last two months.
e.	The unit has made expansion without applying in the State Board.	Status has already been submitted in this office earlier inspection report dated 01.05.2019.
f.	The unit has not applied in CGWA for having 03 bore-wells.	Unit has mentioned that they have applied in CGWA but in his reply received in this office on 11.09.2019 no enclosure found. Also during visit representative of industry failed to provide the same.
g.	The unit has not provide adequate pollution control measures on D.G. set.	Unit having two D.G. sets one with acoustic enclosure and one is without acoustic enclosure and stack height of both the D.G's found inadequate. Photograph with Gps co-ordinate enclosed at annexure-I .



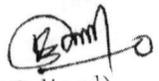




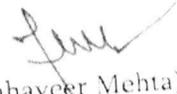
Other observations:-

- Earlier regular complaints were received in this office regarding pungent/ foul smell in nearby habitat and unit has not installed any odor control system for odour pollution and its control viz. "Nozzles, sprayers and atomizers that spray ultra-fine particles of water or chemicals can be used along the boundary lines of area sources to suppress odours.

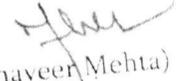
Besides, it is pertinent to mention here that earlier a sample of accumulated water of kachha lagoon was collected by this office on 01.05.2019 and the analysis result dated 26.08.2019 (Copy enclosed at **annexure-II**) reported pH-4.87, Total Suspended Solids (mg/l) 132, Chemical Oxygen Demand (COD) mg/l- 18278, Bio- Chemical Oxygen Demand (BOD) (3 days at 27^o C) mg/l- 2060, Oil & Grease mg/l- 15.2 and conductivity at 25^o C μ mho/cm- 55010, which reveals that unit has failed to comply with the standards prescribed under land for irrigation. Further no treatment facility provided by the unit till date. That industry may be directed to install


(K.B. Paliwal)
JSO, RSPCB, Bhilwara

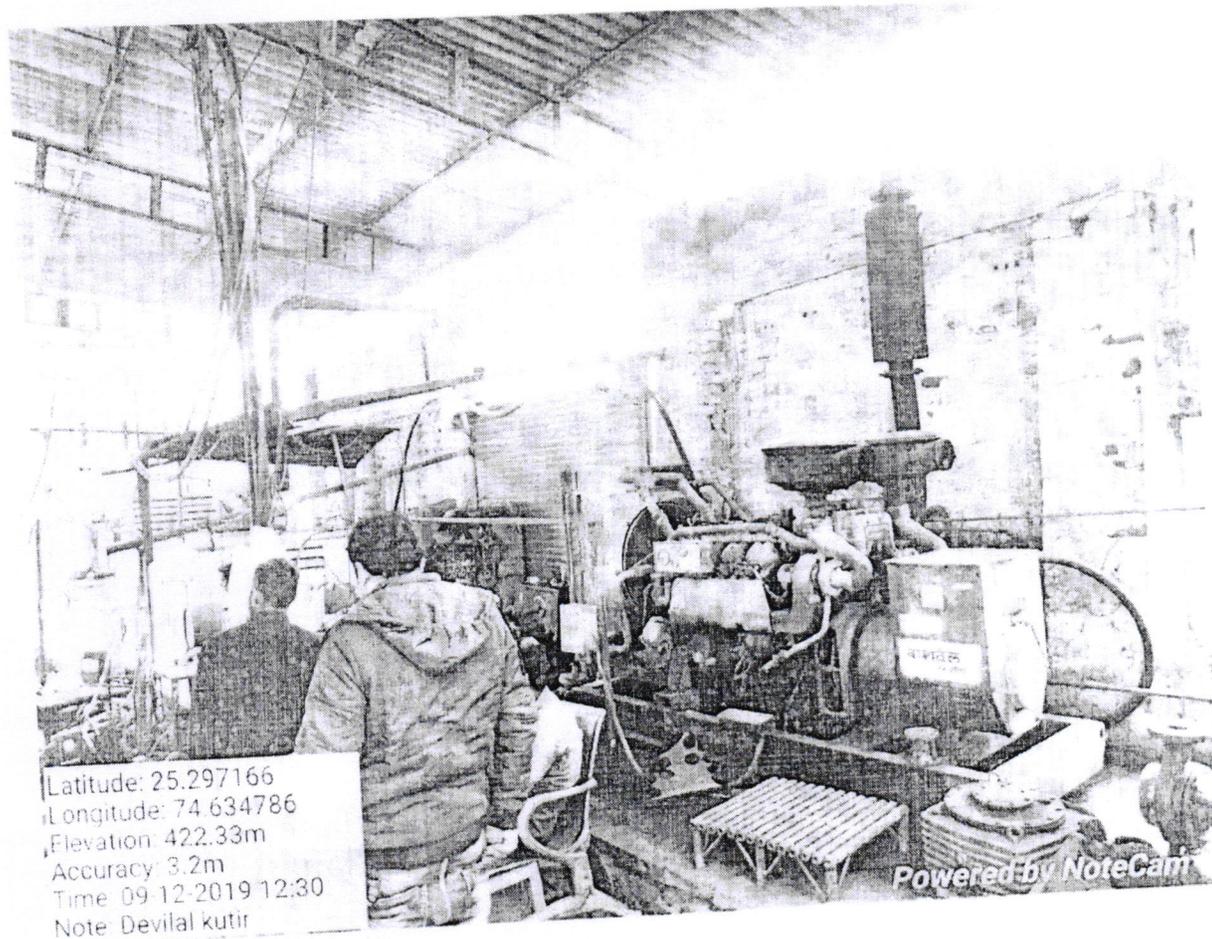

(Mahesh Kr. Singh)
S.O., RSPCB, Bhilwara


(Mahaveer Mehta)
R.O., RSPCB, Bhilwara

Recommendation's:- Since frequent complaints were received in past when plant was operational and the unit has failed to install any treatment facility till date for the effluent generated from the process and also looking to the analysis report of sample dated 01.05.2019, the pending application for consent to operate (Air & Water) may be refused and as recommended earlier vide this office letter no. 689 at 03.05.2019 and closure directions under section 31 A of the Air (Prevention and Control of Pollution) Act, 1981 & 33 A of the Water (Prevention and Control of Pollution) Act 1974 may be confirmed against unit.


(Mahaveer Mehta)
Regional Officer

Annexure I



Annexure-II

http://rspbnils.environment.rajasthan.gov.in/Laboratory_Report.htm

FORM - X
RAJASTHAN STATE POLLUTION CONTROL BOARD
REPORT OF THE STATE BOARD ANALYST
(See Rule - 24)
Final Report

Report No. : 3415

Report On : 26/08/2019

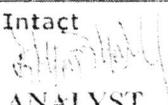
I hereby certify that I K K Jethalva, State Board Analyst duly appointed under sub Section(3) of Section 53 of the Water (Prevention & Control of Pollution) Act, 1974 received on 02/05/2019 from Ms Arpita Agarwal, JEE, Bhilwara, RSPCB Bhilwara & Shri Kanj Bhanj Paliwal, SO, Bhilwara, RSPCB Bhilwara a sample of Waste Water of M/S DEVILAL KUTIR SOAP, Plant - DEVILAL KUTIR SOAP [89547] PRAGATI PATH, OPP OLD CONTROL, NEAR SANGAM HOUSE, CHITTOR ROAD, City- ATUN Tehsil- Bhilwara, District- Bhilwara Collected from waste water accumulated in kaccha lagoon within premises Collected on 02/05/2019. The Sample was in a condition fit for analysis as reported below :-

I further certify that I have analyzed the aforementioned sample on 26/08/2019 and declare the result of the analysis to be as below :-

S. No.	Parameters	Result
1	pH	4.87
2	Total Suspended Solids mg/l	132
3	Chemical Oxygen Demand (COD) mg/l	18278
4	Bio-Chemical Oxygen Demand (BOD) (3days at 27° C) mg/l	2060
5	Oil & Grease mg/l	15.2
6	Conductivity at 25° C μ mho/cm ₂	5500

The condition of the seals, fastening and container on receipt was as follows : **Intact**

Signed This On 26/08/2019


BOARD ANALYST

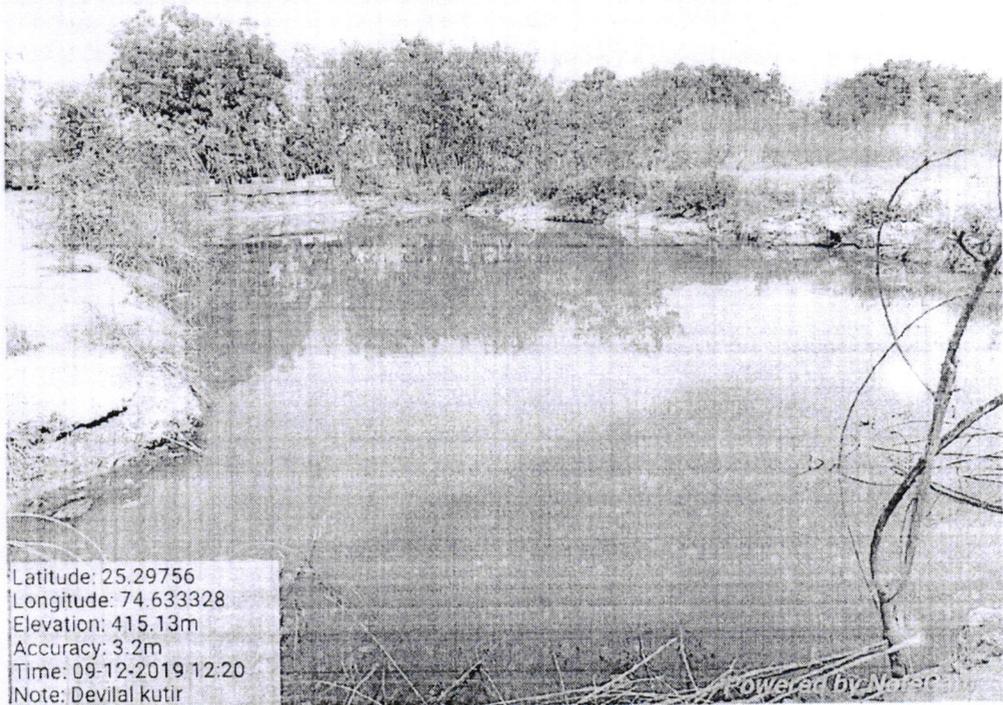
Rajasthan State Pollution Control Board

Regional Office Kota

SPL-2A, Road no. 6, Indrapasth Ind.

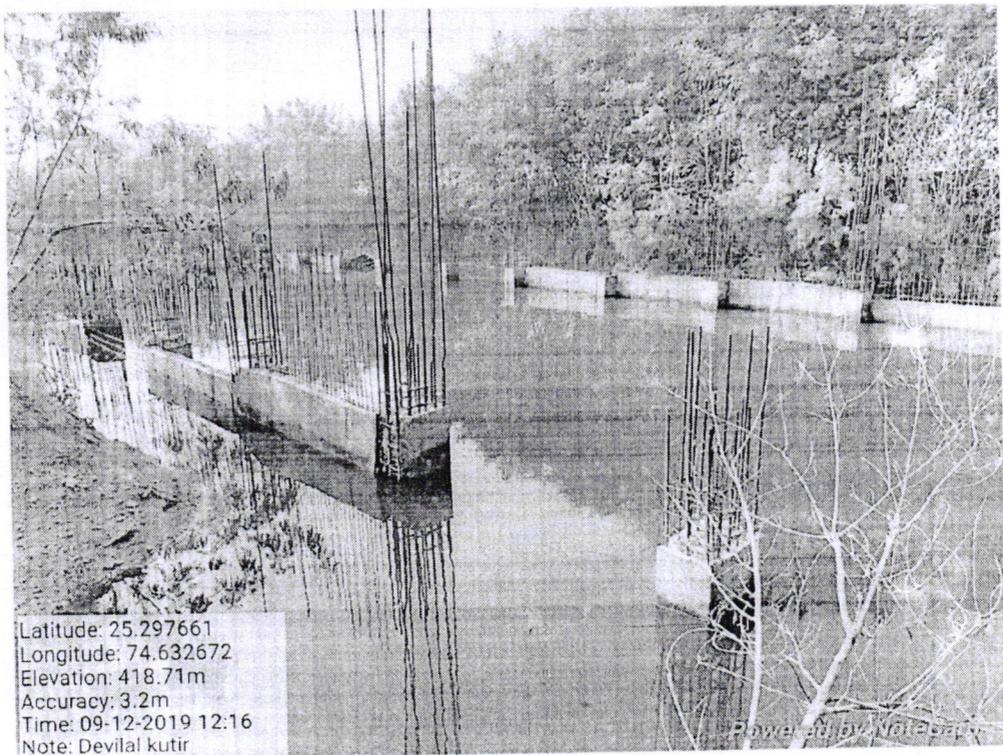
Area, Kota

Phone: 0744-2490873



Latitude: 25.29756
Longitude: 74.633328
Elevation: 415.13m
Accuracy: 3.2m
Time: 09-12-2019 12:20
Note: Devilal kutir

Powered by NetScout



Latitude: 25.297661
Longitude: 74.632672
Elevation: 418.71m
Accuracy: 3.2m
Time: 09-12-2019 12:16
Note: Devilal kutir

Powered by NetScout

ANNEXURE-6



RAJASTHAN STATE POLLUTION CONTROL BOARD
4, Institutional Area, Jhalana Doongari, Jaipur-302 004
Phone: 0141-5159600,5159695 Fax: 0141-5159697



Registered

File No : F(Tech)/Bhilwara(Bhilwara)/5099(1)/2018-2019/3638-3641

Order No: 2019-2020/MUID/5265 Dated 08/01/2020

Date: 08/01/2020

Unit Id : 89547

M/s DEVILAL KUTIR SOAP

R/O, BHILWARA Tehsil: Bhilwara

District: Bhilwara

Sub: Refusal of Consent to Operate application under provisions of Air (Prevention & Control of Pollution) Act, 1981 and Water (Prevention & Control of Pollution) Act, 1974.

Ref: Your application No. 221454 dated 31/07/2018 for Consent to Operate received on dated 31/07/2018.

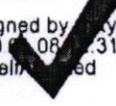
Sir,

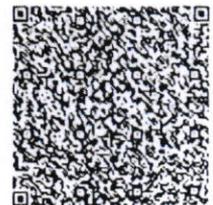
Apropos above, it is to inform you that applications for Consent to Operate for DEVILAL KUTIR SOAP situated at PRAGATI PATH, OPP OLD OCTROI, NEAR SANGAM HOUSE, CHITTOR ROAD ATUN Tehsil: Bhilwara District: Bhilwara under reference is hereby refused under the provisions of section 21(4) of Air (Prevention & Control of Pollution) Act, 1981 and section 25/26 of Water (Prevention & Control of Pollution) Act, 1974 for the reasons that:

- 1 That the unit has applied for consent to establish (expansion) under Water & Air Act and Consent to operate under Water & Air Act vides dated 26.08.2019 & 31.07.2018, respectively.
- 2 That the unit was issued show cause notice vide letter no. F.14/Tech_Bhilwara (72)/RPCB/MUID/398-400 dated 09.07.2019 for the deficiencies/non-compliance mentioned therein.
- 3 That the unit has not submitted adequate reply of said show cause notice.
- 4 That the unit has not submitted adequate fees as per fee notification, 2016, which is also mentioned in said show cause notice.
- 5 That the unit has increased production capacity without obtaining consent to establish from the State Board.
- 6 That the unit has not installed treatment facility and any metering device for effluent generated during process.
- 7 That The unit has not submitted copy of application applied in CGWA for abstraction of ground water.
- 8 That the unit has not provided adequate pollution control measures on one D.G. set.
- 9 That a sample of accumulated water of kaccha lagoon was collected and analysis reports reveals that parameters are exceeding the prescribed limit.

Page 1 of 2

Signature valid

Digitally signed by  Anil Kumar Singh
Date: 2020.08.01 11:31:37 IST
Reason: Self signed
Location:





RAJASTHAN STATE POLLUTION CONTROL BOARD
 4, Institutional Area, Jhalana Doongari, Jaipur-302 004
 Phone: 0141-5159600,5159695 Fax: 0141-5159697

Registered

File No : F(Tech)/Bhilwara(Bhilwara)/5099(1)/2018-2019/3638-3641

Order No: 2019-2020/MUID/5265 Dated 08/01/2020

Date: 08/01/2020

Unit Id : 89547

10 That the unit has failed to comply with the standards prescribed under land for irrigation.

It may be noted that the industry's fresh application for grant of Consent to Operate, submitted soon after the refusal, shall not be treated as complete application unless it is supported with evidence-based proof for addressal of the issues/ reasons for the refusal of earlier consent or application, and thus may again be refused without any further notice.

It is further to inform you that after refusal of Consent to Operate legally you can not Operate your plant.

Yours sincerely

-sd-

Member Secretary

Copy To:-

- 1 P.S. to Chairperson, RSPCB, Jaipur..
- 2 Regional Officer, Regional Office, Rajasthan State Pollution Control Board, Bhilwara to ensure compliance of the refusal letter and take necessary action.
- 3 Master File.

Group Incharge

Page 2 of 2

Signature valid

Digitally signed by Ayapal Singh
 Date: 2020.08.01 12:31:37 IST
 Reason: Self signed
 Location:



ANNEXURE - 6



राजस्थान राज्य प्रदूषण नियन्त्रण मण्डल
4, संस्थानिक क्षेत्र, झालाना खूंगरी, जयपुर

फोन नं.: 5101871,5101872, ईपीबीएक्स: 5159600,5159699 फैक्स: 5159694-97

REGD. A.D

F.14/Tech_ Bhilwara (72)/RSPCB/MUID/ 1718

Date: 08/01/2020

M/s Devilal Kutir Soap,
Pragati Path, opposite old Octroi,
Near Sangam House, Chittor Road,
Tehsil & District: Bhilwara.

Subject: - Directions for closure of industry under the 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.

Reference:- Show cause notice for intended closure directions issued vide letter no. 398-400 dated 09.07.2019.

1. This is without prejudice to the right of the Rajasthan State Pollution Control Board (hereinafter called as 'the Board') to initiate proceeding under the provisions of the Water (Prevention & Control of Pollution) Act-1974 and under the provisions of the Air (Prevention & Control of Pollution) Act-1981 (hereinafter called as 'the Water Act' and 'the Air Act' respectively) for violation of various provisions of the Acts here-in-after shown:-
2. Whereas the Water Act and Air Act came into force in the whole of the State of Rajasthan with effect from 23.03.1974 and 16.05.1981, respectively.
3. And whereas the Water Act and Air Act have been enacted to provide for the prevention, control and abatement of Water and Air pollution and for maintaining and restoring the wholesomeness of Water & Air.
4. And whereas section 25/26 of the Water Act and section 21 of the Air Act prohibits establishing or operating an industrial plant and discharge of water pollutants and air pollutants without obtaining prior consent of the State Board.
5. And whereas M/s Devilal Kutir Soap, is operating an industry of manufacturing of soap & Bio-diesel (hereinafter referred as Industry) at Pragati Path, opposite old Octroi, Near Sangam House, Chittor Road, Tehsil & District: Bhilwara. During the process industry discharges polluted water & Air.
6. And whereas industry has applied for consent to establish (expansion) and consent to operate under Water & Air Act vides dated 26.08.2019 & 31.07.2018, respectively.
7. And whereas a show cause notice for intended refusal & intended closure directions was issued to the unit vide Board's letter dated 09.07.2019 for the deficiencies/non-compliances mentioned therein.
8. And whereas your reply of show cause notice, dated 26.08.2019 was examined and found that you have still not submitted following documents:-
 - a. That the industry has not submitted adequate fee as per fee notification, 2016, which is mentioned in said show cause notice.
 - b. That the industry has increased production capacity without obtaining consent to establish from the State Board.
 - c. That the industry has not submitted copy of application applied in CGWA for abstraction of ground water.
9. And whereas industry was inspected by Board officials on dated 09.12.2019 and observed as per following:-
 - (i) The industry has not installed treatment facility and any metering device to treat the effluent generated during process.



राजस्थान राज्य प्रदूषण नियन्त्रण मण्डल
4, संस्थानिक क्षेत्र, झालाना डूंगरी, जयपुर

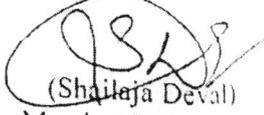
फोन न.: 5101871,5101872, ईपीडीएक्स: 5159600,5159699 फैक्स: 5159694-97

- (ii) The industry has not provided adequate pollution control measures on one D.G. set.
 - (iii) A sample of accumulated water of kaccha lagoon was collected during inspection & analysis report of it, reveals that parameters are exceeding the prescribed limit.
 - (iv) The industry has failed to comply with the standards prescribed under land for irrigation.
10. And whereas, unit's applications for consent to establish (expansion) and consent to operate under Water & Air Act vide dated 26.08.2019 & 31.07.2018, respectively were refused vide Board's letters dated 08.01.2020.
 11. And whereas, Hon'ble National Green Tribunal, Principal Bench, New Delhi (NGT) delivered a decision on May 08,2013 in the application no. 37 of 2012; Wassan Singh V/s State of Punjab and others, and it was enjoined upon all the industrial operation and process to close down their production activity which are operating without prior consent of the State Board.
 12. And whereas above stated non- compliance of the provisions of the Water Act and Air Act have been viewed seriously by the Board.
 13. And whereas the State Board, in order to prevent and control pollution being caused by the industry, to stop non compliance of the provision of the Water Act 1974/Air Act 1981 is competent to issue any directions under section 33(A) of the Water Act and 31 (A) of the Air Act in writing to any person, officer or authority and such person, officer or authority shall be bound to comply with such directions.

Therefore, in order to prevent and control pollution being caused by the industry, to stop non compliance of the provisions of the Water Act and in the interest of prevention of perpetual offence being committed by the industry, the Board in exercise of the powers conferred upon it under section 33(A) of the Water Act and 31 (A) of Air Act, issues following directions:-

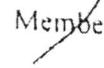
- a) You are directed to close down your industry forthwith.
- b) District Collector, Bhilwara to ensure closure of the industry.
- c) XEN (O & M), Ajmer Vidhyut Vitaran Nigam Limited, Bhilwara shall disconnect the electricity supply to the industry forth with.
- d) Regional Officer, Regional Office, Rajasthan State Pollution Control Board, Bhilwara is directed to seal the Diesel Generator Sets, if any and such other equipments so as to affect complete closure of the industry and report that the direction as above have been complied by 10.02.2020.

Please note that the non-compliance of the above directions is punishable under section 41/42 of the Water Act and under section 37 (1) of the Air Act with imprisonment for a term which shall not be less than one year and six months but which may extend to six years and with fine.


(Shailaja Deval)
Member Secretary

Copy to following for information & necessary action:-

1. The Collector, Bhilwara.
2. XEN (O & M), Ajmer Vidhyut Vitaran Nigam Limited, Bhilwara to ensure compliance and inform the State Board by 10.02.2020.
3. Regional Officer, Rajasthan State Pollution Control Board, Bhilwara to ensure compliance by 10.02.2020.
4. Master file.


Member Secretary