



HARYANA STATE POLLUTION CONTROL BOARD
C-11, SECTOR-6, PANCHKULA
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No. HSPCB/Misc. Cell/2021 /1235

Dated: 25.08.2021

To

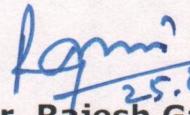
The Registrar,
National Green Tribunal,
Faridkot House, Copernicus Marg,
New Delhi, Delhi 110001

Sub:- Report of the Joint Committee constituted as per Hon'ble NGT Order dated 09.02. 2021 passed in OA No.32/2021, titled as National Integrated Forum for Artists and Activists Vs Central Ground Water Authority & Ors.

In this regards, please find attached herewith the report of the Joint Committee constituted as per Hon'ble NGT Order dated 09.02. 2021 passed in OA No.32/2021, titled as National Integrated Forum for Artists and Activists Vs Central Ground Water Authority & Ors.

It is submitted for your kind information and further necessary action please.

DA/as above.


25.8.2021
Dr. Rajesh Garhia,
Sr. Scientist, HSPCB

Report of the Joint Committee constituted as per Hon'ble NGT Order dated 09.02. 2021 passed in OA No.32/2021, titled as National Integrated Forum for Artists and Activists Vs Central Ground Water Authority & Ors.

During the hearing on 09.02.2021 the case OA No.32/2021, titled as National Integrated Forum for Artists and Activists Vs Central Ground Water Authority & Ors. The Hon'ble NGT has been pleased to issue the following directions.

“In view of the averments in the application, we find it necessary to require a joint Committee of CPCB and the State PCB to look into the matter and give a report to this Tribunal. The State PCB may also take appropriate legal action, in exercise of its statutory powers, following due process of law, if the units are found to be operating illegally, and file an action taken report. In view of the fact that the State PCB has statutory powers to take action as per statutory procedure and orders of State PCB are appealable to this Tribunal, it is not necessary for this Tribunal to issue notice to the allegedly violating units and hear them at this stage.”

“An action taken report by a joint Committee of the CPCB and the State PCB may be filed within two months by e-mail at judicial-ngt@gov.in, preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. The State PCB will be the nodal agency for coordination and compliance.”

In compliance of the orders of Hon'ble NGT, I Dr. Rajesh Garhia, Senior Scientist is nominated as Nodal Officer on behalf of HSPCB and Sh. Suneel Dave, Regional Directorate; CPCB Chandigarh is nominated on behalf of CPCB respectfully after examining all the facts regarding the formaldehyde units in Haryana. The report is as under:

Formaldehyde and its role in plywood industries

Formaldehyde is an important component for chemical industry, serving as the source for many chemical compounds. A large proportion of synthesized formaldehyde is used in the production of glues and impregnating resins for wood-based materials. Adhesive resins are used in manufacturing of particle boards, plywood panels and chipboards, as the furniture industry is one of the main users. Globally, around 47 Million Tonnes of formaldehyde is produced and the product has been classified as carcinogenic and mutagenic by EU directives, way back in 2014. Indeed there are restrictions imposed on its manufacturing and use in other developed nations.

Status of Formaldehyde Manufacturing Units in Haryana

So far as the State of Haryana is concerned, there are around 29 such industrial units established in different Districts. These units fall under Red Category of categorization of industries as classified by CPCB. As per the provisions of the Notification of Environment Impact Assessment (EIA Notification 2006), issued by Union Government of India in 2006, Formaldehyde manufacturing is covered under the synthetic organic chemicals, under 5 (f) of Schedule I of the said notification. Therefore, before commencing such manufacturing projects, the unit has to obtain Environmental Clearance (EC) from

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the competent authority (State Environment Impact Assessment Authority (SEIAA) of State or Expert Appraisal Committee (EAC) of Union Government, as the case may be), a condition precedent for issuance of Consent to Establish / Consent to Operate.

Out of these around 29 units, established in Haryana, 14 units have been established before the year 2006, and therefore they do not require the EC for their operation. However, remaining 15 units, which are established after the year 2006, to require EC but the Board, in these cases granted CTE / CTO, without checking the required documents i.e EC (in some cases, the units have not specifically mentioned the requirement and in some cases, there has been apparently an oversight), but CTE/CTO issued to these units with the condition that these units shall take EC from the competent authority, if required. Among these 15 units, 4 units have been granted only CTE though CTO has not been granted and therefore no operation has ever been started in these 4 units. Out of these 15 units, 4 units are located in the industrial areas, but remaining units exist outside the industrial area. Moreover, CTE/CTO has been revoked by HSPCB. The details of all these 15 units are enclosed as **Annexure –A**.

Legal issue involved

Upon receiving an application from one individual based at Yamunanagar, against the operation of one such unit, (OA No. 840/2019 – Ayush Garg Vs Union of India and Ors) the Hon'ble NGT ordered SEIAA and HSPCB (in the year 2019), to submit a report, wherein it was brought to notice that there was no EC taken in that case and it directed the SPCB to close down the unit and submit a report. Subsequently 3 more cases have also been filed in Hon'ble Tribunal (OA No.287/2020 titled Dastak NGO Vs Synochem Organics Pvt Ltd and others, OA No.298/2020 titled Vineet Nagar VS CGWA and Others and OA No. 32/2021 titled National Integrated Forum for Artists and Activists Vs CGWA & Ors) on the same point in controversy, questioning the validity of operation of the formaldehyde manufacturing units, operating without valid Environmental Clearance. And when the action initiated by the Board, as per the directions of Hon'ble NGT, was stayed by the Appellate Authority, the Hon'ble NGT directed that the unit may be closed down by the State Government under the provisions of Environment (Protection) Act, 1986. Similar action was initiated by the Board in the rest of the cases also on the same footing. The status was duly reported to the Hon'ble NGT, accordingly.

Upon such closure, these units then approached the State Government with the request to grant them some reasonable time for obtaining the necessary EC from the competent authorities and to allow them to operate their units till then, complying with all other formalities and requirements. The State Government, after examination of the request, considered their plea and permitted these units to obtain the EC within a period of six months vide an order issued on 10.11.2020 (which ended on 09.05.2021) and they were also allowed to operate, complying with rest of the provisions of pollution norms. In the meanwhile these units have applied for *ex-post facto* EC from Ministry of Environment Forest and Climate Change (MoEF & CC), Government of India, which are yet to be taken up for consideration. In the meanwhile, NGT in its order dated 09.12.2020, took serious note on the order of Environment and Climate Change Department and observed that the order was *prima facie*, without

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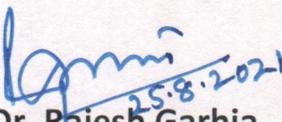
jurisdiction and the State Government was directed to explain why the order be not quashed. In the reply the State Government stated that the matter is getting processed at State level but no decision was taken so far. In the meanwhile, the extended period also lapsed on 09.05.2021 and no further extension was granted by the State and as such no unit could get EC till today.

Since the relaxation period of six months has expired, and no unit could obtain the EC and closure orders has been issued by HSPCB against these units. In the meanwhile, three applications (OA No. 840/2019 – Ayush Garg Vs Union of India and Ors, OA No.287/2020 titled Dastak NGO Vs Synochem Organics Pvt Ltd and others and OA No.298/2020 titled Vineet Nagar VS CGWA and Others) relating to these industries were heard by the Hon'ble NGT on 03.06.2021 and the the Hon'ble Tribunal observed that, 'Since prior EC is statutory mandate, the same must be complied, and the stand of the private respondents will be duly considered by the concerned regulatory authorities, including the MoEF&CC on merits and in accordance with law but till compliance of statutory mandate, the units cannot be allowed to function' and disposed of the cases.

Now some of the formaldehyde units in Haryana file an appeal before the Hon'ble Supreme Court of India against the order dated 03.06.2021 passed by Hon'ble National Green Tribunal. Hon'ble Supreme Court pleased to pass an order that there will be stay of operation of the judgment and consequential, till further order.

Presently, the Hon'ble NGT has also directed that MoEF & CC may take up the issue at its level and the matter may be taken up with Government of India for accelerating the process of grant of EIA Clearance to these units at the earliest.

The committee abide by directions passed if any by Hon'ble NGT.


25.8.2021
Dr. Rajesh Garhia
Sr. Scientist, HSPCB

Sh. Suneel Dave
Sc. E & RD, CHD, CPCB
(presently on leave)

Annexure-A

Status of Formaldehyde Manufacturing units in Haryana established after 14.09.2006 but not obtained Environmental Clearance under EIA notification 2006

Sr. No.	Name & Address of Unit	Date of Commissioning	Product	Location	Operational Status	Whether unit has Applied for EC or not	whether unit has obtained NOC from CGWA	Penalty imposed or not	Consent Status
1	Synochem Organics Pvt. Ltd, Plot No. 54, HSIDC, Industrial Estate, Manakpur, Jagadhri, Yamuna	01.04.2018	Formaldehyde	Approved Industrial Area	Closed /Sealed by Board	Applied but Not Obtained	Not Obtained	Not imposed	CTE/ CTO revoked as per the directions of Hon'ble NGT Orders.
2	Apcolite Polymer Pvt. Ltd., Vill-Ghespur, 21 KM Road Ladwa Road, Radour, Yamuna Nagar	01.04.2016	Formaldehyde	Outside Industrial Area	Closed /Sealed by Board	Applied but Not Obtained	Not Obtained	Not imposed	do
3	Jai Bharat Polymer and Chemicals, Plot No 211 HSIDC Manakpur, Jagadhri	09.03.2017	Formaldehyde	Approved Industrial Area	Closed /Sealed by Board	Applied but Not Obtained	Not Obtained	Not imposed	do
4	Pahwa Plastics Pvt Ltd, Village Jathlana, Radaur, Yamuna Nagar	08.02.2018	Formaldehyde	Outside Industrial Area	Closed /Sealed by Board	Applied but Not Obtained	Not Obtained	Not imposed	do
5	Goyal Overseas, Village Shehzadpur Tehsil Jagadhri	16.11.2018	Formaldehyde	Outside Industrial Area	Closed /Sealed by Board	Applied but Not Obtained	Not Obtained	Not imposed	do
6	OM CHEM, Village Kurali Sabapur Road Tehsil Bilaspur, Yamuna Nagar	22.02.2019	Formaldehyde	Outside Industrial Area	Closed /Sealed by Board	Applied but Not Obtained	Not Obtained	49,40000/-	do
7	Decent Drugs Pvt. Ltd., Salempur, Bangar Road, Chhachrauli, Yamuna Nagar.	01.04.2017	Formaldehyde	Outside Industrial Area	Closed /Sealed by Board	Applied but Not Obtained	Not Obtained	Not imposed	do
8	ChemWood Industries, Village Bhagwanpur, Kharwan Road, Jagadhri, Yamuna Nagar	17.07.2019	Formaldehyde	Outside Industrial Area	Closed /Sealed by Board	Applied but Not Obtained	Not Obtained	Not imposed	do
9	Guruji Overseas, Khasra No. 13//12/2, 13/5/1, 13/1, 13/4, 14/2, 13/3, Khajuri Road, Vill Jathlana, Tehsil, Radaur, Yamuna Nagar	2018	Formaldehyde	Outside Industrial Area	Closed /Sealed by Board	Applied but Not Obtained	Not Obtained	Not imposed	do
10	M/s Globe Panel Industries Inida Pvt. Ltd., (unit-3), M-28, E-57, Industrial Area, Yamuna Nagar	19.01.2018	Formaldehyde	Approved Industrial Area	Closed /Sealed by Board	Applied but Not Obtained	Not Obtained	Not imposed	do

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11	M/s NMR Phyrochem Pvt. Ltd., Vill. Pundri, Gharaunda, Distt. Karnal	08.08.2019	Formaldehyde	Outside Industrial Area	Closed /Sealed by Board	Applied but not obtained	No record	EC proposed to Head Office.	do
12	M/s JRS Industries Alipur Khalsa Road, Kohand, Distt. Karnal	2019	Formaldehyde	Outside Industrial Area	Lying Closed its self.	Applied but not obtained	No record	NA	do
13	M/s G.B. Overseas (P) Ltd. Vill- Rohad, Distt. Jhajjar	03.07.2019	Formaldehyde	Outside Industrial Area	Closed /Sealed by Board	Applied but not obtained	Not Obtained	Not imposed	do
14	M/s Banke Bihari Overseas Pvt. Ltd. Sampla Beri Road, Sampla Distt. Rohtak	12.07.2011	Formaldehyde	Outside Industrial Area	Closed /Sealed by Board	Applied but not obtained	Not Obtained	Not imposed	do
15	M/s Gayatri Industries, Plot No. 83, Sector-1, HSIIDC, SAHA, Ambala	16.11.2017	Formaldehyde	Approved Industrial Area	Closed /Sealed by Board	Applied but not obtained	Not Obtained	No	do

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