

Status Report in Original Application No. 344/2023 titled as Prakash Yadav Versus State of Haryana in Hon'ble National Green Tribunal, Principal Bench, New Delhi.

Original Application No. 344 of 2023

M/s Prakash Yadav Applicant
 Versus
 State of Haryana Respondent

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11	Reply of HSPCB 16.11.2023 to observations raised by CPCB alongwith communications mentioned in reply	

Date: 16.11.2023

Place: Rewari

Status Report in Original Application No. 344/2023 titled as Prakash Yadav Versus State of Haryana in Hon'ble National Green Tribunal, Principal Bench, New Delhi.

1. BACKGROUND

The applicant has raised the grievance against discharge of industrial waste water of Industrial units of Bhiwadi (Rajasthan) causing trouble for residents of Dharuhera Town and adjacent villages. After passing of order dated 29.05.2023 also, the petitioner provided several news reports, complaints, photographs and other documents in support of his grievance, which are annexed as **Annexure R/1 (Colly)**.

It is most respectfully showeth that vide order dated 29.05.2023, this Hon'ble Tribunal has sought report from Joint Committee, however, the root cause of applicant's grievance i.e. chemical waste water coming from Bhiwadi (Rajasthan) to Dharuhera (Haryana) has not been addressed. It is therefore requested to pass appropriate directions in this regard so that grievance raised can be redressed properly.

2. DETAIL OF INSPECTION

I. In compliance of the Hon'ble NGT order dated 29.05.2023, Joint Committee consisting of below mentioned officers from Central Pollution Control Board, State Pollution Control Board and District Administration, Rewari inspected the site for fact findings on 24.07.2023:-

- | | |
|---------------------------------------|-------------|
| 1. Sh. Swapnil Ravindra Patil | ADC, Rewari |
| 2. Sh. Suneel Dave, Regional Director | CPCB |
| 3. Sh. Vinod Balyan, Regional Officer | HSPCB |

Copy of attendance sheet and site photographs is enclosed as **Annexure R/2**.

3. Observations of the Joint Committee

During inspection, following observations were made by the Joint Committee:-

1. The effluent coming from Bhiwadi (Rajasthan) to Dharuhera Haryana is passing through Dharuhera Town to National Highway (NH)-8 and finally stagnating into industrial area and town of Dharuhera and adjacent villages.
2. The effluent to the tune of 12 MLD approximate is being discharged by the Bhiwadi town (Rajasthan) into the territory of Dharuhera (Haryana) as observed by the pumps installed by MC Dharuhera near NH-8 in non-rainy days.
3. Regular monitoring of effluent flowing from Bhiwadi Rajasthan to Dharuhera Haryana through the drain is being carried out by the

joint team of HSPCB and RSPCB. As per the analysis reports, parameters of effluent are exceeding the prescribed limits. Copy of latest letters dated 03.01.2023, 07.04.2023, 15.06.2023 sent by HSPCB to RSPCB alongwith Analysis Reports are attached herewith as **Annexure R/3 (Colly)**.

4. Further, the residents of Dharuhera town filed OA No. 124/2015 regarding the same issue before Hon'ble Tribunal and NGT issued directions to different agencies of Govt. of Rajasthan on 12.12.2017 (**Annexure-R/4**).
5. Further, Haryana State Pollution Control Board filed EA No. 42/2019 before Hon'ble NGT for compliance of directions issued by Hon'ble NGT dated 12.12.2017 in OA No. 124/2015. Hon'ble NGT imposed environmental compensation on different agencies of Govt. of Rajasthan vide order dated 29.10.2021 assessed by CPCB for the damage caused to the environment.
6. The different agencies of Govt. of Rajasthan filed appeal before Hon'ble Supreme Court of India vide Appeal No. 1722/2022, 1377/2022, 1234/2022 and 1228/2022 and Apex Court stayed the operation of impugned order passed by Hon'ble NGT (**Annexure-R/5**). Counter Affidavit filed by Haryana State Pollution Control Board before the Hon'ble Supreme Court is attached as (**Annexure-R/6**).
7. This Hon'ble Court has passed order dated 04.05.2022 and 03.02.2023 in Execution Application No.42/2019, copy of which is annexed as **Annexure-R/7 and Annexure-R/8**.
8. Hon'ble Chief Minister of Haryana has held meeting recently on 30.07.2023 with Deputy Commissioners of Alwar (Rajasthan) and Rewari (Haryana) and ordered to take Steps to stop the flow of polluted effluent coming from Bhiwadi (Rajasthan) to Dharuhera (Haryana). Also regular meetings are being held between the officers of both the states to take measures in this regard.

In view of above, it is requested that appropriate directions may kindly be passed to deal with the interstate Pollution so that grievance of residents of the Dharuhera town & adjacent areas may be properly redressed.


Regional Officer,
HSPCB, Rewari

Sh. Suneel Dave,
Director, CPCB


Sh. Swapnil Ravindra Patil,
ADC, Rewari



रेवाड़ी भास्कर 22-06-2023

धारूहेड़ा के लिए अभिशाप बना दूषित पानी • दशकों से परेशानी उठा रहे लाखों लोग

भिवाड़ी से आ रहे पानी ने सेक्टरवासियों को किया घरों में कैद, दरवाजे के सामने सड़क पर कई फुट भरा दूषित पानी

प्रकाश यादव | धारूहेड़ा



पलवल मार्ग पर सड़क के बीचोबीच बहता कैमिकल युक्त प्रदूषित पानी।

ठोस कार्यवाही की दरकार

पिछले महीने ही भिवाड़ी से आने वाले इस प्रदूषित पानी को लेकर आयोजित मीटिंग में स्थानीय सांसद व केंद्रीय मंत्री राव इंद्रजीत सिंह व हरियाणा राज्य प्रदूषण नियंत्रण बोर्ड के चैयरमैन पी राघवेंद्र राव प्रदूषित पानी को इस तरह खुले में छोड़ना आपराधिक मामला बता इसके जिम्मेदार विभागों व अधिकारियों पर मामला दर्ज किए जाने की बात भी कह चुके हैं। इसके बावजूद वर्षों से इस प्रदूषित पानी की मार झेल रहे धारूहेड़ा को बर्बाद होने से बचाने के लिए स्थानीय प्रशासन द्वारा कोई कानूनी कार्यवाही नहीं की गई है।

धारूहेड़ा में पिछले दिनों हुई बारिश के बाद से ही राजस्थान के भिवाड़ी औद्योगिक क्षेत्र से लगातार भारी मात्रा में कैमिकल युक्त प्रदूषित पानी धारूहेड़ा में लगातार नाले के माध्यम से बहकर पहुंच रहा है, जो धारूहेड़ा नगरपालिका के साथ ही सेक्टरों की गलियों में भरा खड़ा हुआ है। सोमवार को हुई बारिश के बाद धारूहेड़ा के सेक्टरों में रहने वाले लोगों के लिए यह बारिश आफत लेकर आई है। 3 दिनों से लोगों का अपने घर से निकलना मुश्किल हो रहा है, घरों के सामने कई फुट पानी सड़कों पर भरा खड़ा हुआ है। जिसके चलते पैदल तो क्या वाहन चालक भी सेक्टर की गलियों से निकलने में परहेज कर रहे हैं। ऐसे में लोग नरकीय जीवन जीने को मजबूर हो रहे हैं।

भिवाड़ी से आने वाला यह प्रदूषित पानी वर्षों से जिला प्रशासन सहित हरियाणा सरकार व केंद्र सरकार के लिए बड़ी चुनौती बना हुआ है। इसको लेकर वर्ष 2015 में नेशनल ग्रीन ट्रिब्यूनल में इस समस्या को रखा गया था और लंबी सुनवाई के बाद राजस्थान सरकार को इस पानी को धारूहेड़ा आने से रोकने के साथ ही पर्यावरण को क्षति पहुंचाने के लिए इसके दोंधियों पर करोड़ों रुपए का जुर्माना भी लगाया गया था। लेकिन वर्षों बीतने के बाद भी अभी तक इस गंभीर समस्या का कोई हल नहीं निकलता है। आज भी लाखों लीटर प्रदूषित पानी धारूहेड़ा पहुंचकर धारूहेड़ा औद्योगिक क्षेत्र, नेशनल हाइवे व औद्योगिक इकाइयों के खाली भूखंडों व सेक्टरों के आसपास जमा हो रहा है।

रेवाड़ी के उपायुक्त मोहम्मद इमरान रजा व पुलिस अधीक्षक दीपक सहारण ने विभिन्न विभागों के अधिकारियों के साथ धारूहेड़ा आ रहे इस पानी को लेकर मौका का मुआयना किया था। मौनसून से पूर्व इसके समाधान के दावे भी किए गए। लेकिन हालात नहीं बदले।

65 लाख से एक नाले की सफाई भी काम नहीं आई

हरियाणा शहरी विकास प्राधिकरण विभाग द्वारा प्रदूषित पानी भिवाड़ी से आने वाले प्रदूषित पानी को सेक्टरों में जाने से रोकने के लिए सेक्टर 4 व 6 की आउटर 30 मीटर सड़क पर बने नाले की सफाई को लेकर वर्ष 2021-22 में 65 लाख रुपए केवल एक नाले की सफाई पर खर्च कर चुकी है। ताकि भिवाड़ी से आने वाला पानी इस नाले के माध्यम से दिल्ली जयपुर राष्ट्रीय राजमार्ग को पार कर दूसरी तरफ डाला जा सके। इतनी बड़ी राशि केवल एक नाले की सफाई पर खर्च करने के बाद भी स्थिति ज्यों की त्यों बनी हुई है। नाला पूरी तरह से ओवरफ्लो हो प्रदूषित पानी सड़क व सेक्टरों की गलियों में पहुंचकर पहले की तरह परेशानी का कारण बना हुआ है।

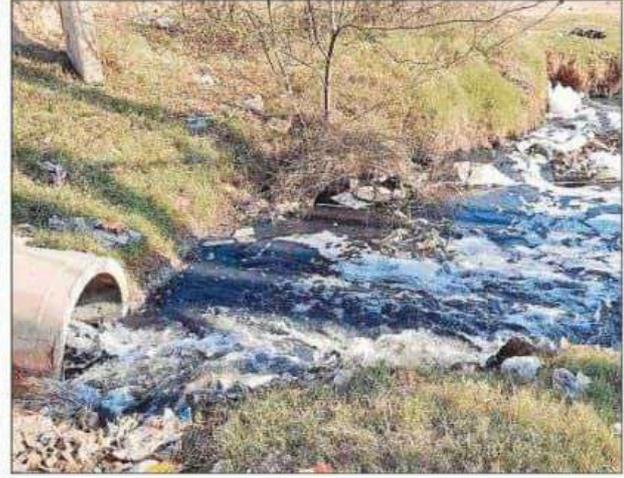
राजस्थान प्रदूषण बोर्ड के अधिकारी मान रहे भिवाड़ी से छोड़ा जाता है प्रदूषित पानी

भिवाड़ी से धारूहेड़ा आने वाले पानी को रोकने के लिए राजस्थान सरकार को पत्र लिखा था जिसके जवाब में भिवाड़ी के क्षेत्रीय अधिकारी अमित शर्मा ने जवाब देते हुए बताया कि भिवाड़ी क्षेत्र में प्रदूषित जल के उत्पन्न होने के मुख्य स्रोत यहां के औद्योगिक क्षेत्र, रिहायशी इलाके एवं व्यावसायिक इकाइयों हैं। राज्य मंडल के आंकड़ों के आधार पर यहां लगभग 6-7 एमएलडी औद्योगिक उच्छिष्ट व 9-10 एमएलडी घरेलू मल जल सीवरेज का निस्त्राव प्रतिदिन होता है। भिवाड़ी के रिहायशी इलाकों में जनित सीवरेज को सम्बंधित मल जल उपचार संयंत्र (एसटीपी) तक प्रवाह हेतु कुछ रिहायशी इलाकों में सीवर तंत्र निर्मित किया जा चुका है तथा शेष इलाकों में सीवर तंत्र निर्मित किया जाना प्रस्तावित है। इस सीवर तंत्र से घरों के कनेक्शन पूर्ण नहीं होने तथा शहर एवं आस पास के कुछ रिहायशी इलाके में सीवर लाइन नहीं होने के कारण से घरेलू मल जल का एक बड़ा भाग खुले बरसाती नालों में ही प्रवाहित किया जाता है। इस प्रकार यह अनुपचारित मल जल भिवाड़ी से धारूहेड़ा की ओर एनएच- 919 के साथ प्रवाहित एक नाले के माध्यम से आशियाणा विलेज सोसायटी के पीछे व नगीना गार्डन के सामने से बहते हुए हरियाणा राज्य के धारूहेड़ा क्षेत्र में एकत्र होता है। उद्योगों से निस्त्रवित उच्छिष्ट के उद्योगों के परिसर से संयुक्त उच्छिष्ट उपचार संयंत्र तक प्रवाह हेतु बंद पाइप लाइन के व्यवस्था नहीं होने के कारण इसका प्रवाह विगत कई वर्षों से औद्योगिक क्षेत्र के भीतर खुले बरसाती नालों में किया जाता है। खुले बरसाती नालों के माध्यम से औद्योगिक उच्छिष्ट प्रवाह के दौरान इसमें औद्योगिक क्षेत्र तथा आस पास के रिहायशी इलाकों का घरेलू मल जल तथा बरसात के मौसम में बरसाती पानी भी मिश्रित हो जाता है।

भिवाड़ी से वर्षों से भारी मात्रा में आ रहा प्रदूषित पानी धारूहेड़ा वासियों के लिए बना **आफत**



धारूहेड़ा में जमा प्रदूषित पानी व (दाएं) राजस्थान से आ रहा बदबूदार प्रदूषित पानी।



(गंगाबिशन)

■ गृहमंत्री सहित पुलिस विभाग को पत्र लिख कर कानूनी कार्रवाई की मांग

रेवाड़ी, 4 जुलाई (गंगाबिशन): राजस्थान से आ रहे प्रदूषित पानी को लेकर धारूहेड़ावासियों का जीना दुस्वार हो गया है, जिसे लेकर गांव खरखड़ा के एक जागरूक व समाजसेवी प्रकाश यादव ने हरियाणा प्रदेश के गृह मंत्री अनिल विज, पुलिस महानिदेशक, आई.जी. साऊथ रेंज व एस.पी. रेवाड़ी को इस तरह खुले में प्रदूषित पानी छोड़ने वालों पर कानूनी कार्रवाई करने को लेकर पत्र लिखा है।

नैशनल ग्रीन ट्रिब्यूनल समक्ष भी रखी समस्या

उन्होंने कहा कि वर्ष 2015 में नैशनल ग्रीन ट्रिब्यूनल में इस समस्या को रखा गया था और लंबी सुनवाई के बाद राजस्थान सरकार को इस पानी को धारूहेड़ा आने से रोकने के साथ ही पर्यावरण को क्षति पहुंचाने के लिए इसके दोषियों पर करोड़ों रुपए का जुर्माना लगाया गया था। वहीं वर्षों बीतने के बाद

प्रकाश यादव का कहना है कि भिवाड़ी से रोजाना भारी मात्रा में बरसाती

भी अभी तक इस गंभीर समस्या का कोई हल नहीं निकला है।

आज भी लाखों लीटर प्रदूषित पानी धारूहेड़ा पहुंचकर धारूहेड़ा औद्योगिक क्षेत्र, नैशनल हाईवे व औद्योगिक इकाइयों के खाली भूखंडों व सैक्टरों के आसपास भारी मात्रा में खड़ा है, जिससे लोगों को बीमारियां फैलने का अंदेशा है।

नाले के माध्यम से बहकर पहुंच रहा प्रदूषित पानी वर्षों से लाखों लोगों के

राजस्थान सरकार से भी की थी अपील

प्रकाश यादव ने बताया कि इस गंभीर समस्या को देखते हुए राजस्थान के मुख्यमंत्री व राजस्थान प्रदूषण नियंत्रण विभाग को पत्र लिख कर समाधान की अपील की गई थी, जिसके जवाब में राजस्थान राज्य प्रदूषण नियंत्रण लिए आफत बना हुआ है, लेकिन सरकार व प्रशासन ने इसकी रोकथाम के लिए कोई कदम नहीं उठाया।

एन.जी.टी. में भी इस मामले को धारूहेड़ा निवासी सुमित्रा मुकदम द्वारा ही ले जाया गया, लेकिन स्थानीय प्रशासन व नगरपालिका

बोर्ड के भिवाड़ी क्षेत्रीय अधिकारी ने माना कि भिवाड़ी की तरफ से औद्योगिक इकाइयों व रिहायशी क्षेत्रों से प्रदूषित पानी धारूहेड़ा की तरफ छोड़ा जा रहा है, जबकि इस तरह खुले में पानी छोड़ना कानूनी अपराध है।

धारूहेड़ा किसी भी कानूनी कार्रवाई के लिए आगे नहीं आई। केवल बैठकें व दौरे कर औपचारिकता पूरी कर ली जाती रही है। वहीं यह प्रदूषित पानी अब धारूहेड़ा सहित आसपास के दर्जनों गांवों के लिए परेशानी का कारण बन रहा है।



रेवाड़ी भास्कर 23-06-2023

शहरी क्षेत्र के बाद ग्रामीण व कृषि क्षेत्र भी भिवाड़ी से आने वाले दूषित पानी से हो रहे प्रभावित

सरकार व प्रशासन नहीं रोक पा रहा भिवाड़ी से आने वाला पानी, अब तो यह किसानों के लिए बड़ी परेशानी बनने लगा

भास्कर न्यूज़ | धारूहेड़ा

राजस्थान के भिवाड़ी से आने वाला केमिकल युक्त प्रदूषित पानी धारूहेड़ा नगरपालिका, सेक्टरों व औद्योगिक क्षेत्र के साथ-साथ आसपास के गांव के लोगों के लिए भी एक अभिशाप के रूप में सामने आने लगा है।

पिछले दिनों हुई बारिश के बाद भिवाड़ी से लगातार बहकर पहुंच रहा यह पानी धारूहेड़ा औद्योगिक क्षेत्र के खाली भूखण्डों में भरा खड़ा है, लेकिन अब दो दिनों से पानी के भारी मात्रा में पहुंचने के साथ ही इसकी अधिकता से यह पानी ओवरफ्लो होकर आसपास के गांवों की तरफ रुख करने लगा है। गुरुवार को यह पानी खटावली की सीमा में स्थित खेतों में पहुंच कर फसलों को बर्बाद कर रहा है।

फरवरी 2023 में भी इस समस्या को लेकर गांव खरखड़ा निवासी किसान राधेश्याम ने जिला उपायुक्त कार्यालय पहुंचकर उपायुक्त महोदय को फसल में भरे पानी को निकलवाने और इस पानी को रोकने के साथ ही खराब हुई फसल का मुआवजा दिलवाए जाने मांग की थी। लेकिन प्रशासन द्वारा ना ही कोई मुआवजा

मिला न ही प्रदूषित पानी को खेतों में आने से रोकने का कोई स्थाई समाधान निकाला गया। किसान राधेश्याम ने बताया कि उसने अपने खेतों में हरा चारा, सब्जी व धान की ज़ीरी लगाई हुई है। गुरुवार को दोपहर बाद धारूहेड़ा औद्योगिक क्षेत्र के खाली भूखण्डों में भरा पानी ओवरफ्लो हो सड़क पर बहता हुआ यह बदनूदार काला पानी खेतों में आकर भरने लग रहा है।

खेतों तक पहुंचे प्रदूषित पानी को देखते हुए आसपास के किसानों ने बताया कि यह पानी इतना जहरीला व खतरनाक है कि इसकी जड़ में आए सभी पेड़-पौधे व फसल पूरी तरह से खत्म हो जाते हैं। पिछले वर्ष भी बारिश के मौसम में इसी तरह ये पानी किसानों की चावल व बाजरे की फसल में घुस गया था जिससे की कई एकड़ की वो फसल पूरी तरह खराब हो गई थी। अब फिर से यह पानी बगैर बारिश के ही खेत में पहुंचने लग रहा है, अगर प्रशासन द्वारा अभी भी समय रहते इसे नहीं रोका गया तो आने वाले मॉनसून की बारिश में तो यह आसपास लगते खेतों, स्कूल, उद्योगों व किसानों के खेतों सहित आसपास के क्षेत्रों में पहुंच जाएगा।

वर्षों से बनी समस्या, सरकारें बदली नहीं हो पाया समाधान

इस पानी को लेकर पिछले करीब 13 वर्षों से धारूहेड़ा निवासी बड़ी परेशानी झेल रहे हैं फिर चाहे वह कालोनियों व सेक्टर में रहने वाले लोगया फिर औद्योगिक क्षेत्र के व्यापारी हों, यह पानी सभी लोगों के लिए एक बड़ी परेशानी बना हुआ है। धारूहेड़ा औद्योगिक क्षेत्र में चारों तरफ बदनूदार केमिकल युक्त पानी की वजह से वातावरण इतना प्रदूषित है कि सांस लेना भी मुश्किल हो जाता है और इसी के साथ ही धारूहेड़ा के अंदर किसी नए उद्योग की स्थापना नहीं होने की वजह से इस औद्योगिक क्षेत्र का विकास रुका हुआ है। इसी के साथ ही इस पानी की वजह से दिल्ली-जयपुर राष्ट्रीय राजमार्ग भी जाम की स्थिति में पहुंच जाता है और यह समस्या प्रदेश ही नहीं केंद्र तक बार-बार पहुंच रही है, लेकिन अभी तक धरातल पर समाधान के रूप में कुछ भी देखने को नहीं मिला है। यह पानी लगातार बहता हुआ धारूहेड़ा पहुंच रहा है और इसकी मात्रा में भारी इजाफा होने से अब यह पानी धारूहेड़ा के साथी आसपास के गांव के हजारों लोगों के लिए बड़ी परेशानी का कारण बनने लगा है।

मामला एनजीटी व सुप्रीम कोर्ट में भी लंबित : बाल्यान

राजस्थान व हरियाणा इन दो राज्यों के इस मामले के समाधान लेकर जिला प्रशासन व हरियाणा राज्य प्रदूषण नियंत्रण विभाग पूरी तरह प्रयासरत है, ये मामला एनजीटी व सुप्रीम कोर्ट में भी लंबित है।
-विनाद बाल्यान, क्षेत्रीय अधिकारी, हरियाणा प्रदूषण नियंत्रण विभाग, धारूहेड़ा।

धारूहेड़ा औद्योगिक क्षेत्र की सैकड़ों एकड़ भूमि जलमग्न : भिवाड़ी से

लगातार नाले के माध्यम से बहकर दिल्ली-जयपुर राष्ट्रीय राजमार्ग के नीचे से होकर औद्योगिक क्षेत्र धारूहेड़ा में बंद पड़ी एक औद्योगिक इकाई के साथ ही रैपिड मेट्रो द्वारा खरीद की गई सैकड़ों एकड़ भूमि में भारी मात्रा में भरा खड़ा है। यह पानी पूरी तरह से काला बदनूदार होने के साथ ही इतना प्रदूषित है कि इसके पास से निकलने पर वातावरण में सांस लेना भी मुश्किल हो जाता है। अब तो यह पानी लगातार इतनी तेजी से आ रहा है कि जिस भूमि में यह भरा है वहां पर इसकी क्षमता ज्यादा होने के चलते ओवरफ्लो होकर आसपास के खाली पड़े भूखंड व औद्योगिक इकाइयों के साथ ही पास लगते गांव की तरफ सड़कों व बरसाती नालों के माध्यम से लगातार पहुंच रहा है। सड़कों पर भी पानी बहने से औद्योगिक क्षेत्र आने वाले बाहन चालकों व लोगों को परेशान कर रहा है।

दूषित पानी छोड़ने वालों के विरुद्ध कार्रवाई के लिए लिखा पत्र

जामरग संभ्रमदयाल, रेवाड़ी : भिवाड़ी से रोजाना बड़ी मात्रा में नाले के माध्यम से भारूहेड़ा में पहुंच रहा प्रदूषित पानी वर्षों से लोगों के लिए आफत बना हुआ है। प्रशासन व नगरपालिका भारूहेड़ा कोई भी कानूनी कार्रवाई के लिए आगे नहीं आई। गांव खरखड़ा के रहने वाले प्रकाश यादव ने प्रदेश के गृह मंत्री अनिल विज, पुलिस महानिदेशक, आइजी साउथ रेंज व एसपी रेवाड़ी को पत्र लिख कर दूषित पानी छोड़ने वालों के विरुद्ध कानूनी कार्रवाई को

खरखड़ा के रहने वाले प्रकाश ने प्रदेश के गृह मंत्री, पुलिस महानिदेशक, आइजी साउथ रेंज और एसपी से लगाई गुहार मांग की है।

गंभीर समस्या को देखते हुए राजस्थान के मुख्यमंत्री व राजस्थान प्रदूषण नियंत्रण बोर्ड को पत्र लिख कर समाधान की अपील की गई थी। पत्र के जवाब में राजस्थान राज्य प्रदूषण नियंत्रण

बोर्ड के भिवाड़ी क्षेत्रीय अधिकारी ने माना कि भिवाड़ी की तरफ से औद्योगिक इकाइयों व रिहायशी क्षेत्रों से प्रदूषित पानी भारूहेड़ा की तरफ छोड़ा जा रहा है, जबकि इस तरह खुले में पानी छोड़ना एक कानूनी अपराध है। पत्र में कहा गया है कि राजस्थान के भिवाड़ी औद्योगिक क्षेत्र से कस्बा भारूहेड़ा में पहुंच रहे केमिकलयुक्त प्रदूषित पानी को लेकर वर्ष 2015 में नेशनल ग्रीन ट्रिब्यूनल में इस समस्या को रखा गया था और

लंबी सुनवाई के बाद राजस्थान सरकार को इस पानी को भारूहेड़ा आने से रोकने के साथ ही पर्यावरण को क्षति पहुंचाने के लिए करोड़ों रुपये का जुर्माना भी लगाया गया था। वर्षों बीतने के बाद भी अभी तक इस गंभीर समस्या का कोई हल नहीं निकला है। आज भी लाखों लीटर प्रदूषित पानी औद्योगिक क्षेत्र, नेशनल हाईवे, खाली भूखंडों व सेक्टरों के आसपास एकत्रित होकर परेशानी का कारण बना हुआ है।

धारूहेड़ा में आने वाले प्रदूषित पानी को छोड़ने वालों के खिलाफ कानूनी कार्यवाही किये जाने को लेकर पुलिस विभाग को लिखा पत्र



धारूहेड़ा, चरण सिंह शौर्य । भिवाड़ी से रोजाना भारी मात्रा में बरसाती नाले के माध्यम से बहकर पहुँच रहा प्रदूषित पानी वर्षों से लाखों लोगों के लिए आफत बना हुआ है।लेकिन सरकार व प्रशासन ने इसकी रोकथाम के लिए कोई कदम नहीं उठाया गया, एनजीटी में भी इस मामले को धारूहेड़ा निवासी सुमित्रा मुकदम द्वारा ही ले जाया गया लेकिन स्थानीय प्रशासन व नगरपालिका धारूहेड़ा कोई भी कानूनी कार्यवाही के लिए आगे नहीं आई है।केवल बैठके व दौरे कर औपचरिकता पूरी कर ली जाती रही है और ये प्रदूषित पानी अब धारूहेड़ा सहित आसपास के दर्जनों गाँवों के लिए भी परेशानी का कारण बन रहा है।इस गम्भीर समस्या को देखते हुए राजस्थान के मुख्यमंत्री व राजस्थान प्रदूषण नियंत्रण विभाग को पत्र लिख कर समाधान की अपील की गई थी,जिसके जवाब में राजस्थान राज्य प्रदूषण नियंत्रण बोर्ड के भिवाड़ी क्षेत्रीय अधिकारी ने माना कि भिवाड़ी की तरफ से औद्योगिक इकाइयां व रिहायशी क्षेत्रों से प्रदूषित पानी धारूहेड़ा की तरफ छोड़ा जा रहा है जबकि इस तरह खुले में पानी छोड़ना एक कानूनी अपराध है लेकिन इस प्रदूषित पानी को लेकर धारूहेड़ा नगरपालिका व जिम्मेदार लोगों द्वारा कोई कार्रवाई नहीं किए जाने पर गाँव खरखड़ा निवासी प्रकाश यादव ने हरियाणा प्रदेश के गृह मंत्री अनिल विज, पुलिस महानिदेशक, आईजी साउथ रेंज व एसपी रेवाड़ी को पत्र लिखकर इस तरह खुले में पानी प्रदूषित पानी को धारूहेड़ा की तरफ लगातार छोड़ने वालों पर कानूनी कार्रवाई किए जाने के लेकर पत्र लिखा गया है।



भिवाड़ी भास्कर 08-07-2023

भास्कर पड़ताल • बीडा सीईओ ने औचक जांच के लिए 4 विभागों की दो टीमों बनाई बारिश की आड़ में गंदा पानी छोड़ते मिली दो दवा कंपनी, प्रदूषण मंडल के आरओ बोले-नाम नहीं बताए जा सकते

भास्कर संवाददाता | भिवाड़ी

एक कंपनी का ईटीपी ही बंद पड़ा था, अधिकारी कर रहे बचाव

भिवाड़ी और धारुहेड़ा के लिए बारिश के मौसम में नासूर बन चुकी जलभराव की समस्या से निजात दिलाने के लिए बीडा के अधिकारी अपने स्तर पर पूरे प्रयास में जुटे हैं लेकिन नगर परिषद और प्रदूषण मंडल की कारगुजारियों के कारण समस्या की जड़ तक नहीं पहुंचा जा रहा है। बीडा सीईओ ने बारिश की आड़ में गंदा पानी छोड़ते वाली कंपनियों की जांच के लिए चार विभागों बीडा, रीको, नगर परिषद व प्रदूषण मंडल के अधिकारियों की दो टीमों बनाई हैं। जो औचक जांच कर कंपनियों में यह खंगाल रही है कि वो बारिश के दौरान नालों में

मामले में जब भास्कर ने प्रदूषण मंडल के आरओ अमित शर्मा से पानी छोड़ते पकड़ी गई कंपनियों के संबंध में जानकारी चाही तो उनका कहना था कि एक कंपनी अपना गंदा पानी बारिश के पानी

पानी तो नहीं छोड़ रही। बीडा सीईओ श्वेता चौहान ने बताया कि गुरुवार की जांच में दो कंपनियां ऐसी मिली हैं, जो बारिश की आड़ में अपना गंदा पानी छोड़ रही थी। मामले में अधिक जानकारी के लिए उन्होंने प्रदूषण मंडल के आरओ अमित शर्मा से बात करने के लिए कहा।

के साथ छोड़ती मिली। जबकि दूसरी कंपनी का ईटीपी ही बंद था, जो अपना डिस्चार्ज वाटर बारिश के पानी के साथ छोड़ रही थी। जब उनसे दोनों कंपनियों के नाम पूछे गए तो

वर्षा जल में जहर मिलाने वालों पर पहले से मेहरबान हैं प्रदूषण मंडल : यह पहली बार नहीं कि कंपनियां बारिश के पानी में जहरीला पानी छोड़ते पकड़ी गई हो। पिछले साल भी जब एडीएम के निर्देश पर बारिश के दौरान कंपनियों की जांच कराई गई थी तब भी ऐसी कई कंपनियां पकड़ी गई थी। लेकिन

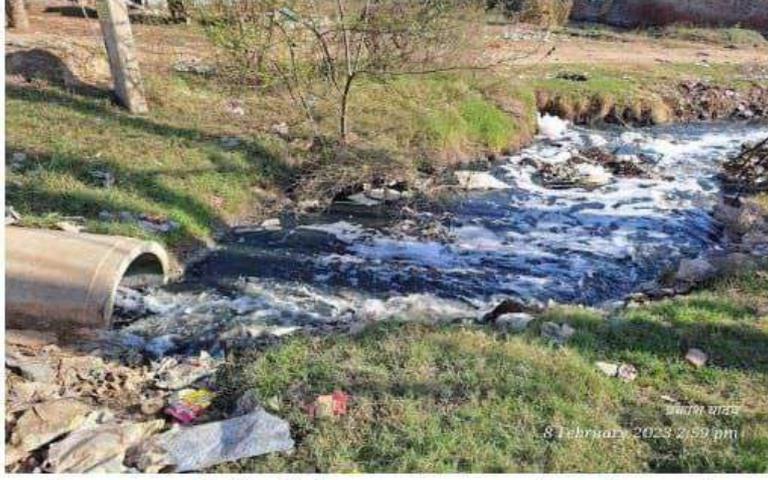
उनका कहना था कि दोनों दवा निर्माता कंपनी है लेकिन नाम नहीं बता सकता। नाम नहीं बताने के पीछे कारण पूछा तो वो पीआरओ को प्रेस नोट जारी करने की बात कहने लगे।

उनके खिलाफ क्या कार्रवाई हुई, इसका खुलासा प्रदूषण मंडल आज तक सार्वजनिक नहीं कर सका। स्थानीय प्रदूषण मंडल के अधिकारियों की लोगों के जीवन से खिलवाड़ करने वाली कंपनियों पर पूरी मेहरबानी बनी हुई है। यही कारण है कि ये इनके नाम तक सार्वजनिक करने से बचते हैं।

धारूहेड़ा में आने वाले प्रदूषित पानी को छोड़ने वालों के खिलाफ कानूनी कार्यवाही किये जाने को लेकर पुलिस विभाग को लिखा पत्र

धारूहेड़ा, चरण सिंह शौर्य ।

भिवाड़ी से रोजाना भारी मात्रा में बरसाती नाले के माध्यम से बहकर पहुँच रहा प्रदूषित पानी वर्षों से लाखों लोगों के लिए आफत बना हुआ है। लेकिन सरकार व प्रशासन ने इसकी रोकथाम के लिए कोई कदम नहीं उठाया गया, एनजीटी में भी इस मामले को धारूहेड़ा निवासी सुमित्रा मुकदम द्वारा ही ले जाया गया लेकिन स्थानीय प्रशासन व नगरपालिका धारूहेड़ा कोई भी कानूनी कार्यवाही के लिए आगे नहीं आई है। केवल बैठके व दौरे कर औपचारिकता पूरी कर ली जाती रही है और ये प्रदूषित पानी अब धारूहेड़ा सहित आसपास के दर्जनों गाँवों के लिए भी परेशानी का कारण बन रहा है। इस गम्भीर समस्या को देखते हुए राजस्थान के मुख्यमंत्री व राजस्थान प्रदूषण नियंत्रण विभाग को पत्र लिख कर समाधान की अपील की गई थी, जिसके जवाब में राजस्थान राज्य प्रदूषण नियंत्रण बोर्ड के भिवाड़ी क्षेत्रीय अधिकारी ने माना कि भिवाड़ी की तरफ से औद्योगिक इकाइयाँ व रिहायशी क्षेत्रों से प्रदूषित पानी धारूहेड़ा की तरफ छोड़ा जा रहा है



जबकि इस तरह खुले में पानी छोड़ना एक कानूनी अपराध है लेकिन इस प्रदूषित पानी को लेकर धारूहेड़ा नगरपालिका व जिम्मेदार लोगों द्वारा कोई कार्रवाई नहीं किए जाने पर गाँव खरखड़ा निवासी प्रकाश यादव ने हरियाणा प्रदेश के गृह मंत्री अनिल विज, पुलिस महानिदेशक, आईजी साउथ रेंज व एसपी रेवाड़ी को पत्र लिखकर इस तरह खुले में पानी प्रदूषित पानी को धारूहेड़ा की तरफ लगातार छोड़ने वालों पर कानूनी कार्रवाई किए जाने के लेकर पत्र लिखा गया है।

(लिखा गया पत्र)

आदरणीय महोदय/महोदया
राजस्थान के भिवाड़ी औद्योगिक क्षेत्र से जिला रेवाड़ी के कस्बा धारूहेड़ा में पहुँच रहे केमिकल युक्त प्रदूषित पानी का वर्षों से धारूहेड़ा में लगातार बरसाती नाले के माध्यम से बहकर आना जिला प्रशासन सहित हरियाणा सरकार व केंद्र सरकार के लिए बड़ी परेशानी बना हुआ है। जिसको लेकर वर्ष 2015 में नेशनल ग्रीन ट्रिब्यूनल में इस समस्या को रखा गया था और लंबी सुनवाई के बाद राजस्थान सरकार को इस पानी को धारूहेड़ा आने से रोकने के साथ ही पर्यावरण को क्षति

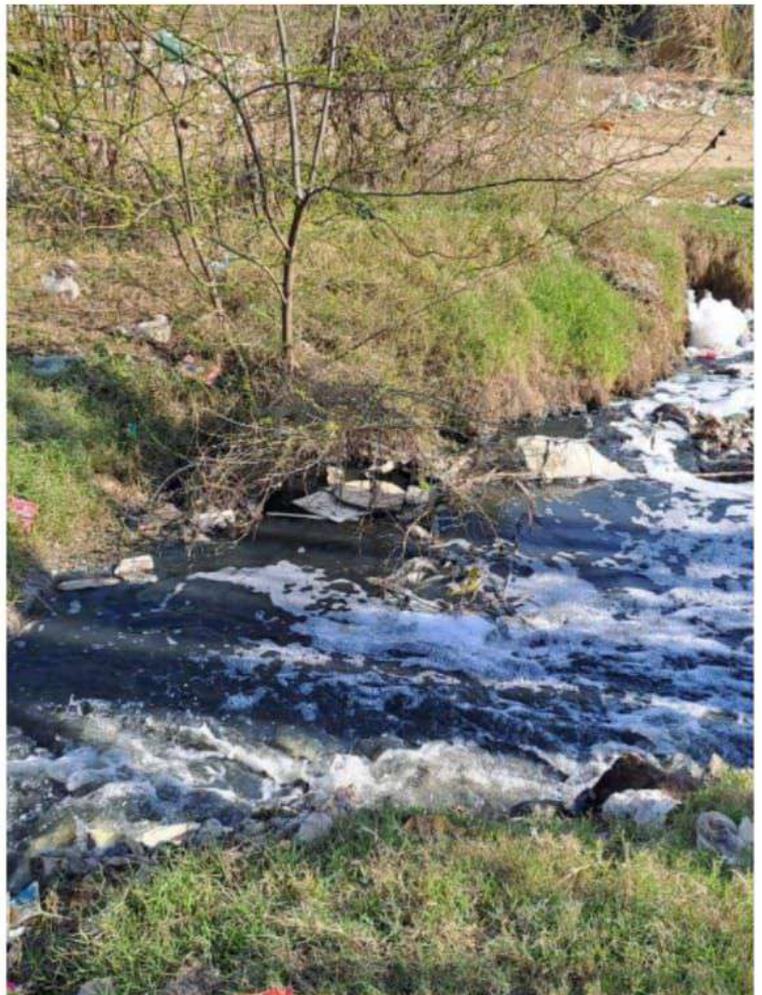
पहुँचाने के लिए इसके दोषियों पर करोड़ों रुपये का जुर्माना भी लगाया गया था। लेकिन वर्षों बीतने के बाद भी अभी तक इस गंभीर समस्या का कोई हल नहीं निकला है आज भी लाखों लीटर प्रदूषित पानी धारूहेड़ा पहुँचकर धारूहेड़ा औद्योगिक क्षेत्र, नेशनल हाइवे व औद्योगिक इकाइयों के खाली भूखंडों व सेक्टरों के आसपास भारी मात्रा में खड़ा हो आमजन के लिए भी परेशानी का कारण बना हुआ है। इस गम्भीर समस्या व प्रदूषण की रोकथाम किये जाने को लेकर मैंने राजस्थान राज्य प्रदूषण नियंत्रण बोर्ड को इस तरह प्रदूषित पानी बरसाती नाले के माध्यम से धारूहेड़ा में छोड़ने पर कार्यवाही को लेकर पत्र लिखा था उनके द्वारा मुझे प्राप्त जवाब के अनुसार उन्होंने भी माना कि प्रदूषित पानी वर्षों से लगातार धारूहेड़ा में छोड़ा जा रहा है। उक्त पत्र को देखते हुए मैं आपसे अनुरोध करता हूँ कि इस तरह प्रदूषित पानी को धारूहेड़ा में छोड़ने वालों के खिलाफ कानूनी कार्यवाही कर मुकदमा दर्ज करें ताकि इस प्रदूषित पानी की वजह से हो रहे जलवायु प्रदूषण को रोका जा सके।

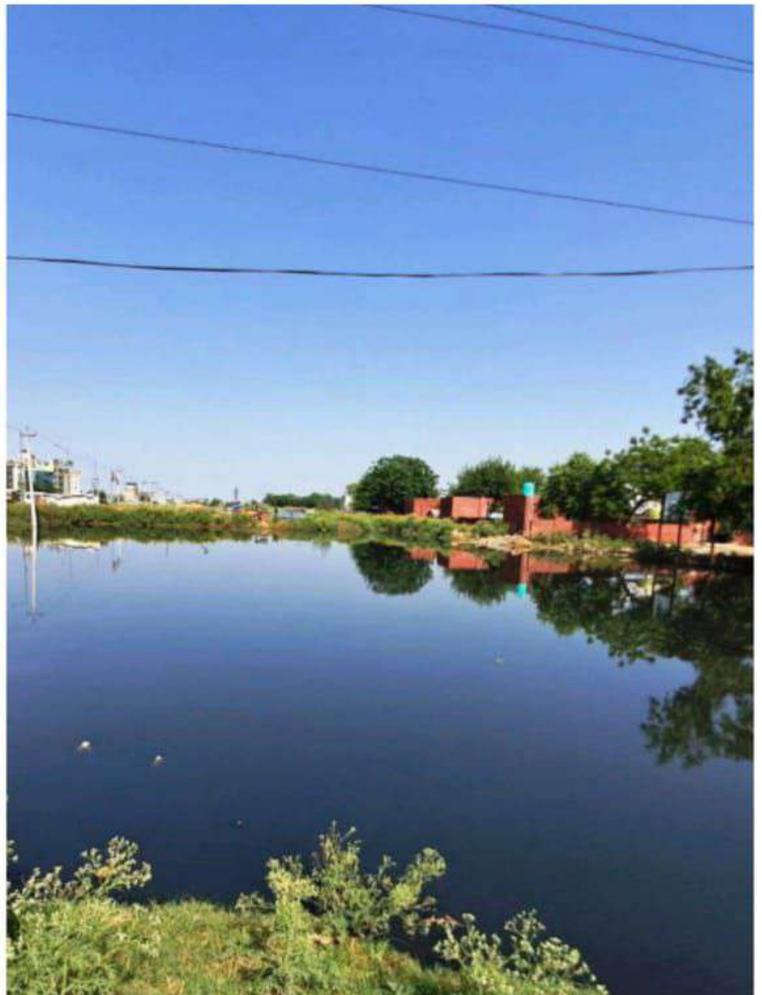
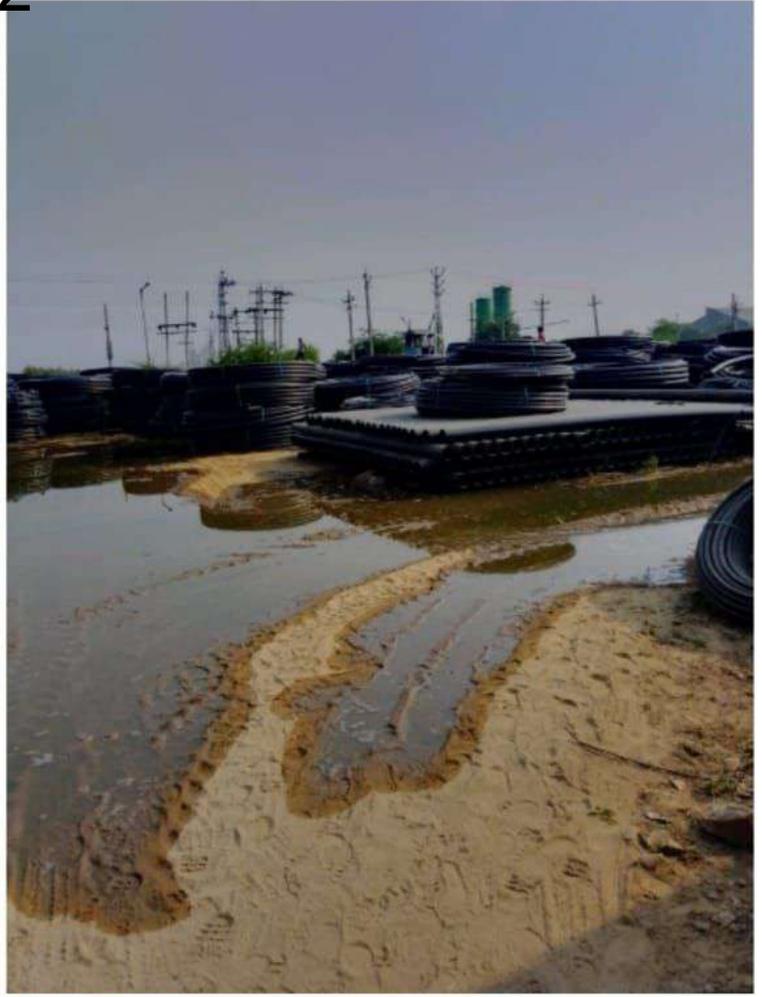


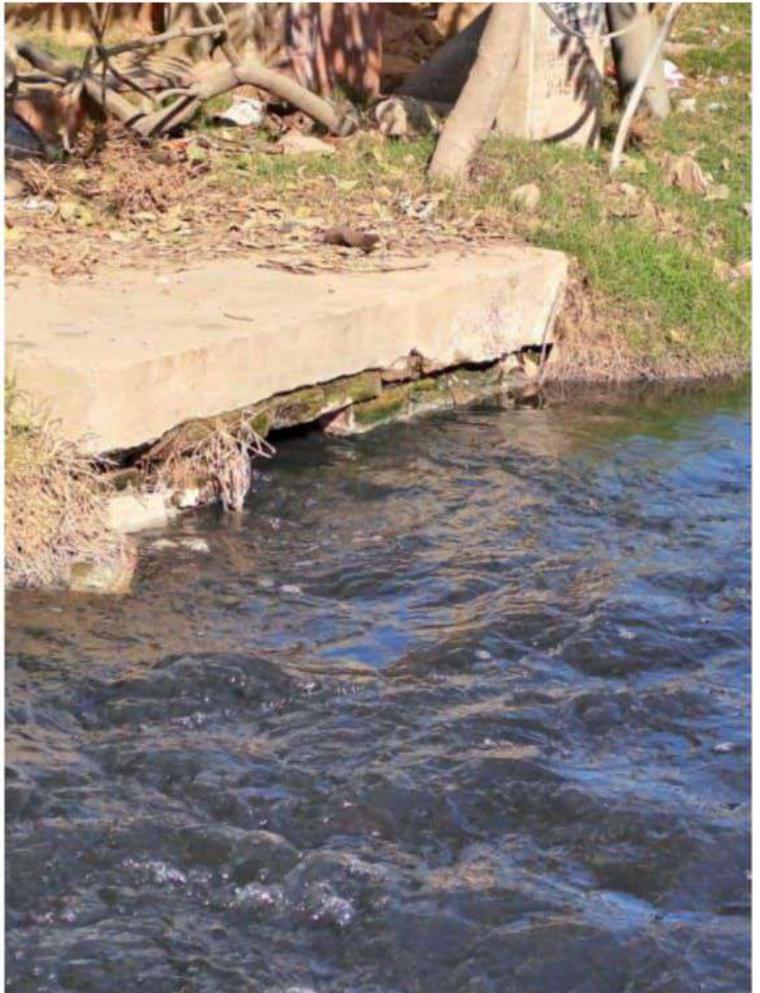
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Details for registration number : MINWR/E/2023/0000654

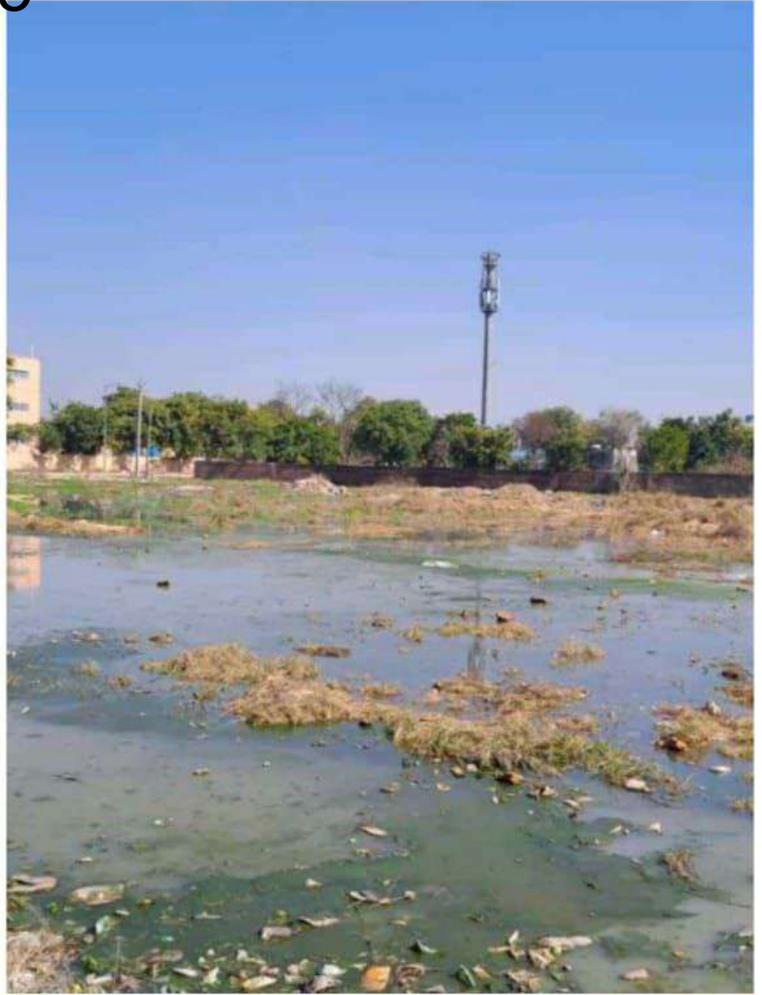
Name	Parkash Yadav
Date of receipt	12/07/2023
Address	Parkash Yadav S/o Sh.Fateh Singh VPO-Kharkhara Dharuhera
District name	Rewari
State name	Haryana
Mobile no	9992311515
Email Id	parkashyadav1515@gmail.com
Grievance description	<p>आदरणीय मोहदया।मोहदया राजस्थान राज्य के भिवाड़ी औद्योगिक क्षेत्र से हरियाणा राज्य के जिला रेवाड़ी के कस्बा धारुहेड़ा मे पहुंच रहे केमिकल युक्त प्रदूषित पानी का वर्षों से धारुहेड़ा में लगातार बरसाती नाले के माध्यम से बहकर आना जिला प्रशासन सहित हरियाणा सरकार व केंद्र सरकार के लिए बड़ी परेशानी बना हुआ है। लेकिन अभी तक इस समस्या को लेकर केवल कागज़ो मे ही कार्य हो रहा है धरातल पर कोई भी समाधान नजर नहीं आ रहा है और ये समस्या और भी गम्भीर बनती जा रही है।</p> <p>आज धारुहेड़ा का जलस्तर पूरी तरह प्रदूषित हो गया है जिसकी जाँच भी होनी आवश्यक है ताकि लाखों लोगों की आबादी को प्रदूषित पानी पीने से बचाया जा सके।</p> <p>इस तरह केमिकल युक्त प्रदूषित पानी का खुले आम बहकर धारुहेड़ा पहुँच औद्योगिक क्षेत्र के सैंकडो एकड़ खाली भूखण्डों सहित रिहायशी सेक्टरों,सड़को व दिल्ली जयपुर राष्ट्रीय राजमार्ग के दोनों तरफ भरे खड़े होने के बावजूद वर्षों बीतने के बाद भी अभी तक इस गंभीर समस्या का कोई हल नहीं निकला, आज भी लाखों लीटर प्रदूषित पानी धारुहेड़ा पहुंचकर धारुहेड़ा औद्योगिक क्षेत्र,नेशनल हाइवे व औद्योगिक इकाइयों के खाली भूखंडों व सेक्टरों के आसपास भारी मात्रा में खड़ा हो आमजन के लिए भी परेशानी का कारण बना हुआ है।</p> <p>इस गम्भीर समस्या व प्रदूषण की रोकथाम किये जाने को लेकर मैंने राजस्थान राज्य प्रदूषण नियंत्रण बोर्ड को इस तरह प्रदूषित पानी बरसाती नाले के माध्यम से धारुहेड़ा मे छोड़ने पर कार्यवाही को लेकर पत्र लिखा था उनके द्वारा मुझे प्राप्त जवाब के अनुसार उन्होंने भी माना की प्रदूषित पानी वर्षों से लगातार धारुहेड़ा मे छोड़ा जा रहा है।</p> <p>अतः केन्द्रीय मंत्रालयों व विभागों को इस गम्भीर समस्या के समाधान के लिए कार्यवाही की जानी चाहिए ताकि दो राज्यों के इस मसले की वजह से लाखों प्रभावित लोगो को राहत मिल सके।</p>
Additional Information	Not Provided
Grievance Document	
Name of organisation(s) where grievance is pending	1. Government of Haryana
Type of receipt	Takenup

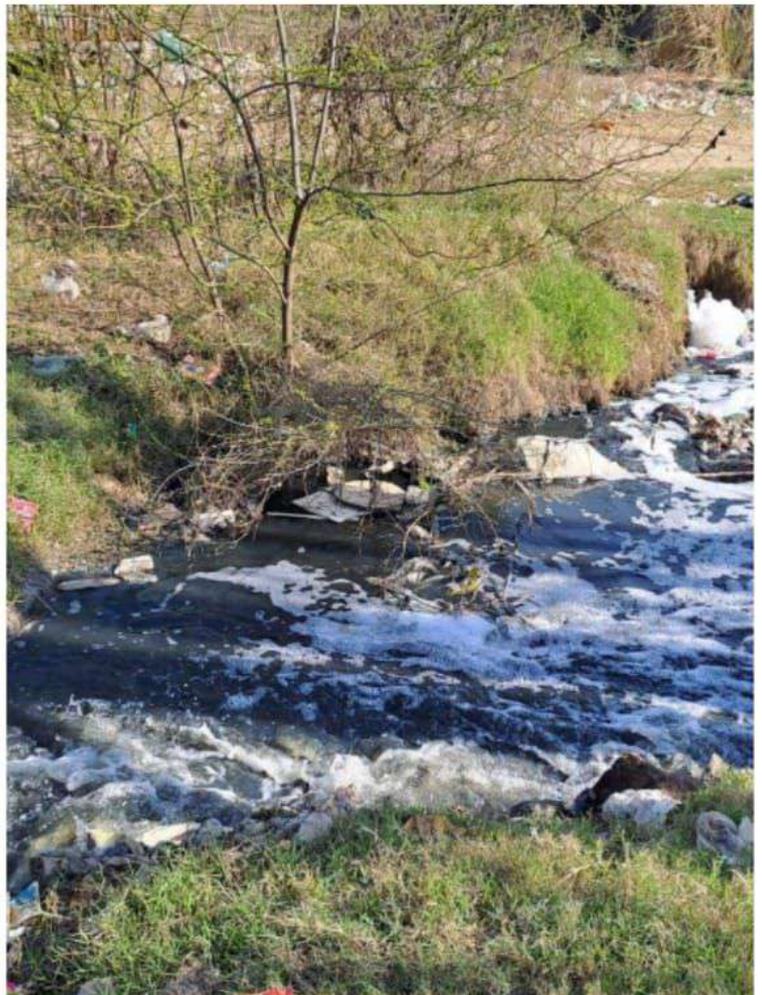
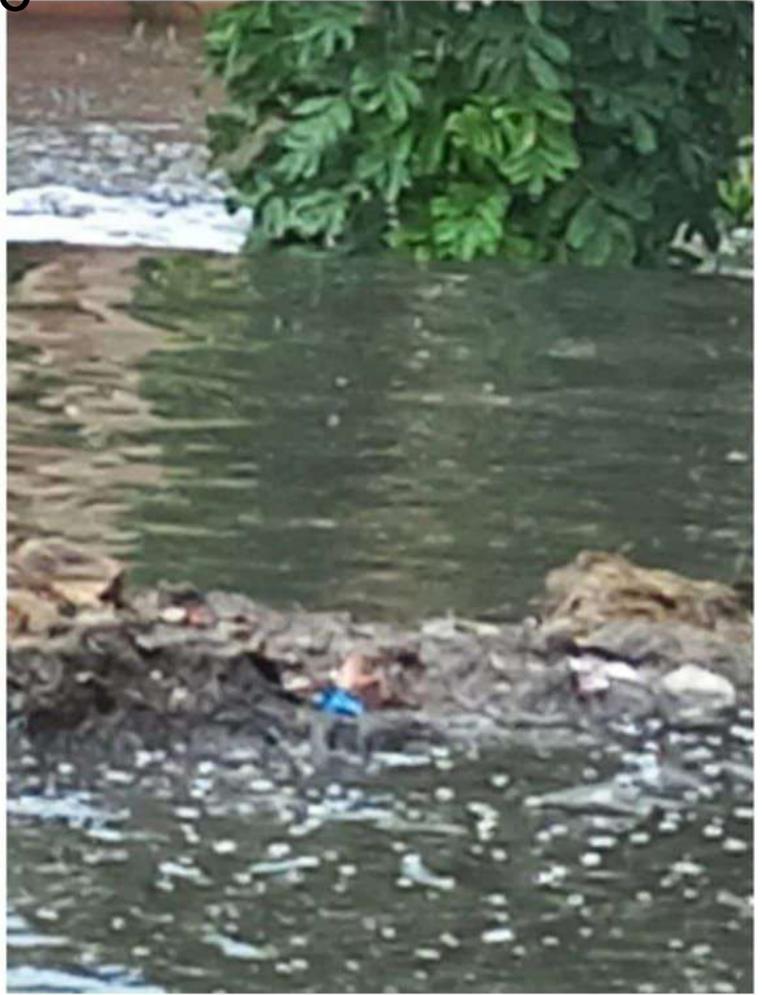






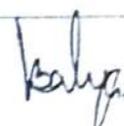
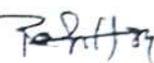






Attendance sheet

Joint team visit in OA No. 344 of 2023, case titled as
Parakash Yadav vs State of Haryana

Sr. No.	Name of officers	Designation	Department	Mobile No.	Signature
1.	Swarnil Patil	APC	CRID	9867756677	
2.	Suneel Dore	Director	CPCB	9205849639	
3.	Vinod Babyan	RO	HSPCB	9416380947	
4.	Rohit Sharma	JE	HSVP	8902315023	
5.	Kazih Kumar	EE	HSPCB	9416725548	
6.					
7.					
8.					
9.					
10.					
11.					
12.					

















I/148051/2023

36

Annexure R/3

Haryana State Pollution Control Board

***REGIONAL OFFICE, DHARUHERA SCO-D6 & D-7,
SUNCITY COMMERCIAL COMPLEX, Sector-6, A-BLOCK REWARI***

Tele Fax: 01274-244241, E-Mail: hspcbrodr@gmail.com

To,

The Regional Officer, Rajasthan State Pollution Control Board,
GO-1, Phase-II, RIICO Industrial Area, Bhiwadi (Rajasthan)

Sub.:- Analysis Report of effluent coming from Bhiwadi, Rajasthan to Dharuhera through Alwar Bye pass.

In this connection, please find enclosed herewith the Analysis Report of the effluent coming from Bhiwadi, Rajasthan to Dharuhera, Haryana. It is requested to take necessary action in this regard.

DA: 1. Copy of analysis report dated 26.09.2022.
2. Copy of analysis report dated 08.12.2022.
3. 1. Copy of analysis report dated 15.12.2022

Signed by Vinod Balyan

Date: 03-01-2023 17:02:33

Reason: Approved
Regional Officer
Dharuhera Region

CC:-

A copy of the above is forwarded to the following for kind information and further necessary action please:-

1. The Deputy Commissioner, Rewari
2. The District Collector, Alwar, Distt. Alwar- 301001 (Rajasthan)



Laboratory Of The **37**
Haryana State Pollution Control Board
Vikas Sadan Ist Floor Gurgaon

Tel-2332596

Paid / Monitoring

Description :-

- (1) Effluent Flowing from Bhiwadi, Rajasthan to Dharuhera, through Alwar by pass road, Dharuhera Report No: 219

Station Code- DHR-RDQ-001, 28.208220, 76.803800

Dated:15-12-2022

Description of the Sample: - Received on 09-12-2022 a sample of Trade effluent / domestic effluent from Sh. Vinod Baliyan, RO HSPCB, Dr. Rajender Singh, Sr. Scientist RSPCB, Dr. Satyavan Singh, Scientist Officer, RSPCB & Sh. Harish Kumar, AEE collected on 09-12-2022 from Drain Effluent Point.

ANALYSIS REPORT
RESULTS

Sr. No.	Parameters	Effluent Flowing from Bhiwadi, Rajasthan to Dharuhera, through Alwar by pass road Dharuhera
1.	Colour	Blackish
2.	Odour	Pungent
3.	pH value	8.6
4.	Suspended Solids mg/l	304
5.	B.O.D. for 3 days at 27°C mg/l	125
6.	C.O.D. mg/l	408
7.	Oil & Grease mg/l	8.0
8.	Conductivity us/cm	4050
9.	Total Dissolved Solids mg/l	2170
10.	Chlorides as Cl mg/l	460
11.	Iron as Fe mg/l	1.6
12.	Phosphate as P mg/l	4.8
13.	Sulphide as S mg/l	3.2
14.	Zinc as Zn mg/l	0.9
15.	Nickel as Ni mg/l	0.6
16.	Total Chromium as Cr mg/l	ND
17.	Boron as B mg/l	ND
18.	Ammonical Nitrogen mg/l	63.6
19.	Nitrite (NO ₂) mg/l	27.2
20.	Nitrate (NO ₃) mg/l	9.4
21.	TKN (Total Kjeldhal Nitrogen) mg/l	516.0
22.	Dissolved Oxygen, mg/l	3.5
23.	Turbidity as NTU	38.6
24.	Total Coliform, MPN/100 ml	110000
25.	Fecal Coliform, MPN/100ml	48000
26.	Streptococci, MPN/100ml	9500
27.	Sodium Absorption Ratio (S.A.R.)	8.6

Sample Collected/Not Collected by us
Sample Consumed in testing

HSPCB/Lab/GR/2022/998

Copy to M.S./A.O./

LAB INCHARGE

Dated 15-12-22



Laboratory Of The **38**
Haryana State Pollution Control Board
Vikas Sadan Ist Floor Gurgaon

Tel-2332596

Paid / Monitoring

Description :-

- (1) Effluent Flowing from Bhiwadi, Rajasthan to Dharuhera, through Alwar by pass road, Dharuhera Report No: 211

Station Code- DHR-RDQ-001, 28.208145, 76.803875

Dated:08-12-2022

Description of the Sample: - Received on 30-11-2022 a sample of Trade effluent / domestic effluent from Sh. Harish Kumar, AEE collected on 30-11-2022 from Drain Effluent Point.

ANALYSIS REPORT

RESULTS

Sr. No.	Parameters	Effluent Flowing from Bhiwadi, Rajasthan to Dharuhera, through Alwar by pass road Dharuhera
1.	Colour	Blackish
2.	Odour	Pungent
3.	pH value	8.1
4.	Suspended Solids mg/l	346
5.	B.O.D. for 3 days at 27°C mg/l	115
6.	C.O.D. mg/l	376
7.	Oil & Grease mg/l	9.0
8.	Conductivity us/cm	3680
9.	Total Dissolved Solids mg/l	1972
10.	Chlorides as Cl mg/l	395
11.	Iron as Fe mg/l	1.1
12.	Phosphate as P mg/l	5.4
13.	Sulphide as S mg/l	3.6
14.	Zinc as Zn mg/l	1.0
15.	Nickel as Ni mg/l	0.9
16.	Total Chromium as Cr mg/l	ND
17.	Boron as B mg/l	ND
18.	Ammonical Nitrogen mg/l	56.8
19.	Nitrite (NO ₂) mg/l	22.6
20.	Nitrate (NO ₃) mg/l	7.8
21.	TKN (Total Kjeldhal Nitrogen) mg/l	422.6
22.	Dissolved Oxygen, mg/l	3.8
23.	Turbidity as NTU	42.6
24.	Total Coliform, MPN/100 ml	81000
25.	Fecal Coliform, MPN/100ml	35000
26.	Streptococci, MPN/100ml	8400
27.	Sodium Absorption Ratio (S.A.R.)	6.6

Sample Collected/Not Collected by us
Sample Consumed in testing

HSPCB/Lab/GR/2022/959-960

Copy to M.S./R.O./

LAB IN CHARGE

Dated 8-12-22

o/c



Paid / Monitoring

Description :-

(1) Effluent Flowing from Bhiwadi, Rajasthan to Dharuhera, through Alwar by pass road, Dharuhera Report No. 164

Station Code- DHR-RDQ-001, N-28.206026 E-76°803998

Dated: 26-09-2022

Description of the Sample: - Received on 14-09-2022 a sample of Trade effluent / domestic effluent from Sh. Harish Kumar, AEE collected on 13-09-2022 from Drain Effluent Point.

ANALYSIS REPORT
RESULTS

Sr. No.	Parameters	Effluent Flowing from Bhiwadi, Rajasthan to Dharuhera, through Alwar by pass road Dharuhera
1.	Colour	Blackish
2.	Odour	Pungent
3.	pH value	8.2
4.	Suspended Solids mg/l	336
5.	B.O.D. for 3 days at 27°C mg/l	100
6.	C.O.D. mg/l	344
7.	Oil & Grease mg/l	7.0
8.	Conductivity us/cm	3710
9.	Total Dissolved Solids mg/l	1968
10.	Chlorides as Cl mg/l	390
11.	Iron as Fe mg/l	1.5
12.	Phosphate as P mg/l	8.1
13.	Sulphide as S mg/l	2.8
14.	Zinc as Zn mg/l	0.5
15.	Nickel as Ni mg/l	0.7
16.	Total Chromium as Cr mg/l	ND
17.	Boron as B mg/l	ND
18.	Ammonical Nitrogen mg/l	62.2
19.	Nitrite (NO ₂) mg/l	28.6
20.	Nitrate (NO ₃) mg/l	10.0
21.	TKN (Total Kjeldahl Nitrogen) mg/l	412.8
22.	Dissolved Oxygen, mg/l	3.9
23.	Turbidity as NTU	41.6
24.	Total Coliform, MPN/100 ml	72000
25.	Fecal Coliform, MPN/100ml	28000
26.	Streptococci, MPN/100ml	5000
27.	Sodium Absorption Ratio (S.A.R.)	3.6

Sample Collected/Not Collected by us
Sample Consumed in testing

HSPCB/Lab/GR/2022/

Copy to M.S./R.O./ 623

[Signature]
LAB INCHARGE
Dated

26/9/2022

I/158929/2023

40

Haryana State Pollution Control Board

***REGIONAL OFFICE, DHARUHERA SCO-D6 & D-7,
SUNCITY COMMERCIAL COMPLEX, Sector-6, A-BLOCK REWARI
Tele Fax: 01274-244241, E-Mail: hspcbrodr@gmail.com***

To,

The Regional Officer, Rajasthan State Pollution Control Board,
GO-1, Phase-II, RIICO Industrial Area, Bhiwadi (Rajasthan)

Sub.:- Analysis Report of effluent coming from Bhiwadi, Rajasthan to Dharuhera through Alwar Bye pass.

In this connection, please find enclosed herewith the Analysis Report of the effluent coming from Bhiwadi, Rajasthan to Dharuhera, Haryana. It is requested to take necessary action in this regard.

DA: 1. *Copy of analysis report dated 09.01.2023.*
2. *Copy of analysis report dated 04.02.2023.*
3. *Copy of analysis report dated 16.02.2023*
4. *Copy of analysis report dated 02.03.2023*

Digitally Signed by Vinod
Balyan
Date: 07-04-2023 14:56:11
Reason: Approved

**Regional Officer
Dharuhera Region**

CC:-

A copy of the above is forwarded to the following for kind information and further necessary action please:-

1. The Deputy Commissioner, Rewari
2. The District Collector, Alwar, Distt. Alwar- 301001 (Rajasthan)



Paid / Monitoring

Description :-

- (1) Effluent Flowing from Bhiwadi, Rajasthan to Dharuhera, through Alwar by pass road, Dharuhera Report No: 246

Station Code- DHR-RDQ-001, 28.208220, 76.803800

Dated 09-01-2023

Description of the Sample: - Received on 30-12-2022 a sample of Trade effluent / domestic effluent from Sh. Harish Kumar, AEE & Smt. Sharmila, Scientific Officer, RSPCB collected on 30-12-2022 from Drain Effluent Point.

ANALYSIS REPORT
RESULTS

Sr. No.	Parameters	Effluent Flowing from Bhiwadi, Rajasthan to Dharuhera, through Alwar by pass road Dharuhera
1.	Colour	Blackish
2.	Odour	Pungent
3.	pH value	8.4
4.	Suspended Solids mg/l	280
5.	B.O.D. for 3 days at 27°C mg/l	115
6.	C.O.D. mg/l	392
7.	Oil & Grease mg/l	7.0
8.	Conductivity us/cm	4510
9.	Total Dissolved Solids mg/l	2460
10.	Chlorides as Cl mg/l	430
11.	Iron as Fe mg/l	1.4
12.	Phosphate as P mg/l	5.2
13.	Sulphide as S mg/l	3.6
14.	Zinc as Zn mg/l	1.1
15.	Nickel as Ni mg/l	0.7
16.	Total Chromium as Cr mg/l	ND
17.	Boron as B mg/l	ND
18.	Ammonical Nitrogen mg/l	58.6
19.	Nitrite (NO ₂) mg/l	32.2
20.	Nitrate (NO ₃) mg/l	10.0
21.	Dissolved Oxygen, mg/l	3.8
22.	Turbidity as NTU	34.6
23.	Total Coliform, MPN/100 ml	90000
24.	Fecal Coliform, MPN/100ml	38000
25.	Streptococci, MPN/100ml	8400
26.	Sodium Absorption Ratio (S.A.R.)	7.2

Sample Collected/Not Collected by us
Sample Consumed in testing

HSPCB/Lab/GR/2022/1182

Copy to M.S./R.O./

LAB INCHARGE

Dated 09/01/2023



Paid / Monitoring

- Description :-
(1) Effluent Flowing from Bhiwadi, Rajasthan to Dharuhera, through Alwar by pass road, Dharuhera Report No: 274

Station Code- DHR-RDQ-001, 28.208045, 76.804269

Dated 04-02-2023

Description of the Sample: - Received on 24-01-2023 a sample of Trade effluent / domestic effluent from Sh. Vinod Ballyan, RO HSPCB, Dr. R.S Meena, SSO, RPCB, Dr. Satyavan Singh, Scientist Officer, RSPCB & Sh. Harish Kumar, AEE collected on 24-01-2023 from Drain Effluent Point.

ANALYSIS REPORT
RESULTS

Sr. No.	Parameters	Effluent Flowing from Bhiwadi, Rajasthan to Dharuhera, through Alwar by pass road Dharuhera
1.	Colour	Blackish
2.	Odour	Pungent
3.	pH value	7.8
4.	Suspended Solids mg/l	212
5.	B.O.D. for 3 days at 27°C mg/l	210
6.	C.O.D. mg/l	560
7.	Oil & Grease mg/l	7.0
8.	Conductivity us/cm	2910
9.	Total Dissolved Solids mg/l	1456
10.	Chlorides as Cl mg/l	380
11.	Iron as Fe mg/l	1.1
12.	Phosphate as P mg/l	5.9
13.	Sulphide as S mg/l	3.2
14.	Zinc as Zn mg/l	0.7
15.	Nickel as Ni mg/l	1.0
16.	Total Chromium as Cr mg/l	ND
17.	Boron as B mg/l	ND
18.	Nitrite (NO ₂) mg/l	38.4
19.	Nitrate (NO ₃) mg/l	12.8
20.	Dissolved Oxygen, mg/l	2.4
21.	Turbidity as NTU	52.8
22.	Total Coliform, MPN/100 ml	120000
23.	Fecal Coliform, MPN/100ml	72000
24.	Streptococci, MPN/100ml	21000
25.	Sodium Absorption Ratio (S.A.R.)	9.0

Sample Collected/Not Collected by us
Sample Consumed in testing

HSPCB/Lab/GR/2022/1390 - 1391
Copy to M.S./R.O./

LAB INCHARGE

Dated 04/02/2023



Paid / Monitoring

Description :-

- (1) Effluent Flowing from Bhiwadi, Rajasthan to Dharuhera, through Alwar by pass road, Dharuhera Report No: 291

Station Code- DHR-RDQ-001, 28.208060, 76.804262

Dated 16-02-2023

Description of the Sample: - Received on 07-02-2023 a sample of Trade effluent / domestic effluent from, Dr. Satyavan Singh, Scientist Officer, RSPCB & Sh. Harish Kumar, AEE collected on 07-02-2023 from Drain Effluent Point.

ANALYSIS REPORT
RESULTS

Sr. No.	Parameters	Effluent Flowing from Bhiwadi, Rajasthan to Dharuhera, through Alwar by pass road Dharuhera
1.	Colour	Blackish
2.	Odour	Pungent
3.	pH value	7.4
4.	Suspended Solids mg/l	286
5.	B.O.D. for 3 days at 27°C mg/l	240
6.	C.O.D. mg/l	624
7.	Oil & Grease mg/l	5.0
8.	Conductivity us/cm	3250
9.	Total Dissolved Solids mg/l	1544
10.	Chlorides as Cl mg/l	340
11.	Iron as Fe mg/l	0.7
12.	Phosphate as P mg/l	5.1
13.	Sulphide as S mg/l	3.6
14.	Zinc as Zn mg/l	0.9
15.	Nickel as Ni mg/l	0.5
16.	Total Chromium as Cr mg/l	ND
17.	Boron as B mg/l	ND
18.	Nitrite (NO ₂) mg/l	40.2
19.	Nitrate (NO ₃) mg/l	14.6
20.	Dissolved Oxygen, mg/l	2.2
21.	Turbidity as NTU	64.6
22.	Total Coliform, MPN/100 ml	135000
23.	Fecal Coliform, MPN/100ml	84000
24.	Streptococci, MPN/100ml	18000
25.	Sodium Absorption Ratio (S.A.R.)	6.2

Sample Collected/Not Collected by us
Sample Consumed in testing

HSPCB/Lab/GR/2022/1460 - 1461
Copy to M.S./R.O./

LAB INCHARGE
Dated 16/02/2023

o/c



Paid / Monitoring

Description :-

- (1) Effluent Flowing from Bhiwadi, Rajasthan to Dharuhera, through Alwar by pass road, Dharuhera Report No: 299

Station Code- DHR-RDQ-001, 28.208060, 76.804262

Dated :02-03-2023

Description of the Sample: - Received on 22-02-2023 a sample of Trade effluent / domestic effluent from, Sh. Amit Sharma, RO Bhiwadi, RSPCB & Sh. Harish Kumar, AEE collected on 21-02-2023 from Drain Effluent Point.

ANALYSIS REPORT
RESULTS

Sr. No.	Parameters	Effluent Flowing from Bhiwadi, Rajasthan to Dharuhera, through Alwar by pass road Dharuhera
1.	Colour	Blackish
2.	Odour	Pungent
3.	pH value	8.0
4.	Suspended Solids mg/l	364
5.	B.O.D. for 3 days at 27°C mg/l	184
6.	C.O.D. mg/l	576
7.	Oil & Grease mg/l	6.0
8.	Conductivity us/cm	3690
9.	Total Dissolved Solids mg/l	1948
10.	Chlorides as Cl mg/l	360
11.	Iron as Fe mg/l	0.4
12.	Phosphate as P mg/l	4.6
13.	Sulphide as S mg/l	4.0
14.	Zinc as Zn mg/l	0.5
15.	Nickel as Ni mg/l	0.8
16.	Total Chromium as Cr mg/l	ND
17.	Boron as B mg/l	ND
18.	Nitrite (NO ₂) mg/l	48.4
19.	Nitrate (NO ₃) mg/l	18.8
20.	Dissolved Oxygen, mg/l	2.6
21.	Turbidity as NTU	59.0
22.	Total Coliform, MPN/100 ml	115000
23.	Fecal Coliform, MPN/100ml	74000
24.	Streptococci, MPN/100ml	16000
25.	Sodium Absorption Ratio (S.A.R.)	5.6

Sample Collected/Not Collected by us
Sample Consumed in testing

HSPCB/Lab/GR/2023/ 1557

Copy to M.S./R.O./

(P. M. Sharma)
LAB INCHARGE

Dated 2-3-23.

I/166460/2023

45

Haryana State Pollution Control Board

***REGIONAL OFFICE, Rewari, SCO-D6 & D-7,
SUNCITY COMMERCIAL COMPLEX, Sector-6, A-BLOCK REWARI
Tele Fax: 01274-244241, E-Mail: hspcbrodr@gmail.com***

To,

The Regional Officer, Rajasthan State Pollution Control Board,
GO-1, Phase-II, RIICO Industrial Area, Bhiwadi (Rajasthan)

Sub.:- Analysis Reports of effluent coming from Bhiwadi, Rajasthan to Dharuhera through Alwar Bye pass.

In this connection, it is intimated that in compliance to the meeting held under the Chairmanship of Rao Inderjeet Singh, Hon'ble Minister of State (Independent Charge) Ministry of statistics and Programme Implementation, Ministry of Planning with the officers of Govt of Rajasthan and Haryana on 01.09.2022, as per decision taken in the meeting joint sampling of the effluent flowing from Bhiwadi to Dharuhera, is being carried out fortnightly and parameters of effluent are exceeding the prescribed limits. Reports of effluent are being shared with your office regularly. Reports of effluents for the month of March, April and May, 2023 are enclosed herewith showing the various parameters again exceeding the prescribed limits. Based upon the reports of effluents, you are again requested to take necessary action to control the flow and quality of effluent flowing from Bhiwadi to Dharuhera.

**DA: 1. Copy of analysis report dated 10.04.2023.
2. Copy of analysis report dated 16.05.2023.**

Digitally Signed by Vinod
Balyan
Date: 15-06-2023 17:05:47
Reason: Approved
**Regional Officer
Rewari Region**

CC:-

A copy of the above is forwarded to the following for kind information and further necessary action please:-

1. The Deputy Commissioner, Rewari
2. The District Collector, Alwar, Distt. Alwar- 301001 (Rajasthan)



Paid / Monitoring

Description :-

- (1) Drain (1) Effluent Flowing from Bhiwadi to Dharuhera in front of BPCL Petrol Pump, Dharuhera Report No: 327-328

Station Code- DHR-RDQ-001, 28.2081478 N, 76.805829 E

Dated :10-04-2023

- (2) Drain (2) Effluent Flowing from Bhiwadi to Dharuhera in front of BPCL Petrol Pump, Dharuhera 28.2079085 N, 76.8055664 E

Description of the Sample: - Received on 30-03-2023 a sample of Trade effluent / domestic effluent from, Dr. R.S Meena, SSO, RSPCB & Sh. Harish Kumar, AEE collected on 29-03-2023 from Drain Effluent Point.

**ANALYSIS REPORT
RESULTS**

Sr. No.	Parameters	Drain (1)	Drain (2)
1.	Colour	Blackish	Blackish
2.	Odour	Pungent	Pungent
3.	pH value	7.6	8.0
4.	Suspended Solids mg/l	268	332
5.	B.O.D. for 3 days at 27°C mg/l	125	140
6.	C.O.D. mg/l	320	368
7.	Oil & Grease mg/l	4.0	7.0
8.	Conductivity us/cm	2970	3310
9.	Total Dissolved Solids mg/l	1608	1750
10.	Chlorides as Cl mg/l	290	360
11.	Iron as Fe mg/l	1.3	1.5
12.	Phosphate as P mg/l	3.9	4.6
13.	Sulphide as S mg/l	3.6	2.8
14.	Zinc as Zn mg/l	0.9	1.2
15.	Nickel as Ni mg/l	1.1	1.4
16.	Total Chromium as Cr mg/l	ND	ND
17.	Boron as B mg/l	ND	ND
18.	Nitrite (NO ₂) mg/l	38.0	48.8
19.	Nitrate (NO ₃) mg/l	14.6	22.2
20.	Dissolved Oxygen, mg/l	3.2	2.4
21.	Turbidity as NTU	56.6	72.2
22.	Total Coliform, MPN/100 ml	86000	98000
23.	Fecal Coliform, MPN/100ml	28000	42000
24.	Streptococci, MPN/100ml	9000	16000
25.	Sodium Absorption Ratio (S.A.R.)	5.2	9.6

Sample Collected/Not Collected by us
Sample Consumed in testing

HSPCB/Lab/GR/2023/1772

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LAB INCHARGE

Dated 10.04.2023



47

Laboratory Of The
Haryana State Pollution Control Board
Vikas Sadan Ist Floor Gurgaon

Tel-2332596

Paid / Monitoring

Description :-

(1) Drain (1) Effluent Flowing from Bhiwadi to Dharuhera

Report No: 13-14

Station Code- DHR-RDQ-001, 28.208026 N, 76.803998 E

Dated :26-04-2023

(2) Drain (2) Effluent Flowing from Bhiwadi to Dharuhera 28.207963 N, 76.805640 E

Description of the Sample: - Received on 17-04-2023 a sample of Trade effluent / domestic effluent from, Dr. Satyavan Singh, SO, RSPCB & Sh. Harish Kumar, AEE collected on 17-04-2023 from Drain Effluent Point.

ANALYSIS REPORT
RESULTS

Sr. No.	Parameters	Drain (1)	Drain (2)
1.	Colour	Blackish	Blackish
2.	Odour	Pungent	Pungent
3.	pH value	7.1	7.7
4.	Suspended Solids mg/l	194	236
5.	B.O.D. for 3 days at 27°C mg/l	75	60
6.	C.O.D. mg/l	224	172
7.	Oil & Grease mg/l	5.0	3.0
8.	Conductivity us/cm	3260	2840
9.	Total Dissolved Solids mg/l	1420	1290
10.	Chlorides as Cl mg/l	315	285
11.	Iron as Fe mg/l	0.9	1.2
12.	Phosphate as P mg/l	3.2	4.0
13.	Sulphide as S mg/l	3.2	2.8
14.	Zinc as Zn mg/l	0.4	0.9
15.	Nickel as Ni mg/l	1.3	0.5
16.	Total Chromium as Cr mg/l	ND	ND
17.	Boron as B mg/l	ND	ND
18.	Nitrite (NO ₂) mg/l	34.2	42.4
19.	Nitrate (NO ₃) mg/l	14.6	18.2
20.	Dissolved Oxygen, mg/l	3.8	3.3
21.	Turbidity as NTU	54.8	46.4
22.	Total Coliform, MPN/100 ml	72000	65000
23.	Fecal Coliform, MPN/100ml	25000	19000
24.	Streptococci, MPN/100ml	7600	6800
25.	Sodium Absorption Ratio (S.A.R.)	4.2	7.2

Sample Collected/Not Collected by us
Sample Consumed in testing

HSPCB/Lab/GR/2023/85-86

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LAB INCHARGE
Dated 26-4-23

etc



Laboratory Of The **48**
Haryana State Pollution Control Board
Vikas Sadan Ist Floor Gurgaon

Tel-2332596

Paid / Monitoring

Description :-

- (1) Drain (1) Effluent Flowing from Bhiwadi to Dharuhera In front of BPCL Petrol Pump, Dharuhera

Report No: 77-78

Station Code- DHR-RDQ-001, 28.208187 N, 76.2078970 E

Dated :12-06-2023

- (2) Drain (2) Effluent Flowing from Bhiwadi to Dharuhera In front of BPCL Petrol Pump, Dharuhera 28.2079114 N, 76.8055534 E

Description of the Sample: - Received on 31-05-2023 a sample of Trade effluent / domestic effluent from, Dr. Satyavan Singh, SO, RSPCB, Bhiwadi & Dr. R.S Meena, SSO, RSPCB & Sh. Harish Kumar, AEE & collected on 31-05-2023 from Drain Effluent Point.

ANALYSIS REPORT
RESULTS

Sr. No.	Parameters	Drain (1)	Drain (2)
1.	Colour	Blackish	Blackish
2.	Odour	Pungent	Pungent
3.	pH value	7.0	7.0
4.	Suspended Solids mg/l	302	348
5.	B.O.D. for 3 days at 27°C mg/l	160	190
6.	C.O.D. mg/l	496	580
7.	Oil & Grease mg/l	8.0	11.0
8.	Conductivity us/cm	2110	2290
9.	Total Dissolved Solids mg/l	1038	1128
10.	Chlorides as Cl mg/l	365	410
11.	Iron as Fe mg/l	1.9	2.1
12.	Phosphate as P mg/l	5.7	6.4
13.	Sulphide as S mg/l	4.4	3.2
14.	Zinc as Zn mg/l	0.7	0.4
15.	Nickel as Ni mg/l	1.1	0.9
16.	Total Chromium as Cr mg/l	ND	ND
17.	Boron as B mg/l	ND	ND
18.	Nitrite (NO ₂) mg/l	72.6	68.2
19.	Nitrate (NO ₃) mg/l	38.4	35.0
20.	Dissolved Oxygen, mg/l	1.4	1.1
21.	Turbidity as NTU	65.1	70.4
22.	TKN (Total Kjeldhal Nitrogen) mg/l	164	180
23.	Total Coliform, MPN/100 ml	120000	140000
24.	Fecal Coliform, MPN/100ml	67000	76000
25.	Streptococci, MPN/100ml	19000	21000
26.	Sodium Absorption Ratio (S.A.R.)	9.4	14.6

Sample Collected/Not Collected by us
Sample Consumed in testing

HSPCB/Lab/GR/2023/ 291-292

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V. Patel
LAB INCHARGE

Dated 12-6-23

o/c



Laboratory Of The **49**
Haryana State Pollution Control Board
Vikas Sadan 1st Floor Gurgaon

Tel-2332596

Paid / Monitoring

Description :-

- (1) Drain (1) Effluent Flowing from Bhiwadi to Dharuhera in front of BPCL Petrol Pump, Dharuhera Report No: 32-33

Station Code- DHR-RDQ-001, 28.2082025 N, 76.8058042 E

Dated :16-05-2023

- (2) Drain (2) Effluent Flowing from Bhiwadi to Dharuhera in front of BPCL Petrol Pump, Dharuhera 28.2079114 N, 76.8055534 E

Description of the Sample: - Received on 05-05-2023 a sample of Trade effluent / domestic effluent from, Dr. Satyavan Singh, SO, RSPCB, Bhiwadi & Dr. R.S Meena, SSO, RSPCB & Sh. Harish Kumar, AEE & collected on 05-05-2023 from Drain Effluent Point.

**ANALYSIS REPORT
RESULTS**

Sr. No.	Parameters	Drain (1)	Drain (2)
1.	Colour	Blackish	Blackish
2.	Odour	Pungent	Pungent
3.	pH value	7.4	7.9
4.	Suspended Solids mg/l	242	286
5.	B.O.D. for 3 days at 27°C mg/l	135	165
6.	C.O.D. mg/l	372	408
7.	Oil & Grease mg/l	6.0	6.0
8.	Conductivity us/cm	3240	3570
9.	Total Dissolved Solids mg/l	1760	1805
10.	Chlorides as Cl mg/l	325	375
11.	Iron as Fe mg/l	1.7	1.9
12.	Phosphate as P mg/l	4.4	4.9
13.	Sulphide as S mg/l	3.2	3.6
14.	Zinc as Zn mg/l	0.5	0.9
15.	Nickel as Ni mg/l	1.6	1.1
16.	Total Chromium as Cr mg/l	ND	ND
17.	Boron as B mg/l	ND	ND
18.	Nitrite (NO ₂) mg/l	44.8	54.4
19.	Nitrate (NO ₃) mg/l	18.2	23.6
20.	Dissolved Oxygen, mg/l	2.9	2.5
21.	Turbidity as NTU	68.4	66.8
22.	Total Coliform, MPN/100 ml	94000	110000
23.	Fecal Coliform, MPN/100ml	37000	48000
24.	Streptococci, MPN/100ml	12000	17000
25.	Sodium Absorption Ratio (S.A.R.)	7.6	11.8

Sample Collected/Not Collected by us
Sample Consumed in testing

HSPCB/Lab/GR/2023/152

Copy to M.S./R.O.

LAB INCHARGE

Dated 16.05.2023

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 124 of 2015

(M.A. No. 375 of 2016, M.A. No. 308 of 2017, M.A. No. 310 of 2017, M.A. No. 327 of 2017, 669 of 2017, 1123 of 2017 & 1307 of 2017)

And

Original Application No. 127 of 2016

(M.A. Nos. 309 of 2017, 657 of 2017, 1305 of 2017, 1329/2017& 1439/2017)

And

M.A. No. 664 of 2017

In

Appeal No. 11 of 2017

IN THE MATTER OF:

Sumitra Devi Vs. CPCB & Ors.

And

Dr. Laxman Raghav Vs. State of Rajasthan & Ors.

And

Arvind Press Caps Limited Vs. Rajasthan State Pollution Control Board

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE U.D.SALVI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Present:

Applicant:	Mr. Rahul Khurana, Adv. Mr. Vivek Kumar Tandon, Adv.
Respondent No. 1:	Mr. Raj Kumar, Adv. Mr. Bhupender LO for Central Pollution Control Board Mr. Anil Grover, AAG Mr. Raj Panjwani, Sr. Adv Mr. Anuj Bhandari, Adv.. for RIICO Mr. Krishna Kumar Singh, Adv. and Mr. Anurag Kumar, Adv. for Ministry of Environment, Forest and Climate Change Mr. B.V. Niren, Adv. and Mr. Vinayak Gupta, Adv. for CGWA Mr. Shiv Mangal Sharma, AAG with Mr. Saurabh Rajpal, Mr. Adhiraj Singh Rajawat Ms. Shikha Sandhu Advs. for State of Rajasthan & RSPCB Mr. Rajeev Swarup ACS and Mr. Arun Prasad MS and Mr. K. C. Gupta RO Mr. Anil Grover, AAG and Mr. Rahul Khurana, Advs. Mr. Sumeer Sodhi, Adv. Mr. Pawan Upadhyay and Mr. Akash Tyagi adv. Mr. Manav Gupta and Mr. Esha Dutta and Mr. Sahil Garg, Advs.
State of Rajasthan	

	Date and Remarks	Orders of the Tribunal
	Item No. 18 to 20 December 12, 2017 ss	The applicant had filed this application being Original Application No. 127/2016 that the respondent authority be directed to prevent discharge of trade effluent

**Item No.
18 to 20**

**December
12, 2017**

ss

from the industrial area at Bhiwadi, Chopanki, Kahasani and Khushkhera.

According to the applicant there are various industries of different kind which are operating, some of them are operating without obtaining consent from the State Board while others who are with consent also discharging their effluents in violation of the prescribed norms. The CETP working at Bhiwadi is practically non-functional and releasing the effluents which are very injurious. The by-pass or discharge from the CETP gets collected on the land adjacent thereto and consequently pollutes the groundwater. The residents of the surrounding villages have no direct source of potable water, but they are dependent from the extraction of ground water. They have been drinking polluted water and have been subjected to various health hazards.

The State of Rajasthan, Pollution Control Board Rajasthan and RIICO, all of them contested this application and attempted to justify that their conduct for the last years saying that now the working of the CETP have been improved and discharge from the CETP is adhering to the prescribed norms. They further stated there are nearly 7 industrial clusters around that area. The four have been mentioned in the application while other three are Pathsadi, Sarekhurd and Tapukara. The RIICO is the official respondent which is responsible for maintaining these industrial complexes. They have allotted plots to the industries and it is with their consent that these industries established therein. The Rajasthan Pollution Control Board is to perform all regulatory

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functions in regard to, while ensuring that the effluents are discharging from their respective industries strictly adhering to the prescribed norms. The State of Rajasthan; as of today; overall functioning with regard to ensuring that the environment is not polluted and there is no contamination of the water and it is the duty of the State to provide potable water to the residents of the villages.

With reference to the pleading of the parties, reports that have been placed on record and the ancillary documents filed by the respective parties in court, we have no hesitation in observing that in the past all these parties have failed to discharge their statutory and public law obligations. It is the constitutional duty of all these authorities to ensure that decent and clean environment is provided to the people at large. It is a matter of great concern that even drinking water is not being provided to the villages surrounding to the residential complexes and their health is at stake. All the industries established are discharging and making money for all these years for violating environmental law with impunity. It is really a sad state of affairs that various industries though they were found to be polluting, no appropriate action have been taken by the concerned authority in the past.

It is after institution of this application and passing of various orders that some movement started with the concerned authorities to protect the environment and to prevent and control of water pollution in that area. There were conflicting stand taken by the authorities, each one believe that they were doing their best and pass the responsibility to the others. The RIICO had certainly

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failed in discharging its duties and ensuring proper maintenance of the industrial clusters in accordance with law. The Pollution Control Board lacked in implementation of its regulatory role. The contradictory pleas taken to the extent that the Tribunal had appointed the Local Commissioner to visit the sites in question vide order dated 17th November, 2017.

We may notice that with the agreement of the parties, we have first taken up the industrial clusters at Bhiwadi for the purpose of issuance of appropriate directions and remaining industrial clusters were expected to be dealt with in the manner in which the directions were passed in the case of Bhiwadi industrial cluster. Thus, presently we are only dealing with the industrial clusters at Bhiwadi.

The Learned Local Commissioner filed his report which was quite discouraging. The relevant part of the Local Commissioner's report reads as follows:-

“OVERALL SCENARIO:

1. *The present case is a perfect instance of how the authorities in India lack foresight in as much as the entire industrial area was earmarked, occupied, and ultimately set up without any waste management planning whatsoever.*
2. *As per the information obtained from the officers of the Respondents during the visit, Bhiwadi industrial area has approximately 1700-1800 industries. The population of Bhiwadi is estimated to be between 1.25 lakh to 1.50 lakh.*
3. *I visited parts of the area and interacted with various villagers/ residents during the visit. It would be apt to state at this juncture that all the persons who came in contact with me during the visit, were ad-idem on the issue of contamination and degradation of the quality of ground water. The situation is such that at a few places from where the samples were collected, the ground water was colored (red and/or yellow).*
4. *During the visit, I not only visited the places which were indicated by the officers as well as the applicant, but also the houses of the local residents/villagers. Suffice it to state that none of*

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the local residents or villagers were using the ground water for drinking purposes due to its bad quality. So much so, that families of workers living in a room of 10x8 ft. inside chawls in the villages are being forced to purchase drinking water from outside despite of having the facility of a handpump inside their respective premises. Had the authorities at the appropriate time of establishing this industrial area considered waste disposal mechanism as an issue worth deliberating upon, the residents of Bhiwadi wouldn't have been facing the present problem of contaminated water.

POSSIBLE REASONS

5. *There could be various reasons for contamination of ground water but all are connected to the establishment of the industrial area.*

5.1 *Non-treatment of industrial waste:*

Though in terms of the Order dated 17.11.2017 I was directed to inspect industrial complexes, but it would not be feasible for the undersigned alone to inspect 1700-1800 industries in order to ascertain whether or not these industries are discharging any waste water and whether the ETPs installed are functioning.

Even if the industries are treating their respective industrial waste, huge amount of domestic sewage out of the industrial area (from villages or industries) ultimately meets this industrial waste, thereby making the entire waste water filthy and hence liable to be treated by the CETP.

5.2 *Non-segregation of domestic / industrial / storm water drains*

The water discharge from the industries both treated and/or untreated is mixed with domestic waste water. This in turn is mixed with domestic sewage from the villages inside the industrial area which do not fall under the jurisdiction of Improvement Trust. Therefore all the wastewater of any nature whatsoever is carried to the CETP.

5.3 *Inadequate capacity of CETP*

The capacity of the CETP as on date is stated to be around 9 MLD as opposed to 6 MLD earlier. Since there is no segregation of domestic waste water and industrial waste water and storm water drain, the entire load of the industrial area is carried to the CETP, which in rainy season is fed upto 12-13 MLD thereby causing over flowing and bringing the CETP to a standstill. Hence in the absence of segregation / separate establishment of STPs, it would be advisable to upgrade the capacity even further.

5.4 *Open Drains*

The waste of the entire industrial area is being carried to the CETP Chambers through open drains which are bound to get clogged

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in addition to inherently being a breeding ground for mosquitoes.

Upon checking at various spots, though Ph level was being maintained in the open drains on the day of inspection, however I was informed that till sometime back, due to non-establishment of separate facility for treatment of wastewater generated by specific industries (about 25 in total) containing heavy metals, the wastewater used to be acidic as a result of which the open drains would be corroded and the wastewater would percolate into the groundwater, thereby contaminating the same. Needless to state, this has been happening for many years and the groundwater may already be contaminated, the long term effects of which can only be ascertained with the help of a proper scientific team.

The effluents of these specific industries are now separately collected through tankers as per the information provided by the Trust managing the CETP.

5.5 *Blockage of pipeline carrying treated water from CETP to River Sabi*

Due to the possible apprehensions of villagers/ farmers taking benefit of river water, the pipeline which already exists and was supposed to carry waste water from CETP to Sabi River, was blocked by them at various spots. Admittedly due to this blockage, the treated water erupts out of the conduit pipelines much before it can reach Sabi River. This treated water finds its path to open fields / RIICO Land / low lying areas creating a pool of treated water covering hundreds of acres of land at various spots. Such huge accumulation of wastewater logically invites collection of waste water from other villages too. What follows is percolation of this wastewater resulting in deterioration of ground water quality, as well as being a breeding ground for mosquitoes.

As on the date of inspection, the CETP was pumping out treated water at the speed of approx. 403 m³ per hour so one can imagine the kind of space that would be required to accumulate this much wastewater.

5.6 *Inadequacy of STPs*

Since the Tribunal is looking at a holistic picture of Bhiwadi, it must be pointed out that the authorities have decided to set up five more STPs at different locations for treatment of domestic sewage. Sewage at present at a few locations flowing from open drains gets collected in low lying areas.

5.7 *Lack of appropriate drinking water facilities*

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During the entire inspection, fortunately I did not come across any individual who was using ground water for drinking purposes, however hopefully this should be true for all residents of Bhiwadi.

Upon inspection it was found out that the local authority (PHED – Public Health Engineering Department) was drawing ground water and supplying to residents for domestic usage.

I was informed that the said ground water for domestic usage is simply being extracted and supplied without any prior treatment. This is an issue which needs interference from this Tribunal since there is a possibility that the said ground water due to its contamination is not curable by RO systems installed in houses or is perhaps being consumed even without any treatment which may even give rise to an epidemic.”

We may also notice that the applicant has produced before the Tribunal the water samples collected from the ground water from the hand-pumps in that area which shows brownish colour of water.

The report of the Local Commissioner substantiate the case of the applicant and it was on that stage that the Learned counsel appearing for the State of Rajasthan sought liberty for the Chief Secretary, Additional Secretary and all the Senior Officer of the State who brought to the notice of the Tribunal the stand of the State and the steps that they desire to take for the purpose of ensuring prevention and control of pollution through industries at that area.

The Chamber meeting was held on 07th December, 2017 of the State and the concerned Stakeholders including the Chief Secretary of the State of Rajasthan.

The matter came up for hearing on 06th December, 2017 and the Tribunal passed the following order.

*“We have heard the Learned counsel appearing for the parties.
It is shocking to notice that RIICO is the*

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body responsible for running of industrial clusters. We have no doubt in observing that the Rajasthan Pollution Control Board, and RICCO in particular, have failed to discharge their statutory functions. Not only this, they have failed to provide records that were asked by the Tribunal. To say the least even the number of industries between these two organizations is not tallying. If the correct statistics is not available with them, how can they ever imagine what is the load on the CETP from 760 Units as alleged by Pollution Control Board or 951 Units as alleged by RIICO.

This matter has been taken up time and again. The report of the local Commissioner does not speak well of the functioning of these Authorities. The industries in the industrial clusters particularly at Bhiwadi have caused serious pollution of water/ground water. They are seriously polluting industries like pickling, shoes, textiles, electroplating, pharmaceuticals etc. All these industries in the normal course of their business discharge high pollutants. Despite the fact that the matter has been kept pending before the Tribunal for quite some time, the directions issued by the Tribunal requiring the State of Rajasthan, RIICO, Rajasthan Pollution Control Board to take effective steps to prevent and control the polluting in that area have failed to give any results. The Applicant has brought to our notice the photographs showing how the people living in that area are suffering from various diseases. Even the ladies are being affected adversely in terms of public health, to the extent that they are suffering from disabilities as a result of consuming contaminated water either directly through borewells or through the hand pumps.

List these matters on 7th December, 2017.”

The matter was ordered to be listed on 07th December, 2017 when the request was made by the Learned counsel appearing for the State of Rajasthan that the Chief Secretary, the Additional Chief Secretary and other senior officers of the State, prayed for liberty to inform the Tribunal as the steps they were proposing to take for preventing and controlling the pollution and ensuring that the industries which are in default will not be permitted for carrying on their activities.

In the meeting various aspects were discussed and

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the Chief Secretary of the State and other officers assured the Tribunal for taking effective measures for preventing and controlling of pollution. In furtherance thereto they have filed a statement on behalf of all the respondents including State of Rajasthan, RIICO and Rajasthan Pollution Control Board today i.e. on 12th December, 2017. In the statement filed it is stated there were 1639 plots which has been allotted to trade industry and they are around 1475 industries carrying on their business activities at the industrial cluster in question. Out of these, nearly 823 units were operating, however in the last three days 118 units have been closed as they were found to be operating without consent of the State Board. Consequently, 705 industries units are operating. Out of these 705, units 346 units have Consent to Operate and 222 industrial units are in white category. Around 137 industries have applied for renewal of the consent which is pending with the Board. Out of which 92 industries are in red category, 37 are in orange category and 8 are in green category. There are no definite details provided by any of these authorities in relation to 652 industrial units. It has been stated that the CETP was upgraded from 6 MLD to 9 MLD and biological treatment system was upgraded by providing diffused aeration system.

In relation to supply of water it is stated that the State has long terms planning for providing potable water through pipeline to individual houses.

In the meanwhile they are supplying water through the tankers. It is also stated in their joint statement dated 12th December, 2017 that there is proposal to put up 5

<p>Item No. 18 to 20</p> <p>December 12, 2017</p> <p>ss</p>	<p>STPs by April, 2018 for all the 7 clusters. After functioning of these STPs, domestic effluent from villages would be segregated and this would significantly reduce the quality of effluent reaching CETP. Out of them three are likely to be set up at Bhiwadi region particularly around this industrial cluster. It is undisputed before us by any of the official respondents or otherwise that the water is not contaminated as per analysis report of Sri Ram Institute and Central Pollution Control Board. It is also not disputed that there is increase in pollution, but they are trying to control and improve the same. To ensure that the industries do not pollute and people get potable water for their day-to-day needs, in light of the above we pass the following directions:-</p> <ol style="list-style-type: none"> 1. It shall be ensured by the RIICO as well as the CETP operating Society that the CETP operates to its optimum capacity and its effluents from the discharge point should also be within the prescribed parameters. 2. The CETP control the discharges at the outlet point. 3. The CEPT should ensure that all the parameters including that Faecal Coliform or the Total Coliform are maintained within the prescribed limits. 4. It will be the duty of Rajasthan Pollution Control Board, CPCB, Department of Environment and the State of Rajasthan to conduct joint inspection and ensure the compliance of these directions in future. In the event of default not only the RIICO and Society would be liable to pay environmental compensation @ Rs. 50,000/- per default, but the
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<p>Item No. 18 to 20</p> <p>December 12, 2017</p> <p>ss</p>	<p>concerned officer(s) of the Pollution Control Board and the designated officer(s) from Department of Environment of the State would also be liable for disciplinary action.</p> <p>5. Out of the 346 industrial units which has consent to operate shall be subjected to an inspection by the joint inspecting team consisting of Pollution Control Board, RIICO and the representative of the State Government. These would be subjected to comprehensive inspection for which a report will be prepared particularly in relation to the source of water and utilization thereof. The effluent standards, functioning of the Primary Treatment Plant and whether they are adhering to terms and conditions of the consent granted by the Board. If any of these industries is found to be defaulting they shall be shut down forthwith without any further Notice.</p> <p>6. The 137 industrial units whose applications are pending with the Board, they shall also be subjected to the inspection by the joint inspecting team and their application for renewal shall be dealt with and disposed of in accordance with law as expeditiously as possible in any case not later than four weeks from today.</p> <p>7. The 652 industrial units the details of which have not been furnished. Out of them all the industrial units which are operating without obtaining consent of the Board and are discharging effluents, shall be shut down, within one week from today.</p>
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<p>Item No. 18 to 20</p> <p>December 12, 2017</p> <p>ss</p>	<p>8. The joint inspection team shall conduct a survey to find out as to how many out of 652 are industrial units and how many are using the space provided to them for godown/offices etc.</p> <p>9. For upgradation of the CETP as well as for setting up of the STP, all the industries shall be liable to pay a sum of Rs 50,000/- as environmental compensation on 'Polluters Pays' principle. These industries have been polluting for years, in fact we should have imposed much more environmental compensation upon them, but since the State Pollution Control Board is taking of the matter with earnest and assure the Tribunal for providing due funds for improvement of the conveyer belt/drain or setting up of STP and upgradation of the CETP, as it is stated that 92 industrial units which are in Red Category so would pay environmental compensation of Rs. 50,000/-, those who are in Orange Category would pay environmental compensation of Rs. 30,000/- while the industries in Green/White Category shall pay Rs. 10,000/-.</p> <p>10. If the amount if not paid within two weeks from today by the industries to the State Government Department of Environment, in that event that industry shall be liable to be shut down without any further Notice. The amount so deposited shall be utilized for the compliance of the directions contained in this order.</p> <p>11. We direct the RIICO to clear all the drains and dredge them within four weeks from today. No</p>
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<p>Item No. 18 to 20</p> <p>December 12, 2017</p> <p>ss</p>	<p>drain of Bhiwadi industrial cluster should be chocked/blocked, it will be the duty of RIICO to ensure regular maintenance thereof.</p> <p>12. The potable water shall be provided to all villagers is the prime responsibility of the State through tankers or by fixation of RO systems.</p> <p>13. The money paid by the industry would be utilized for installation of RO systems in all the villages at Bhiwadi surrounded by industrial complex, to maintain them shall be duty of the State Government and the RIICO. In the event of default appropriate action shall be liable to be taken against the concerned officer(s). The State of Rajasthan shall expedite its long term scheme for providing potable water to every house through pipelines and it should be given at utmost priority.</p> <p>14. Similarly the projects in relation to establishment and construction of STP should also be given priority by the State Government and they should be installed without any undue delay.</p> <p>15. The waste collected on the dredged materials shall be deposited at the site which is to be identified by the State Government. The State should identify the site within four weeks from today and it will be the responsibility of the RIICO to ensure that the dredged material or any other waste collected from the industrial cluster is stored in accordance with law and relevant waste rules at that site. The waste should be stored in accordance with law with the relevant waste rules.</p>
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16. The RIICO and the State Government shall work out on the proposal for reuse of the treated effluent of water from the CETPs/STPs. It shall be the duty of all concerned including the industries that under no circumstances any water or effluent is permitted to be collected around the industrial clusters or inside the cluster.
17. Needless to say that Pollution Control Board and Department of Environment shall maintain due surveillance and collect samples on regular intervals to ensure that there is no pollution.
18. The State of Rajasthan is granted liberty to approach the Department of Industrial Policy and Promotion (in short DIPP) for receiving financial assistance from the Central Government. The State is free to move the Central Government and if such proposal is mooted, the same shall be dealt with utmost expeditiously.
19. It shall be the duty and obligation of the RIICO and the Pollution Control Board to place in public domain the inspection report as well as analysis reports.
20. The applicant and for that matter any citizen would be at liberty to file objections if it comes to the notice that these reports do not depict the actual ground realities. The above directions shall be carried out by all concerned without delay and default, whosoever is found to be obstructing the compliance shall be liable to be proceeded against for violating order of the Tribunal and shall be dealt

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with in accordance with law.

21. Vide our order dated 01st March, 2017, we had imposed environmental compensation and cost upon the various departments and officers. In the event these directions are complied with in that event the compensation or the cost imposed shall stand waived, but in the event of default they shall become operative and it will be the duty of State of Rajasthan to comply with those orders without any default.

22. The Central Pollution Control Board shall also be responsible for keeping general supervision in relation to compliance of these directions. This general directions issued in relation to industrial clusters Bhiwadi shall be adopted and followed by the State Government and all the other concerned authorities with such modifications as may be necessary.

23. The industries which were permitted to operate under the orders of the Tribunal and the Board was required to inspect the same, if their Status Report is not filed by the joint inspection team now within two weeks from today, they shall be liable to be closed.

With the above directions the Original Application No. 127 of 2016 stands disposed of. No order as to cost.

M.A. Nos. 309 of 2017, 657 of 2017, 1305 of 2017, 1329 of 2017 & 1439 of 2017

These applications do not survive for consideration

<p>Item No. 18 to 20</p> <p>December 12, 2017</p> <p>ss</p>	<p>as the main application itself stands disposed of.</p> <p>Thus the M.A. Nos. 309 of 2017, 657 of 2017, 1305 of 2017, 1329 of 2017 & 1439 of 2017 also stand disposed.</p> <p><u>Original Application No. 124 of 2015 in M.A. No. 375 of 2016, M.A. No. 308 of 2017, M.A. No. 310 of 2017, M.A. No. 327 of 2017, 669 of 2017, 1123 of 2017 & 1307 of 2017 And M.A. No. 664 of 2017 In Appeal No. 11 of 2017.</u></p> <p>These applications are also disposed of, in view of the order passed above in Original Application No. 127 of 2016.</p> <p>The Original Application No. 124 of 2015 in M.A. No. 375 of 2016, M.A. No. 308 of 2017, M.A. No. 310 of 2017, M.A. No. 327 of 2017, 669 of 2017, 1123 of 2017 & 1307 of 2017 And M.A. No. 664 of 2017 In Appeal No. 11 of 2017 stand disposed of accordingly.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (U.D. Salvi)</p> <p>.....,EM (Dr. Nagin Nanda)</p>
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ITEM NO.13

Court 7 (Video Conferencing)

SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 1722/2022

BHIWADI JAL PRADUSHAN NIWARAN TRUST

Appellant(s)

VERSUS

SUMITRA DEVI & ORS.

Respondent(s)

(IA No.30998/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 21-03-2022 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. ABDUL NAZEER
HON'BLE MR. JUSTICE VIKRAM NATH

For Appellant(s)

Mr. S.B.Upadhyay, Sr. Adv.
Mr. Pawan R.Upadhyay, Adv.
Mrs. Sharmila Upadhyay, Adv.
Mr. Himanshu Rao, Adv.
Mr. Nishant Kumar, Adv.
Mr. Gaurav Prakash Pathak, Adv.
For M/S. Unuc Legal LLP, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Application for exemption from filing certified copy of the impugned judgment is allowed.

Issue notice.

Until further orders, there shall be stay of the operation of the impugned order passed by the National Green Tribunal, Principal Bench, New Delhi.

Tag with Civil Appeal No.1377 of 2022.

Signature Not Verified
Digitally signed by
Anita Malhotra
Date: 2022.03.22
17:09:25 IST
Reason: 

(ANITA MALHOTRA)
COURT MASTER

(ANJU KAPOOR)
COURT MASTER

ITEM NO.14+32+33 Court 7 (Video Conferencing)

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL Diary No(s). 1009/2022

(Arising out of impugned judgment and order dated 29-10-2021 in EA No. 42/2019 in O.A. No. 124 of 2015 passed by the National Green Tribunal)

MUNICIPAL COUNCIL BHIWADI

Petitioner(s)

VERSUS

SUMITRA DEVI & ORS.

Respondent(s)

(IA No.16217/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.16219/2022-STAY APPLICATION and IA No.16216/2022-PERMISSION TO FILE APPEAL)

Item no. 32

Civil Appeal No(s). 1228/2022

(FOR ADMISSION and I.R. and IA No.19330/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.19331/2022-STAY APPLICATION.....)

ITEM NO.33

Civil Appeal No(s). 1234/2022

(IA No.19453/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.19454/2022-STAY APPLICATION and IA No.19455/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES...)

Date : 14-02-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. ABDUL NAZEER

HON'BLE MR. JUSTICE KRISHNA MURARI

Signature Not Verified

Digitally signed by
Anita Mishra
Date: 2022.02.14
16:53:45 IST
Reason: []

Petitioner(s)

Dr. Manish Singhvi, Sr. Adv.
Mr. D. K. Devesh, AOR

Mr. Pinaki Mishra, Sr. Adv.
Mr. Nikhil Jain, Adv.
Mr. Vinod Kumar Jain, Adv.
Mr. Harshit Sethi, Adv.
Mr. Satya Prakash, Adv.

For Respondent(s) Mr. Anil Grover, Sr. AAG
Mr. Rahul Khurana, Adv.
Mr. Sanjay Kumar Visen, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Permission to file Appeal(s) is granted.

Issue notice.

Until further orders, there shall be stay of the operation of the impugned Order(s) passed by the National Green Tribunal.

(NEELAM GULATI)
ASTT. REGISTRAR-cum-PS

(ANJU KAPOOR)
COURT MASTER (NSH)

IN THE SUPREME COURT OF INDIA
(CIVIL APPELLATE JURISDICTION)
CIVIL APPEAL NO. 1228 OF 2022

IN THE MATTER OF :

Rajasthan State Industrial Development and
Investment Corporation Ltd.

..... Appellant

Versus

Haryana State Pollution Control Board & Ors.

..... Respondents

WITH

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO.1
i.e. HARYANA STATE POLLUTION CONTROL BOARD

PAPER-BOOK

(FOR INDEX PLEASE SEE INSIDE)

ADVOCATE FOR THE RESPONDENT NO.1: MR. B.K. SATIJA

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**IN THE HON'BLE SUPREME COURT OF INDIA
(CIVIL APPELLATE JURISDICTION)
CIVIL APPEAL No. 1228 of 2022**

IN THE MATTER OF:-

RAJASTHAN STATE INDUSTRIAL DEVELOPMENT AND
INVESTMENT CORPORATION LTD. APPELLANT

Versus

HARYANA STATE POLLUTION
CONTROL BOARD & ORS. RESPONDENTS



**COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENT
No. 1 i.e. HARYANA STATE POLLUTION CONTROL BOARD**

I, Vinod Balyan S/o Sh. Dalip Singh, aged about 55 years,
R/o H.No. 1397, Sector-3, Rohtak, working as Regional
Officer with Haryana Pollution Control Board, Rewari Region
presently posted at Rewari (Haryana) do hereby solemnly affirm
and state as under:-

1. I say that I am working as Regional Officer with Respondent No.1 and well conversant with the facts and circumstances of the case competent to swear the present counter affidavit in my official capacity.
2. I say that the present Counter affidavit is based on the pleading in court below and no new fact has been raised in the present counter affidavit.

I say that I have gone through the contents of captioned Civil Appeal and deny the contents made therein unless specifically admitted hereinafter. The appellant has suppressed material facts, documents and orders passed

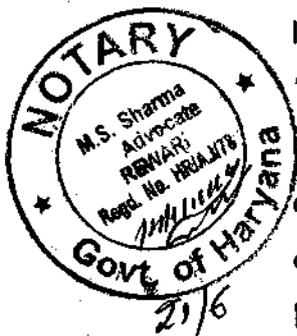


Balyan

by the Ld. Tribunal and has not approached this Hon'ble Court with clean hands as such is not entitled for any relief and the appeal is liable to be dismissed on this ground alone.

4. I say that the captioned Civil Appeal has been preferred by the appellant against order dated 29.10.2021 passed by Ld. National Green Tribunal (NGT), Principal Bench, New Delhi in Execution Application No. 42 of 2019 in Original Application No. 124 of 2015 (*Sumitra Devi V/s CPCB*) after considering all aspects of the matter including the submissions made by the respective parties including the appellant and the same do not require any interference from this Hon'ble Court as such the appeal is liable to be dismissed.

5. I say that the Original Applications No.124/2015 titled as (*Sumitra Devi Vs CPCB & Ors.*) and 127/2016 titled as (*Dr. Laxman Raghav Vs State of Rajasthan & Ors.*) were disposed of by Ld. NGT vide its final order dated 12.12.2017 (A-3, Pg 61-76) whereby Ld. Tribunal issued certain directions to the authorities including the State of Rajasthan, Rajasthan State Industrial Development & Investment Corporation Ltd. (*herein after referred as 'RIICO'*) and Rajasthan State Pollution Control Board (*herein after referred as 'RSPCB'*) etc. and since certain directions i.e. direction No.1,2,4,11,16,21 and 22 not complied with by the respective authorities therefore, the Execution Petition was filed.



Kalya

It will be relevant to reproduce the direction No.16 at present stage, which is as under:-

"RIICO and the State Government shall work out on the proposal for reuse of the treated effluent of water from the CETPs/STPs. It shall be the duty of all concerned including the industries that under no circumstances any water or effluent is permitted to be collected around the industrial clusters or inside the cluster".

It is submitted that the common order dated 12.12.2017 passed by Ld. NGT disposing of OA 124/2015 and 127/2016 have not been assailed by any of the parties, therefore, has attained finality.

6. I say that the impugned order passed by Ld. Tribunal is just and fair order, passed after considering all aspects of the matter including the submissions made by the Appellant as well as other respective parties, which is evident from various order passed by Ld. NGT in Execution Application No.42/19, therefore, do not require any interference by this Hon'ble Court and as such the Civil Appeal is liable to be dismissed.

7. I say that initially the Ld. NGT vide its order dated 13.11.2019 passed in Execution Application while noting down the grievance, constituted a Joint Committee of MoEF&CC, CPCB and the Rajasthan State Pollution Control Board and directed them to furnish a factual & Action Taken Report in the matter within one month.

Accordingly, a report giving the status of compliance of directions dated 12.12.2017 was filed on 13.12.2019 where in regard to direction No.16, it was



Kalyan

mentioned that Senior Regional Manager, RICCO informed that tender will be floated in regard to consultancy work. Ld. NGT while considering the report submitted by the Joint Committee in order dated 28.01.2020 observed that even after two years of order passed by Tribunal, all necessary steps have not been taken in right earnest. It was also observed that action taken by the concerned authorities is not consistent with the concern required for remedying the environment and for Rule of Law.

Ld. NGT in its order dated 28.01.2020 further observed that it may have no option but to take coercive measures including stopping of salary of Managing Director and other senior officer of the Corporation. In regard to compensation, Ld. Tribunal observed that it may consider compensation to be recovered for the damage to the environment from the salaries of the said officers. The Tribunal directed to submit the report as on 31.03.2020.

8. I say that in compliance of order dated 28.01.2020, the Joint Committee again submitted the report and Ld. Tribunal after considering the report submitted and the submissions made by the parties in para 13 of its order dated 04.02.2021 in regard to compensation for damages caused to the environment directed the CPCB to assess compensation for the damage caused to the environment so far after giving opportunity to the representatives of the State of Rajasthan and its authorities and also to the



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representative of the state of Haryana and undertaking site visit, if necessary. Ld. NGT further directed that Chairman-RSPCB and MD-RICCO may remain present in person on VC on next date for fixing the final responsibility for the failure in the light of status of the compliance.

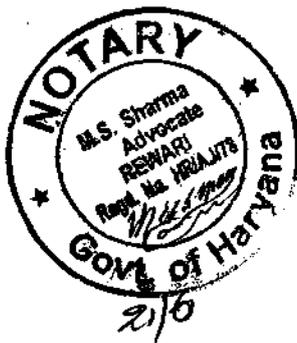
From the above, it is evident that Ld. NGT before passing the impugned order called for the compliance report by the Joint Committee, considered the submissions of the parties and even before fixing the compensation asked the Chairman-RSPCB and MD of RICCO (appellant herein) to be present.

In view of this, the submissions made by the appellant in appeal under reply in regard to violation of principle of natural justice, allegation of not considering the reply & in regard to not giving any opportunity before assessing compensation, being without any basis is liable to be rejected.

9. I say that in compliance of order dated 04.02.2021 passed by Ld. NGT, the reports dated 13.10.2021 & 20.10.2021 of joint committee were filed by the Central Pollution Control Board.

It is submitted that vide report dated 13.10.2021 (A-19, Pg 206-235), compliance status of directions dated 12.12.2017 and observations on site were mentioned.

Further, vide report dated 20.10.2021 (A-20, Pg 236-274), Joint Committee considering the non-



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compliances, response of State of Rajasthan & RIICO, methodology of assessment of compensation and after affording opportunity of hearing through written response & virtual meeting, assessed the Environment Compensation against concerned state agency. In view of this also the contention raised by the appellant in appeal under reply in regard to methodology of compensation being without any basis & contrary to the documents, is liable to be rejected.

10. I say that reports dated 13.10.2021 & 20.10.2021 submitted were considered by Ld. NGT while passing the impugned order dated 29.10.2021 and during course of hearing, Chairman-Rajasthan State PCB & Managing Director- RIICO were also present through VC and the State of Rajasthan & its agencies were represented through their respective counsel and after considering the material on record, reports submitted by the parties, Ld. NGT passed the order 29.10.2021. Therefore, the contentions raised by the appellant in appeal under reply being without any basis & contrary to record, is liable to be rejected.

11. I say that from the observations made by Ld. NGT in the impugned order dated 29.10.2021 which is evident from the following submissions/contentions of the appellant that no opportunity of hearing provided & its response has not been considered by the Hon'ble Tribunal are incorrect and contrary to record and is liable to be rejected.



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- (i) The state of Rajasthan, RIICO filed their respective response and this fact has been mentioned in Para No. 6 of order dated 29.10.2021. It is worthwhile to mention here that response of authorities of state of Rajasthan was mentioned in report of joint committee also as noted by the Hon'ble Tribunal in Para No. 11 of the order dated 29.10.2021.
- (ii) That Ld. Tribunal in Para No. 12 of impugned order noted that it interacted with the MD, RIICO and Chairman who were present in person to ascertain why such sorry state of affairs has been allowed to continue for such a long time and even now there is lack of commitment to remedy the situation expeditiously. Further, Ld. Tribunal in Para No. 12 of Impugned Order dated 29.10.2021 observed that it found unwillingness in them to take ownership and effort to just disown and shift responsibility, which was unfortunate.

Ld. NGT further noted that their approach shows lack of concern for the environment and to their statutory obligations. They appear to be satisfied with the unsatisfactory state of affairs. The State PCB has not taken any meaningful action against such established violations. Similarly,



21/6/2023

Kalya

RIICO thinks its responsibility is only to set up industrial area and if industries cause pollution, it is none of its concerns, to stop it. The NGT further expressed that it is unable to follow such lack of concern and perhaps this attitude is responsible for damage to the environment for which the officers have to held accountable by way of criminal prosecution and civil liability in appropriate proceedings.

- (iii) Ld. NGT in Para No. 15 of order dated 29.10.2021, has noted that the reports of the joint Committee dated 13.10.2021 on the issue of compliance status and dated 20.10.2021 and assessment of environmental compensation have to be accepted, without prejudice to further compensation being required to be paid to meet the cost of restoration of the environment and also obligation to promptly remedy the situation by coercive measures against polluters by way of closure of polluting activity till appropriate treatment capacity is available and by positive steps as per mandate of law.

In view of the above the contentions raised by the appellant in counter under reply being without any basis are liable to be rejected.



21/6/2023

Kalya

12. I say that the appellant is guilty of suppressing the material facts and had not disclosed its continuous failure to discharge its obligations towards environment for public at large despite granting various opportunities by Ld. Tribunal since 2015. The act and omission of the appellant made the situation miserable not only of the local residents of Bhiwadi town in State of Rajasthan but also residents of Dharuhera town in adjoining state of Haryana. Thus, the appellant has caused violations of environmental laws and resulted interstate water pollution since decades despite several directions of NGT and meetings of higher officers of State of Rajasthan and Haryana which is evident from the following facts and the various orders passed by Ld. Tribunal:

(i) The residents of Dharuhera District Rewari (State of Haryana) filed an original Application being OA No. 124/2015 against the pollution caused by the appellant herein and other agencies of the state of Rajasthan. The applicant after mentioning all the relevant facts and referring to documents annexed inter alia prayed for:-

- (a) a direction to Respondents No. 2 to 5 to prohibit and ensure for non-release of effluent/waste water/industrial waste containing poisonous chemical and pollutants by the industrial unit functioning in the territory of Rajasthan towards the area of Dharuhera and adjoining villages of Haryana State.
- (b) a direction to Respondents No. 2 to 5 to stop flow of industrial waste of the industry



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situated within their territory towards the territory of Haryana.

- (c) a direction to Respondents No. 2 to 5 to cooperate with the respondent No. 6-8 in order to keep the environment human friendly and by not discharging human threatening and dangerous untreated effluents in the water or any place exposed to human health.

(A true copy of Original Application No. 124/2015 dated 13.04.2015 filed before NGT without annexures is annexed and marked as ANNEXURE R/1/1, pg. 37-50)

- (ii) That since the resident of Rajasthan State were also aggrieved and effected by environmental violation being committed by State of Rajasthan & its agencies, therefore, filed a separate Original Application i.e. OA No. 127/2016 (*Dr. Laxman Raghav Vs. State of Rajasthan and Others*) against water pollution caused by the appellant herein and other agencies of the state of Rajasthan. The applicant after mentioning all the relevant facts and referring to documents annexed inter alia prayed for that:-

- (i) the Respondent Authorities be directed to prevent the discharge of trade effluent from the Industrial Area at Bhiwadi, Chopanki, Kaharani, Patwadi, Shahikhurd and Khuskhera and to reuse the trade effluent after proper treatment.
- (ii) the Respondents be directed to place on record the data of Air Ambient Quality of last



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five years of the Industries Area at Bhiwadi, Chopnaki and Khuskhera.

- (iii) the Respondents be directed to stop the operation of the Industries without stable and fully functional ETP until the CETP of fully capacity is being established and made functional.
- (iv) award the Environment Compensation to be paid by the respondents to be used to improve the air ambient quality and surrounding environment of the Industrial Area at Bhiwadi, Chopnaki, Kharani and Khuskhera.

(A true copy of Original Application No. 127/2016 dated 18.03.2016 without annexures filed before NGT is being annexed and marked as ANNEXURE R/1/2 pg. 51-60)

- (iii) The Hon'ble Tribunal vide order dated 09.02.2016 passed in OA No. 124/2015 noted the stand of state of Rajasthan that it will not send their trade effluent on the land of Haryana, but will store it on its own land. The Hon'ble Tribunal after considering the level of water pollution as violation of protection provided under Article 21 of the constitution of India, directed for filing of affidavit by the Chief Secretary of Rajasthan.

(A True copy of order dated 09.02.2016 passed by Hon'ble NGT in OA No. 124/2015 is annexed and marked as ANNEXURE R/1/3, pg. 61-63)



balp

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- (iv) That Hon'ble NGT vide order dated 25.02.2016 directed State of Rajasthan to file an affidavit clarifying as to why the state Government, RIICO (appellant herein), the industry (on Polluters Pays Principal) should not be directed to spent the money for upgradation of CETP. It was also directed that the affidavit must reveal as to why they should not be directed to provide conduit pipeline to ensure that the effluent does not enter into the ground.

(A true copy of order dated 25.02.2016 passed by Ld. NGT in OA No. 124/2015 is annexed and marked as ANNEXURE R/1/4, pg. 64-65)

- (v) The Ld. NGT vide common order dated 17.05.2016 passed in OA No. 124/2015 & OA No. 127/2016 directed for joint inspection by Rajasthan State Pollution Control Board (RSPCB) and Haryana State Pollution Control Board (HSPCB) and Central Pollution Control Board (CPCB). The Central Pollution Control Board was directed to issue appropriate directions on the basis of joint inspection report.

(A true copy of common order dated 17.05.2016 passed by Hon'ble NGT in OA No. 124/2015 & 127/2016 is being annexed and marked as ANNEXURE R/1/5, pg. 66-67)

- (vi) The Ld. NGT vide common order dated 02.02.2017 passed in OA No. 124/2015 & OA No. 127/2016 considered the joint inspection report submitted and

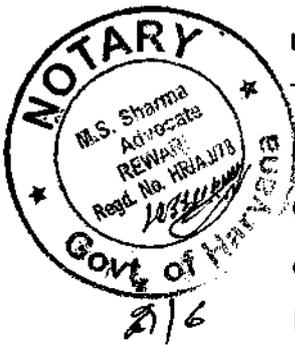


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noted that CETP is non performing and there is nothing on record to show that it is capable of treating the metallic effluent, as specified in the report of joint inspection team. The Ld. Tribunal issued Show Cause Notice to State of Rajasthan, RICCO (appellant) and Rajasthan State Pollution Control Board to show why should it not direct closure of the entire industrial complex at Bhiwadi. The Ld. Tribunal further directed Member Secretary of Rajasthan State Pollution Control Board as well as MD of RIICO and Chairman to be present before the Tribunal on the next date.

(A true copy of order dated 02.02.2017 passed by Ld. NGT in OA No. 124/2015 & 127/2016 is being annexed and marked as **ANNEXURE R/1/6**, pg. 68-69)

- (vii) That during the hearing before Hon'ble NGT on 01.03.2017 Managing Director of RICCO (Appellant), with other officers from different departments of the State of Rajasthan although were present, but were not in a position to reply to the query raised by the Tribunal and observed that the orders are not being complied with. The Tribunal due to non-compliance of Order by the Pollution Control Board directed to close down all the Electro Plating Industries located in Industrial area and further asked Rajasthan Pollution Control Board and RIICO to comply the order.



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(A True copy of common order dated 01.03.2017 passed by Hon'ble NGT in OA No. 124/2015 & 127/2016 is being annexed and marked as ANNEXURE R/1/7, pg. 70-72)

- (viii) That the Ld. Tribunal in its Order dated 03.05.2017 while considering the report submitted observed that the report suffers from lapses, deficiencies, therefore can not be stated to be complete and comprehensive therefore, constituted a fresh committee for comprehensive instruction.

The Ld. Tribunal constituted a committee consisting of the officers from MoEF, Central Ground Water Authority, CPCB, IIT Delhi & IIT Bombay to submit proper report with recommendations for prevention and control of pollution.

The Ld. Tribunal further directed that the Rajasthan State Pollution Control Board and RIICO (Appellant) shall submit their report regarding status of their plan for de-sludging and cleaning the pond and drain within one week.

(A True copy of common order dated 03.05.2017 passed by Hon'ble NGT in OA No. 124/2015 & 127/2016 is being annexed and marked as ANNEXURE R/1/8, pg. 73-75)



- (ix) That the committee so constituted submitted its report and the Ld. Tribunal provided an opportunity to CETP to respond to the report as large deficiency has been pointed out in the function of CETP.

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It is Ld. Tribunal while permitting the industry to operated directed to deposit Rs. 10,00,000.00 as environmental compensation with CPCB.

The Ld. Tribunal further observed that CETP is incapable to treat metal and therefore, it is causing pollution rather than curing. CETP is also operating without consent of the Board. The Ld. NGT also imposed environmental compensation on industrial units under inspection.

(A True copy of report dated 25.04.2017 of Joint Committee filed in compliance of order dated 03.05.2017 is being annexed and marked as **ANNEXURE R/1/9**, pg. ⁷⁴⁻¹²³ and a copy of common order dated 22.05.2017 passed by Hon'ble NGT in OA No. 124/2015 & 127/2016 is being annexed and marked as **ANNEXURE R/1/10**, pg. ¹²⁴⁻¹²⁷)



21/6

The Ld. Tribunal vide order dated 11.08.2017 directed that all the senior most officers including the Managing Director of RIICO; Secretary, Department of Environment; Member Secretary of Rajasthan State Pollution Control Board and Chairman of Bhiwadi Jal Pardushan Nivaran Trust (BJPNT) shall hold a joint meeting within one week. It is further directed that meeting shall be chaired by the Chief Secretary of the State of Rajasthan and they shall file composite report alongwith a common and comprehensive affidavit with regard to all the aspects including CETP in terms of the

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directions of the Tribunal, before the next date of hearing.

(A True copy of common order dated 11.08.2017 passed by Ld. NGT in OA No. 124/2015 & 127/2016 is being annexed and marked as **ANNEXURE R/1/11**, pg. 128-129)

- (xi) That in compliance of order dated 11.08.2017 passed by Ld. NGT, a report was filed on behalf of State of Rajasthan which was considered by the Tribunal, during the course of hearing on 01.09.2017.

The Ld. Tribunal in its order dated 01.09.2017, recorded the statement of counsel for the State of Rajasthan upon instruction from various senior officers who were present before the Tribunal that there are apparent deficiencies in the tabulated statement submitted before the Tribunal to the effect. It was also pointed out that the report/statement does not record the dimensions of the problem, extent of pollution, causes for persistent and no improvement despite of alleged efforts. It only states about an action plan which would be meaningless without having stated pre-requisite considered by the committee.

The Ld. Tribunal directed to file the report by 13.09.2017 and further observed that in the event of default, the NGT would be compelled to pass order directing attachment of salaries of the officers, as well as show cause notice to them as to why coercive



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steps not be taken against them for violation of the order of the Tribunal and non-performance of their statutory and public duties.

(A True copy of common order dated 01.09.2017 passed by Hon'ble NGT in OA No. 124/2015 & 127/2016 is being annexed and marked as ANNEXURE R/1/12, pg. 130-131)

- (xii) The Ld. Tribunal considered the report submitted by the Authorities and noted in its order dated 15.09.2017 that it is unfortunate that none of the queries raised by the Tribunal have been answered in a 56 long pages status report filed on behalf of the State of Rajasthan and other stakeholders.
- (xiii) The Ld. Tribunal directed for production of DPR prepared and data collected for the purposes of determining what should be the gradient size of pipeline carrying effluents; the kind of effluents was it required to carry and to which end.

(A True copy of common order dated 15.09.2017 passed by Hon'ble NGT in OA No. 124/2015 & 127/2016 is being annexed and marked as ANNEXURE R/1/13, pg. 132-133)

- (xiv) That the Ld. Tribunal in its Order dated 20.09.2017 granted time to State of Rajasthan as last opportunity because the State was not in a position to furnish any reply to the query raised.



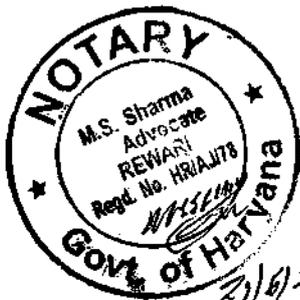
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(A True copy of common order dated 20.09.2017 passed by Hon'ble NGT in OA No. 124/2015 & 127/2016 is being annexed and marked as **ANNEXURE R/1/14, pg. 134-135**)

- (xv) That the Ld. Tribunal vide its Order dated 17.11.2017 appointed Sh. Sumeer Sodhi, Advocate as Local Commissioner to visit the entire Industrial complex at Bhiwadi, Distt. Alwar and further directed to prepare a comprehensive report about the Industrial clusters, CEPT and a general observation in relation to drainage collection of wastage etc.

(A True copy of common order dated 17.11.2017 passed by Hon'ble NGT in OA No. 124/2015 & 127/2016 is being annexed and marked as **ANNEXURE R/1/15, pg. 136-138**)

- (xvi) That Mr. Sumeer Sodhi, Local Commissioner appointed by the Ld. NGT submitted his report dated 01.12.2017. The observations and recommendations made by the Local Commissioner in the report are reproduced below:-



9. *Though I feel under qualified to be giving suggestions for improvement of the current scenario in Bhiwadi, but in compliance of the Orders of the Tribunal following recommendations are made:*

9.1 **Drinking water**

Wahya

The first and the most urgent task that the state government must undertake is to establish a water treatment plant before water is supplied for domestic consumption. Dehors the reports of the laboratories, ground water cannot be allowed to be consumed by any living creature.

9.2 Pipelines

The pipelines which connect CETP to Sabi River have to be reconnected at the earliest and this process should not even take much time since the underground pipeline has already been laid down. Anyone interfering with the process or obstructing the path of the pipeline ought to be strictly dealt with.

9.3 CETP Capacity

The CETP capacity needs to be increased to atleast 14. MLD if segregation is not carried out to separate domestic sewage from industrial waste.

Information is a great weapon which must be made available to the residents of Bhiwadi. The Trust managing the CETP informed that it is under the process of installing a huge Screen to display the online monitoring of wastewater. This exercise too must be carried out in a time bound manner preferably within a period of one month. At o point of time should the CETP remain shut since it is the lifeline of Bhiwadi.

9.4 Open Drains

The open drains carrying industrial waste to CETP chambers need to be converted into closed underground pipelines. As on an urgent basis the open drains need to be de-sited so as to prevent blockage/ overflow.

9.5 Additional STPs



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Additional pipelines carrying domestic sewage whether from industrial units or from villages inside the industrial area need to be laid down. These pipelines must carry this waste separately to STPs being installed. Looking at the growing population and new industries being set up, the local authorities must set up these STPs of sufficient capacities so that they may serve the purpose in the year to come.

9.6 ETPs of each industry to be made functional

Each industry generating effluents must be made to install an online meter at the outlet in order to ensure that the quality of effluent / waste water is within parameters and can be monitored by the Board.

9.7 Cleaning of entire industrial area

During my entire visit there was possibly not even a single road which was clean. Garbage dumping on the sides of the roads is rampant and a practice that is deplorable. RIICO must take up the humungous task of sanitizing the entire industrial area which would include cleaning all roads/ temporary dumpyards, making sure that the green belt area is not misused and is maintained properly by the neighboring industry.

Other than the problem of water pollution, there is also an issue of emissions from these industries. Though the undersigned was informed that at any point of time during the day, the Regional office of the PCB ensures that the officers are on a vigil by car, it was observed that certain industries were still emitting smoke that cannot be within parameters.



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(A True copy of report dated 01.12.2017 is annexed herewith marked as **ANNEXURE R/1/16, pg. 139-150**)

(xvii) The Ld. Tribunal while considering the report submitted by the Local Commissioner in its Order dated 06.12.2017 observed that the Rajasthan Pollution Control Board and RIICO failed to discharge their statutory function and even failed to provide the record asked for by the Tribunal. Even the number of industries between these two organizations is not tallying. If the correct statistics is not available with them, how can they ever imagine what is the load on the CETP from 760 units as alleged by Pollution Control Board or 951 units are alleged by RIICO. The Ld. Tribunal further noted that despite the fact that the matter has been kept pending before the Tribunal for quite some time, the directions issued by the Tribunal requiring the State of Rajasthan, RIICO, Rajasthan Pollution Control Board to take effective steps to prevent and control of polluting in that area have failed to give any results.

(A True copy of common order dated 06.12.2017 passed by Hon'ble NGT in OA No. 124/2015 & 127/2016 is being annexed and marked as **ANNEXURE R/1/17, pg. 151-153**)

(xviii) The Ld. Tribunal vide its Order dated 12.12.2017 disposed off Original Application No. 124 of 2015



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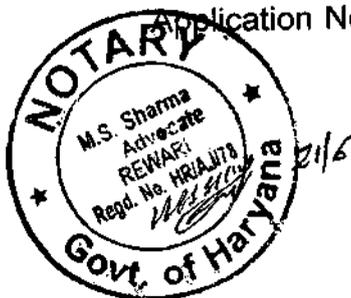
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(Sumitra Devi Vs. CPCB & Ors.) and Original Application No. 127 of 2016 (Dr. Laxman Raghav Vs. State of Rajasthan & Ors.). The Ld. Tribunal while disposing off the original application issued various directions including direction No. 16 that RIICO and the State Government shall work out on the proposal for reuse of the treated effluent of water from the CETPs/STPs. It shall be the duty of all concerned including the industries that under no circumstances any water or effluent is permitted to be collected around the industrial clusters or inside the cluster.

It is pertinent to mention here that the said Order dated 12.12.2017 has not been assailed by any of the party, therefore the same has attained finality.

(A True copy of final common order/judgment dated 12.12.2017 passed by Hon'ble NGT in OA No. 124/2015 & 127/2016 is being annexed and marked as ANNEXURE R/1/18, pg. 154-169)

13. That from the above it is evident that the Original Applications 124/15 and 127/16 remained pending for almost three years and during the pendency of Original Application number of orders were passed by Ld. Tribunal, reports were submitted by the respective committees, but inspite of all this, the appellant failed to comply with the direction issued by the Ld. NGT from time to time and finally in order dated 12.12.2017 and the situation did not get improved, therefore, an Execution Application No. 42/2019 titled as *Haryana State Pollution*



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Control Board M/s State of Rajasthan & Ors. (A-12, pg. 121-134) was filed before the Ld. NGT stating that State of Rajasthan and its authorities failed to comply with the directions issued by Ld. NGT in its Order dated 12.12.2017 causing stagnation of untreated effluents and domestic sewage affecting the inhabitants in and around border town of Dharuhera in the States of Haryana.

The Haryana State Pollution Control Board (answering respondent) in para (ix) of the application mentioned the directions not complied with and prayed for compliance of the directions as issued by Ld. NGT in order dated 12.12.2017.

It is worthwhile to mention here that residents of villages Maheshwari, Nandrampurbass, Malpura, Khatwali, Rajpura, Masani, Kharkhara, Alawalpur, residential sector Nos. 4 & 6 of Dharuhera and nearby residential area of State of Haryana adjacent to border of Haryana & Rajasthan under Tehsil Dharuhera, Dist. Rewari, Haryana are facing discharge of untreated effluents coming from Bhiwadi industrial area at Rajasthan. This untreated discharge is so heavy that same gets accumulated in territory of Haryana and causes adverse impact on the health of residents vicinity.

14. That while taking note of the Execution Application, Ld. Tribunal vide order dated 13.11.2019 sought a factual and action taken report from a joint committee of MoEF&CC, CPCB and Rajasthan State Pollution Control Board.



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(A True copy of order dated 13.11.2019 passed by Hon'ble NGT in EA No. 42/2019 in OA No. 124/2015 is being annexed and marked as ANNEXURE R/1/19, pg.170-171)

15. That Ld. Tribunal in its Order dated 28.01.2020 considered the report submitted by the Committee in Compliance of Order dated 13.12.2019. The Ld. Tribunal noted that it is clear that even after two years of the order of the Tribunal, all necessary steps have not taken in right earnest. The Hon'ble Tribunal noted that the action taken by concerned authorities is not consistent with the concern required for remedying the environment and for rule of law. There is no justification for not even adopting interim measures by way of phyto-remediation/ bio-remediation/ tapping of drains carrying pollutants and remedying the same. Since basic responsibility is of the RIICO, the said Corporation and its key office bearers must be made accountable and they may be liable to be prosecuted if there is continuous negligence and failures. It was further observed that the Tribunal may have no other option except to take appropriate coercive measures, including stopping of salary of the Managing Director and other senior officers of the Corporation. The Tribunal may also consider compensation to be recovered for the damage to the environment from the salaries of the said officers. The Hon'ble Tribunal sought further report from the joint committee already constituted. The Ld. Tribunal in its Order dated 23.01.2020 noted down the Status of compliance of



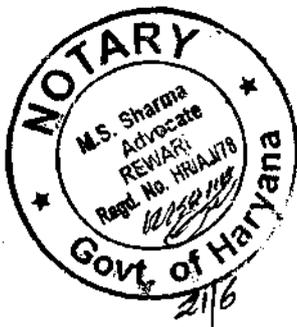
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various directions issued by the Tribunal and in regard to direction No. 16 noted down that "Senior Regional Manager, RIICO informed that new tender for consultancy work will be floated soon".

(A True copy of order dated 28.01.2020 passed by Hon'ble NGT in EA No. 42/2019 in OA No. 124/2015 is being annexed and marked as ANNEXURE R/1/20, pg. 172-179)

16. That in compliance of order dated 28.01.2020, a report of the Joint Committee was filed on 03.11.2020 and the Ld. Tribunal while considering the report in its Order dated 04.12.2021 concluded and noted that even though the funds were made available to the State of Rajasthan by the Government of India in the year 2018, the upgradation of CETP has not been even started though more than two years have passed thereafter and after more than three years of the order of this Tribunal. Only progress is said to be made in the acquisition of land which by itself is not a solution of the problem. When a serious situation of water pollution has been found and directions issued by the Tribunal in the year 2017 and inspite of funds being available, the problem remains untackled, it may be a clear case of failure of the authorities to perform their duties, to the detriment of the citizens for which accountability needs to be fixed.



The Ld. Tribunal directed the State of Rajasthan and its authorities to take prompt emergency measures in the matter for compliance of rule of law and protection of

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public health and the environment. Further, the Ld. NGT directed the CPCB to assess compensation for the damage caused to the environment so far, after giving due opportunity to the representatives of the State of Rajasthan and its authorities and also to the representatives of State of Haryana and undertaking site visit, if necessary. It was directed to furnish report with a copy to the States of Rajasthan and Haryana to enable them to file their response, if any, before the next date. The Hon'ble Tribunal further directed that in view of continuing violation of law inspite of repeated orders of this Tribunal and the funds allotted by the Central Government more than two years ago, the Chairman, Rajasthan State PCB and MD, RIICO may remain present in person by video conference on the next date with their version so that final responsibility for the failure can be fixed in the light of status of compliance on the next date.

The Ld. Tribunal in order dated 04.02.2021 noted down the compliance status of the directions and in regard to direction No. 16 observed that during Joint Inspection no progress on ground was found.

(A True copy of order dated 04.02.2021 passed by Hon'ble NGT in EA No. 42/2019 in OA No. 124/2015 is being annexed and marked as **ANNEXURE R/1/21, pg. 180-207**)

17. That the Ld. Tribunal in its Order dated 29.10.2021 considered the report dated 13.10.2021 & 20.10.2021 submitted by the Joint Committee in compliance of order dated 04.02.2021.

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It is worthwhile to mention here that response of authorities of State of Rajasthan was also mentioned in report of joint committee as noted by the Hon'ble Tribunal in Para No. 11 of the order dated 29.10.2021.

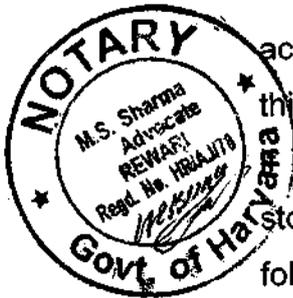
The Hon'ble Tribunal has noted in Para No. 12 that it interacted with the MD, RIICO and Chairman who were present in person to ascertain why such sorry state of affairs has been allowed to continue for such a long time and even now there is lack of commitment to remedy the situation expeditiously.

The Tribunal found in them unwillingness to take ownership and effort to just disown and shift responsibility, which was unfortunate.

The NGT further noted that their approach shows lack of concern for the environment and to their statutory obligations. They appear to be satisfied with the unsatisfactory state of affairs.

The State PCB has not taken any meaningful action against such established violations. Similarly, RIICO thinks its responsibility is only to set up industrial area and industries cause pollution, it is none of its concerns, to stop it. The NGT further expressed that it is unable to follow such lack of concern and perhaps this attitude is responsible for damage to the environment for which the officers have to held accountable by way of criminal prosecution and civil liability in appropriate proceedings.

In Para No. 15 of order dated 29.10.2021 has noted that in view of the above, the reports of the joint Committee dated 13.10.2021 on the issue of compliance



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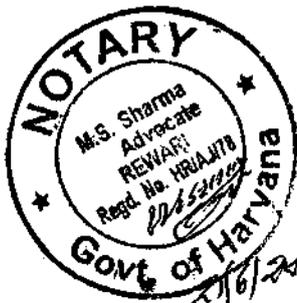
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status and dated 20.10.2021 and assessment of environmental compensation have to be accepted, without prejudice to further compensation being required to be paid to meet the cost of restoration of the environment and also obligation to promptly remedy the situation by coercive measures against polluters by way of closure of polluting activity till appropriate treatment capacity is available and by positive steps as per mandate of law.

That the Ld. Tribunal in its order dated 29.10.2021 further held that CPCB is required to resolve inter-state issues under the Water Act. Accordingly, it constituted six member joint committee to be headed by Chairman CPCB to prepare an action plan for restoration of the environment. The relevant Para No. 17 & 18 of the Order dated 29.10.2021 are reproduced hereunder for ready reference :-

"17. Accordingly, we constitute a six-member joint Committee to be headed by Chairman CPCB with other members being Member Secretary, CPCB, nominee of MoEF&CC, Chairmen Rajasthan and Haryana State PBCs, Secretary Industries Rajasthan, to prepare an action plan for restoration of the environment. The Member Secretary, CPCB will be the nodal agency for coordination and compliance. The meeting of the Committee may be held within 15 days and remedial action plan prepared within one month thereafter. The Committee will be free to coopt any other expert/institution and any other concerned Departments of the States such as local bodies and District Magistrates. The Committee will also oversee execution of the action of plans, with the assistance of concerned Departments, District Magistrates or any other agencies. This direction is without prejudice to personal criminal and civil



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liability of the violators as well as regulators for their gross failure, resulting in continued damage to the environment.

18. The above joint Committee may now file report of status of compliance as on 31.03.2022 by 15.04.2022 by e-mail at judicialngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

List for further consideration on 04.05.2022."

(A True copy of Order dated 29.10.2021 passed by Hon'ble NGT in EA No. 42/2019 in OA No. 124/2015 is being annexed and marked as ANNEXURE R/1/22, pg. 208-

135)

18. That Execution Application was got listed before the Hon'ble NGT on 03.02.2023 and considering continuity of the stay order granted by this Hon'ble court, the NGT made its earlier orders absolute abiding further orders of this Hon'ble court with the modification that status report required to be filed before the Tribunal may now be filed with the Chairman, CPCB and Chairman, SPCB for further action. As such the State of Haryana and its citizens are still facing the interstate pollution caused by State of Rajasthan without monitoring of compliances and remedial measures. The State of Haryana and its citizens are left with no option but to bear and face in their territory, the stagnation of untreated effluent being discharge from the territory of state of Rajasthan.

Besides the relevant facts mentioned herein above, the Hon'ble Court is being apprised with the details of some letters issued by state of Haryana and Haryana State Pollution Control Board to the state of Rajasthan indicating the worse situation being faced by residents of



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Dharuhera and other surrounding areas of State of Haryana are reproduced below:-

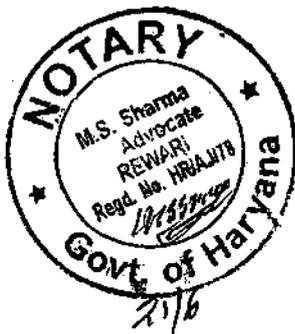
- (i) The Chairman, HSPCB vide letter dated 30.09.2013 addressed the issue of discharge of untreated/partially treated effluents of Bhiwadi industrial area in Haryana territory with the Additional, Chief Secretary, Govt. of Rajasthan, Department of Environment & Forest, Jaipur.

(A true copy of letter dated 30.09.2013 issued by the Chairman, Haryana State Pollution Control Board is annexed and marked as **ANNEXURE R/1/23, pg. 236-238**)

- (ii) The Chairman, HSPCB vide letter dated 31.07.2014 requested to the Additional, Chief Secretary, Govt. of Rajasthan, Department of Environment & Forest, Jaipur to control the polluted effluent coming from Bhiwadi industrial area especially untreated/partially treated industrial effluent towards Dharuhera and to ensure that no untreated effluent is discharged in Haryana territory.

(A true copy of letter dated 31.07.2014 issued by the Chairman, Haryana State Pollution Control Board is annexed and marked as **ANNEXURE R/1/24, pg. 239-241**)

- (iii) The Chief Secretary, Govt. of Haryana vide letter dated 26.10.2018 addressed the issue of flow of effluent (both industrial and domestic) from Bhiwadi



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town of Alwar District of Rajasthan, entering into Dharuhera Town of Haryana (due to natural gradient of the land), flooding the roads of the town causing considerable inconvenience to the residents with the Chief Secretary, Govt. of Rajasthan, Secretariat, Jaipur.

(A true copy of letter dated 26.10.2018 issued by the Chief Secretary, Govt. of Haryana is annexed and marked as ANNEXURE R/1/25, pg. 242)

- (iv) The Chairman, HSPCB vide letter dated 30.07.2020 addressed that the areas have started receiving huge quantity of such effluent recently causing environment and health issues (besides the restricted mobility/nuisance issues) affecting the normal life of residents significantly with the Chairman, Rajasthan Pollution Control Board, 4 Jhalana Institutional Area Jhalana Doongri, Jaipur (Rajasthan).

(A true copy of letter dated 30.07.2020 issued by the Chairman, Haryana State Pollution Control Board is annexed and marked as ANNEXURE R/1/26, pg. 243-244)



(v)

The Chief Secretary, Govt. of Haryana vide letter dated 26.08.2020 addressed the critical issue of water pollution caused due to discharge of untreated/partially treated effluent from industrial area of Bhiwadi of Rajasthan into the territory of

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Haryana of Rewari District with the Chief Secretary,
Govt. of Rajasthan, Secretariat, Jaipur.

(A true copy of letter dated 26.08.2020 issued by
the Chief Secretary, Govt. of Haryana is annexed
and marked as **ANNEXURE R/1/27, pg. 245**)

- vi) Effluent samples are being collected regularly by the joint team of HSPCB and RSPCB and parameters of effluent are found exceeding the prescribed limits. Reports of effluent exceeding the prescribed limits are being shared with Rajasthan State Pollution Control Board, Bhiwadi and request is being made to take necessary action.

19. That the contentions raised by the Appellant in ground for appeal being misconceived wrong hence denied. The Answering Respondent in the preceding para of the Counter Affidavit has already dealt with the contentions raised by the Appellant in the grounds of appeal. However it is submitted that :-

- (i) the contention of the Appellant that the Impugned Order is illegal, unsustainable in law and as such is liable to be set aside is not tenable because the Ld. Tribunal after considering all aspects of the matter including the submission raised by respective parties and upon granting ample opportunity to the authorities to comply with the directions of Order dated 12.12.2017 passed the Impugned Order, therefore the contention being without any basis is liable to be rejected.



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- (ii) The contention of the Appellant that the Ld. NGT ought to have appreciated the Affidavit filed by the Petitioner in compliance of order dated 04.02.2021 being contrary to the facts and the subsequent order passed by the Tribunal is liable to be rejected.

It is submitted that the Ld. Tribunal in its Order dated 29.10.2021 considered the reports submitted by the Committee and after pointing out number of deficiencies and non-compliance of the Order constituted a six member Joint Committed headed by CPCB to prepare and action plan for restoration of the environment and directed that the Committed should hold a meeting within 15 days and remedial action plan be prepared within one month thereafter. In the said Order it was also mentioned that the committee may file the report of the status of comply as on 31.03.2022 by 15.04.2022.

In view of this the contention raised by the Appellant being without any basis contrary to the documents on record is liable to be rejected.



- (iii) That the contention raised by the Appellant to the effect the Tribunal should have invited objection to Joint Committee environmental compensation report dated 29.10.2021 being without any basis wrong hence denied.

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It is submitted that in the Order dated 29.10.2021, the Ld. Tribunal noted that the State of Rajasthan, RIICO submitted its reply on 21.10.2021, 27.10.2021 and 28.10.2021 disowning liability even without showing compliance in past or even now.

The Ld. Tribunal considered all the reports submitted by the committees from time to time and in para 10 of the Order noted the contents of second report of CPCB where the compensation has been assessed and further interacted with MD RIICO and Chairman present in the Court in person and observed that there is unwillingness to take ownership and effort to just disown and shift responsibility which is unfortunate.

In view of this the contention raised by the Appellant being wrong hence denied.

- (iv) That the contention of the appellant that the detailed reply submitted by the appellant not considered by the Hon'ble Tribunal and the Environmental compensation report submitted before the Tribunal was accepted without any opportunity with the petitioner before assessing the compensation is incorrect, wrong and hence denied which is evident from the contents of various orders passed by Ld. NGT while disposing off OA No. 124/2015 and 126 of 2017 and further the Order passed in the Execution Application filed



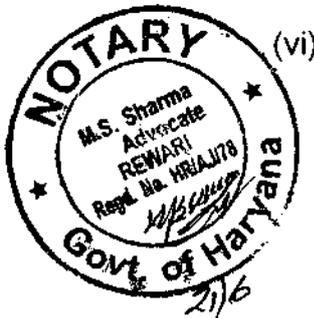
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due to non-compliance of the order dated 12.12.2017 and further the report submitted by the Joint Committee from time to time.

- (v) That the contention of the Appellant in regard to second wave of COVID 19 and further the allegation of excessive compensation attributed to the Petitioner not correct, hence denied it is submitted that from the various orders passed by the Tribunal in Execution Application where the methodology of computation of compensation also mentioned, it is evident that the contention raised is without any basis and as such is liable to be rejected.

In view of this the contention being without basis is liable to be rejected.



- (vi) That the contention of the Petitioner that it has complied with the Water (Prevention & Control of Pollution) Act, 1974 and further has complied the Solid Waste Management Rule, 2016 being without any basis, wrong, hence denied which is evident from the contention of preceding paragraph.

20. I say that annexures annexed with the counter affidavit are true and correct copies of their respective originals and form part of Court below.

In view of submissions made herein above, the civil appeal is liable to be dismissed with cost.

Prayed accordingly.

Balyn

Valya

DEPONENT
Regional Officer
Haryana State Pollution Control Board
Rewari (Haryana)

VERIFICATION

Verified at Rewari..... on this 21st day of June, 2023

that the contents of my above counter affidavit are true and correct to my knowledge and information derived from the official record. No part of it is false and nothing material has been kept concealed therein.

Valya

DEPONENT
Regional Officer
Haryana State Pollution Control Board
Rewari (Haryana)



ATTESTED
M.S. Sharma 21/6/2023
M.S. SHARMA
NOTARY PUBLIC
REWARI

ANNEXURE R/1/1

BEFORE THE NATIONAL GREEN TRIBUNAL SITTING AT
NEW DELHI

MEMORANDUM OF APPLICATION

[UNDER SECTION 14 & 15 (B & C) READ WITH SECTIONS 18-I & 18-II
OF THE NATIONAL GREEN TRIBUNAL ACT, 2010]
(ORIGINAL APPLICATION NO 124 OF 2015)

BETWEEN:

1. Smt. Sumitra Devi
W/o. Inder Pal Yadav,
Member Ward No 1,
Municipal Committee, Dharuhera,
Sub Tehsil Dharuhera, District: Rewari (Haryana)
 2. Raj Kumar saini
Member Ward No 2,
Municipal Committee, Dharuhera,
Sub Tehsil Dharuhera, District: Rewari (Haryana)
 3. Krishan Dayama,
Member Ward No 3,
Municipal Committee, Dharuhera, sub Tehsil Dharuhera,
District: Rewari (Haryana)
 4. Inder Pal
S/O. Shri Banwari Lal
R/o, House No 156,
Sector-6, Part-I, Dharuhera
Sub-Tehsil Dharuhera
District: Rewari (Haryana)
- ..APPLICANT(S)

VERSUS

1. Central Pollution Control Board,
Ministry of Environment & forests,
Govt. Of India,
Parivesh Bhawan", East Arjun Nagar,
Delhi-110032
Through its Member Secretary
2. State of Rajasthan
Through Principal Chief Conservator of Forest,
Rajasthan Van Bhawan, Vanik Path,
Jaipur-302005, Rajasthan
3. Rajasthan State Pollution Control Board,
4, Jhalana Institutional Area, Jhalana Doongri,
Jaipur, Rajasthan 302004
Through its Member Secretary.
4. Rajasthan Industrial Investment Corporation Ltd.,
Head Office Jaipur (Rajasthan)
(A Rajasthan Govt. Under taking)
Udyog Bhawan, Tilak Marg, Jaipur,
Rajasthan-302005,
Through its authorized representative.
5. The District Collector, Alwar,
District: Alwar, PIN 301001 (RAJASTHAN).
6. State of Haryana,
Through Principal Chief Conservator of Forests,
Van Bhawan, C-18, Sector-6, Panchkula,
Haryana-134109
7. District Collector, Rewari,
Tehsil and District Rewari, 123401 (Haryana)

8. Haryana State Pollution Control Board,
C-11, Sector-6, Panchkula-134109, Haryana
Through its authorized representative -RESPONDENTS

1. The address of the applicant is as given above for the service of the notice of this application.
2. That the applicant above named begs to present the Memorandum of Application on the grounds set-out hereunder:-

1. Facts in brief:

1. That the applicants are permanent residents of Dharuhera Sub-Tehsil which is a sub Tehsil of District Rewari, Haryana and is located at the southern tip of Haryana, it is flanked by Alwar district of Rajasthan in South. About 20 villages of this sub- Tehsil are located on Bhiwadi & Khuskhera Industrial areas of District Alwar, Rajasthan having population more than 25,000. Public of this area is depend on ground water and is getting drinking water from wells.
2. That the applicants are well educated reputed and responsible citizen of the country and filling this present application collectively for a common cause in the public interest for welfare of public and environment, at large.
3. That the applicant's No. 1 to 3, are elected representatives of people of local area and the applicant No. 4 is a member from general public and a resident of Dharuhera.
4. That the local public of Dharuhera have approached to the applicant no. 1,2 and 3 regarding the satisfaction of their grievances and problems faced by them due to discharge of untreated heavy industrial effluents that is contaminating the environment (air and

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water) and making it dangerous, poisonous and unfit for living a healthy life which is the basic human right as well as the fundamental Rights guaranteed by the Article 21 of the constitution of India.

5. That the present application is in regard to the water pollution faced by the residents of Dharuhera and nearby about 20 villages due to interstate water pollution caused by the Bhiwadi and Khuskhera industrial areas of District Alwar, Rajasthan due to discharge of numerous waste effluents in the river adjoining the Dharuhera and Bhiwadi and Khuskhera.
6. That the discharged industrial waste is full of dangerous and contaminated environment pollutants containing dangerous chemical and radioactive substance which is causing serious threat to the environment (air & Water) and human beings residing in the vicinity of that area.
7. That, the discharge effluents of Bhiwadi and Khuskhera industrial area is get collected and accumulated in the nearby areas of the Dharuhera and due to this various insects and creepy-crawlies breed over it and there are chances of spreading of dangerous disease. The atmosphere of the localities mainly nearby villages of sub- Tehsil Dharuhera in Haryana territory has become copiously polluted and breathing is difficult due to which almost every inhabitant of the localities is in the grips of asthmatic and lungs related problem. There is always a danger of the outbreak of epidemics.
8. That during rainy season, the residents are compelled to remain confined to their homes due to accumulation of poisonous

substances in and around the localities in Haryana. Further, because of such pollution, flora has permanently disappeared from localities in Haryana which has further multiplied the serious gravity of situation.

9. That livestock is one of the major sources of livelihood of the habitants of these localities, but this has also become impossible due to susceptibility to various lethal diseases owing to air and water pollution. Drinking and underground water has become venomous and pestilential and hence undrinkable.
10. That Bhiwadi & Khushkera industrial hubs of Rajasthan and the localities of sub-Tehsil Dharuhera in Haryana are situated on two sides of main Rewari-Sohna road. People employed in industrial units in Bhiwadi & Khushkera have residences in said the localities in Haryana, thus the localities in question are densely populated.
11. That the respondents No 1 to 4 are responsible for control of pollution in Bhiwadi and khushkera town of Rajasthan State and they are duty bound to protect the public health, vegetation and property in Bhiwadi, Khushera and all around.
They are in performance of their statutorily duty are bound to ensure that no dangerous and poisonous waste posing danger to life of public at large, flora and fauna is discharged by industrial units functioning in and around of their territory.
12. That it is pertinent to mention here that though the respondents No 5 to 7 have taken initiatives for making the life & health of public in their territory i.e. sub-tehsil Dharuhera safe and disease-free for which they (respondents No 5 to 7) have convened several meetings with he respondents No 1 to 4/their representatives along with representatives of general public but, because the remedial

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steps are to be taken by respondents No 1 to 4 only, nothing fruitful could be extracted from all efforts of respondents No 5 to 7.

13. That is it is pertinent to mention here that on 31.10.2014 respondent No. 1 had sent a letter to the Respondent No. 3 and directed for making necessary compliances as his directions:

- i. Rajasthan State Pollution Control Board should ensure and expedite completion of laying down of sewer lines in all the residential areas in all the residential areas of Bhiwadi to prevent the domestic sewage to enter storm water drains. Alternative provisions i.e. Collection sump constructed before the STP to collect wastewater to drain (which flow from towards Dharuhera) shall be utilized for treating sewage of Bhiwadi area.
- ii. Rajasthan State Pollution Control Board should ensure that partially treated effluent of CETP should not be disposed on land as it shows high level of iron, chrome therefore, construction of remaining pipe line should be expedite so that disposal at Khuskhera is avoided.
- iii. Rajasthan State Pollution Control Board shall ensure the augmentation of CETP and treatment of effluent to tertiary level.
- iv. Rajasthan State Pollution Control Board shall ensure that treated sewage shall not be discharged to drain which flows towards Dharuhera and there is need to explore possibility of reuse of treated sewage.
- v. An action plan be prepared for time bound execution of the direction listed at Sl. No. 1-4 above.

Copy of the letter dated 31.10.2014 is annexed herewith as

Annexure-A1.

14. That despite directions given vide above letter dated 31.10.2014 to the Respondent No. 3 i.e. Rajasthan State Pollution Control Board U/s 18 (i) (b) of Water (pollution and control of pollution) Act, 1974, but date no action has been taken by the Rajasthan State Pollution Control Board till now in direction to control this interstate industrial discharge.
15. That it is worth and important to mention that the respondents No 2 to 5 have assured in almost all such meetings that they will taken adequate steps in order to make water, air and atmosphere pollution-free and further to take active step In regard to stop the flow of such industrial waste and effluents in the territory of Haryana but their all assurances proved lame and the situation went on worse to worst with the passage of time. In this connection, followings are worth mentioning:
 - a. In meeting dated 28-07.2014, Respondents No 2 to 5, through their representatives, had assured to take active preventive measures and to ensure that no untreated industrial waste is discharge in storm water.
 - b. In the meeting dated 01.2.2014, the respondents No 2 to 5 did not submit any action taken report in the meeting: hence they were specifically directed by the Presiding Officer to take immediate action and to work at ground level and a deal line of 31st December, 2014 were fixed to stop flow of effluents pollution department of respondent No. 1 expressly admitted that "waste water is caused due to industries falling in Bhiwadi & Khushkera industrial areas of Rajasthan State and entering into territory of Haryana". On this admission, another representative of respondent No 1 i.e. Sub Divisional Officer (Civil) Tijara had

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assured the house that they will stop the flow of effluent from their territory to Haryana territory WITHIN TWO MONTHS FROM the date of meeting i.e. 01.12.2014 means by 31st January, 2015. Other officers of respondent No 1 had collectively promised before the house to " *take active preventing measures immediately and to ensure that no untreated industrial waste is discharged in the drain*".

- c. That similarly, in the meeting dated 19.12.2014 which was presided over by the Chairperson, Rajasthan State Pollution Control Board, Several measures were suggested and were accepted for implementation by the representatives of the respondents No 2 to 5 but all their assurances and promises proved numbs.
- d. That it is also mentionable that, as per version of representatives of respondent No 2, all the industrial units in Bhiwadi are established under "zero effluent/ waste discharge" Scheme of respondent No 2 but no adherence thereto is ensured by respondents No 2 to 5 and the industrial units in their territory are left free to discharge unlimited quantity of dangerous effluent/waste water. Copies of minutes of all above meetings are annexed herewith for kind perusal of Hon'ble Tribunal as **Annexure-A/2-4)**
16. That the applicants, along with other residents of the localities, repeatedly approached the respondents No 2 to 5 and requested them to stop discharge poisonous chemically treated waste gaseous effluents from industrial units functioning in their territory and keep the industrial discharge/effluent free from harmful & dangerous contents but the (respondents No 2 to 5) kept their ears and eyes closed and all efforts of the applicants and residents of

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the localities ended in smoke. Thus even the efforts of respondents No 6 to 8 also did not yield results due to non cooperation of Respondent No. 2 to 5 and therefore, the safety and health of the residents is exposed to various susceptible diseases and there is always a danger of outbreak of epidemics causing health hazards. Therefore the applicants are left with no alternative except to knock the doors of this Hon'ble Tribunal with present application for the safety of their life as guaranteed by the Article 21 of the Indian constitution and for a healthy environment under the provision of the environment protection act.

17. That pollution being wrongful contamination of the environment which causes material injury to the right of an individual, can well be regarded as a pollutant because it contaminates environment, with high decibel air and water pollution and causes hazards affecting the health of a person and would therefore offend Article 21 of the constitution, as it exceeds a reasonable limits.
18. That the applicants assure that no other litigation or application is pending or decided between the applicants or other habitants of the localities and the respondents on the same cause of action.

3. GROUNDS :-

- i. Because the Effluents were being discharged intermittently into the open drain leading to Dharuhera and adjoin villages. The discharge of effluents was causing serious concern as they were affecting habitation and crops of adjoining villages like Mahashawari and Malpura. A number of complaints have been received from villagers. The polluted effluents were stagnant in the form of cesspool near Haryana Urban

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Development Authority sectors and National Highway No. 8, causing nuisance to the residents of the area.

- ii. Because the Respondent nos. 6 to 8 have failed to take legal action against the Respondents nos. 2 & 5 for violating the provisions of Environment Protection Act, 1986 and Rules 2000.
- iii. Because the Respondent nos. 2 to 5 are using not taking any strict legal action against the industries that are discharging the waste and untreated waste industrial effluents in the water violating the Fundamental Rights i.e. a peaceful, comfortable and pollution free life, guaranteed by the Article 21 of the Constitution of India.
- iv. Because till date the Respondent nos. 6-8 have not taken any strict action against the respondent no. 2-5 for failure to take any prompt action on their part in order to punish those industry management who are discharging untreated industrial effluents in violation of Environment Act and Rules which are causing nuisance and health hazard in the area and creating air and water pollution beyond the permissible limits within the territorial area.
- v. Because apart from the above such disturbing events, the inhabitants of the locality area suffering from severe lungs and breathing disorder. Besides due this leftover untreated industrial effluents in the territory of the Haryana state causes serious health hazards and environmental issues results in foul smell in the area and also creates menace of flies and insects.

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- vi. Because the left over untreated discharge of the industrial effluents in the territory of Haryana by the industries of the state of Rajasthan will create serious health and environment issues, as the area get infected with bacteria etc. which will cause harm to humans as well as other living creatures and even degrade the environment by spreading harmful disease. If they are left untreated or not disposed of in a proper manner, such leftover effluents would definitely damage the environmental surrounding. The discharge of such waste without proper treatment plan results in pollution of the water and violates the provisions of EP Act, 1986 along with its rules and the Water Act, 1974.

4.Limitation :-

That the applicant declares that the present application is within the limitation period, as prescribed under the National Green Tribunal Act, 2010.

That the applicants are seeking following reliefs and the Hon'ble Tribunal may be pleased to:-

- a. Direct the respondents No. 2 to 5 to prohibit and ensure for non-release of effluent/ waste water/ industrial waste containing poisonous chemicals and pollutants by the industrial units functioning in the territory of Rajasthan towards the area of Dharuhera and adjoining villages of Haryana State.
- b. Direct the respondent's No. 2 to 5 to stop flow of industrial waste of the industry situated within their territory towards the territory of Haryana.

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- c. Direct the respondent's No. 2 to 5 to cooperate with the respondent no. 6-8 in order to keep the environment human friendly and by not discharging human threatening and dangerous untreated effluent in the water or any place exposed to human health.
- d. The Hon'ble Tribunal may also kindly pass any other such order or direction as it may deem fit, just and proper in the attending circumstances of the case, in the interest of justice.

Signature of Applicants

Verification

I Sumitra Devi W/o Inder Pal Yadav, Member Ward No. 1, Municipal Committee, Dharuhera, Sub Tehsil Dharuhera do hereby verify that the contents to paras ___ to ___ are true to my personal knowledge and paras ___ to ___ believed to be true on legal advice and that I have not suppressed any material fact.

Sumitra Devi

(Signature of Applicant No.1)

Verification

I Raj Kumar Saini Member Ward No. 2, Municipal Committee, Dharuhera, Sub Tehsil Dharuhera do hereby verify that the contents to paras ___ to ___ are true to my personal knowledge and paras ___ to ___ believed to be true on legal advice and that I have not suppressed any material fact.

Raj Kumar

(Signature of Applicant No.2)

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Verification

I Krishan Dayama, Member Ward No. 3, Municipal Committee, Dharuhera, Sub Tehsil Dharuhera do hereby verify that the contents to paras___ to ___ are true to my personal knowledge and paras___ to ___ believed to be true on legal advice and that I have not suppressed any material fact.

Krishan Kumar

(Signature of Applicant No.3)**Verification**

I Inder Pal Yadav, S/o Sh. Banwali Lal R/o House No. 156, Sector-6, Part-1, Dharuhera, Sub Tehsil Dharuhera do hereby verify that the contents to paras___ to ___ are true to my personal knowledge and paras___ to ___ believed to be true on legal advice and that I have not suppressed any material fact.

Inder Pal

(Signature of Applicant No.4)**(Satya Narayan Vashishth) (Ravinder Kaushik) & (Isha Agarwal)**

Advocates

Dharuhera

Chamber No. 282,

Block-II

Dated: 13/04/15

Delhi High Court, New Delhi-1100033

(True copy)

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**BEFORE THE NATIONAL GREEN TRIBUNAL SITTING AT
NEW DELHI
MEMORANDUM OF APPLICATION
[UNDER SECTION 14 & 15 (B & C) READ WITH SECTIONS 18-I & 18-II
OF THE NATIONAL GREEN TRIBUNAL ACT, 2010]
(ORIGINAL APPLICATION NO 124 OF 2015)**

BETWEEN

Smt. Sumitra Devi & Ors.

.... APPLICANTS

VERSUS

Central Pollution Control Board & Ors.

...RESPONDENTS

AFFIDAVIT

Smt. Sumitra Devi W/o Sh. Inder Pal Yadav, Member Ward No. 1 Municipal Committee, Dharuhera, Sub Tehsil Dharuhera, District Rewari (Haryana) aged about years do hereby solemnly affirm and declare as under :-

1. That I am the Applicant No. 1 in the present case and as such I am well conversant with the facts and circumstances of this case and competent to swear this affidavit.
2. That the accompanying Application has been drafted by my counsel on my instructions & information and the contents of the same are true and correct to my knowledge and belief. The contents of the said reply may be read as part and parcel of this affidavit as the same are not being repeated herein for the sake of brevity.

....Deponent

VERIFICATION:

Verified at Rewari on this 13th day of April, 2015 that the contents of the above affidavit are true and correct to be best of my knowledge and belief, no part of its false and nothing material has been concealed therefrom.

....Deponent

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
Original Application No. 127 of 2016

MEMO OF PARTIES

Dr. Laxman Raghav
S/o Late Sh. Ram Singh
R/o 1/306, Rajasthan Housing Board Colony
Bhiwadi, Dist-Alwar (Rajasthan)

.....Applicant

Versus

1. The Central Pollution Control Board
Parivesh Bhawan, CBD-cum-Office Complex,
East Arjun Nagar, Delhi-110032
2. The State of Rajasthan
Through
Its Chief Secretary
Secretariat, Jaipur-300208, Rajasthan
3. The Public Health Engineering Department (PHED),
Jal Bhavan, Civil Lines, Jaipur
Through its Principal Secretary
4. Department of Medical, Health and Family Welfare
Govt. of Rajasthan
Through its Principal Secretary (Health & FMT)
5. Rajasthan State Pollution Control Board
8/43 N.E.B Housing Board. Alwar-301001
Through its Chairman

6. The Rajasthan Industrial investment Corporation Ltd.
Udyog Bhawan, Tilak Marg, Jaipur
Through its Chairman

7. The Bhiwad Jal Pradushan Nivaran Trust (BJPNT)
Through its Chairman
AY-010. Ashiana Guimohar Park, Bhiwadi (Rajasthan) .Respondents

Applicant

Through

Rahul Khurana, Advocate
NGT Bar Room
Mob No.9811894060
rkiust25@gmail.com

Date :
New Delhi

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
Original Application No. 127 of 2016

IN THE MATTER OF :

Dr. Laxman Raghav

.....Applicant

Versus

State of Rajasthan & Others

.....Respondents

ORIGINAL APPLICATION UNDER SECTION 14 READ WITH SECTION 15, 17 AND 18 OF THE NATIONAL GREEN TRIBUNAL ACT, 2010 AGAINST THE UNTREATED DISCHARGE IN THE AGRICULTURAL FIELDS FROM INDUSTRIES AT BHIWADI, CHOPANKI, KAHARANI AND KHUSHKHERA (DIST- ALWAR, RAJASTHAN)

MOST RESPECTFULLY SHOWETH:

1. That the address for the service of the applicant is as mentioned in the Memo of parties. The service can be affected on the address of his counsel also.
2. That the address for the service on the respondents is as mentioned in the Memo of Parties.
3. That the present Original Application is being filed under Section 14 Read with Section 15, 17 and 18 of the National Green Tribunal Act, 2010 against untreated Industrial discharge in agriculture fields and residential area from the Industries at Bhiwadi, Chopanki, Kaharani and Khushkhera Industrial Area (District-Alwar, Rajasthan) causing

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Environmental Degradation, harm to Agricultural Fields and diseases to nearby residents.

4. **FACTS:**

- (i) That the applicant is a citizen of India. The present application is being filed in public interest and to preserve healthy environment for coming generation.
- (ii) That the respondents no. 1 and 5 are entrusted with the duty to prevent and control the Water and Air Pollution. The respondent no. 2 to 4 being the State and its concerned departments are liable to take steps to provide the healthy environment to its residents. The respondent no. 6 and 7 are liable and responsible to prevent the untreated discharge from Industries at Bhiwadi, Chopanki, Kaharani and Khushkhera industrial Area. As such all respondent are necessary parties to the present OA.
- (iii) That it is very unfortunate and regrettable that untreated discharge from the Industrial area at Bhiwadi Chopanki, Kaharani and Khushkhera (District Alwar, Rajasthan) has been discharging in the agricultural fields and surrounding residential area for a long time and the respondent authorities has miserably failed to take action against the Industries and in the interest of the general public to ensure healthy and clean environment.

- (iv) That this untreated discharge from the industrial area at Bhiwadi, Chopanki, Kaharani and Khushkhera (District Alwar, Rajasthan) is black in colour containing: Oil & Grease, Sulphides (S), Chlorides (Cl), Sulphate (SO₄), and metals like Copper (Cu), Zinc, Nickel, Lead (Pb), Iron (Fe), Cadmium (Cd) etc. It is worthwhile to mention here that Bio-Chemical Oxygen Demand (BOD) and Chemical Oxygen Demand (COD) are at much higher level beyond the permissible limits.

The copy of Analysis Reports of the discharge collected from the final outlet of CETP, Bhiwadi from for the period from August, 2015 to January, 2016 is being annexed herewith as **Annexure-R/1** (Colly).

The CETP is established at Bhiwadi Industrial Area, however, same is under capacity. The photograph showing the colour 'Black' of the discharge at outlet of CETP at Bhiwadi is being annexed herewith as **Annexure-R/2**.

- (v) That the untreated effluent discharged from the Industrial Area at Bhiwadi, Chopanki, Kaharani and Khushkhera caused the ground water of the surrounding area contaminated. The samples collected from the borewells and handpumps in the nearby vicinity shows the presence of Zinc, Lead, Iron and Cadmium. This quality of water is being consumed by the residents of Rajasthan. The copy ~ of Analysis Report of the samples collected from, Borewell and Hand Pump in the nearby

vicinity for the period from 2014 to 2010 is being annexed herewith as **Annexure R/3 (Colly)**. The impact on the health of the nearby - residents can be imagined merely by perusal of these analysis reports.

- (vi) That BOD, COD and TDS level are very much high from the permissible limits in the water of nearby borewells and handpumps. The copy of Analysis Report of the samples collected from Borewell and Hand Pumps in the nearby vicinity in October 2015, April 2015, October, 2014, April 2014, October 2013, April 2013, October 2012 is being annexed herewith as **Annexure-R/4 (Colly)**. The situation is so pathetic that the residents of the District Alwar are constraint to consume water of this quality but the authorities never bothered to look into the matter and provide the portable water and healthy environment to the residents.
- (vii) That the applicant has received the information that about 509 industries are listed with the Rajasthan State Pollution Control Board under red Category in these industrial area. These Industries includes the industries discharging Hazardous waste. Despite such number of Industries under Red Category, the Respondents have failed to provide the mechanism to control and prevent the water Pollution. The list of the Industries under Red Category in the Industrial Area at Bhiwadi, Chopanki, Kaharani and Khushkhera is being annexed herewith as **Annexure-R/5**.

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- (viii) That pathetic and miserable condition of the agricultural fields in the nearby vicinity is clear from the photographs annexed herewith as **Annexure-R/6**. The photographs shows that untreated discharge of Industries stagnate in the agriculture fields and alongside the road thereby destroying the crops and contaminating the ground water. The poisons contents of the crops can be imagined from the photographs showing the crops filled with dirty, metallic and poisonous water.
- (ix) That the Bhiwadi Jal Pradushan Nivaran Trust (BJPNT) has been provided a sum of Rs.1220 Lacs by Rajasthan State Industrial Development Corporation Ltd (RICO) on account of Operation, Maintenance and upgradation of the CETP at Bhiwadi industrial Area. Despite spending of such huge amount on papers, the CETP is neither satisfactory functional nor has been upgraded till date. It is noteworthy that if BJPNT has failed to maintain and upgrade the CETP since 2007, why RICO has been providing such huge amount to the Trust on account of operation and maintenance of the CETP. The detail of amount paid to BJPNT by RICO is being annexed herewith as **Annexure-R/7**.
- (x) That the respondent authorities have failed to discharge their statutory duties and are responsible for the pitiable and pathetic conditions of the residents. it shows the bad affairs of the State of Rajasthan and respondent authorities must pay

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Environmental Compensation in the interest of nearby residents and improve the surrounding environment.

5. **Grounds:**

The present Original Application is being filed on the following grounds and craves liberty to state other ground as available to the applicant during the course of arguments:-

- (i) BECAUSE the State Agencies and respondent authorities has failed to serve the very purpose of the Air (Prevention and Contra of Pollution) Act, 1981, the Water (Prevention and Control of Pollution) Act, 1974 and The Environment Protection Act, 1988 and rules framed therein.
- (ii) BECAUSE the residents of the District Alwar are constraint to consume the contaminated water due the Untreated discharge from the Industrial area at Bhiwadi, Chopanki, Kaharani and Khushkhera of District-Alwar (Rajasthan).
- (iii) BECAUSE the state agencies has failed to discharge their duties as enshrined in the Constitution of India and Environment Protection Act, 1986.
- (iv) BECAUSE it is right of every Indian Citizen to have healthy and Pollution free environment as guaranteed under Article 21 of the Constitution of India.

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- (v) BECAUSE the crops in the agricultural fields have been damaged and getting poisonous contents thereby causing danger to the health of the nearby residents.

6. **LIMITATION:**

That the respondents are still failure to discharge statutory duties on their part as mentioned above and the citizens are suffering from the continues untreated discharge from the Industries into the fields and alongside the road. As such, the present OA is with limitation.

7. **INTERIM RELIEF:**

That to prevent further degradation of Environment, damage to crops and contamination of ground water, it is humbly that operation of Industries without stable and fully functional ETP be stopped until the CETP of full capacity is being established and made functional in the concerned Industrial area.

PRAYER

In view of the facts and circumstances of the case mentioned herein above, it is humbly prayed that :-

- (i) The Respondent Authorities be directed to prevent the discharge of trade effluent from the Industrial Area at Bhiwadi, Chopanki, Kaharani, Patwadi, Shahikhurd and Khushkhera and to reuse the trade effluent after proper treatment.

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- (ii) The Respondents be directed to place on record the data of Air ambient quality of last five years of the Industries Area at Bhiwadi, Chopanki and Khushkhera.
- (iii) The respondents be directed to stop the operation of the Industries without stable and fully functional ETP until the CETP of full capacity is being established and made functional.
- (iv) Award the Environment Compensation to be paid by the respondents to be used to improve the air ambient quality and surrounding environment of the Industrial Area at Bhiwadi, Chopanki,-Kaharani and Khushkhera.

APPLICANT

Through

Rahul Khurana, Advocate
NGT Bar Room
Mob No.9811894060
rkiust25@gmail.com

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 124 of 2015

Sumitra Devi Vs. CPCB & Ors.

CORAM: HON'BLE MR. JUSTICE SWATANTER KUMAR,
CHAIRPERSON
HON'BLE DR. JUSTICE JAWAD RAHIM,
JUDICIAL MEMBER
HON'BLE MR. JUSTICE SONAM PHINTSO WANGDI, JUDICIAL
MEMBER
HON'BLE DR. D. K. AGRAWAL, EXPERT MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER

Present:	Applicant:	Mr. Saurabh Sharma, Mr. Sumit Hasija & Mr. Satya Narayan Vashsita and, Adv.
	Respondent No. 1:	Mr. Raj Kumar, Adv. with with Mr. Bhupender Kumar, LA, Central Pollution Control Board
	Respondent No. 3:	Mr. Shiv Mangal Sharma, AAG with Mr. Samesh Rajpal and Mr. Adhiraj Singh, Adv.
	Respondent No. 4:	Mr. K.C. Gupta, RO, RPCB, Alwar
	Respondent No. 5:	Mr. Ambit with Mr. Sanjay Jha, Regional Manager, RIICO
	Respondent No. 6 to 8 :	Mr. S.S. Shamsbery and Mr. Prateek Yadav, Adv. Mr. Anil Grover, AAG with Mr. Rahul Khurana, Adv.

	Date and Remarks	Orders of the Tribunal
	Item No. 15 February 09, 2016	Strange stand is taken by the State of Rajasthan and various corporations and State Bodies in relation to pollution, discharge of industrial effluent causing serious pollution of groundwater. It is stated earlier entire waste water was being discharged in the land of Haryana and causing serious health hazards and environmental problem. After filing of this petition the Tribunal had directed meeting to be held. The State of Rajasthan submits that it will not send their trade effluent on to the land of Haryana, but will store it on its own land. It is very shocking that the State without finding alternative wants to keep polluting water on its land rather than taking effective steps for treating of the trade effluents and using the water appropriately and for recycling or

otherwise.

Let the Chief Secretary of the State of Rajasthan file personal affidavit to show cause why it should not be directed closure of all the industries in Bhiwadi. The officer present is unable to provide even the correct figure of discharge, capacity of CETP and values of the trade effluents being discharged. It is stated in the meeting held it was mentioned that the total discharge is 11 to 12 while the officer says 8 to 9 MLD only. The results shown to us of CETP, Bhiwadi Industrial area: Suspended Solid are: 2594 mg/l against the prescribed limit 10 mg/l, COD 1920 mg/l against the prescribed limit 250 mg/l, Oil & Grease 22.5 mg/l against the prescribed limit 10 mg/l, Iron 6.8 mg/l against the prescribed limit 3 mg/l, result of STP: Suspended Solid 162 mg/l against the prescribed limit 100 mg/l, BOD 140 mg/l against the prescribed limit 30 mg/l, COD 464.80 mg/l against the prescribed limit 250 and result of samples taken from Cess Poll in Khuskhera Village: Suspended Solid 166 mg/l against the prescribed limit 100 mg/l, COD 562.4 mg/l against the prescribed limit 250 mg/l, Oil & Grease 12.5 mg/l against the prescribed limit 10 mg/l, Iron 10.73 mg/l against the prescribed limit 3 mg/l. All these results shows that parameters are highly violated the prescribed limits and the other ways result also been placed before the Tribunal which shows that Iron, Hexavalent Chromium and total

Chromium and Phosphate are also excessive. Phosphate is 9.2 against the limit of 5, total Chromium is 4.7 against the limit of 2, hexavalent is 0.5 against the limit of 0.1 and Iron is 5.3 against the limit of 3 this shows excessive. The color of the effluent is black and the odour is bad.

These are relying on the fact duly supported by scientific analysis which shows now for a years and groundwater and other waterbody including land is being subjected to serious pollution. Approach taken by the State is violated of the protection provided to the people of Rajasthan under the Article 21 of the Constitution of India.

Let the affidavit now be positively filed by the Chief Secretary within two weeks from today.

List this matter on 25th February, 2016.

.....,CP
(Swatanter Kumar)

.....,JM
(Dr. Jawad Rahim)

.....,JM
(Sonam Phintso Wangdi)

.....,EM
(Dr. D.K. Agrawal)

.....,EM
(B.S. Sajwan)

(TRUE COPY)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 124 of 2015

Sumitra Devi Vs. CPCB & Ors.

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE DR. JAWAD RAHIM, JUDICIAL MEMBER
HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER**

Present: **Applicant:** Mr. Saurabh Sharma, Mr. Gaurav Bhardwaj Mr. Sumit Hasija & Mr. Satya Narayan Vashsita and, Advs.

Respondent No. 1: Mr. Raj Kumar, Adv. with with Mr. Bhupender Kumar, LA, Central Pollution Control Board

Respondent nos. 2: Mr. Shiv Mangal Sharma, AAG, Mr. Ankit Shah, Mr. Lokendra Kachhawa with Mr. Samesh Rajpal and Mr. Adhiraj Singh, Advs.

Respondent No. 4: Mr. Ambit with Mr. Sanjay Jha, Regional Manager, RIICO

Respondent No. 5: Mr. S.S. Shamsbery and Mr. Prateek Yadav, Advs.

Respondent No. 6 to 8 : Mr. Anil Grover, AAG with Mr. Rahul Khurana, Adv.

	Date and Remarks	Orders of the Tribunal
	<p align="center">Item No. 06 February 25, 2016</p>	<p align="center">List the matter for arguments on 21st March, 2016.</p> <p>In the meanwhile, State of Rajasthan would file an Affidavit in terms of the previous order of the Tribunal dated 9th February, 2016. The affidavit should also clarify as to why the State Government, RIICO and the industry (on Polluter Pays Principal) should not be directed to spent the money for upgradation of CETP to ensure that the effluents is treated strictly to the prescribed standards, beside it is an incorrect statement that there is variation which is of a miner nature in relation to the prescribed parameters particularly the discharge of the trade effluent by these industries. The Affidavit must revealed as why they should not be directed to provide conduit pipeline to ensure that the effluent does not enter in to the ground water and is brought to the CETP from all concerned.</p>

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List the matter for hearing on 21st March, 2016.

.....,CP
(Swatanter Kumar)

.....,JM
(Dr. Jawad Rahim)

.....,EM
(Dr. D. K. Agrawal)

.....,EM
(B.S. Sajwan)

(True copy)

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 127/2016
And
Original Application No. 124 of 2015

IN THE MATTER OF:

Dr. Laxman Raghav Vs. State of Rajasthan & Ors.
And
Sumitra Devi Vs. CPCB & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER

Present: Applicant /Appellant : Mr. Rahul Khurana, Adv.
Respondent No. 3: Mr. Rajkumar, Adv. and Mr. Bhupendra Kumar, LA
Respondent No. 4 : Mr. Shiv Mangal Sharma, AAG, Mr. Lokendra Kacchnwa and Mr. Saurabh Rajpal and Mr. Adhiraj Singh Rajawat, Adv.
Respondent No. 6: Mr. Anuj Bhandari, Adv.

Present: Applicant: Mr. Satya Narayan Vashsita, Adv.
Respondent No. 1: Mr. Raj Kumar, Adv. with with Mr. Bhupender Kumar, LA, Central Pollution Control Board
Respondent Nos.2&5: Mr. S.S. Shamsbery and Mr. Prateek Yadav, Adv.
Respondent No. 4: Mr. Raj Panjwani, Sr. Adv and Mr. Amit Lubhaya, Adv.
Respondent No. 6 to 8 : Mr. Anil Grover, AAG with Mr. Rahul Khurana, Adv.
Mr. Shiv Mangal Sharma, AAG, Mr. Ankit Shah, Mr. Lokendra Kachhawa with Mr. Samesh Rajpal and Mr. Adhiraj Singh, Adv.

Date and Remarks	Orders of the Tribunal
Item Nos. 10 & 11 May 17, 2016 A	<p>Respondents are granted two weeks time to file the Reply by way of last opportunity. In the event they do not file the Replies now, their right to file the Replies shall stand forfeited besides liable for imposition of costs. . If the Replies are filed Rejoinder thereto, if any, be filed within two weeks thereafter.</p> <p>In the meanwhile there will be a joint inspection by Rajasthan Pollution Control Board, Haryana Pollution Control Board and Central Pollution Control Board. They will conduct a joint inspection and submit report. The report should be complete and comprehensive in all</p>

respects. Further on the basis of the joint inspection report the Central Pollution Control Board will issue appropriate directions copy thereof will also be placed before the Tribunal.

List these matters on 18th July, 2016.

.....,CP
(Swantanter Kumar)

.....,JM
(M.S. Nambiar)

.....,JM
(Raghuvendra S. Rathore)

.....,EM
(Prof. A.R. Yousuf)

.....,EM
(Bikram Singh Sajwan)

(True copy)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 124 of 2015
(M.A. No. 375 of 2016)
And
Original Application No. 127 of 2016

IN THE MATTER OF:

**Sumitra Devi Vs. CPCB & Ors.
And
Dr. Laxman Raghav Vs. State of Rajasthan & Ors.**

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER**

Present: Applicant: Mr. Satya Narayan Vashishth, Ms. Meena Kumar adn
Ms. Sahana Ramdas, Advs.
Respondent No. 1: Mr. Rahul Choudhary, Adv.
Respondent Nos. 6-8: Mr. Raj Kumar, Adv. with with Ms. Niti Choudhary,
LA, Central Pollution Control Board
Mr. Anil Grover, AAG and Mr. Sandeep Yadav, Adv.

Present: Applicant /Appellant : Mr. Rahul Khurana, Adv.
Respondent No. 3: Mr. Rajkumar, Adv. and Ms. Niti Choudhary, LA For
CPCB
Respondent No. 6: Mr. Anuj Bhandari, Adv.
Respondent No. 7: Ms. Sharmila Upadhyay and Mr. Ratik Sharma, Advs.

	Date and Remarks	Orders of the Tribunal
	Item No. 10 & 11 February 02, 2017 sn	Learned Counsel appearing for the Applicant has taken us through the contents of the report of Joint Inspection Team which shows serious pollution of soil, ground water and constituents of the effluent that is being discharged to the CETP. The CETP is non-performing and in any case there is nothing on record to show that it is capable of treating the metallic effluent, as specified in the Report of Joint Inspection Team. Let show cause Notice be issued to the State of Rajasthan, Rajasthan State Pollution

<p>Item No. 10 & 11</p> <p>February 02, 2017</p> <p>sn</p>	<p>Control Board and RIICO why should we not direct closure of the entire industrial complex at Bhiwadi.</p> <p>Letter for adjournment has been moved, we find no justification for the same. Even the officers present on behalf of the authorities are least aware about actual situation at site, pollution being caused as well as solution thereof.</p> <p>In the interest of justice, we direct the matter to be listed on 7th February, 2017 on which date the Member Secretary of the Rajasthan State Pollution Control Board as well as the Managing Director of RIICO and Chairman of the RIICO Trust Board shall be present before the Tribunal.</p> <p>List this matter on 7th February, 2017.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM (Bikram Singh Sajwan)</p>
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Annexure- R/1/7

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 124 of 2015
(M.A. No. 375 of 2016 & M.A. No. 250 of 2017)

And

Original Application No. 127 of 2016

IN THE MATTER OF:

Sumitra Devi Vs. CPCB & Ors.

And

Dr. Laxman Raghav Vs. State of Rajasthan & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE DR. AJAY A DESHPANDE, EXPERT MEMBER

Present: **Applicant:** Mr. Vibhuti Sushant Gupta, Adv.
Respondent No. 1: Mr. Raj Kumar, Adv. with Mr. Bhupender Kumar, LA, Central Pollution Control Board
Respondent Nos. 6-8: Mr. Anil Grover, AAG and Mr. Mishal Vij, Adv.
Mr. Pawan Upadhyay, Mr. Krishna K., MR. Ratik Sharma, Mr. Akash Tyagi, Advs.
Mr. Shiv Mangal Sharma, AAG, Mr. Saurabh Rajpal, Adv., Mr. Adhiraj Rawat, Adv., Mr. Arun Prasad for Member Secretary, RSPCB
Ms. Mugdha Sinha, MD, RIICO, Sh. R.K. Gupta, CGM, RIICO, Mr. Ajay Gupta, Sr. DGM, RIICO, Sh. S.P. Shardal, Sr. RM, RIICO, Bhivadi I, Sh. K.K. Kothari, Sr. RM, RIICO, Bhivadi-II

Present: **Applicant /Appellant** Mr. Rahul Khurana, Adv.
Respondent No. 9: Mr. Pawan Upadhyay, Mr. Krishna K., MR. Ratik Sharma, Mr. Akash Tyagi, Advs.
Mr. Raj Kumar, Adv. with Mr. Bhupender Kumar, LA, Central Pollution Control Board
Ms. Mugdha Sinha, MD, RIICO, Sh. R.K. Gupta, CGM, RIICO, Mr. Ajay Gupta, Sr. DGM, RIICO, Sh. S.P. Shardal, Sr. RM, RIICO, Bhivadi I, Sh. K.K. Kothari, Sr. RM, RIICO, Bhivadi-II

Date and Remarks	Orders of the Tribunal
<p>Item No. 22 & 23</p> <p>March 01, 2017</p> <p>ss</p>	<p>All the officers from different departments are present.</p> <p>The Tribunal has asked them one simple question, whether the groundwater in that area is polluted in any manner and is contaminated or not. Despite having repeated this question three times, none of the officers was prepared to answer it. As nobody has answered the question, we impose cost of Rs. 5 Lakh upon State of Rajasthan and all these departments. This cost will be recovered from the salary of each officer present before us.</p> <p>An officer present namely, Mr. Ram Kishan Yadav who is Executive Engineer from PHED has stated that at</p>

<p>Item No. 22 & 23</p> <p>March 01, 2017</p> <p>ss</p>	<p>three places groundwater samples have been found to be within limit. However, he does not know about the water being supplied in the entire area. The samples were not collected by him. The Central Pollution Control Board, in its report of the same area had shown that it is highly polluted. We find this officer of PHED is trying to mislead the court. Therefore, we impose cost of Rs. 50,000/- which shall be recovered from his salary by the disciplinary Authority.</p> <p>In the meanwhile, we appoint a Committee consisting of Central Pollution Control Board, Ministry of Environment, Forest and Climate Change and Central Ground Water Authority which shall submit a complete and comprehensive report to us of the various industrial areas located around Bhiwadi, District Alwar in relation to pollution of groundwater; industrial effluent, CETP (inlet and outlet) and acid recovery plant. Samples shall be collected from the conveyer belt and other proper locations. Groundwater sample would be collected from various sites, particularly where there is apparent discharge of industrial waste/effluent. Samples should also be collected from the hand-pumps operating in that area. The report shall also cover industrial operations in other areas/industrial pocket in District of Alwar.</p> <p>The CETP Society is liable to pay cost of Rs. 1 Lakh as environmental compensation. We are neither satisfied with the answers provided by the various officers, particularly the Pollution Control Board nor there is any justification on record for non-compliance of the direction issued by Central Pollution Control Board by letter dated 21st September,</p>
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<p>Item No. 22 & 23</p> <p>March 01, 2017</p> <p>ss</p>	<p>2016 for action against Electroplating and other industries whereas the Rajasthan State Pollution Control Board was required to take action against such industries. But the Board has not taken any action so far against them. We direct that all the ten Electroplating industries located in industrial area of Bhiwadi, identified by Central Pollution Control Board, be closed down forthwith. Pollution Control Board and RIICO shall ensure compliance of this order and shut down all the said industries in the area. Notice also be issued to these industries by the Board to be present before the Tribunal on the next date of hearing.</p> <p>After the order is passed, learned counsel appearing for State and the officers present requested to recall the order while assuring complete compliance of order.</p> <p>In view of this, the order as related to payment of cost by the officers is kept in abeyance.</p> <p>List these matters on 17th March, 2017.</p> <p><u>M.A. No. 250 of 2017</u></p> <p>Learned Counsel appearing for the Applicant wishes to withdraw this Application with liberty to file a fresh application after giving complete facts.</p> <p>With the above terms, M. A. No. 250 of 2017 stands disposed of as withdrawn.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM (Dr. Ajay A Deshpande)</p>
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**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 124 of 2015
(M.A. No. 375 of 2016, M.A. No. 307 of 2017, M.A. No. 308 of 2017, M.A. No. 310 of 2017 & M.A. No. 327 of 2017)

And

Original Application No. 127 of 2016
(M.A. Nos. 300 of 2017, 301 of 2017, 309 of 2017, 323 of 2017, 324 of 2017 & 326 of 2017)

IN THE MATTER OF:

Sumitra Devi Vs. CPCB & Ors.

And

Dr. Laxman Raghav Vs. State of Rajasthan & Ors.

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER
HON'BLE DR. AJAY A DESHPANDE, EXPERT MEMBER**

Present:	Applicant:	Mr. Rahul Kuhrana, Adv. for Applicant in OA 127/16 Mr. Mayank Jain, Ms. Madhu Jain and Mr. Parmatma Singh, Advs. Mr. Vaibhav Gaggar, Adv. and Ms. Sumedha Dang, Adv.
	Respondent No. 1:	Ms. Alpana Poddar, Mr. Raj Kumar, Adv. with Mr. Bhupender Kr., LA, Central Pollution Control Board Mr. Krishna Kumar Singh, Adv. for MoEF Mr. Anil Grover, AAG and Mr. Sandeep Yadav, Adv. for State of Haryana Mr. B.V. Niren, Adv. for CGWA
	State of Rajasthan	Mr. Shiv Mangal Sharma, AAG with Mr. Saurabh Rajpal, Ms. Shikha Sandhu and Mr. Adhiraj Singh, Advs. Mr. Vivek Kr. Tandon, Ms. Mamta Tandon, Mr. Mayank Jain and Mr. Parmatma Singh, Adv. Mr. Manav Gupta, Mr. Prabhsahay Kaur, Ms. Esha Dutta and Mr. Sahil Garg and Ms. Ridhi Munjal, Advs. Mr. Akash Tyagi, Adv. for R- 7 & 9
	Respondent No.4	Mr. Raj Panjwani, Sr. Adv for (RIICO)

	Date and Remarks	Orders of the Tribunal
	Item No. 47 & 48 May 03, 2017 ss	Mr. Abhay Singh Soni, Scientist 'E' of Central Pollution Control Board submits that the report that has been submitted to the Tribunal suffers from lapses, deficiencies and therefore it cannot be stated to be complete and comprehensive. He further submits that in the interest of justice and to find out the exact pollution that is being caused by the industries a fresh inspection team be constituted to conduct complete and comprehensive inspection.

<p>Item No. 47 & 48</p> <p>May 03, 2017</p> <p>ss</p>	<p>In view of the statement made by him today and the unconditional apology tendered by him in open court yesterday's order for recovery from his salary be kept in abeyance for the present.</p> <p>We hereby constitute the following Committee for conducting fresh inspection of the 10 industries, the CETP and Acid Treatment in that area. The Committee shall consist of the followings:-</p> <ol style="list-style-type: none"> 1. Senior Scientist, from MoEF other than the Scientist who was associated in the previous inspection. 2. Senior Scientist from Central Groundwater Authority other than the officer who had been sent for inspection earlier. 3. Mr. Abhey Singh Soni and another Senior Scientist from Central Pollution Control Board nominated by Member Secretary. 4. Professor in the specialty concerned (Prof. Nema) or his nominee from I.I.T., Delhi. 5. Professor Asolkar from I.I.T., Bombay. <p>Let the inspection report be prepared immediately and submitted to the Tribunal.</p> <p>Once the Committee is prepared to conduct the inspection, the Committee would be free to pass appropriate directions for the purpose of inspection and on inspection if the unit be permitted to operate or not or to be shut down. The Committee may also make recommendations for prevention and control of pollution.</p> <p>The Rajasthan Pollution Control Board and RIICO shall submit their report regarding status of their plan for de-sludging and cleaning the pond and drain within one</p>
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<p>Item No. 47 & 48</p> <p>May 03, 2017</p> <p>ss</p>	<p>week from today. In the event of default the Managing Director of RIICO and the Member Secretary, Rajasthan Pollution Control Board shall be present before the Tribunal.</p> <p>The Rajasthan Pollution Control Board shall submit a status Report with regard to the remaining 9 industrial units which are stated to be polluting. The Learned Counsel appearing for the Board submits that all these 9 industries have also been shut down. Let this fact be physically verified. There should be an inspection of CETP as well.</p> <p>List this matter on 12th May, 2017.</p> <p>The Applicant is also permitted to be present before the Committee. None of the parties will obstruct or interfere with the functioning of the Committee.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....EM (Bikram Singh Sajwan)</p> <p>.....EM (Dr. Ajay A Deshpande)</p>
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ANNEXURE R-1/9

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO.124 OF 2015
(M.A.NO.375 OF 2016 & M.A.NO 250 OF 2017)

And

ORIGINAL APPLICATION NO.127 OF 2016

IN THE MATTER OF :

SUMITRA DEVI

APPLICANT

VERSUS

CPCB & ORS.

RESPONDENT(S)

And

DR. LAXMAN RAGHAV

APPLICANT

VERSUS

STATE OF RAJASTHAN & ORS.

RESPONDENT(S)

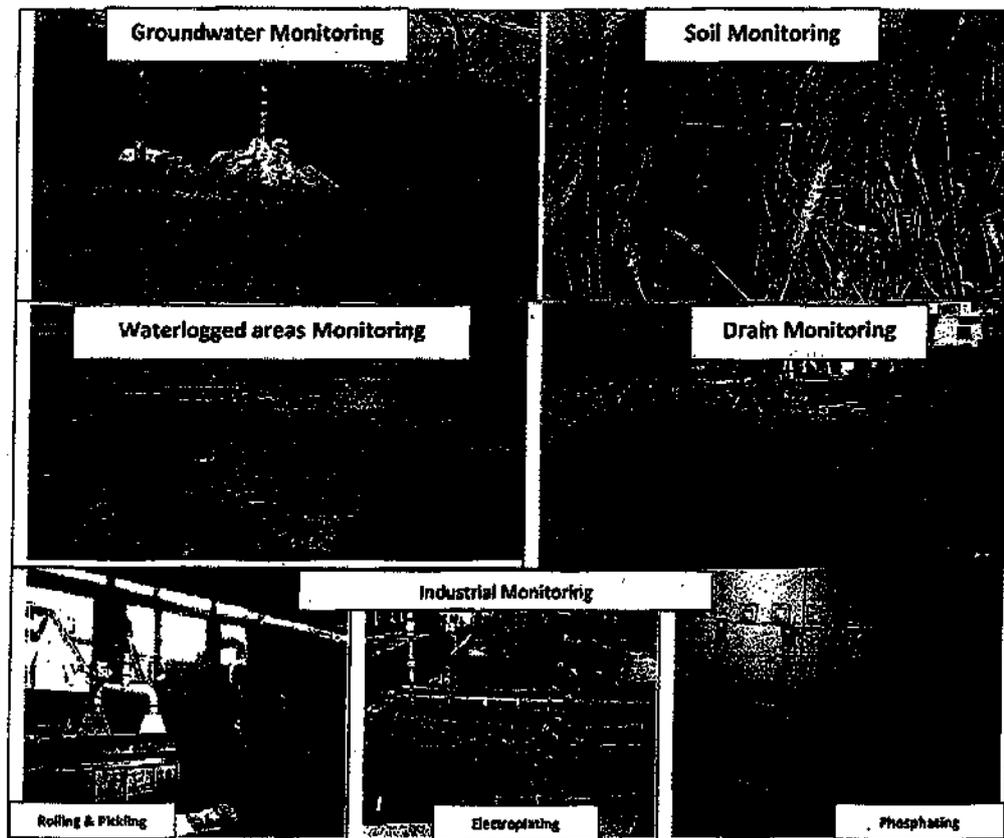
JOINT INSPECTION REPORT OF THE
CENTRAL POLLUTION CONTROL BOARD,
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE,
&
CENTRAL GROUND WATER AUTHORITY
IN COMPLIANCE OF HON'BLE NGT
ORDER, DATED 01.03.2017



CENTRAL POLLUTION CONTROL BOARD
(Ministry of Environment, Forests & Climate Change)
Parivesh Bhawan, East Arjun Nagar
Delhi - 110032

77149
**Joint Inspection Report of the Central
Pollution Control Board, Ministry of
Environment, Forest & Climate Change, &
Central Ground Water Authority in the
industrial areas of Bhiwadi, Chopanki, Kaharani
and Kushkhera, District Alwar, Rajasthan**

In Compliance of Hon'ble NGT order, dated 01.03.2017
ORIGINAL APPLICATION NO.124 OF 2015
(M.A.NO.375 OF 2016 & M.A.NO 250 OF 2017)
and
ORIGINAL APPLICATION NO.127 OF 2016



Submitted by



Central Pollution Control Board
Parivesh Bhawan CBD-cum-Office Complex East Arjun Nagar, Delhi - 110032

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In compliance of the Hon'ble Tribunal order the following objectives have been taken up by the inspecting team:

- I. To assess the Groundwater quality and Soil quality of the Bhiwadi, Kehrani & Chopanki industrial areas of District Alwar, Rajasthan.

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11	Analysis Results of Physico-chemical parameters from ETP outlet of Phosphating Unit	38

Joint Inspection Report in compliance of Hon'ble Tribunal Order dated 01.03.2017 in the matter of OA No. 124 of 2015 & 127 of 2016 in the matter of Dr. Laxman Raghav Vs. State of Rajasthan & Ors and Sumitra Devi Vs. CPCB & Ors

Background:

Hon'ble Tribunal vide its order dated 01.03.2017 constituted a committee consisting of Central Pollution Control Board, Ministry of Environment, Forest & Climate Change & Central Ground Water Authority, and directed to "submit a complete and comprehensive report including various industrial areas located around Bhiwadi District Alwar in relation to pollution of groundwater industrial effluent CETP (Inlet & Outlet) and acid recovery plant. Samples shall be collected from the conveyer belt and other proper locations groundwater sample would be collected from various sites particularly where there is apparent discharge of industrial waste/effluent. Samples should also be collected from the hand-pumps operating in that area. The report shall also cover industrial operations in other area/industrial pocket in District of Alwar".

In compliance of Hon'ble Tribunal order dated 01.03.2017 a joint inspection team comprising of following has constituted:

1. Sh. Abhey Singh Soni, Additional Director CPCB, Delhi
2. Dr. Satya, Scientist-D, MOEF&CC, RO, Lucknow
3. Sh. D.D. Sharma, Scientist D, CGWA, WR, Jaipur
4. Smt. Alka Srivastava, SSA, CPCB, Delhi
5. Dr. Purnima Sharma, RA-I, CPCB, Delhi

The in-depth study was carried out by the above team during 21.03.2017 to 30.03.2017 of entire industrial area located of Bhiwadi, Kehrani Sarekhurd Chopanki , Pathredi, & Kushkhera in Tehsil Tizara, District Alwar, Rajasthan.

Objectives

In compliance of the Hon'ble Tribunal order the following objectives have been taken up by the inspecting team:

1. To assess the Groundwater quality and Soil quality of the Bhiwadi, Kehrani & Chopanki industrial areas of District Alwar, Rajasthan.

2. To assess the adequacy and efficiency of performance of the CETP and Acid Recovery Plant located in Bhiwadi
3. To assess the quality of effluent flowing into the drains and waterlogged areas filled by the treated effluent coming from CETP in Bhiwadi, Kehrani & Chopanki District Alwar, Rajasthan for evaluation of proper disposal of industrial effluents
4. To assess the industrial pollution by collecting of industrial effluent samples from metal finishing industries operated in the Bhiwadi, Kehrani & Chopanki industrial areas of District Alwar, Rajasthan

Methodology:

The following methodology has been adopted to conduct in depth study:

1. Dry Inventory:

- (i) Survey of the industries, Acid Recovery Plant and CETP operated in Bhiwadi industrial area mentioned in the OAs
- (ii) Identification and demarcation of water polluting industries, waterlogged areas, Ground water sources and drainage system

2. Wet Inventory:

- i. Collection of Ground water samples from Hand pumps/Bore wells in the areas
- ii. Collection of waste water effluent and soil samples from waterlogged areas and adjacent areas.
- iii. Collection of the samples from the various drains/ Nallas coming out from these areas and reached to CETP.
- iv. Collection of the effluent and sludge samples from the Acid Recovery Plant and CETP, Bhiwadi
- v. Collection of the Industrial effluent samples from the metal finishing Industries

Data Collection and Interpretations

During the survey & monitoring the team had collected around 110 no. of samples from different locations are as follows:

1. Groundwater Samples
2. Soil Samples
3. Samples from drains
4. Samples from Waterlogged areas (filled by effluent coming from the CETP)
5. Samples from (Inlet & Outlet)CETP

6. Samples from Acid Recovery Plant which finally goes to CETP for further treatment.
7. Samples from (Inlet & Outlet) Metal finishing Industries ETPs

1. Ground water sampling

The Groundwater samples were collected from 49 locations (Borewells and Handpumps) from the different areas of Bhiwadi for assessing the physico-chemical and heavy metal concentration in ground water (Table 1, Figure 1 & Photo No. 1).

Table 1: Ground Water Sample Locations in Bhiwadi Industrial areas Phase I, II, II, IV & V and other adjoining industrial areas i.e. Kehrani & Chopanki of District Alwar, Rajasthan

S.N.	Name of the location	Latitude	Longitude	Source
1	Near Maruti Workshop, Wheel O city	28 12'31"	76 51'04"	Borewell
2	Suzuki Showroom, Main road to Dharuhera	28 12'45"	76 50'55"	Borewell
3	Opposite Jaguar unit-2, Phase -1	28 13'00"	76 50'44"	Borewell
4	Shyam Vatika, Residence housing board	28 12'54"	76 50'19"	Borewell
5	Housing board, Shiv mandir	28 12'54"	76 50'18"	Borewell
6	Opposite Bharat Diagnostic center, near central market	28 12'42"	76 50'13"	Borewell
7	Near Ganpati mall, City Nursing home, R.H.P colony	28 12'47"	76 50'16"	Borewell
8	Near BLK lifestyle, Plot no. 122 B	28 12'54"	76 51'02"	Borewell
9	RIICO Staff Quarters	28 12'56"	76 51'13"	Borewell
10	Ghatal area, Sec -23, in A-1230, OKAP Chasis	28 13'05"	76 52'24"	Borewell
11	In the campus of RIICO Green Park, Ghatal, Opp. ISLAND HEALTH CARE (old - ASK)	28 12'50"	76 52'04"	Borewell
12	Fire station centre, RIICO LTD. Unit 1, Bhiwadi, Alwar	28 12'49"	76 51'37"	Borewell
13	Children Park, near Fire Station	28 12'49"	76 51'37"	Borewell

14	Harchandpur, inside campus of water supply board, Phase 2	28 12'17"	76 51'50"	Borewell
15	Bilhaedi, Phase 4	28 11'22"	76 51'34"	Borewell
16	Residence of Uday Pandey, personal boring, Shiv colony, Bilhaedi, Phase -V	28 11'31"	76 52'14"	Borewell
17	Backside of RIICO water supply campus, near KI Indus, Phase - III	28 11'36"	76 51'44"	Borewell
18	Inside water supply campus, Phase - III	28 11'37 "	76 51'45"	Borewell
19	Industrial area, Kehrani, near GSS, Jaipur vidyut nigam, infront of Arpit industry	28 11'06"	76 52'15"	Borewell
20	Village Khizapur in the cmpus of RIICA, water supply near Saint Gobain, near GAIL	28 12'43"	76 51'02"	Borewell
21	Santhkala, Phase III, Shopping Complex, RIICO	28 11'56"	76 51'16"	Borewell
22	Santhal village, opp. Rosa Herbal, Phase III	28 11'53"	76 51'13"	Borewell
23	Handpump Khuskhera, I.A. opp., E-36-D	28 07'14"	76 47'44"	HandPump
24	Fire Station campus, Khuskhera	28 07'19"	76 48'07"	Borewell
25	IID centre, water supply Khuskhera	28 07'05"	76 47'36"	Borewell
26	E-26, Paramount wires, khuskhera, opp. Okinawa plot no. E-28	28 07'05"	76 47'36"	HandPump
27	Opp. To Khuskhera Police station	28 06'34"	76 47'28"	HandPump
28	Opp Rajkiya Uchh Prathmik Vidyalaya , Tizara, Alwar	28 08'37"	76 52'43"	HandPump
29	Pathredi, water supply campus	28 08'36"	76 52'48"	Borewell
30	Opp. To WSS campus Pathredi, near M/S Tamrdhatu Pvt. Ltd. , Dharamkata	28 08'33"	76 52'49"	HandPump
31	RIICO in Fire station, Industrial area, Chaupanki	28 08'48"	76 53'18"	Borewell

32	Water supply tanker, front of E-513, Bal Bharti School	28 09'36"	76 52'29"	Borewell
33	Inside the industrial campus of Mahau India	28 08'14"	76 53'48"	Borewell
34	PHED, near Aravalli, opp. Sec - 4, UIT Bhiwadi, Block 4 N	28 12'16"	76 49'19"	Borewell
35	Aravalli, Vihar yojna -4, Milaktpur, Gujar	28 12'12"	76 49'27"	Borewell
36	RHB Colony, Sec 4, opp. Triloki Nath Temple	28 12'11"	76 49'29"	HandPump
37	RHB, in water supply campus, sec- 7	28 11'46"	76 49'56"	Borewell
38	UIT in PHED campus, in front of Presidency international school	28 12'03"	76 49'50"	Borewell
39	UIT tubewell	28 12'29"	76 48'39"	Borewell
40	Rotary dispensary in front of market, UIT, Bhagat singh colony	28 12'17"	76 48'28"	Borewell
41	Aluun temple, Gama road	28 12'07"	76 50'14"	Borewell
42	Handpump in mothersa, Kahrani	28 11'17"	76 53'07"	HandPump
43	Primary school, Anlaki	28 11'16"	76 53'26"	HandPump
44	Rasid house, Anlaki, S/O Makhdood	28 11'15"	76 53'22"	HandPump
45	Shadod village, Shapad, S/O Baramal	28 10'48"	76 53'23"	HandPump
46	Shree cement industry RIICO	28 07'20"	76 46'47"	Borewell
47	Nandrampur Bass	28 08'09"	76 45'05"	Borewell
48	Handpump in Shamshan Ghat, opp. Tatarpur, near Siegwerk, Alwar road	28 08'37"	76 49'03"	HandPump
49	Upstream 1 KM from NandrampurBass	28 08'28"	76 45'19"	Borewell

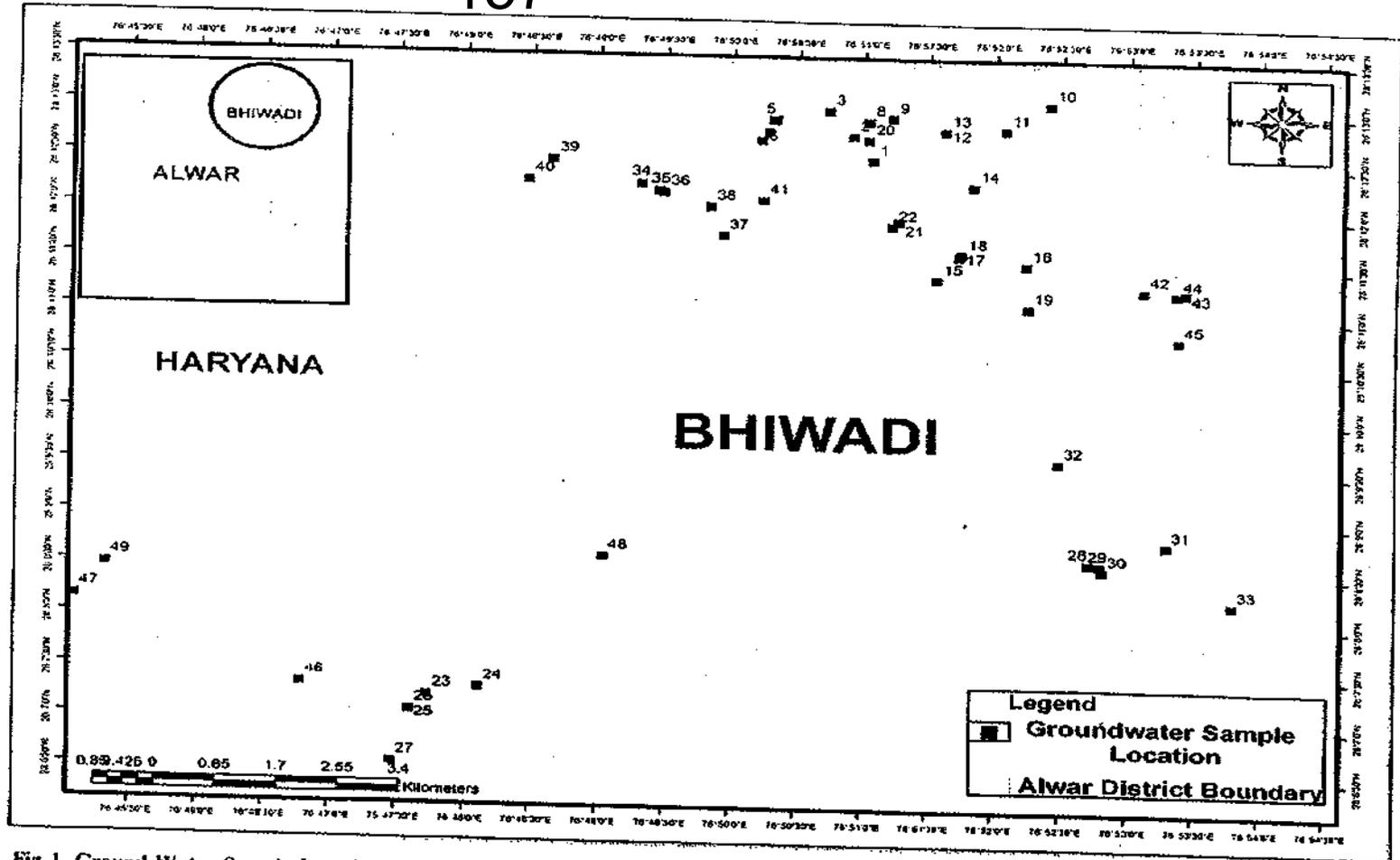


Fig 1. Ground Water Sample Locations in Bhiwadi Industrial areas Phase I, II, III, IV & V and other adjoining industrial areas i.e. Kebrani & Chopanki of District Alwar, Rajasthan

2. Soil Sampling

To assess the impact of Industrial effluent coming from the industrial areas or CETP on soil, the soils samples were collected from the 08 different locations near to the waterlogged areas at the depth of 18 inches. In the last inspection during 13-24, June 2016 as per Hon'ble Tribunal order the CPCB had taken samples from the top layers of soil from waterlogged areas, but now to assess the percolation of heavy metals in soil CPCB taken the samples from 18 inches depth. (Table 2, Figure 2 & Photo No. 2).

Table 2: Soil Samples Locations near waterlogged areas in Bhiwadi Industrial areas Phase I, II, II, IV & V and other adjoining industrial areas i.e. Kehrani & Chopanki of District Alwar, Rajasthan

S.N.	Sampling Location	Latitude	Longitude
1	Near waterlogged areas adjoining to Kundan edible industrial area	28 °07'35"	76 °46'55"
2	Near waterlogged areas in Nandrampur Bass Village	28 °08'09"	76 °45'10"
3	Field Opposite to waterlogged area in Nandrampur Bass Village	28 °08'11"	76 °45'03"
4	Field Upstream 1 KM from waterlogged area in Nandrampur Bass Village	28 °08'11"	76 °45'22"
5	Near waterlogged areas Khushkhera opposite to Lopan Plant	28 °07'21"	76 °47'30"
6	Opposite to capital Mall near Parsynath Mall	28 °12'17"	76 °50'41"
7	Field adjoining to waterlogged areas in Kehrani	28 °12'25"	76 °53'26"
8	Near Kehrani waterlogged area	28 °12'11"	76 °53'25"

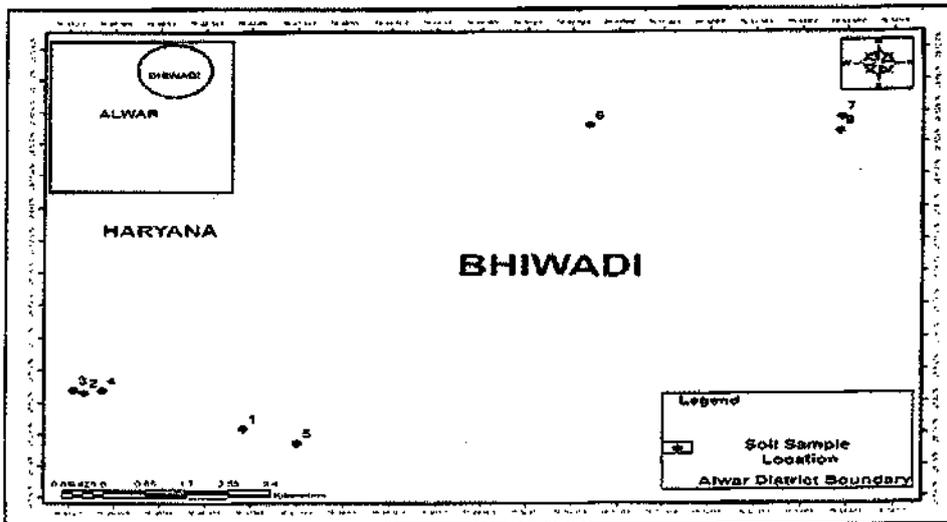


Fig 2. Soil Sample Locations near waterlogged areas in Bhiwadi Industrial areas Phase I, II, II, IV & V and other adjoining industrial areas i.e. Kehrani & Chopanki of District Alwar, Rajasthan

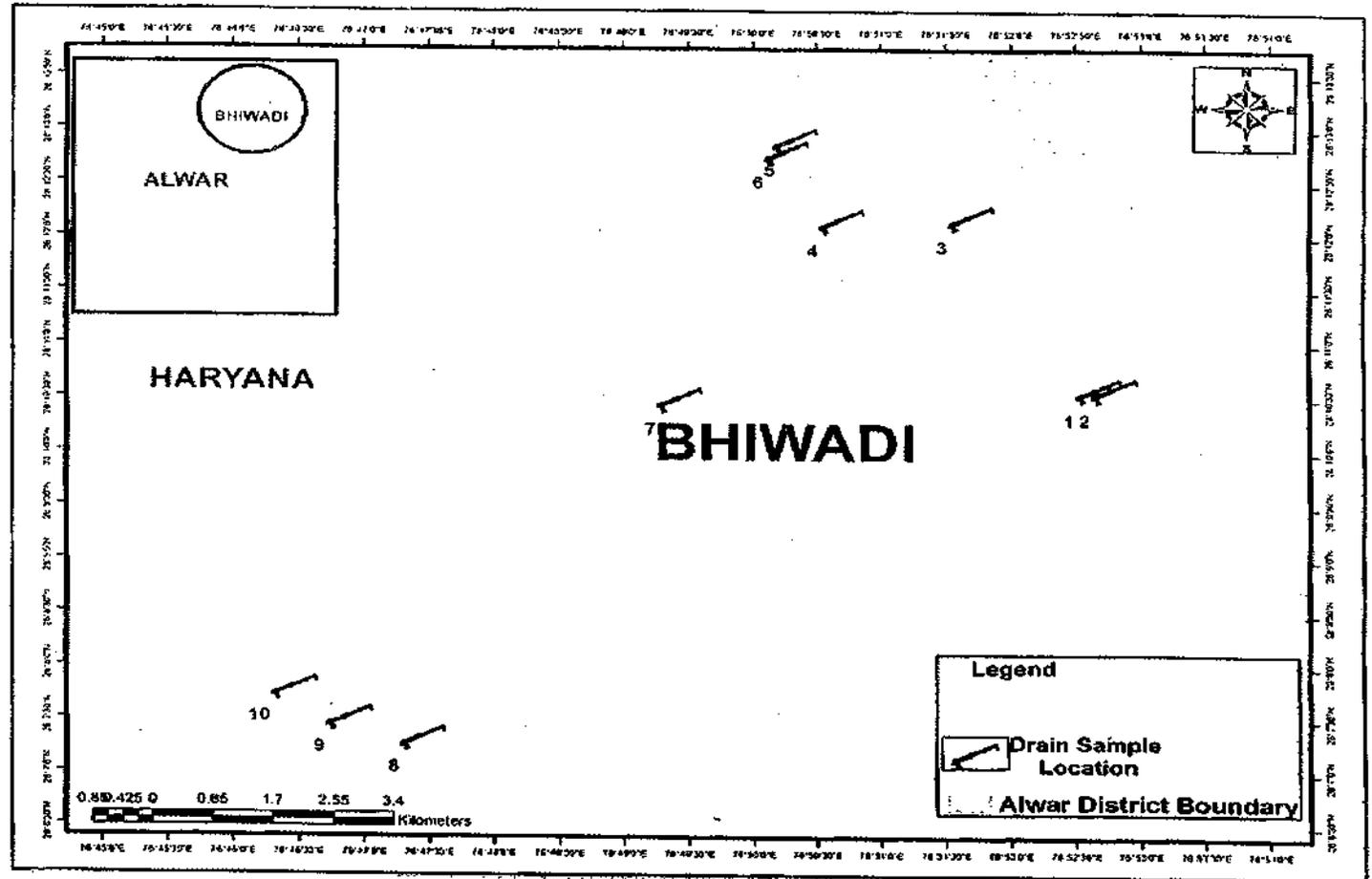


Fig 3. Drains Sample Locations in Bhiwadi Industrial areas Phase I, II, III, IV & V, 05 Villages and other Residential and Commercial areas of District Alwar, Rajasthan

4. Sampling from Waterlogged areas

The effluent coming from industrial areas as well as from CETP Bhiwadi is getting accumulated in low-lying areas in huge quantity since so many years near Khushkhera, Kehrani (Amlaki Village), near Kundan Edible Industrial Area, opposite to Nagina Garden and Nandrampur Bass Village Haryana at the border of Rajasthan. The water samples were collected from 05 waterlogged areas for assessing the physico-chemical and heavy metal concentration (Table 4, Figure 4 & Photo No. 4).

Table 4: Location of Waterlogged areas

S.N.	Location of Waterlogged Areas	Latitude	Longitude
1	In Kehrani area near Amlaki Village	28 °11'20"	76 °33'06"
2	Near Kundan Edible Industrial Area , Khushkhera	28 °07'34"	76 °46'57"
3	Nandrampur Bass Village Haryana at the border of Rajasthan	28 °08'09"	76 °45'05"
4	Khushkhera bulging point opposite to Lopan Plant	28 °07'21"	76 °47'30"
5	Open field opposite to Nagina garden	28 °12'33"	76 °48'53"

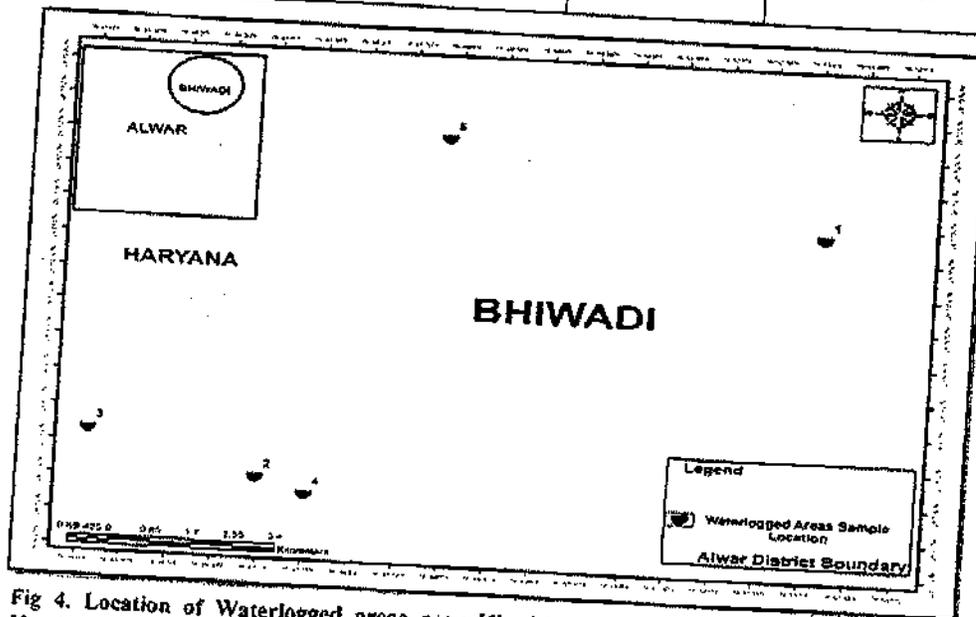


Fig 4. Location of Waterlogged areas near Khushkhera, Kehrani (Amlaki Village), near Kundan Edible Industrial Area opposite to Nagina Garden and Nandrampur Bass Village Haryana at the border of Rajasthan

5. Adequacy and efficiency of performance of the CETP

To assess the adequacy and efficiency of performance of the CETP the joint inspecting team monitored and collected the samples from inlet and outlet point and sludge samples of CETP during 21-22 March 2107 (Photo No. 5).

6. Adequacy and efficiency of performance of the Acid Recovery Plant

The effluent and sludge samples were collected from the Acid recovery Plant for assessing Heavy Metal concentration in effluents as well as in sludge (Photo No. 5).

7. Industrial Effluent Sampling of Metal Finishing unit

The inspection and sampling was done in different type of metal finishing units such as Rolling & Pickling, Anodizing, Phosphating, and Electroplating to asses contribution of heavy metals in the effluent discharge by them. Samples from outlet of 38 Units were collected (Table 5 & Photo No.6)

Table 5: Samples collected from Metal Finishing units in Bhiwadi Industrial Area, Kehrani & Chopanki of District Alwar, Rajasthan

S.N.	Name of the Industries	Type of Industries	Latitude	Longitude	Status
1	M/s Shri Laxmi Vijay Strips Pvt. Ltd, F-435, Phase-I	Pickling & Rolling (Patta-Patti)	28 12'31"	76 51'53"	Operational
2	M/S Badri Vishal Steel Ltd., F-440	Pickling & Rolling (Patta-Patti)	28 12'30"	76 52'01"	Operational
3	M/s Shri Laxmi Vijay Strips Pvt. Ltd, G1-378, Phase-I	Pickling & Rolling(Patta-Patti)	28 12'19"	76 52'01"	Operational
4	M/s Kesri Steel Ltd (Unit-II),A-350, Phase I	Pickling & Rolling (Patta-Patti)	28 12'18"	76 52'15"	Operational
5	M/s D.L. Steel Pvt. Ltd.,F-671	Pickling & Rolling (Patta-Patti)	28 12'10"	76 52'14"	Operational
6	M/s Gold Star Re-Rolling Pvt. Ltd. F-6714,	Pickling & Rolling (Patta-Patti)	28 12'04"	76 52'14"	Operational
7	M/s ASP Enterprises- Unit II, G-1,7270 D&G-7227	Pickling & Rolling (Patta-Patti)	28 12'04"	76 52'12"	Operational
8	M/s ASP Enterprises- Unit I, 1208 & 1208 (A).	Pickling & Rolling (Patta-Patti)	28 12'02"	76 52'17"	Operational

9	M/s Mohit Metals Pvt. Ltd., G111208 B&C, Phase III, Rampur Mundana,	Pickling & Rolling (Patta-Patti)	28 12'04"	76 52'12"	Operational
10	M/s Divyanchal Re-rolling Pvt. Ltd., G-1004	Pickling & Rolling (Patta-Patti)	28 11'49"	76 51'11"	Operational
11	M/s Meenakshi Strips Pvt. Ltd., G-1043-44, RIA	Pickling & Rolling (Patta-Patti)	28 11'44"	76 51'28"	Operational
12	M/s Haridarshan Re-rolling Pvt. Ltd., G-1066, Phase III	Pickling & Rolling (Patta-Patti)	28 11'43"	76 51'26"	Operational
13	M/s Shri Giriraj Steel Pvt Ltd, F-932	Pickling & Rolling (Patta-Patti)	28 11'36"	76 51'46"	Operational
14	M/s Sarthi Rubber Industries Pvt. Ltd., F-910	Pickling & Rolling (Patta-Patti)	28 11'58"	76 51'58"	Operational
15	M/s Active toys Pvt. Ltd., E-344 (A),	Pickling & Rolling (Patta-Patti)	28 12'40"	76 52'07"	Operational
16	M/s BG Steel Pvt. Ltd., SP-313/C, Phase-1,	Pickling & Rolling (Patta-Patti)	28 12'48"	76 51'57"	Operational
17	M/s Perma Engineering and trading Co. Pvt. Ltd., G-458-459, Phase I	Pickling & Rolling (Patta-Patti)	28 13'00"	76 51'01"	Operational
18	M/s Northern Casting Pvt. Ltd., H-34, 35 & 36,	Pickling & Rolling (Patta-Patti)	28 12'20"	76 51'12"	Operational
19	M/s Anshul Strips Pvt. Ltd., 812/G 62-63,	Pickling & Rolling (Patta-Patti)	28 12'16"	76 50'50"	Operational
20	M/s Jyotika Strips Pvt. Ltd. 812/G-64-65,	Pickling & Rolling (Patta-Patti)	28 12'16"	76 50'53"	Operational
21	M/s Bhiwadi Metal Roll Well Pvt. Ltd, A-1131	Pickling & Rolling (Patta-Patti)	28 11'53"	76 51'11"	Operational
22	M/s Niwar Metals Pvt. Ltd., E-1101, Phase III	Pickling	28 11'54"	76 51'40"	Operational
23	M/s Arvind Press cap Ltd., E-337-346, Phase-1,	Pickling	28 12'40"	76 52'06"	Operational
24	M/s Mica Industries, E-92	Electroplating (Zinc)	28 12'51"	76 50'42"	Operational
25	M/s Agrawal Metal Works Pvt. Ltd., SPL-144 (A&B), Phase I,	Electroplating (Zinc & Copper)	28 12'59"	76 51'31"	Operational

26	M/s Hari Om Metal Finisher., SPL-I	Electroplating (Zinc)	28 72'42"	76 50'51"	Not Operational
27	M/s Rayban Sun Optics Indias Ltd., SP-810 & 811, Phasell,	Electroplating (Zinc, Gold & Nickel)	28 72'22"	76 51'09"	Operational
28	M/s Gillette India Ltd., SPA-65A,	Electroplating (Zinc)	28 72'31"	76 51'33"	Operational
29	M/s Shyam Auto Pvt. Ltd., G-11510, Phase-I,	Electroplating (Zinc)	28 72'31"	76 51'34"	Operational
30	M/s Sri Sai Scaffolding, G-16,	Electroplating (Chrome)	28 72'31"	76 51'06"	Not Operational
31	M/s Naveen Industries, B-814,	Electroplating (Chrome, Nickel & Copper)	28 71'55"	76 51'12"	Operational
32	M/s Shiv Industries., 6-994-995,	Electroplating (Zinc, Copper & Nickel)	28 71'43"	76 51'34"	Operational
33	M/s Arva faster Pvt. Ltd., GL-987	Electroplating (Chrome)	28 71'51"	76 51'36"	ETP not running
34	M/s Ranutrol India Pvt. Ltd., E-342, Phase-I	Electroplating (Zinc)	28 72'50"	76 52'03"	Closed by RSPCB
35	M/s Delite Hi-Tech Furniture Industries (P) Ltd., A-1163	Phosphating	28 71'43"	76 51'19"	Not Operational
36	M/s Asiatic electrical and Switchgear Pvt. Ltd.	Phosphating	28 72'04"	76 51'20"	ETP not running
37	M/s Taurus India Ltd., A-331-332	Phosphating	28 72'55"	76 52'09"	Self Closed
38	M/s Indo Alusys Ind Ltd.	Anodizing	28 72'39"	76 52'12"	Operational

For quality assessment of effluent, soil, groundwater, the samples have been analyzed through standard methods and instruments according to American Public Health Association (APHA), 2012. Analysis is performed by the Waste Water Laboratory, Fresh Water Laboratory and Instrumental Laboratory of the Central Pollution Control Board.

Observations:

1. Cluster of Bhiwadi Industrial area is located in Tehsil Tijara, Distt Alwar, Rajasthan. It comprises of Bhiwadi-Phase I, II, III, IV & V, Khushkhera, Tapukara ,Chopanki, Kehrani, Patherdi and Sarekhurd. These areas have been developed by Rajasthan Industrial Investment and Development Corporation Limited (RIICO Limited). There are 05 villages entrapped within the Bhiwadi Industrial Area Phase I to V having total population around 30,000. There are approximately 1500 operational industries having variety of products (heterogeneous natured industries) in the cluster.
2. The major water polluting industries located at Bhiwadi industrial cluster are having their own primary treatment facilities and treated effluent is discharged outside the premises into RIICO open drains. The sewerage also from the villages located within the industrial area discharged in to these open drains and this mixed effluent (sewerage + industrial) gets collected at two collection points (sumps wells), finally reached through closed conduit under gravity up to the treatment facility known as CETP.
3. **CETP functioning as STP**

The definition of CETP – "A dedicated treatment facility to treat only industrial effluent coming from the industrial clusters through closed conduit conveyance system or appropriate conveyance system to carry only industrial effluent upto CETP."

- As per the latest notification of Environmental Standards for CETP dated 01.01.2016, applicable to such dedicated treatment facilities known as CETP. According to the notification all the member units have to comply with the Inlet design parameters of CETP. Therefore, all the individual industrial units eligible to discharge their industrial effluents in accordance to Inlet design parameter of CETP after primary treatment in individual PETP. But CETP of Bhiwadi functioning as a STP because this STP treating the combine effluent (60-70 % Sewerage+ 30-40 % Industrial effluent) coming from the entire Bhiwadi industrial area as well as from commercial areas, residential areas and 5 villages with in this Bhiwadi industrial area reached to Bhiwadi CETP.
- In such circumstances the notified standard of CETP not applicable on individual industrial establishment and individual industry facing the extra overburden to treat their industrial effluent to meet the outlet discharge standards according to the Schedule I & Schedule VI of EPA 1986. Therefore, it is required to segregate industrial effluent and provide separate close conduit system for carrying the entire industrial effluent upto the CETP to reduce the overburden of individual units.
- CETP comprises of primary and secondary treatment system having the existing capacity 9 MLD by up-gradation of secondary treatment (biological treatment system) and replacement of filtering media. The work of providing diffused aeration system in

the biological treatment to replace the present surface aeration system is yet to be completed.

- The CETP fails during the rainy and monsoon season because of storm water also reached through open drains to CETP along with Sewerage and industrial effluent.

4. The Conveyance System for Spent Acid Transportation

The Pickling and Rolling units engaged for manufacturing of SS Sheets from billets (Known as Patta-Patti Units) were visited by the team. In these units process of pickling (using Nitric and Sulphuric Acids), Pickling, Washing, Annealing and Rolling is carried out. During the process of Pickling and Washing acidic waste containing heavy metals is generated. These industries have made arrangements to keep the pickling effluent (i.e. spent acids) and rinsing/washing effluents. The Spent acid from the pickling bath tub is collected in tanks made of HDPE. From these tanks the spent acid is sent to the Common Spent Acid Treatment Facility located within the premises of the CETP. Conveyance of the Spent Acid to the CETP is carried out through dedicated Tankers (Truck Mounted). To ensure that there is no leakage, illegal disposal of spent acid enroute the following measures have been taken:

- The tanker is facilitated with GPRS system to track its location and route.
- The tanker driver is given the Gate Pass/ Slip in duplicate, he returns counter foil of this slip with acknowledgements of the operator of the spent acid treatment facility. Payment of the transportation charges to the tanker owner is made after received of counter foil.
- Record of spent acid received from individual industries is being maintained at the facility on daily basis and monthly compiled statement is sent to the individual industry as well as RSPCB to cross verify the quantity sent by them and received at the facility.
- The expenditure incurred on the spent acid treatment facility is being shared by the Patta-Patti units in proportionate to the Rolling Machines they are having. Thus the operation maintenances charges levied are based on size of the plant and are fixed. Since the charges are not based on the quantity of the spent acid sent to the facility therefore there is no monetary benefit if any industry disposes spent acid illegally.
- The pH of combine sewerage/ Industrial effluent coming to the CETP through open drains from industrial areas as well as 05 villages, commercial areas and other residential areas is monitored at inlet of CETP at 04 hours interval and records of the same are being maintained at the CETP. The pH record indicate that almost all the times the level of pH of inlet 6-8, which also reflects that the spent acids is not being thrown in the drains leading to the CETP.

5. Acid Recovery Plant

The main treatment at this facility is neutralization of the spent acid with the lime in two stages. The facility having 02 reactors in series. Spent acid is neutralized with hydrated lime solution in first reactor upto pH 5-6. There after the slurry is feed to the second reactor where again lime is added and pH is raised upto 10-11. The thick slurry thereafter drained to the collection tank and filtered in filter presses. The sludge cake from filter press is sent for sun drying on the cemented platforms. The filtrate is collected in a sump and added into the equalization tank of the CETP for the further treatment. The spent acid from Patta-Patti units contains heavy metals also. The heavy metal gets precipitate at pH more than 10. Therefore in this facility pH is raised beyond 10 to get the metal precipitate and separated in the form of sludge.

6. Final Disposal of Treated effluents after CETP

- Effluent treated from CETP is pumped up to Matila village on Bhiwadi Alwar Road, thereafter it flows under gravity in closed conduit. Effluent oozes out from closed conduit at Khushkhera as the pipeline has been blocked by the local residents/farmers under apprehension of damage to crops by the treated effluent. The quality of effluent from outlet of CETP to Khushkhera deteriorates continuously as it passes through Khushkhera, industrial area, Rajasthan.
- The RIICO Limited had laid 23 KM long under ground pipeline for conveyance of the effluent from CETP to the Sahibi River, in the year 2012. However, this pipeline was blocked by local residents/ farmers immediately after its commissioning under apprehension of environmental degradation and damage to crops and fertility of soil. But entire River bed of Saibi River has occupied illegally by the local residents for cultivation.
- As a result of blocking of the pipeline, the effluent destined for Sahibi River oozes out of the pipeline and accumulates to create an effluent pool on the vacant land at industrial area Khushkhera. Overflow from this pool flows in downstream and after flowing for about 2 KM in natural drain and gets accumulated in low lying area near village Rabadka within the territory of Rajasthan. In case the quantity of effluent crosses the holding capacity of the pool, it flows down to the agriculture fields of village Nandram Ka Bass in the territory of Haryana.

7. Handling and disposal of ETP Sludge

The ETP sludge generated in the individual Unit is stored at the designated covered sheds from where it is being sent to the Common treatment and disposal facility for Hazardous waste at the Udaipur. Record of the same is being maintained and being submitted to the RSPCB in accordance with Hazardous Waste Handling Rules.

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8. Utilization of Treated water

- Most of Rolling & Pickling (Patta-Parti) Units using 50-70% treated effluent into their process, rinsing and washing after upgrading their treatment plant.
- Most of electroplating units are utilizing even upto 100% treated effluents in their process after upgrading their treatment plant by installing RO system.
- Rajasthan State Pollution Control Board also directed to the water polluting units for utilizing the treated effluent into their process or achieve the ZLD

9. Status of Metal Finishing Industries

- All the industries are having borewells for abstraction of ground water. Some of these industries have also taken RIICO water supply connection as an alternate source. They have installed the flow meters at the borewells and maintaining the log books for quantity of ground water abstraction and most of them applied for permission for ground water withdrawal from the CGWA.
- Among the 38 inspected and monitored units, 23 units are engaged in the Rolling & Pickling, 08 Units of Electroplating with Zinc, 03 Units of Electroplating with Chrome & Nickel, 01 Unit is engaged in Anodizing Process and 03 Units are found engaged in Phosphating Process.
- Among the 23 units of Rolling and Pickling, 18 units were having the valid consent to operate under section 25/26 of the Water (Prevention & Control of Pollution) Act, 1974 and under section 21 of Air (Prevention & Control of Pollution) Act, 1981 issued by the Rajasthan State Pollution Control Board. While remaining 05 units at S.No. 5,6,8, 22 & 23 had applied for renewal of consent (Please refer Annexure 7).
- Among the 08 units of Electroplating with Zinc, 04 units were having the valid consent to operate under section 25/26 of the Water (Prevention & Control of Pollution) Act, 1974 and under section 21 of Air (Prevention & Control of Pollution) Act, 1981 issued by the Rajasthan State Pollution Control Board, 02 units at S.No.3 & 4 had applied for renewal of consent while remaining 02 units found closed (Please refer Annexure 8).
- Among the 03 units of Electroplating with Chrome & Nickel, 01 units at S.No.1 had applied for renewal of consent while remaining 02 units found closed (Please refer Annexure 9).
- 01 units of Anodizing having the valid consent to operate under section 25/26 of the Water (Prevention & Control of Pollution) Act, 1974 and under section 21 of Air (Prevention & Control of Pollution) Act, 1981 issued by the Rajasthan State Pollution Control Board (Please refer Annexure 10).

- Among the 03 units of Phosphating, 01 units at S. No.1 was found closed due to maintenance and had applied for renewal of consent, 01 Unit at S. No.2 having valid consent but ETP found not operational during the inspection, while remaining 01 unit at S.No. 3 found closed due to their own reasons.

Findings

1. Ground Water Quality:

The analytical results of Ground water sample collected from 49 locations are given as follows (Please refer Annexure 1 for analysis reports and BIS Standards).

- The analytical results for pH indicate that all the locations are complied with the BIS Standards.
- Total Hardness is found above permissible limits at 04 locations at S. No. 32, 41, 44 & 47. The result reveals that Total hardness found above the acceptable limits but within the permissible limit at all the remaining locations except 01 location at S.No. 49.
- Calcium is not found beyond permissible limit in any of the samples. It is found between acceptable and permissible limits at 11 locations at S.No 1, 2, 3, 4, 9, 22, 27, 30, 41, 44 & 47, while all the remaining locations are complied with the BIS Standards.
- Magnesium is found above permissible limits at 08 locations at S. No.22, 27, 32, 41, 44, 45, 46 & 47. The result reveals that Magnesium found above the acceptable limits at 42 locations. Remaining 07 at S. No.1, 23, 24, 26, 28, 29 & 49 locations are complied with the BIS Standards.
- Bicarbonate is found complied with the BIS Standards at only 15 locations at S.No.1, 2, 8, 11, 12, 13, 14, 20, 21, 29, 36, 37, 39, 43 & 44, while all the remaining locations found above the acceptable limits but within the permissible limit.
- Chloride is found above acceptable limits at 09 locations but within the permissible limit at Sr. No.1, 2, 4, 14, 20, 21, 22, 41 & 47, while all the remaining locations are complied with eh BIS Standards.
- The analytical results for TDS are found above permissible limits at 02 locations at S.No. 22 & 47. The result reveals that TDS found above the acceptable limits but within the permissible limit at all locations except 01 location at S.No. 20.
- Sulphate is found above acceptable limits but within the permissible limit at 04 locations at S. No.18, 21, 22 & 47 while all the remaining locations re complied with the BIS Standards.
- Nitrate is found above both permissible and acceptable limits at 24 locations at S. No. 1, 2, 3, 4, 5, 6, 7, 9, 12, 14, 16, 17, 18, 21, 27, 28, 33, 34, 35, 36, 37, 38, 40 & 44 while all the remaining locations are complied with the BIS Standards.

- The analytical results for Fluoride indicate that all the locations are completed with the BIS Standards except 01 location at S. No.23, which is above the acceptable limit but within the permissible limit.
- The analytical results for heavy metals in Ground Water indicate that all the locations are complied with the BIS Standards for Chromium, Copper, Nickel, and Zinc.
- While Cadmium found above both permissible and acceptable limits at only 01 location at S. No.48, Lead found above both permissible and acceptable limits at 03 locations at S.No.13, 47 & 48 and Iron found above both permissible and acceptable limits at 16 locations at S. No.5, 6, 10, 13, 14, 17, 19, 20, 27, 28, 30, 35, 36, 44, 45 & 48.

It is concluded from the above analytical results of the Groundwater samples that the physical parameters are found above the acceptable and permissible limits at most of locations due to the natural causes and leaching from the solid waste disposal sites. In case of Heavy metals Chromium, Copper, Nickel, and Zinc meeting with the BIS Standards. It reveals from the analytical results of the Groundwater that Ground water Quality is not affected by the industrial activities in the area but may be affected due to natural causes and leaching from the solid waste disposal sites.

2. Analysis Results of Soil Samples:

The heavy metals found in soil samples collected from all 08 locations. The Chromium is varies between 15-1360 mg/kg, Copper varies between 08-124 mg/kg, Iron varies between 9279-20379 mg/kg, Nickel varies between 14-36 mg/kg, Lead varies between 13-190 mg/kg and Zinc varies between 24-147 mg/kg (Please refer Annexure 2 for analysis reports).

The high values of Heavy metals indicate that the land has been contaminated by the industrial effluent ponded in low-lying areas known as waterlogged areas for so many years.

3. Analysis Results of Drain Samples:

The analytical results of the drain samples indicate that Physico-Chemical parameters found as pH varies between 6.83-7.78, TSS varies between 42-515 mg/l, COD varies between 146-3721 mg/l, BOD varies between 36-711 mg/l. The results of Heavy Metals illustrate that Chromium varies between 0.14-0.98 mg/l, Copper varies between 0.04-1.32 mg/l, Iron varies between 0.43-15.8 mg/l, Nickel varies between 0.11-0.67 mg/l, Lead varies between 0.12-0.47 mg/l and Zinc varies between 0.05-1.97 mg/l (Please refer Annexure 3 for analysis reports).

The quality of effluent flowing into the open drains indicates that metal finishing industries not discharging high contents of heavy metals and acidic industrial effluent it reflect no leakage of spent acid during the conveyance system.

4. Analysis Results of Samples collected from Waterlogged Areas:

The analytical results of the waterlogged samples indicate that Physico-Chemical parameters found as pH varies between 7.33-8.38, TSS varies between 24-503 mg/l, COD varies between 82-1280 mg/l, BOD varies between 14-359 mg/l. The results of Heavy Metals illustrate that Cadmium and Chromium found at 01 location at S. No.4 Copper varies between 0.03-2.80 mg/l, Iron varies between 01.8-2.74 mg/l, Nickel varies between 0.17-0.40 mg/l, Lead varies between 0.11-0.21 mg/l and Zinc varies between 0.08-0.35 mg/l (Please refer Annexure 4 for analysis reports).

Analytical results indicates that the result of effluent sample at S.No.2, 3, 4 & 5 collected from waterlogged areas which were filled for so many years with the treated effluent coming from CETP Bhiwadi towards Nandrampur Bass through closed pipelines reached upto Khushkhera bulging paint opposite to Lopan Plant, clearly shows inadequacy and non-compliance of CETP Bhiwadi and waterlogged area at S. No.1 filled with the industrial effluent coming from the Chopanki Industrial area, need separate CETP.

5. Analysis Results of CETP Samples:

The analysis results of CETP indicate that BOD and COD found non-complied with the notified standards in both days of monitoring i.e. 21 & 22 March, 2017 (Please refer Annexure 5 for analysis reports).

The heavy metals are found in very low range at the inlet point of CETP, it indicate that industries not discharging heavy metals and acidic discharge into the open drains which finally reached to CETP.

6. Analysis Results of Acid Recovery Plant Samples:

The analysis results of Acid Recovery Plant indicates the presence of the Heavy Metals, Cadmium (0.06 mg/l), Copper (0.31 mg/l), Iron (9.9 mg/l), Nickel (0.34 mg/l), Lead (0.83mg/l) and Zinc (0.1) (Please refer Annexure 6 for analysis reports).

7. Compliance Status of Industrial Units:

- Among the 23 units of Rolling and Pickling, 05 units namely i) M/s Kesri Steel Ltd (Unit-II), ii) M/s Active Toys Pvt. Ltd, iii) M/s B.G. Steel Pvt. Ltd, iv) M/s Niwar Metals Pvt. Ltd., and v) M/s Arwind Press Cap Ltd, are non-complied with the notified standards (Please refer Annexure 7 for analysis reports).
- Among the 08 Electroplating (Zinc Plating) Unit, 02 Units namely i) M/s Agarwal Metal Works Pvt. Ltd and ii) M/s Shyam Auto Pvt. Ltd are non-complied with the notified standards, 02 units namely i) M/s Hariom Metal Finishers (Self Closed) and ii) M/s Ranutrol India Pvt. Ltd (Closed by RSPCB directions) founds non operational during the inspection (Please refer Annexure 8 for analysis reports).

- Among the 03 Electroplating (Chrome & Nickel Plating) Unit, 01 Unit namely i) M/s Arva Fastner Pvt. Ltd is non-complied as their ETP found not running during the inspection while the 01 unit namely i) M/s Sri Sai Scaffolding was found not operational during the inspection. The remaining 01 unit namely M/s Naveen Industries complied with the notified standards (please refer Annexure 9 for analysis reports).
- 01 Unit of Anodizing found complied with the notified standards (Please refer Annexure 10 for analysis reports).
- Among the 03 Phosphating Unit, 02 Units namely i) M/s Delite Hi-tech furniture Industries (Closed due to Maintenance) and ii) M/s Taurus India Ltd (Self Closed) found non-operational during the inspection, while remaining 01 unit namely M/s. Asiatic Electrical and Switchgear Pvt. Ltd. is non-complied as their ETP found not running during the inspection while the unit was found operational (Please refer Annexure 11 for analysis reports).

Recommendations:

Based on the above observations and findings following recommendations are made:

Short Term Plan

1. Rajasthan Government should ensure not to allow entering the industrial effluent into the territory of Haryana from Nagina Garden side through drains carrying the untreated effluent flowing from Rajasthan to Haryana.
2. As the pipeline laid down by RIICO for the purpose of discharging treated effluent of CETP into Sahibi river is not operational (due to blockage of pipeline by villagers/local farmers, as a result the effluent oozes out at Khushkhera). It is recommended that RIICO should ensure to repair/ clear all the blockages in the pipeline for disposal of treated effluent into Sabi River. Hon'ble NGT may seek time bound action plan from RIICO Limited for completion of this work.
3. Also the local Administration of Rajasthan as well as Haryana State should assist the RIICO for re-activation of the pipeline and to ensure that the pipeline doesn't get chocked/blocked by the local farmers for smooth and hasslefree disposal of effluent (confirming the norms of discharge into inland surface water) into the Sabi River.
4. As the treated effluent is proposed to be disposed into Sahibi River, the Bhiwadi Jal Pradushan Nirman Trust (BJPNT) should ensure that the quantity of effluent at the outlet of the CETP and at final outlet of the pipeline (at Sahibi River) meets the norms prescribed for disposal of effluent into inland surface waster in accordance to EP Act' 86.
5. As in the present scenario, CETP, Bhiwadi functioning as a STP for entire industrial areas of Bhiwadi which includes 30-40 % industrial effluent and 60-70% sewerage.

Rajasthan State Pollution Control Board should ensure that the effluent discharged by the industries should meet the norms prescribed in the Schedule-VI of EPA, 1986, and Sector specific standards notified under Schedule- I under EPA, 1986, whichever is applicable. SPCB should also ensure that all the industries should install Electro Magnetic Water Flow meter at outlet of the industry to measure the quantity of effluent discharged.

6. Rajasthan State Pollution Control Board should keep strict vigil on individual industrial units and CETP to ensure the compliance in accordance with the notified standards and it is recommended to take appropriate action on non-complied units listed in Annexure 7 at S. No.4, 15, 16, 22, 23, Annexure 8 at S.N.1, 5, Annexure 9 at S.N. 3 and Annexure 11 at S. N.2.

Long Term Plan

1. Effluent generated from industries is required to be segregated from sewerage and storm water generated from 05 villages, commercial and other residential areas located within the RIICO Industrial Area of Bhiwadi. This would result in drastic reduction in the quantity of effluent reaching CETP for effective treatment. Segregation of effluent can only be achieved by laying closed conduit conveyance system in the industrial area.

It was brought to the notice of the team by the Office bearers of BMA and BJPNT that the RIICO limited had already signed a MoU with the Industries Association of Bhiwadi to provide Closed Conduit Conveyance System for carrying industrial effluent to CETP. The RIICO Limited had awarded the work of preparation of Detailed Project Report to a consultant which has submitted final report to RIICO Limited. No action has been taken by RIICO Limited in this regard thereafter.

It is recommended that the process initiated by RIICO Limited regarding laying of closed conveyance system be continued and implemented with a time frame. Hon'ble Tribunal may seek time bound action plan from RIICO Limited for laying closed conduit system.

2. For sewerage generated from the villages located within the RHCO Industrial Areas, separate STP with network of sewerage/drainage system (for collection and conveyance to STP) should be provided. UIT, Bhiwadi and Municipal Council, Bhiwadi should take action for providing separate STP with dedicated sewerage/drainage system for the villages located within the RIICO Industrial area, Bhiwadi. Hon'ble Tribunal may seek time bound action plan from VIT, Bhiwadi and Municipal Council, Bhiwadi for completion of this work.

3. Govt. of Haryana should also provide the proper sewerage/drainage system for handling and disposal of domestic/sewage effluent generated from adjoining area of Dharuhera including Housing Board, Sector 6, Dharuhera.
4. In view of very bad condition of drainage/sewerage system in the existing developed RIICO industrial areas in Bhiwadi, it is recommended that RIICO should not make any further expansion and development of new industrial areas without proper infrastructure like laying down of closed conduit conveyance system for industrial effluent and should also provide proper sewerage and drainage system for any upcoming industrial area.
5. RIICO should also provide CETP for treating the industrial effluent generated from the Kaharani and Chopanki industrial arc a of Bhiwadi along with closed conveyance system to carry only industrial effluent.

It is submitted that in compliance of Hon'ble Tribunal order dated 01.03.2017 in the matter of O.A. No. 124 of 2015 & 127 of 2016 in the matter of Dr. Laxman Raghav Vs. State of Rajasthan & Ors and Sumitra Devi Vs. CPCB & Ors. an interim report of the areas covering Bhiwadi Industrial areas Phase I, II, II, IV & V and other adjoining industrial areas i.e. Kehrani & Chopanki of District Alwar, Rajasthan is being submitted, Further, it is also submitted that the joint team comprising of the officials from the MOEF&CC, CPCB and CGWA will take up the study during the 1st week of May, 2017 for other industrial operations in other area/industrial pocket in District of Alwar.

Sd/-

D.D. Sharma,
Scientist D
CGWA, WR, Jaipur

Sd/-

Dr. Satya
Scientist D
MOEF&CC, RO, Lucknow

Sd/-

Abhey Singh Soni
Additional Director
CPCB, Delhi

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Annexure 1

Analysis Results of Physico-chemical and Heavy Metals in Ground Water Samples

S.N	Name of Location	pH	TH	Ca	Mg	HCO3	Cl	TDS	SO4	NO3	F	Cd	Cr	Cu	Fe	Ni	Pb	Zn
Desirable Limit as per BIS Standards IS:10500:2012		6.5-8.5	200	75	30	200	250	500	200	45	1.0	0.003	0.05	0.05	0.3	0.02	0.01	5.0
Permissible Limit as per BIS Standards IS:10500:2012		NR	600	200	100	600	1000	2000	400	NR	1.5	NR	NR	1.5	NR	NR	NR	15
1	Near Maruti Workshop, Wheel O city	8.0	456	155	16	157	314	1036	92	75	0.3	BDL	BDL	BDL	0.04	BDL	BDL	0.17
2	Suzuki Showroom, main road to Dharuhera	7.6	512	115	54	167	328	986	106	74	0.3	BDL	BDL	BDL	0.07	BDL	BDL	0.11
3	Opposite Jaguar unit-2, Phase -I	7.7	464	90	58	201	210	782	50	68	0.3	BDL	0.01	BDL	0.08	BDL	BDL	BDL
4	Shyam Valika, Residence housing board	7.9	512	90	69	254	310	1120	90	90	0.4	BDL	BDL	BDL	0.17	BDL	BDL	0.09
5	Housing board, Shiv mandir	7.7	280	45	40	224	200	846	24	120	0.5	BDL	BDL	0.01	0.92	BDL	BDL	0.01
6	Opposite Bharat Diagnostic center, near central market	7.6	512	64	84	201	202	796	54	78	0.3	BDL	0.01	BDL	0.91	BDL	BDL	0.09
7	Near Ganpati mall, City Nursing home, R.H.P colony	8.0	364	35	57	220	220	838	52	96	0.5	BDL	BDL	BDL	0.1	BDL	BDL	BDL

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8	near BLK lifestyle, Plot no. 122 B	7.9	356	38	62	191	191	702	28	43	0.4	BDL	0.12	BDL	BDL	BDL	BDL	BDL
9	RIICO Staff Quarters	7.8	484	82	68	215	233	882	74	71	0.4	BDL	0.03	BDL	0.28	BDL	BDL	0.02
10	Ghatal area, Sec -23, in A-1230, OKAP Chasis	8.1	388	46	65	239	127	624	13	39	0.2	BDL	0.01	BDL	2.63	BDL	BDL	0.17
11	In the campus of RIICO Green Park, Ghatal, Opp. ISLAND HEALTH CARE (old - ASK)	7.8	384	42	67	191	87	502	20	41	0.1	BDL	BDL	BDL	0.09	BDL	BDL	BDL
12	Fire station centre, RIICO LTD. Unit 1, Bhiwadi, Alwar	7.9	328	61	42	196	132	734	151	73	0.3	BDL	0.02	BDL	0.14	BDL	BDL	0.05
13	Children Park, near Fire Station	8.0	392	32	75	172	177	648	31	44	0.1	BDL	0.02	0.04	1.67	BDL	0.03	0.97
14	Harchandpur, inside campus of water supply board, Phase 2	7.9	504	38	98	144	327	1066	154	136	0.2	BDL	0.02	BDL	1.63	BDL	BDL	0.07
15	Bilhaedi, Phase 4	8.0	420	40	77	311	127	788	119	41	0.4	BDL	BDL	BDL	0.06	BDL	BDL	BDL
16	Residence of Uday Pandey, personal boring, Shiv colony, Bilhaedi, Phase -V	7.9	352	37	62	368	93	776	26	89	0.2	BDL	BDL	BDL	0.05	BDL	BDL	0.03
17	Backside of RIICO water supply campus, near KI Indus, Phase - III	7.8	308	29	57	244	201	858	93	61	0.3	BDL	BDL	BDL	0.68	BDL	BDL	0.49
18	Inside water supply campus, Phase - III	7.9	408	40	74	249	240	1188	314	117	0.5	BDL	BDL	BDL	0.05	BDL	BDL	0.09

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19	Industrial area, Kehrani, near GSS, Jaipur vidyut nigam, in front of Arpit industry	8.0	236	30	38	268	152	700	37	18	0.1	BDL	BDL	BDL	0.32	BDL	BDL	0.14
20	Village Khizapur in the campus of REICA, water supply near Saint Gobain, near GAIL	8.0	296	22	58	196	353	382	7	15	0.3	BDL	BDL	BDL	0.36	BDL	BDL	0.09
21	Santhkala, Phase III, SHOPPING COMPLEX, RUCO	7.8	408	46	70	191	603	1196	236	117	0.2	BDL	BDL	BDL	0.11	BDL	BDL	0.35
22	Santhal village, opp. Rosa Herbal, Phase III	7.6	1308	125	239	234	608	2188	650	36	0.7	BDL	BDL	BDL	0.1	BDL	BDL	0.02
23	Handpump Khuskhera, I.A. opp., E-36-D	7.7	188	40	21	249	19	980	BDL	16	1.5	BDL	BDL	BDL	0.19	BDL	BDL	0.25
24	Fire Station campus, Khuskhera	7.5	212	46	23	224	23	942	BDL	12	0.5	BDL	BDL	BDL	0.08	BDL	BDL	BDL
25	IID centre, water supply Khuskhera	7.9	232	35	35	239	35	1088	3	27	0.5	BDL	BDL	BDL	0.02	BDL	BDL	BDL
26	E-26, Paramount wires, khuskhera, opp. OKINAWA plot no. E-28	7.6	220	46	25	263	35	1108	4	22	0.4	BDL	BDL	BDL	0.18	BDL	BDL	0.06
27	Opp. To Khuskhera Police station	7.5	720	116	103	134	107	1450	18	158	BDL	BDL	BDL	BDL	1.12	BDL	BDL	0.36
28	Opp Rajkiya Uchh Prathmik Vidyalaya, Tizara, Alwar	7.1	268	75	19	201	29	1006	8	58	0.4	BDL	BDL	BDL	0.65	BDL	BDL	0.28
29	Pathredi, water supply campus	7.3	344	70	40	196	51	954	8	29	0.3	BDL	BDL	BDL	0.03	BDL	BDL	0.01

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30	opp. To WSS campus Pathredi, near M/S Tamrdhatu Pvt. Ltd., Dharamkata	7.4	530	104	65	334	103	1772	28	19	0.5	BDL	BDL	0.02	1.6	BDL	BDL	0.25
31	RIICO in Fire station, Industrial area, Chaupanki	7.3	480	64	77	239	88	1332	18	40	0.5	BDL	BDL	BDL	0.11	BDL	BDL	BDL
32	Water supply tanker, front of E-513, Bal Bharti School	7.2	700	68	127	234	59	1198	9	32	0.4	BDL	BDL	BDL	0.02	BDL	BDL	BDL
33	Mahaui India	7.3	490	40	94	205	127	1444	28	48	0.4	BDL	BDL	BDL	0.13	BDL	BDL	0.03
34	PHED, near Aravalli, opp. Sec - 4, UIT Bhiwadi, Block 4 N	7.7	420	32	82	201	98	1396	29	58	0.4	BDL	BDL	BDL	0.19	BDL	BDL	BDL
35	Aravalli, Vihar yojna - 4, Milakpur, Gujar	7.7	240	32	38	201	80	1266	29	55	0.2	BDL	BDL	BDL	0.37	BDL	BDL	0.03
36	RHB Colony, Sec 4, opp. Triloki Nath Temple	7.8	350	32	65	134	90	1260	46	116	0.3	BDL	0.01	BDL	0.42	BDL	BDL	1.31
37	RHB, in water supply campus, sec- 7	7.6	460	40	86	176	96	1238	25	56	0.2	BDL	BDL	BDL	0.03	BDL	BDL	BDL
38	UIT in PHED campus, in front of Presidency international school	7.6	360	44	60	220	84	1360	12	70	0.3	BDL	BDL	BDL	0.09	BDL	BDL	0.17
39	UIT tubewell	7.8	350	40	60	144	146	1440	84	25	1	BDL	BDL	BDL	0.19	BDL	BDL	0.35
40	Rotary dispensary in front of market, UIT, Bhagat singh colony	7.7	390	44	67	229	191	1942	72	49	0.3	BDL	BDL	BDL	0.04	BDL	BDL	0.01
41	Alaun temple, Gama road	7.1	930	124	149	377	486	3190	32	32	0.2	BDL	BDL	BDL	0.03	BDL	BDL	0.01
42	Handpump in mothersa, Kahrani	8.0	330	32	60	210	103	1050	3	22	0.4	BDL	BDL	BDL	0.25	BDL	BDL	0.53

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43	Primary school, Anlaki	8.1	450	24	94	182	6	668	BDL	26	0.2	BDL	BDL	BDL	0.8	BDL	BDL	0.04
44	Rasid house, Anlaki, S/O Makhdoob	7.6	690	108	101	191	234	1746	83	64	0.7	BDL	BDL	BDL	1.65	BDL	BDL	0.1
45	Shadod village, Shapad, S/O Baramal	7.5	570	56	103	459	88	1830	21	33	0.2	BDL	BDL	BDL	1.62	BDL	BDL	0.38
46	Shree cement industry RIICO	7.9	540	36	108	229	53	998	26	14	0.6	BDL	BDL	BDL	0.17	BDL	BDL	0.03
47	NandrampurBass	7.4	820	80	149	368	695	4456	336	39	0.2	BDL	BDL	BDL	BDL	BDL	0.12	0.05
48	Handpump in Shamsan Ghat opp. Talarpur, near Siegwerk, Alwar road,	8.1	420	60	65	388	68	1246	3	5	0.3	0.02	BDL	BDL	1.35	BDL	0.12	2.47
49	Upstream 1 KM from NandrampurBass	7.9	116	46	BDL	311	104	1035	57	9	0.6	BDL	BDL	0.03	1.68	BDL	BDL	0.14

Note: all the values in mg/l except of pH, NR= No Relaxation, TH=Total Hardness as CaCO₃, Ca= Calcium, Mg= Magnesium, HCO₃= Bi-Carbonate, Cl= Chloride, TDS= Total Dissolve Solid, SO₄= Sulphate, NO₃= Nitrate, F= Flouride, Cd=Cadmium, Cr=Total Chromium, Fe=Iron, Pb=Lead, Ni=Nickel, Cu=Copper, Zn=Zinc
BDL= Below Detect Level

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Annexure 2

Analysis Results of Heavy Metals in Soil samples

S.No.	Sampling Location	Cd	Cr	Cu	Fe	Ni	Pb	Zn
1	Near waterlogged areas adjoining to Kundan edible industrial area	BDL	19	22	9459	16	BDL	46
2	Near waterlogged areas in Nandrampur Bass Village	02	30	17	14629	36	14	35
3	Field Opposite to waterlogged area in Nandrampur Bass Village	BDL	21	12	13029	25	18	34
4	Field Upstream 1 KM from waterlogged area in Nandrampur Bass Village	BDL	15	08	9279	14	BDL	24
5	Near waterlogged areas opposite to Lopan Plant	BDL	178	14	9729	35	13	31
6	Opposite to capital Mall near Parsvnath Mall	BDL	1360	124	20379	36	190	147
7	Field adjoining to waterlogged areas in Kehrani	BDL	19	10	12879	21	15	33
8	Near Kehrani waterlogged area	BDL	15	10	10079	19	13	30

Note: all the values in mg/kg, Cd=Cadmium, Cr=Total Chromium, Cu=Copper, Fe=Iron, Ni=Nickel, Pb=Lead, Zn=Zinc

Analysis Results of Physico-chemical parameters and Heavy Metals in samples collected from the Drains

S. N.	Name of the Locations	pH	TSS	COD	BOD	Cd	Cr	Cu	Fe	Ni	Pb	Zn
1	RIFCO drain Kahrani, opp. to Y.K. Interprises Industries	7.24	137	474	239	BDL	BDL	0.04	1.62	0.24	0.12	0.17
2	Chaupani area leading to Kahrani	6.83	187	3721	711	BDL	0.98	0.24	12.3	0.47	0.29	1.97
3	Harchanpur drain, Bhiwadi	7.57	515	329	36	BDL	0.93	1.32	15.8	0.3	0.47	1.67
4	Drain near Sump well-1, near capital mall, near Parasvnath City Center.	7.38	80	237	74	BDL	0.14	0.08	1.3	BDL	0.2	0.16
5	Opposite Dalas Biotech	7.37	53	146	52	BDL	0.23	0.15	0.59	0.67	0.18	0.22
6	Sump Well 2, near Shyam Vatika, Bhiwadi Industrial Area	7.2	131	898	594	BDL	0.18	0.11	0.81	0.42	0.15	0.4
7	Drain near Matila near RIDCOR Toll Plaza	7.4	155	200	56	BDL	BDL	BDL	1.44	BDL	0.12	0.12
8	Khushkhera bulging point, opp. Lopan Plant	7.54	55	318	84	BDL	BDL	0.04	0.61	0.13	0.14	0.09
9	Near kundan Edible Industrial area	7.63	62	251	94	BDL	BDL	BDL	0.43	0.11	0.17	0.07
10	From Kacchi drain, opp. Kundan edible towards Dharuhera Budhi Bawal road	7.78	42	201	48	BDL	BDL	BDL	0.57	0.15	0.16	0.05

Note: all the values in mg/l except of pH, TSS= Total Suspended Solid, COD= Chemical Oxygen Demand, BOD= Biological Oxygen demand, Cd=Cadmium, Cr=Total Chromium, Cu=Copper, Fe=Iron, Ni=Nickel, Pb=Lead, Zn=Zinc, BDL= Below Detect Level

Analysis Results of Physico-chemical parameters and Heavy Metals in samples collected from the Waterlogged Areas

S.N	Location	pH	TSS	COD	BOD	Cd	Cr	Cu	Fe	Ni	Pb	Zn
1	In Kehrani area near Amlaki Village	8.38	240	494	359	BDL	BDL	0.03	1.12	0.17	0.13	0.11
2	Near Kundan Edible Industrial Area , Khushkhera	8.07	60	237	73	BDL	BDL	BDL	0.59	0.17	0.18	0.04
3	Nandrampur Bass Village Haryana at the border of Rajasthan	8.08	24	106	14	BDL	BDL	BDL	0.18	BDL	0.2	BDL
4	Khushkhera Bulging point opposite to Lopan Plant	7.33	503	1280	310	0.03	0.08	2.80	2.74	0.40	0.21	0.35
5	Open field opposite to Nagina garden	7.6	35	82	26	BDL	BDL	0.05	0.86	BDL	0.11	0.08

Note: all the values in mg/l except of pH, TSS= Total Suspended Solid, COD= Chemical Oxygen Demand, BOD= Biological Oxygen demand, Cd=Cadmium, Cr=Total Chromium, Cu=Copper, Fe=Iron, Ni=Nickel, Pb=Lead, Zn=Zinc, BDL= Below Detect Level

Analysis Results of Physico-chemical parameters and Heavy Metals in CETP Inlet, Outlet, Sludge

S.N	Parameters	CETP Standard as notified by Ministry of Environment, Forest and Climate Change, New Delhi, dated 01st January, 2016 under the Environment (Protection) Rules, 1986, in Schedule I, serial no 55	Inlet values at 21/03/2017	Outlet values at 21/03/2017	Inlet values at 22/03/2017	Outlet values at 22/03/2017	Sludge from CETP
1	pH	6-9	7.74	7.72	7.75	7.82	--
2	TSS	100	171	40	426	86	--
3	COD	250	396	279	452	281	--
4	BOD	30	263	125	167	106	--
5	Cd	0.05	BDL	BDL	BDL	BDL	7
6	Cu	3.0	0.3	BDL	0.55	BDL	2260
7	Fe	3.0	7.54	0.8	5.64	0.6	59500
8	Ni	3.0	0.28	0.06	0.52	0.12	1420
9	Pb	0.1	0.08	BDL	0.32	0.18	375
10	Zn	5.0	0.85	0.02	1.37	0.05	4097

Note: all the values in mg/l except of pH, TSS= Total Suspended Solid, COD= Chemical Oxygen Demand, BOD= Biological Oxygen demand, Cd=Cadmium, Cr=Total Chromium, Cu=Copper, Fe=Iron, Ni=Nickel, Pb=Lead, Zn=Zinc, BDL= Below Detect Level

Annexure 6

Analysis Results of Heavy metals in samples collected from the Acid Recovery Plant

S.N	Parameters	Outlet of Acid Recovery Plant	Sludge from Acid Recovery Plant
1	Cd	0.06	5
2	Cu	0.31	1560
3	Fe	9.9	62400
4	Ni	0.34	1410
5	Pb	0.83	375
6	Zn	0.1	4097

Note: all the values in mg/l, Cd=Cadmium, Cr=Total Chromium, Cu=Copper, Fe=Iron, Ni=Nickel, Pb=Lead, Zn=Zinc

Analysis Results of Physico-chemical parameters and Heavy metals samples from ETP outlet of Rolling & Pickling Unit

S.N	Name of the Industries	pH	TSS	COD	BOD	Cd	Cr	Cu	Fe	Ni	Pb	Zn	Disposal of Treated Effluents/ Utilization
	General Standards for Discharge of Effluents into Public Sewers/ open drains lead to CETP as per Schedule-VI, EPA, 1986	5.5-9.0	100	250	30	2.0	2.0	3.0	3.0	3.0	0.1	5.0	
1	M/s Shri Laxmi Vijay Strips Pvt. Ltd	6.99	41	15	2	BDL	0.35	0.05	2.88	0.04	BDL	0.04	These Pickling Units using 50-70% treated effluent in their washing/rinsing process
2	M/S Badri Vishal Steel Ltd	7.18	58	58	14	BDL	0.27	0.17	2.48	0.62	BDL	BDL	
3	M/s Shri Laxmi Vijay Strips Pvt. Ltd	7.02	37	30	05	BDL	0.15	0.07	1.19	0.01	BDL	BDL	
4	M/s Kesri Steel Ltd (Unit-II)	<u>9.6</u>	<u>114</u>	100	21	BDL	0.32	<u>16</u>	2.72	0.05	BDL	BDL	
5	M/s D.L. Steel Pvt. Ltd	7.02	9	15	3	BDL	0.06	0.02	0.09	BDL	BDL	0.02	
6	M/s Gold Star Re-Rolling Pvt. Ltd	7.97	35	53	10	BDL	0.02	BDL	0.32	0.02	BDL	BDL	
7	M/s ASP Enterprises- Unit II	7.9	41	50	11	BDL	0.09	0.04	1.04	0.01	BDL	0.19	
8	M/s ASP Enterprises- Unit I	8.87	55	31	5	BDL	0.28	0.08	2.36	0.02	BDL	BDL	
9	M/s Mohit Metals Pvt. Ltd	7.19	13	76	8	BDL	0.07	0.01	1.43	BDL	BDL	0.03	
10	M/s Divyanchal Re-rolling Pvt. Ltd	7.26	18	38	08	BDL	0.49	0.2	3.56	0.28	BDL	0.01	
11	M/s Meenakshi Strips Pvt. Ltd	7.57	23	28	4	BDL	BDL	BDL	BDL	0.06	BDL	BDL	
12	M/s Haridarshan Re-rolling Pvt. Ltd	7.66	92	4	1	BDL	0.24	0.11	2.67	0.42	BDL	0.02	
13	M/s Shri Giriraj Steel Pvt Ltd	6.98	21	9	2	BDL	0.05	0.01	0.08	0.03	BDL	BDL	
14	M/s Sarthi Rubber Industries Pvt. Ltd	5.75	59	6	2	BDL	0.37	0.02	0.18	0.04	BDL	BDL	

185/14

S.N	Name of the Industries	pH	TSS	COD	BOD	Cd	Cr	Cu	Fe	Ni	Pb	Zn	Disposal of Treated Effluents/ Utilization
	General Standards for Discharge of Effluents into Public Sewers/ open drains lead to CETP as per Schedule-VI, EPA, 1986	5.5-9.0	100	250	30	2.0	2.0	3.0	3.0	3.0	0.1	5.0	
15	M/s Active toys Pvt. Ltd	5.58	<u>370</u>	8	03	BDL	<u>2.34</u>	0.18	<u>104.36</u>	1.61	BDL	BDL	These Picking Units using 50-70% treated effluent in their washing/rinsing process
16	M/s BG Steel Pvt. Ltd	8.02	82	10	03	BDL	0.65	0.16	<u>4.64</u>	0.09	BDL	BDL	
17	M/s Perma Engineering and trading Co. Pvt. Ltd	7.28	13	27	03	BDL	0.37	0.02	0.17	0.04	BDL	BDL	
18	M/s Noctern Casting Pvt. Ltd	7.56	100	94	17	BDL	0.02	0.02	1.24	0.26	BDL	BDL	
19	M/s Anshul Strips Pvt. Ltd	8.9	27	54	10	BDL	BDL	0.11	0.52	BDL	0.01	0.05	
20	M/s Jyotika Strips Pvt. Ltd	8.89	94	21	05	BDL	0.06	0.03	0.7	0.01	BDL	BDL	
21	M/s Bhiwadi Metal Roll Well Pvt. Ltd	7.04	71	11	02	BDL	0.06	0.01	0.11	0.03	BDL	BDL	
22	M/s Niwar Metals Pvt. Ltd	7.16	30	74	20	0.03	BDL	0.17	0.12	BDL	<u>0.27</u>	0.12	
23	M/s Arvind Press cap Ltd	6.06	48	41	06	0.04	0.14	0.55	0.44	0.16	<u>0.25</u>	1.13	

Note: all the values in mg/l except of pH, TSS= Total Suspended Solid, COD= Chemical Oxygen Demand, BOD= Biological Oxygen demand, Cd=Cadmium, Cr=Total Chromium, Cu=Copper, Fe=Iron, Ni=Nickel, Pb=Lead, Zn=Zinc, BDL= Below Detect Level

186
115

Annexure 8

Analysis Results of Physico-chemical parameters and heavy metals samples from ETP outlet of Electroplating (Zinc Plating) Unit

S.N.	Name of the Industries	pH	TSS	Cr	Fe	Pb	Zn	Disposal of Treated Effluents/ Utilization
Standards for Electroplating Industries (for Zinc Plating) as per Schedule-I, EPA, 1986		6-9	100	2.0	3.0	0.1	5.0	
1	M/s Agrawal Metal Works Pvt. Ltd., SPL-144 (A&B), Phase I,	6.5	28	0.08	0.33	<u>0.39</u>	<u>20.94</u>	These units using 100% treated effluents after RO in their process.
2	M/s Rayban Sun Optics Indias Ltd., SP-810 & 811, PhaselI,	8.44	32	0.43	2.16	0.18	0.06	This unit utilizing 100% treated effluents for gardening
3	M/s Gillette India Ltd., SPA-65A,	6.99	06	BDL	0.84	0.16	0.15	
4	M/s Mica Industries, E-92	7.24	26	BDL	0.07	BDL	0.09	
5	M/s Shyam Auto Pvt. Ltd. , G-11510, Phase-1,	6.82	<u>506</u>	<u>64</u>	<u>30.9</u>	<u>0.54</u>	<u>149.94</u>	Treated water discharge into the drain
6	M/s Shiv Industries., 6-994-995,	7.17	14	0.19	0.73	0.17	0.02	Treated water discharge into their own vacant plot
7	M/s Hari Om Metal Finisher., SPL-1	Unit found Not Operational during the inspection						
8	M/s Ranutrol India Pvt. Ltd., E-342, Phase-I	Unit closed by RSPCB directions						

Note: all the values in mg/l except of pH, TSS= Total Suspended Solid, Cr=Total Chromium, Fe=Iron, Pb=Lead, Zn=Zinc, BDL= Below Detect Level

187
116

Annexure 9

Analysis Results of Physico-chemical parameters and Heavy Metals samples from ETP outlet of Electroplating (Chrome & Nickel Plating) Unit

S.N.	Name of the Industries	pH	TSS	Cr	Cu	Ni	Disposal of Treated Effluents/ Utilization
Standards for Electroplating Industries (for Chrome & Nickel Plating) as per Schedule-I, EPA, 1986		6-9	100	2.0	3.0	3.0	
1	M/s Naveen Industries, B-814,	6.79	3	BDL	BDL	BDL	These units using 100% treated effluents after RO in rinsing process
2	M/s Sri Sai Scaffolding, G-16,	Unit found Not Operational during the inspection					
3	M/s Arva faster Pvt. Ltd., GL-987	ETP not running during inspection					

Note: all the values in mg/l except of pH, TSS= Total Suspended Solid, Cr=Total Chromium, Cu= Copper, Ni=Nickel, BDL= Below Detect Level

Annexure 10

Analysis Results of Physico-chemical parameters from ETP outlet of Anodizing Unit

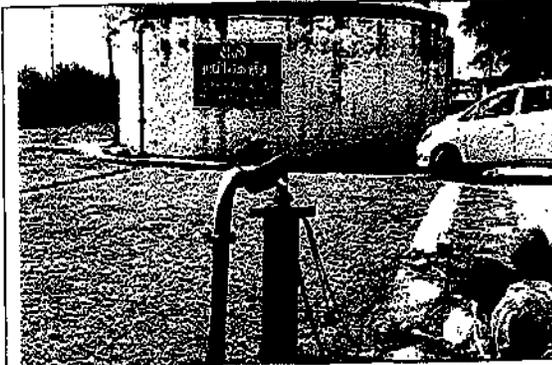
S.N.	Name of the Industries	pH	TSS
Standards for Electroplating Industries (for Zinc Plating) as per Schedule-I, EPA, 1986		6-9	100
1	M/s Indo Alusys Ind Ltd.	8.64	68

Note: all the values in mg/l except of pH, TSS= Total Suspended Solid

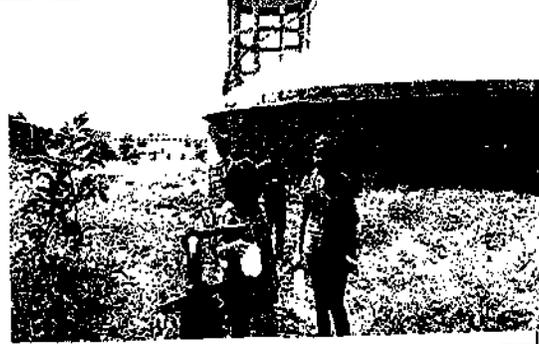
Analysis Results of Physico-chemical parameters from ETP outlet of Phosphating Unit

S.N.	Name of the Industries	pH	TSS	COD	BOD	Cd	Cr	Cu	Fe	Ni	Pb	Zn
General Standards for Discharge of Effluents into Public Sewers/ open drains lead to CETP as per Schedule-VI, EPA, 1986		5.5-9.0	100	250	30	2.0	2.0	3.0	3.0	3.0	0.1	5.0
1	M/s Delite Hi-Tech Furniture Industries (P) Ltd., A--1163	Unit found Not Operational during the inspection										
2	M/s Asiatic electrical and Switchgear Pvt. Ltd.	ETP not running during inspection										
3	M/s Taurus India Ltd., A-331-332	Unit found self closed due to their own reasons										

Note: all the values in mg/l except of pH, TSS= Total Suspended Solid, COD= Chemical Oxygen Demand, BOD= Biological Oxygen demand, Cd=Cadmium, Cr=Total Chromium, Cu=Copper, Fe=Iron, Ni=Nickel, Pb=Lead, Zn=Zin



Tubewell situated in RIICO I.I.D. Center Water supply, Khushkhera



Tubewell inside the Pathredi, water supply campus



Tubewell situated in Children Park, near Fire Station



Tubewell situated in Near BLK lifestyle, Plot no. 122 B



Hand pump situated Opp. To WSS campus Pathredi, near M/S Tamrdhatu Pvt. Ltd. , Dharamkata



Hand pump situated opposite to Aravalli, Vihar yojna -4, Milaktpur, Gujar

Photo No. 1: Ground Water Sample Locations (Borewells & Hand pumps) in Bhiwadi Industrial areas and other adjoining industrial areas of District Alwar, Rajasthan

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Field adjoining to waterlogged areas in Kehrani



Opposite to capital Mall near Parsvnath Mall



Near waterlogged areas in Nandrampur Bass Village



Field Opposite to waterlogged area in Nandrampur Bass Village



Near waterlogged areas Khushkhera opposite to Lopan Plant



Near waterlogged areas adjoining to Kundan edible industrial area

Photo No.2. Soil Samples Locations near waterlogged areas in Bhiwadi Industrial areas Phase I, II, II, IV & V and other adjoining industrial areas i.e. Kehrani & Chopanki of District Alwar, Rajasthan

12991



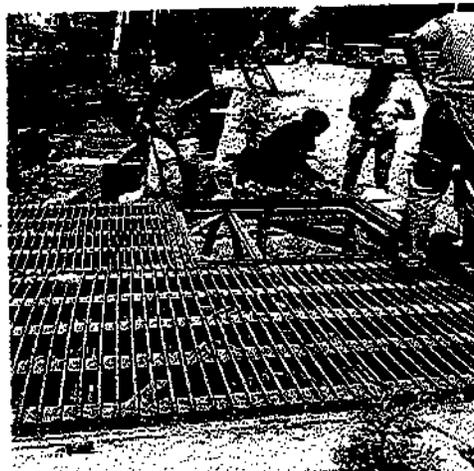
RIICO drain Kahrani, opp. to Y.K. Interprises Industries



Drain in Chaupanki area leading to Kahrani



Harchanpur drain, Bhiwadi



Sump Well 2, near Shyam Vatika, Bhiwadi Industrial Area



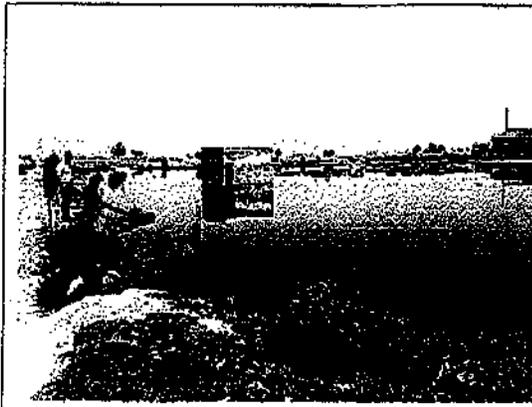
Drain opposite to Dalas Biotech



Drain near Sump well-1, near capital mall, near Parasvath City Center.

Photo No. 3. Drains Sample Locations in Bhiwadi Industrial areas Phase I, II, II, IV & V, 05 Villages and other Residential and Commercial areas of District Alwar, Rajasthan

12/92



Waterlogged area filled with Effluent in Kehrani area near Amlaki Village



Waterlogged area filled with Effluent in Nandrampur Bass Village Haryana at the border of Rajasthan



Waterlogged area filled with Effluent in Open field opposite to Nagina garden



Waterlogged area filled with Effluent in Khushkhera bulging point opposite to Lopan Plant



Waterlogged area filled with Effluent in Near Kundan Edible Industrial Area, Khushkhera



Waterlogged area filled with Effluent in Nandrampur Bass Village Haryana at the border of Rajasthan

Photo No. 4. Sampling from Waterlogged areas near Khushkhera, Kehrani (Amlaki Village), near Kundan Edible Industrial Area opposite to Nagina Garden and Nandrampur Bass Village Haryana at the border of Rajasthan

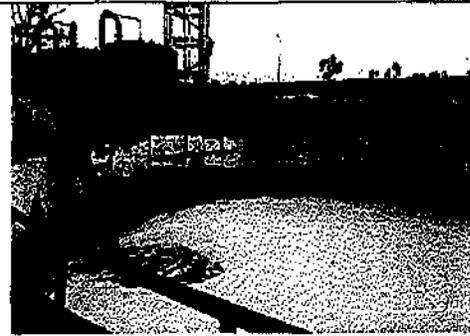
2903



Common Effluent Treatment and Acid Recovery Plant in Bhiwadi



Inlet Point of CETP



Outlet Point of CETP



Acid Recovery Plant



Sludge Dewatering System



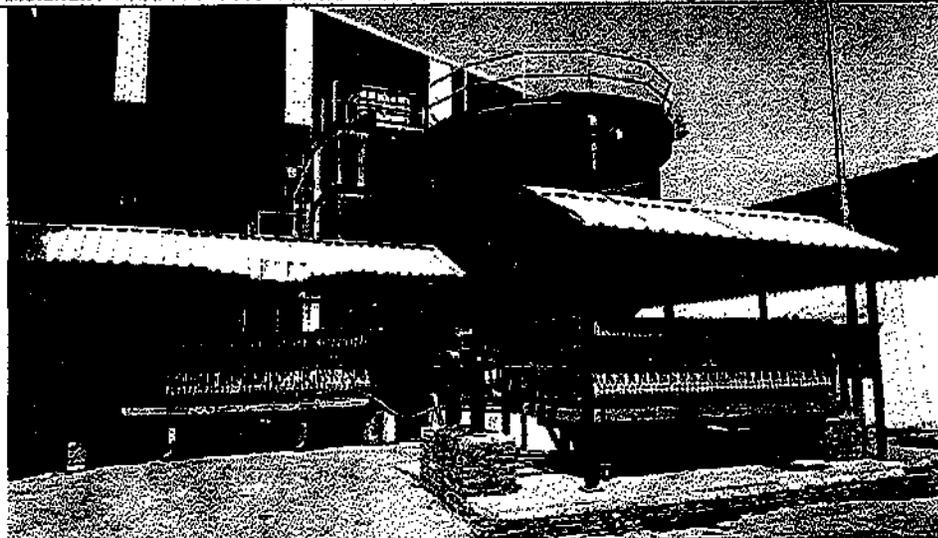
Sludge Drying Bed

Photo 5. CETP and Acid Recovery Plant in Bhiwadi

129
101



Installation of Fume absorber for control of Acid Fumes in Rolling & Pickling Units



Filter Press for sludge drying process



Sludge Drying under proper shed



Filter media for secondary treatment of Effluents

Photo No. 6. Upgradation of Industries for proper treatment of Effluent and Hazardous Waste

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**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

**Original Application No. 124 of 2015
(M.A. No. 375 of 2016, M.A. No. 307 of 2017, M.A. No. 308 of 2017, M.A. No. 310 of 2017 & M.A. No. 327 of 2017)**

And

**Original Application No. 127 of 2016
(M.A. Nos. 300 of 2017, 301 of 2017, 309 of 2017, 323 of 2017, 324 of 2017 & 326 of 2017)**

And

**Appeal No. 11 of 2017
(M.A. No. 532 of 2017)**

IN THE MATTER OF:

Sumitra Devi Vs. CPCB & Ors.

And

Dr. Laxman Raghav Vs. State of Rajasthan & Ors.

And

Arvind Press Caps Limited Vs. Rajasthan State Pollution Control Board

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER**

Present:	Applicant:	Mr. Rahul Kuhrana, Adv. for Applicant in OA 127/16 Mr. Mayank Jain, Mr. Madhur Jain and Mr. Parmatma Singh, Adv. Mr. Vivek Chib, Adv. alongwith Mr. Asif Ahmed, Adv. and Mr. Kushal Gupta, Adv. Mr. Sumit Sharma & Dr. Sarbjit Sharma, Adv. Respondent No. 1: Mr. Raj Kumar, Adv. with Mr. Bhupender Kr., LA, Central Pollution Control Board Respondent No.4 Mr. Naveen Kr. Gautam with Mr. Anuj Bhardwaj, Adv. for (RIICO) Mr. Krishna Kumar Singh, Adv. for MoEF Mr. Anil Grover, AAG and Mr. Sandeep Yadav, Adv. for State of Haryana Mr. B.V. Niren, Adv. and Mr. Vinayak Gupta, Adv. for CGWA State of Rajasthan Mr. Shiv Mangal Sharma, AAG with Mr. Saurabh Rajpal, Adv. Mr. Vivek Kr. Tandon, Ms. Mamta Tandon, Adv. in M.As. Mr. Akash Tyagi, Adv. for R- 7 & 9 Mr. Rakesh Munjal, Sr. Adv. with Mr. Rakesh Kumar with Mr. Virender Agrawal, Director of M/s. Prayag Polymers Pvt. Ltd.
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	Date and Remarks	Orders of the Tribunal
	Item No. 17 to 19 May 22, 2017 ss	The report in relation to CETP and two industries have been filed. The Learned counsel appearing for CETP is provided an opportunity to respond to the report, as large deficiencies have been pointed out in the functioning of the CETP. Even the averment of industries is that the

<p>Item No. 17 to 19</p> <p>May 22, 2017</p> <p>ss</p>	<p>CETP is incapable to treat metal and therefore it is causing pollution rather than curing. It is also operating without consent of the Board.</p> <p>Be that as it may, let the response be filed within one week from today with advance copy to all the Learned counsel appearing in this case. Response/Rejoinder thereto, if any, be filed by the Learned counsel appearing for Central Pollution Control Board within two weeks thereafter.</p> <p>List this matter on 05th July, 2017.</p> <p>The Learned counsel appearing for M/s. HSIL Ltd., Kaharani submits that they have no objection to the report filed by the joint inspection team and they accept the same and would carry out all the remedial measures within three months without delay and default. They further submit that since they have been polluting in the past therefore they voluntary pay environmental compensation of Rs. 10 Lakh and also assure the Tribunal that they would not cause any pollution and would take extra precautions in future. Even they are in opinion for moving of the underground tank to above the ground and treatment of R.O. reject water through evaporation which they will do within a period of one month, besides the other recommendations pointed out by the joint inspection team.</p> <p>Subject to the industry depositing of Rs. 10 Lakh as environmental compensation with the Central Pollution Control Board and the undertaking given to the Tribunal which is accepted, we permit the industry to operate, but in the event of default the industry would be liable to be</p>
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<p>Item No. 17 to 19</p> <p>May 22, 2017</p> <p>ss</p>	<p>shut down and would also liable to pay further environmental compensation for polluting the environment in the past and the current period.</p> <p>The State Pollution Control Board shall take appropriate steps, but only after the payment of Rs. 10 Lakh to Central Pollution Control Board, to restore the electricity. The consent had been granted by the Board, the same shall be revived subject to above conditions.</p> <p>We make it clear that in the event of breach, the Board shall be entitled to shut down this industry.</p> <p>The Learned counsel appearing for M/s. Poonam Strips Pvt. Ltd.</p> <p>The Learned counsel appearing for M/s. Poonam Strips Pvt. Ltd. submits that they have no objection to the report filed by the joint inspection team and they accept the same and would carry out all the remedial measures within three months without delay and default. They further submit that since they have been polluting in the past therefore they voluntary pay environmental compensation of Rs. 5 Lakh and also assure the Tribunal that they would not cause any pollution and would take extra precautions in future.</p> <p>Subject to the industry depositing of Rs. 5 Lakh as environmental compensation with the Central Pollution Control Board and the undertaking given to the Tribunal which is accepted. We permit the industry to operate, but in the event of default the industry would be liable to be shut down and would also liable to pay further environmental compensation for polluting the</p>
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<p>Item No. 17 to 19</p> <p>May 22, 2017</p> <p>ss</p>	<p>environment in the past and the current period.</p> <p>The State Pollution Control Board shall take appropriate steps, but only after the payment of Rs. 5 Lakh to Central Pollution Control Board, to restore the electricity. The renewal of consent for which application is stated to have been submitted to the Board, shall be dealt with by the Board subject to above conditions and in accordance with law.</p> <p>We make it clear that in the event of breach, the Board shall be entitled to shut down this industry.</p> <p>Besides the recommendations made by the joint inspection team, each of the industry which is permitted to operate under the order of the Tribunal, shall without further delay obtain permission from Central Ground Water Authority if industry is extracting ground water. Further, they would provide Rain Water Harvesting System within the premises of the industry within the time provided for to carry out remediation.</p> <p>List this matter tomorrow i.e. on 23rd May, 2017..</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,EM (Bikram Singh Sajwan)</p>
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**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

**Original Application No. 124 of 2015
(M.A. No. 375 of 2016, M.A. No. 308 of 2017, M.A. No. 310 of 2017, M.A. No. 327 of 2017, 669 of 2017)**

And

**Original Application No. 127 of 2016
(M.A. Nos. 309 of 2017, 657 of 2017)**

And

M.A. No. 664 of 2017

In

Appeal No. 11 of 2017

IN THE MATTER OF:

Sumitra Devi Vs. CPCB & Ors.

And

Dr. Laxman Raghav Vs. State of Rajasthan & Ors.

And

Arvind Press Caps Limited Vs. Rajasthan State Pollution Control Board

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER**

Present:	Applicant:	Mr. Rahul Kuhrana, Adv. for Applicant in OA 127/16 Mr. V.K. Tandon, Adv. Mr. Anil Gorver, aAG, with Mr. Sandeep Yadav, Adv. for State of Haryana and HSPCB.
	Respondent No. 1:	Mr. Raj Kumar, Adv. with Mr. Bhupender Kr., LA, Central Pollution Control Board Mr. Raj Panjwani, Sr. Adv. and Mr. Amit Bhandari, Adv. for RIICO Mr. Manav Gupta, Ms. Prabhsehey Kaur, Ms. Esha Dutta, Advs. Mr. Krishna Kumar Singh, Adv. for Ministry of Environment, Forest and Climate Change Mr. B.V. Niren, Adv. and Mr. Vinayak Gupta, Adv. for CGWA Mr. Mukesh Kumar Verma, adv for State of UP Mr. Pawan Upadhyay, Mr. Aksh Tyagi, Advs. Mr. Shiv Mangal Sharma, AAG with Mr. Saurabh Rajpal,
	Respondent No. 7, R-9: State of Rajasthan	

Date and Remarks		Orders of the Tribunal
Item No. 34 to 36	August 11, 2017	All the senior most officers including the Managing Director of RIICO; Secretary, Department of Environment; Member Secretary of Rajasthan State Pollution Control Board and Chairman of Bhiwadi Jal Pradushan Nivaran Trust (BJPNT) shall hold a joint meeting within one week from today. The meeting shall be chaired by the Chief Secretary of the State of Rajasthan.
ss		

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	<p>Item No. 34 to 36</p> <p>August 11, 2017</p>	<p>They shall file composite report along with a common and comprehensive affidavit with regard to all the aspects including CETP in terms of the directions of the Tribunal, before the next date of hearing.</p> <p>List this matter for final hearing on 01st September, 2017.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....JM (Raghuvendra S. Rathore)</p> <p>.....EM (Bikram Singh Sajwan)</p>
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Annexure - R/1/12

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

**Original Application No. 124 of 2015
(M.A. No. 375 of 2016, M.A. No. 308 of 2017, M.A. No. 310 of 2017, M.A. No.
327 of 2017, 669 of 2017)**

And

**Original Application No. 127 of 2016
(M.A. Nos. 309 of 2017, 657 of 2017)**

And

M.A. No. 664 of 2017

In

Appeal No. 11 of 2017

IN THE MATTER OF:

Sumitra Devi Vs. CPCB & Ors.

And

Dr. Laxman Raghav Vs. State of Rajasthan & Ors.

And

Arvind Press Caps Limited Vs. Rajasthan State Pollution Control Board

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER**

Present:	Applicant:	Mr. Rahul Kuhrana, Adv. for Applicant in OA 127/16 Mr. V.K. Tandon, Adv. Mr. Vivek Kumar Tandon with Ms. Mamta Tandon Mr. Anil Gorver, AAG, with Mr. Sandeep Yadav, Adv. for State of Haryana and HSPCB.
	Respondent No. 1:	Mr. Raj Kumar, Adv. with Ms. Preeti, LA, Central Pollution Control Board Mr. Raj Panjwani, Sr. Adv. and Mr. Anuj Bhandari, Adv. for RIICO Mr. S.S. Shamsbery, AAG and Mr. Ankit Raj, Adv. Mr. Manav Gupta, Ms. Esha Dutta, Advs. for HSIL Ltd. Kaharani Mr. Rajkumar, Adv. with Mr. Kamal Bandhu, ALO Central Pollution Control Board Mr. Krishna Kumar Singh, Adv. for Ministry of Environment, Forest and Climate Change Mr. B.V. Niren, Adv. and Mr. Vinayak Gupta, Adv. for CGWA Mr. Mukesh Kumar Verma, adv for State of UP
	Respondent No. 7 & 9: State of Rajasthanf	Mr. Pawan Upadhyay, Mr. Aksh Tyagi, Advs. Mr. Shiv Mangal Sharma, AAG with Mr. Saurabh Rajpal, Advs., Mr. R.K. Grover, Secretary Rajasthan, Mr. K.C. Gupta, RO Bhiwadi, RSPCB

	Date and Remarks	Orders of the Tribunal
	<p align="center">Item Nos. 11 to 13</p> <p align="center">September 01, 2017</p> <p align="center">SS & KC</p>	<p>The Learned counsel appearing for State of Rajasthan, upon instructions from the various senior officers who are present before the Tribunal submitted that there are apparent deficiencies in the tabulated statement submitted before the Tribunal. It is pointed out</p>

	<p>Item Nos. 11 to 13</p> <p>September 01, 2017</p> <p>SS & KC</p>	<p>to him that it does not record the dimensions of the problem, extent of pollution, causes for persistent and no improvement despite of alleged efforts. It only states about an action plan which would be meaningless without having stated pre-requisite considered by the committee. He prays for further time, by way of last opportunity.</p> <p>The same should be filed by 13th September, 2017 before the Tribunal. In the event of default now, we would be compelled to pass order directing attachment of salaries of the officers, as well as show cause notice to them as to why coercive steps not be taken against them for violation of the order of the Tribunal and non-performance of their statutory and public duties.</p> <p>List this matter on 15th September, 2017.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM (Bikram Singh Sajwan)</p>
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Annexure - R/1/13

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 124 of 2015
(M.A. No. 375 of 2016, M.A. No. 308 of 2017, M.A. No. 310 of 2017, M.A. No. 327 of 2017, 669 of 2017)

And

Original Application No. 127 of 2016
(M.A. Nos. 309 of 2017, 657 of 2017)

And

M.A. No. 664 of 2017

In

Appeal No. 11 of 2017

IN THE MATTER OF:

Sumitra Devi Vs. CPCB & Ors.

And

Dr. Laxman Raghav Vs. State of Rajasthan & Ors.

And

Arvind Press Caps Limited Vs. Rajasthan State Pollution Control Board

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

Present: Applicant: Mr. Rahul Kuhrana, Adv. for Applicant in OA 127/16 with Dr. D. Gupta, Adv.
Respondent No. 1: Mr. Vivek Kumar Tandon with Ms. Mamta Tandon
Mr. Raj Kumar, Adv. with Ms. Preeti, LA, Central Pollution Control Board
Dr. Sandeep Singh, Adv. for State of Uttar Pradesh
Mr. Raj Panjwani, Sr. Adv. and Mr. Anuj Bhandari, Adv. for RIICO
Mr. Manav Gupta, Ms. Esha Dutta, Mr. Sahil Garg and Mr. Anupam Pandey, Advs. for HSIL Ltd. Kaharani
Mr. Rajkumar, Adv. with Mr. Bhupeder Kumar, LO Central Pollution Control Board
Mr. Krishna Kumar Singh, Adv. for Ministry of Environment, Forest and Climate Change
Mr. B.V. Niren, Adv. and Mr. Vinayak Gupta, Adv. for CGWA
Respondent No. 7 & 9: Mr. Pawan Upadhyay, Mr. Aksh Tyagi, Advs.
State of Rajasthan Mr. Shiv Mangal Sharma, AAG with Mr. Saurabh Rajpal and Mr. Arun Prasad, Advs., Mr. R.K. Grover, Secretary Environment Rajasthan & RSPCB

Date and Remarks	Orders of the Tribunal
Item No. 09 to 11 September 15, 2017 SS & SN	It is unfortunate that none of the queries raised by the Tribunal have been answered in a 56 long pages status report filed on behalf of the State of Rajasthan and other stakeholders. We have requested the Learned Counsel appearing for the State and the senior officers present, not to seek unnecessary adjournments before the

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<p>Item No. 09 to 11</p> <p>September 15, 2017</p> <p>SS & SN</p>	<p>Tribunal without taking effective steps and providing the requisite data.</p> <p>The Learned Counsel submits that there is a pipeline that has been laid which carries the effluents. We direct production of DPR that was prepared and the data that was collected for the purposes of determining what should be the gradient size of the pipeline; the kind of effluents was it required to carry and to which end.</p> <p>List these matters on 20th September, 2017.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM (Dr. Nagin Nanda)</p>
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Annexure - R/1/14

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

**Original Application No. 124 of 2015
(M.A. No. 375 of 2016, M.A. No. 308 of 2017, M.A. No. 310 of 2017, M.A. No. 327 of 2017, 669 of 2017 & 1123 of 2017)**

And

**Original Application No. 127 of 2016
(M.A. Nos. 309 of 2017 & 657 of 2017)**

And

M.A. No. 664 of 2017

In

Appeal No. 11 of 2017

IN THE MATTER OF:

Sumitra Devi Vs. CPCB & Ors.

And

Dr. Laxman Raghav Vs. State of Rajasthan & Ors.

And

Arvind Press Caps Limited Vs. Rajasthan State Pollution Control Board

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Present:	Applicant:	Mr. Rahul Kuhrana, Adv. for Applicant in OA 127/16 with Dr. D. Gupta, Adv.
	Respondent No. 1:	Mr. Vivek Kumar Tandon with Ms. Mamta Tandon Mr. Raj Kumar, Adv. with Ms. Preeti, LA, Central Pollution Control Board Mr. Raj Panjwani, Sr. Adv. and Mr. Anuj Bhandari, Adv. and Mr. Yashodhar Pandey, Adv. for RIICO Mr. Manav Gupta, Ms. Esha Dutta, Mr. Sahil Garg and Mr. Anupam Pandey, Adv. for HSIL Ltd. Kaharani Mr. Rajkumar, Adv. with Ms. Preeti, LA Central Pollution Control Board Mr. Krishna Kumar Singh, Adv. for Ministry of Environment, Forest and Climate Change Mr. B.V. Niren, Adv. and Mr. Vinayak Gupta, Adv. for CGWA
	Respondent No. 7 & 9: State of Rajasthan	Mr. Pawan Upadhyay, Mr. Aksh Tyagi, Adv. Mr. Shiv Mangal Sharma, AAG with Mr. Saurabh Rajpal for State of Rajasthan & RSPCB

Date and Remarks	Orders of the Tribunal
Item No. 24 to 26 September 20, 2017 SS & SN	<p align="center">The officers appearing on behalf of the State of Rajasthan have not been able to furnish any answer to the queries raised and pray for further time.</p> <p align="center">By way of last opportunity, list this matter on 11th October, 2017.</p> <p align="right">.....CP (Swatanter Kumar)</p>

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	<p>Item No. 24 to 26</p> <p>September 20, 2017</p> <p>SS & SN</p>	<p>.....JM (Raghuvendra S. Rathore)</p> <p>.....EM (Dr. Nagin Nanda)</p>
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Annex - R/1/15

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 124 of 2015
(M.A. No. 375 of 2016, M.A. No. 308 of 2017, M.A. No. 310 of 2017, M.A. No. 327 of 2017, 669 of 2017, 1123 of 2017 & 1307 of 2017)

And

Original Application No. 127 of 2016
(M.A. Nos. 309 of 2017, 657 of 2017, 1305 of 2017 & 1329/2017)

And

M.A. No. 664 of 2017

In

Appeal No. 11 of 2017

IN THE MATTER OF:

Sumitra Devi Vs. CPCB & Ors.

And

Dr. Laxman Raghav Vs. State of Rajasthan & Ors.

And

Arvind Press Caps Limited Vs. Rajasthan State Pollution Control Board

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER

Present: Applicant: Mr. Rahul Kuhrana, Adv.
Mr. Vivek Kumar Tandon, Adv.
Respondent No. 1: Mr. Raj Kumar, Adv. for Central Pollution Control Board
Mr. Raj Panjwani, Sr. Adv. Mr. Anuj Bhandari, Adv. and Mr. Yashodhar Pandey, Adv. for RIICO
Mr. Krishna Kumar Singh, Adv. and Mr. Anurag Kumar, Adv. for Ministry of Environment, Forest and Climate Change
Mr. B.V. Niren, Adv. and Mr. Vinayak Gupta, Adv. for CGWA
Respondent No. 7 & 9: Mr. Pawan Upadhyay, Mr. Aksh Tyagi, Adv.
State of Rajasthan Mr. Shiv Mangal Sharma, AAG with Mr. Saurabh Rajpal for State of Rajasthan & RSPCB
Mr. Sumeer Sodhi, Adv.

Date and Remarks	Orders of the Tribunal
Item Nos. 32 to 34 November 17, 2017	<p>There is serious controversy being raised before us as to the extent of high pollution on the surface as well as ground water.</p> <p>The Learned Counsel appearing for the applicant has produced the water quality extracted from the borewell which is highly contaminated. There is controversy raised with reference to the source and content of the samples produced before us.</p> <p>We appoint Mr. Sumeer Sodhi, Adv. present who shall visit the entire industrial complexes at Bhiwadi, District Alwar. He shall prepare a comprehensive report</p>

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about the industrial clusters, CETP and the general observations in relation to drainage, collection of waste etc. He shall also observe as to how many major industries are having their own ETPs. He shall collect samples from different sources including the CETP, the borewells as well as handpumps as the case may be.

The applicant is at liberty to point out the places from where he has to collect samples. The Learned Local Commissioner shall be accompanied by the officers from the Central Pollution Control Board, Regional Officer of the Rajasthan State Pollution Control Board and the Police officials from the concerned police station. None of the member of the board will interfere in the work of the Local Commissioner, but shall only assist the Local Commissioner for execution of the directions contained in this order. The Local Commissioner shall visit tomorrow at 11:00 AM. He will not give any notice to any person as the Local Commissioner is appointed in the presence of all the Learned Counsel appearing in this case.

The samples will be divided into two equal portion, one would be given to Central Pollution Control Board while other to Shriram Laboratory, Delhi. The analysis report should be submitted before the Tribunal on the next date of hearing along with the report.

The fee of the Local Commissioner initially is fixed at Rs. 30,000/- in addition to the expenditure which he will incur. All the material and samples will be supplied by the Rajasthan State Pollution Control Board and the fee of the Local Commissioner at the first instant will be paid by the State of Rajasthan and RIICO.

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		<p>List these matters for hearing on 04th December, 2017.</p> <p>Copy of this order be furnished dasti.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (Dr. Jawad Rahim)</p> <p>.....,EM (Bikram Singh Sajwan)</p>
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ANNEXURE R/1/16

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 124 OF 2015

IN THE MATTER OF

SUMITRA DEVI

...APPLICANT

VERSUS

CPCB & ORS.

...RESPONDENTS

REPORT OF THE LOCAL COMMISSIONER IN TERMS OF
ORDER DATED 17.11.2017

1. The present report is being filed in terms of the Order dated 17.11.2017, passed by this Tribunal directing the undersigned to visit the entire industrial complexes at Bhiwadi, District Alwar. In compliance of the Order, I visited the industrial area of Bhiwadi on 18.11.2017.

1. OVERALL SCENARIO:

2. The present case is a perfect instance of how the authorities in India lack foresight in as much as the entire industrial area was earmarked, occupied, and ultimately set up without any waste management planning whatsoever.

II. POSSIBLE REASONS

6. There could be various reasons for contamination of ground water but all are connected to the establishment of the industrial area.

6.1 *Non-treatment of industrial waste:*

Though in terms of the Order dated 17.11.2017 I was directed to inspect industrial complexes, but it would not be feasible for the undersigned alone to inspect 1700-1800 industries in order to ascertain whether or not these industries are discharging any waste water and whether the ETPs installed are functioning.

Even if the industries are treating their respective industrial waste, huge amount of domestic sewage out of the industrial area (from villages or industries) ultimately meets this industrial waste, thereby making the entire waste water filthy and hence liable to be treated by the CETP.

6.2 *Non-segregation of domestic / industrial / storm water drains*

The water discharge from the industries both treated and/or untreated is mixed with domestic waste water. This in turn is mixed with domestic sewage from the villages inside the industrial area which do not fall under the

jurisdiction of Improvement Trust. Therefore all the wastewater of any nature whatsoever is carried to the CETP.

6.3 Inadequate capacity of CETP

The capacity of the CETP as on date is stated to be around 9 MLD as opposed to 6 MLD earlier. Since there is no segregation of domestic waste water and industrial waste water and storm water drain, the entire load of the industrial area is carried to the CETP, which in rainy season is fed upto 12-13 MLD thereby causing over flowing and bringing the CETP to a standstill. Hence in the absence of segregation / separate establishment of STPs, it would be advisable to upgrade the capacity even further.

6.4 Open Drains

The waste of the entire industrial area is being carried to the CETP Chambers through open drains which are bound to get clogged in addition to inherently being a breeding ground for mosquitoes.

Upon checking at various spots, though Ph level was being maintained in the open drains on the day of inspection, however I was informed that till sometime back, due to non-establishment of separate facility for treatment of wastewater generated by specific industries (about 25 in total) containing heavy metals, the wastewater used to be

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3. As per the information obtained from the officers of the Respondents during the visit, Bhiwadi industrial area has approximately 1700-1800 industries. The population of Bhiwadi is estimated to be between 1.25 lakh to 1.50 lakh.
4. I visited parts of the area and interacted with various villagers/ residents during the visit. It would be apt to state at this juncture that all the persons who came in contact with me during the visit, were *ad-idem* on the issue of contamination and degradation of the quality of ground water. The situation is such that at a few places from where the samples were collected, the ground water was colored (red and/or yellow).
5. During the visit, I not only visited the places which were indicated by the officers as well as the applicant, but also the houses of the local residents/villagers. Suffice it to state that none of the local residents or villagers were using the ground water for drinking purposes due to its bad quality. So much so, that families of workers living in a room of 10x8 ft. inside chawls in the villages are being forced to *purchase* drinking water from outside despite of having the facility of a handpump inside their respective premises. Had the authorities at the appropriate time of establishing this industrial area considered waste disposal mechanism as an issue worth deliberating upon, the residents of Bhiwadi wouldn't have been facing the present problem of contaminated water.

acidic as a result of which the open drains would be corroded and the wastewater would percolate into the groundwater, thereby contaminating the same. Needless to state, this has been happening for many years and the groundwater may already be contaminated, the long term effects of which can only be ascertained with the help of a proper scientific team.

The effluents of these specific industries are now separately collected through tankers as per the information provided by the Trust managing the CETP.

6.5 Blockage of pipeline carrying treated water from CETP to River Sabi

Due to the possible apprehensions of villagers/ farmers taking benefit of river water, the pipeline which already exists and was supposed to carry waste water from CETP to Sabi River, was blocked by them at various spots. Admittedly due to this blockage, the treated water erupts out of the conduit pipelines much before it can reach Sabi River. This treated water finds its path to open fields / RHC Land / low lying areas creating a pool of treated water covering hundreds of acres of land at various spots. Such huge accumulation of wastewater logically invites collection of waste water from other villages too. What follows is percolation of this wastewater resulting in

deterioration of ground water quality, as well as being a breeding ground for mosquitoes.

As on the date of inspection, the CETP was pumping out treated water at the speed of approx. 403 m³ per hour so one can imagine the kind of space that would be required to accumulate this much wastewater.

6.6 *Inadequacy of STPs*

Since the Tribunal is looking at a holistic picture of Bhiwadi, it must be pointed out that the authorities have decided to set up five more STPs at different locations for treatment of domestic sewage. Sewage at present at a few locations flowing from open drains gets collected in low lying areas.

6.7 *Lack of appropriate drinking water facilities*

During the entire inspection, fortunately I did not come across any individual who was using ground water for drinking purposes, however hopefully this should be true for all residents of Bhiwadi.

Upon inspection it was found out that the local authority (PHED - Public Health Engineering Department) was drawing ground water and supplying to residents for domestic usage.

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I was informed that the said ground water for domestic usage is simply being extracted and supplied without any prior treatment. This is an issue which needs interference from this Tribunal since there is a possibility that the said ground water due to its contamination is not curable by RO systems installed in houses or is perhaps being consumed even without any treatment which may even give rise to an epidemic.

III. SAMPLE COLLECTION

7. During the visit, samples were collected from various sources in the presence of following persons:

7.1 Mr. KC Gupta - RO - RSPCB

7.2 Mr. Atulya Deosingh - Junior Research Fellow - CPCB
Delhi

7.3 Mr. Tara Chand Bhatt - Sr. Regional Manager RIICO

7.4 Dr. Raghav Lakshman - Applicant

7.5 Mr. Anil Bairwa - Junior Scientific Officer RSPCB

7.6 Mr. Himanshu Sharma Asst. Regional Manager RIICO

8. Samples were collected from the following sites:

8.1 Sample No. 1 - GETP - Inlet

Sample No. 2 - GETP - Outlet

As per the online monitoring system, the treated water had the following parameters:

Ph 7.70

CoD - 93

BoD - 13

TSS - 34

Speed - 403 metric cube per hour

- 8.2 Sample No. 3 - Ridgewood palace
- 8.3 Sample No. 4 - Harchandpur Village, Opposite KG Plaza
- 8.4 Sample No. 5 - Village Sathalka, Opposite Roca Showroom
- 8.5 Sample No. 6 - about 50 mts from Sample No. 5 place
- 8.6 Sample No. 7 - Plot No. G1/ 1033 Phase III Bhiwadi Industrial area
- 8.7 Sample No. 8 - Sathalka Village Chawl
- 8.8 Sample No. 9 - Opposite Lopan Factory, treated water coming out of CETP connected by covered pipeline
- 8.9 Sample No. 10 - Shree Cement Ltd. Factory

In terms of the Order passed by this Tribunal, the samples were properly labeled and handed over to the officers of CPCB and Shriram Institute on the same day i.e. 18.11.2017. While sealing the samples, as per the suggestions of the officers of PCBs, preservative was added to the samples which were to be tested for presence of metal, and separate samples from each location were taken for general parameters.

The entire visit including sample collection was videographed. A copy of the raw footage would be

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submitted to the Tribunal if asked for. A few photographs highlighting the inspection are collectively annexed herewith and marked as ANNEXURE C-1 Colly.

Reports of Shriram Institute are annexed herewith and marked as ANNEXURE C-2.

Reports of CPCB are annexed herewith and marked as ANNEXURE C-3.

IV. SUGGESTIONS / WAY FORWARD

9. Though I feel underqualified to be giving suggestions for improvement of the current scenario in Bhiwadi, but in compliance of the Orders of the Tribunal following recommendations are made:

9.1 *Drinking water*

The first and the most urgent task that the state government must undertake is to establish a water treatment plant before water is supplied for domestic consumption. Dehors the reports of the laboratories, ground water cannot be allowed to be consumed by any living creature.

9.2 *Pipelines*

The pipelines which connect CETP to Sabi River have to be reconnected at the earliest and this process should not

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even take much time since the underground pipeline has already been laid down. Anyone interfering with the process or obstructing the path of the pipeline ought to be strictly dealt with.

9.3 *CETP Capacity*

The CETP capacity needs to be increased to atleast 14 MLD if segregation is not carried out to separate domestic sewage from industrial waste.

Information is a great weapon which must be made available to the residents of Bhivadi. The Trust managing the CETP informed that it is under the process of installing a huge Screen to display the online monitoring of wastewater. This exercise too must be carried out in a time bound manner preferably within a period of one month. At no point of time should the CETP remain shut since it is the lifeline of Bhivadi.

9.4 *Open Drains*

The open drains carrying industrial waste to CETP chambers need to be converted into closed underground pipelines. As on an urgent basis the open drains need to be de-silted so as to prevent blockage / overflow.

9.5 *Additional STPs*

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Additional pipelines carrying domestic sewage whether from industrial units or from villages inside the industrial area need to be laid down. These pipelines must carry this waste separately to STPs being installed. Looking at the growing population and new industries being set up, the local authorities must set up these STPs of sufficient capacities so that they may serve the purpose in the years to come.

9.6 ETPs of each industry to be made functional

Each industry generating effluents must be made to install an online meter at the outlet in order to ensure that the quality of effluent / waste water is within parameters and can be monitored by the Board.

9.7 Cleaning of entire industrial area

During my entire visit there was possibly not even a single road which was clean. Garbage dumping on the sides of the roads is rampant and a practice that is deplorable. RICO must take up the humungous task of sanitizing the entire industrial area which would include cleaning all roads/ temporary dumpyards, making sure that the green belt area is not misused and is maintained properly by the neighboring industry.

Other than the problem of water pollution, there is also an issue of emissions from these industries. Though the

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undersigned was informed that at any point of time during the day, the Regional office of the PCB ensures that the officers are on a vigil by car, it was observed that certain industries were still emitting smoke that cannot be within parameters.

10. With the abovementioned observations, the present Report is submitted which would hopefully be of assistance to this Tribunal. I am deeply obliged to the Tribunal to have afforded an opportunity to serve the cause.

NEW DELHI
01.12.2017

Report Submitted by



SUMEER SODHI
Advocate / Local Commissioner
(D-1547-09)
32, GF, Uday Park
South Extension II
New Delhi 110049
Mob: 9953309080
Email: sumeer@vsalegal.in

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Annexure - 2/1/17

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 124 of 2015
(M.A. No. 375 of 2016, M.A. No. 308 of 2017, M.A. No. 310 of 2017, M.A. No. 327 of 2017, 669 of 2017, 1123 of 2017 & 1307 of 2017)

And

Original Application No. 127 of 2016
(M.A. Nos. 309 of 2017, 657 of 2017, 1305 of 2017, 1329/2017 & 1439/2017)

And

M.A. No. 664 of 2017

In

Appeal No. 11 of 2017

IN THE MATTER OF:

Sumitra Devi Vs. CPCB & Ors.

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Arvind Press Caps Limited Vs. Rajasthan State Pollution Control Board

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER**

Present:

Applicant:	Mr. Rahul Khurana, Adv. Mr. Vivek Kumar Tandon, Adv.
Respondent No. 1:	Mr. Raj Kumar, Adv. for Central Pollution Control Board Mr. Anil Grover, AAG Mr. Raj Panjwani, Sr. Adv. Mr. Anuj Bhandari, Adv. and Mr. Yashodhar Pandey, Adv. for RIICO Mr. Krishna Kumar Singh, Adv. and Mr. Anurag Kumar, Adv. for Ministry of Environment, Forest and Climate Change Mr. B.V. Niren, Adv. and Mr. Vinayak Gupta, Adv. for CGWA
Respondent No. 7 & 9:	Mr. Krishnan Venugopal, Sr. Adv., Mr. Pawan Upadhyay, Mr. Kaushik Mishra, Mr. Aksh Tyagi, Adv.
State of Rajasthan	Mr. Shiv Mangal Sharma, AAG with Mr. Saurabh Rajpal, Mr. Adhiraj Singh Rajawat and Mr. Lokendra Singh Kacchar, Ms. Shikha Sandhu Adv. for State of Rajasthan & RSPCB with Mr. K. C. Arun Prasad MS RPB and Mr. K. C. Gupta RO RPCB Bhiwadi Mr. Anil Grover, AAG and Mr. Rahul Khurana, Adv. Mr. Sumeer Sodhi, Adv. Mr. S.S. Shamsberry, AAG and Mr. Ankit Raj, Adv.

Date and Remarks	Orders of the Tribunal
Item No. 14 to 16 December 06, 2017	We have heard the Learned counsel appearing for the parties. It is shocking to notice that RIICO is the body responsible for running of industrial clusters. We have no doubt in observing that the Rajasthan Pollution Control Board, and RICCO in particular, have failed to discharge

<p>Item No. 14 to 16</p> <p>December 06, 2017</p>	<p>their statutory functions. Not only this, they have failed to provide records that were asked by the Tribunal. To say the least even the number of industries between these two organizations is not tallying. If the correct statistics is not available with them, how can they ever imagine what is the load on the CETP from 760 Units as alleged by Pollution Control Board or 951 Units as alleged by RIICO.</p> <p>This matter has been taken up time and again. The report of the local Commissioner does not speak well of the functioning of these Authorities. The industries in the industrial clusters particularly at Bhiwadi have caused serious pollution of water/ground water. They are seriously polluting industries like pickling, shoes, textiles, electroplating, pharmaceuticals etc. All these industries in the normal course of their business discharge high pollutants. Despite the fact that the matter has been kept pending before the Tribunal for quite some time, the directions issued by the Tribunal requiring the State of Rajasthan, RIICO, Rajasthan Pollution Control Board to take effective steps to prevent and control the polluting in that area have failed to give any results. The Applicant has brought to our notice the photographs showing how the people living in that area are suffering from various diseases. Even the ladies are being affected adversely in terms of public health, to the extent that they are suffering from disabilities as a result of consuming contaminated water either directly through borewells or through the hand pumps.</p>
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<p>Item No. 14 to 16 December 06, 2017</p>	<p>List these matters on 7th December, 2017.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (Dr. Jawad Rahim)</p> <p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM (Bikram Singh Sajwan)</p>
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Annexure - R/1/18

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

**Original Application No. 124 of 2015
(M.A. No. 375 of 2016, M.A. No. 308 of 2017, M.A. No. 310 of 2017, M.A. No.
327 of 2017, 669 of 2017, 1123 of 2017 & 1307 of 2017)**

And

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(M.A. Nos. 309 of 2017, 657 of 2017, 1305 of 2017, 1329/2017 & 1439/2017)**

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In

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IN THE MATTER OF:

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**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE U.D.SALVI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

**Present: Applicant: Mr. Rahul Khurana, Adv.
Mr. Vivek Kumar Tandon, Adv.
Respondent No. 1: Mr. Raj Kumar, Adv. Mr. Bhupender LO for
Central Pollution Control Board
Mr. Anil Grover, AAG
Mr. Raj Panjwani, Sr. Adv Mr. Anuj Bhandari,
Adv.. for RIICO
Mr. Krishna Kumar Singh, Adv. and Mr.
Anurag Kumar, Adv. for Ministry of
Environment, Forest and Climate Change
Mr. B.V. Niren, Adv. and Mr. Vinayak Gupta,
Adv. for CGWA
State of Rajasthan Mr. Shiv Mangal Sharma, AAG with Mr.
Saurabh
Rajpal, Mr. Adhiraj Singh Rajawat Ms. Shikha
Sandhu Advs. for State of Rajasthan & RSPCB
Mr. Rajeew Swarup ACS and Mr. Arun Prasad
MS and Mr. K. C. Gupta RO
Mr. Anil Grover, AAG and Mr. Rahul Khurana,
Advs.
Mr. Sumeer Sodhi, Adv.
Mr. Pawan Upadhyay and Mr. Akash Tyagi
adv.
Mr. Manav Gupta and Mr. Esha Dutta and
Mr. Sahil Garg, Advs.**

Date and Remarks	Orders of the Tribunal
Item No. 18 to 20 December 12, 2017 ss	The applicant had filed this application being Original Application No. 127/2016 that the respondent authority be directed to prevent discharge of trade effluent

<p>Item No. 18 to 20</p> <p>December 12, 2017</p> <p>ss</p>	<p>from the industrial area at Bhiwadi, Chopanki, Kahasani and Khushkhera.</p> <p>According to the applicant there are various industries of different kind which are operating, some of them are operating without obtaining consent from the State Board while others who are with consent also discharging their effluents in violation of the prescribed norms. The CETP working at Bhiwadi is practically non-functional and releasing the effluents which are very injurious. The by-pass or discharge from the CETP gets collected on the land adjacent thereto and consequently pollutes the groundwater. The residents of the surrounding villages have no direct source of potable water, but they are dependent from the extraction of ground water. They have been drinking polluted water and have been subjected to various health hazards.</p> <p>The State of Rajasthan, Pollution Control Board Rajasthan and RIICO, all of them contested this application and attempted to justify that their conduct for the last years saying that now the working of the CETP have been improved and discharge from the CETP is adhering to the prescribed norms. They further stated there are nearly 7 industrial clusters around that area. The four have been mentioned in the application while other three are Pathsadi, Sarekhurd and Tapukara. The RIICO is the official respondent which is responsible for maintaining these industrial complexes. They have allotted plots to the industries and it is with their consent that these industries established therein. The Rajasthan Pollution Control Board is to perform all regulatory</p>
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Item No.
18 to 20

December
12, 2017

ss

functions in regard to, while ensuring that the effluents are discharging from their respective industries strictly adhering to the prescribed norms. The State of Rajasthan; as of today; overall functioning with regard to ensuring that the environment is not polluted and there is no contamination of the water and it is the duty of the State to provide potable water to the residents of the villages.

With reference to the pleading of the parties, reports that have been placed on record and the ancillary documents filed by the respective parties in court, we have no hesitation in observing that in the past all these parties have failed to discharge their statutory and public law obligations. It is the constitutional duty of all these authorities to ensure that decent and clean environment is provided to the people at large. It is a matter of great concern that even drinking water is not being provided to the villages surrounding to the residential complexes and their health is at stake. All the industries established are discharging and making money for all these years for violating environmental law with impunity. It is really a sad state of affairs that various industries though they were found to be polluting, no appropriate action have been taken by the concerned authority in the past.

It is after institution of this application and passing of various orders that some movement started with the concerned authorities to protect the environment and to prevent and control of water pollution in that area. There were conflicting stand taken by the authorities, each one believe that they were doing their best and pass the responsibility to the others. The RIICO had certainly

Item No.
18 to 20

December
12, 2017

ss

failed in discharging its duties and ensuring proper maintenance of the industrial clusters in accordance with law. The Pollution Control Board lacked in implementation of its regulatory role. The contradictory pleas taken to the extent that the Tribunal had appointed the Local Commissioner to visit the sites in question vide order dated 17th November, 2017.

We may notice that with the agreement of the parties, we have first taken up the industrial clusters at Bhiwadi for the purpose of issuance of appropriate directions and remaining industrial clusters were expected to be dealt with in the manner in which the directions were passed in the case of Bhiwadi industrial cluster. Thus, presently we are only dealing with the industrial clusters at Bhiwadi.

The Learned Local Commissioner filed his report which was quite discouraging. The relevant part of the Local Commissioner's report reads as follows:-

"OVERALL SCENARIO:

1. *The present case is a perfect instance of how the authorities in India lack foresight in as much as the entire industrial area was earmarked, occupied, and ultimately set up without any waste management planning whatsoever.*
2. *As per the information obtained from the officers of the Respondents during the visit, Bhiwadi industrial area has approximately 1700-1800 industries. The population of Bhiwadi is estimated to be between 1.25 lakh to 1.50 lakh.*
3. *I visited parts of the area and interacted with various villagers/ residents during the visit. It would be apt to state at this juncture that all the persons who came in contact with me during the visit, were ad-idem on the issue of contamination and degradation of the quality of ground water. The situation is such that at a few places from where the samples were collected, the ground water was colored (red and/or yellow).*
4. *During the visit, I not only visited the places which were indicated by the officers as well as the applicant, but also the houses of the local residents/villagers. Suffice it to state that none of*

	<p>Item No. 18 to 20</p> <p>December 12, 2017</p> <p>SS</p>	<p><i>the local residents or villagers were using the ground water for drinking purposes due to its bad quality. So much so, that families of workers living in a room of 10x8 ft. inside chawls in the villages are being forced to purchase drinking water from outside despite of having the facility of a handpump inside their respective premises. Had the authorities at the appropriate time of establishing this industrial area considered waste disposal mechanism as an issue worth deliberating upon, the residents of Bhiwadi wouldn't have been facing the present problem of contaminated water.</i></p> <p>POSSIBLE REASONS</p> <p>5. There could be various reasons for contamination of ground water but all are connected to the establishment of the industrial area.</p> <p>5.1 Non-treatment of industrial waste: <i>Though in terms of the Order dated 17.11.2017 I was directed to inspect industrial complexes, but it would not be feasible for the undersigned alone to inspect 1700-1800 industries in order to ascertain whether or not these industries are discharging any waste water and whether the ETPs installed are functioning.</i></p> <p><i>Even if the industries are treating their respective industrial waste, huge amount of domestic sewage out of the industrial area (from villages or industries) ultimately meets this industrial waste, thereby making the entire waste water filthy and hence liable to be treated by the CETP.</i></p> <p>5.2 Non-segregation of domestic / industrial / storm water drains <i>The water discharge from the industries both treated and/or untreated is mixed with domestic waste water. This in turn is mixed with domestic sewage from the villages inside the industrial area which do not fall under the jurisdiction of Improvement Trust. Therefore all the wastewater of any nature whatsoever is carried to the CETP.</i></p> <p>5.3 Inadequate capacity of CETP <i>The capacity of the CETP as on date is stated to be around 9 MLD as opposed to 6 MLD earlier. Since there is no segregation of domestic waste water and industrial waste water and storm water drain, the entire load of the industrial area is carried to the CETP, which in rainy season is fed upto 12-13 MLD thereby causing over flowing and bringing the CETP to a standstill. Hence in the absence of segregation / separate establishment of STPs, it would be advisable to upgrade the capacity even further.</i></p> <p>5.4 Open Drains <i>The waste of the entire industrial area is being carried to the CETP Chambers through open drains which are bound to get clogged</i></p>
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	<p>Item No. 18 to 20</p> <p>December 12, 2017</p> <p>ss</p>	<p><i>in addition to inherently being a breeding ground for mosquitoes.</i></p> <p><i>Upon checking at various spots, though Ph level was being maintained in the open drains on the day of inspection, however I was informed that till sometime back, due to non-establishment of separate facility for treatment of wastewater generated by specific industries (about 25 in total) containing heavy metals, the wastewater used to be acidic as a result of which the open drains would be corroded and the wastewater would percolate into the groundwater, thereby contaminating the same. Needless to state, this has been happening for many years and the groundwater may already be contaminated, the long term effects of which can only be ascertained with the help of a proper scientific team.</i></p> <p><i>The effluents of these specific industries are now separately collected through tankers as per the information provided by the Trust managing the CETP.</i></p> <p>5.5 <i>Blockage of pipeline carrying treated water from CETP to River Sabi</i> <i>Due to the possible apprehensions of villagers/ farmers taking benefit of river water, the pipeline which already exists and was supposed to carry waste water from CETP to Sabi River, was blocked by them at various spots. Admittedly due to this blockage, the treated water erupts out of the conduit pipelines much before it can reach Sabi River. This treated water finds its path to open fields / RIICO Land / low lying areas creating a pool of treated water covering hundreds of acres of land at various spots. Such huge accumulation of wastewater logically invites collection of waste water from other villages too. What follows is percolation of this wastewater resulting in deterioration of ground water quality, as well as being a breeding ground for mosquitoes.</i></p> <p><i>As on the date of inspection, the CETP was pumping out treated water at the speed of approx. 403 m3 per hour so one can imagine the kind of space that would be required to accumulate this much wastewater.</i></p> <p>5.6 <i>Inadequacy of STPs</i> <i>Since the Tribunal is looking at a holistic picture of Bhiwadi, it must be pointed out that the authorities have decided to set up five more STPs at different locations for treatment of domestic sewage. Sewage at present at a few locations flowing from open drains gets collected in low lying areas.</i></p> <p>5.7 <i>Lack of appropriate drinking water facilities</i></p>
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12, 2017**

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During the entire inspection, fortunately I did not come across any individual who was using ground water for drinking purposes, however hopefully this should be true for all residents of Bhiwadi.

Upon inspection it was found out that the local authority (PHED - Public Health Engineering Department) was drawing ground water and supplying to residents for domestic usage.

I was informed that the said ground water for domestic usage is simply being extracted and supplied without any prior treatment. This is an issue which needs interference from this Tribunal since there is a possibility that the said ground water due to its contamination is not curable by RO systems installed in houses or is perhaps being consumed even without any treatment which may even give rise to an epidemic."

We may also notice that the applicant has produced before the Tribunal the water samples collected from the ground water from the hand-pumps in that area which shows brownish colour of water.

The report of the Local Commissioner substantiate the case of the applicant and it was on that stage that the Learned counsel appearing for the State of Rajasthan sought liberty for the Chief Secretary, Additional Secretary and all the Senior Officer of the State who brought to the notice of the Tribunal the stand of the State and the steps that they desire to take for the purpose of ensuring prevention and control of pollution through industries at that area.

The Chamber meeting was held on 07th December, 2017 of the State and the concerned Stakeholders including the Chief Secretary of the State of Rajasthan.

The matter came up for hearing on 06th December, 2017 and the Tribunal passed the following order.

*"We have heard the Learned counsel appearing for the parties.
It is shocking to notice that RIICO is the*

	<p>Item No. 18 to 20</p> <p>December 12, 2017</p> <p>ss</p>	<p>body responsible for running of industrial clusters. We have no doubt in observing that the Rajasthan Pollution Control Board, and RICCO in particular, have failed to discharge their statutory functions. Not only this, they have failed to provide records that were asked by the Tribunal. To say the least even the number of industries between these two organizations is not tallying. If the correct statistics is not available with them, how can they ever imagine what is the load on the CETP from 760 Units as alleged by Pollution Control Board or 951 Units as alleged by RIICO.</p> <p>This matter has been taken up time and again. The report of the local Commissioner does not speak well of the functioning of these Authorities. The industries in the industrial clusters particularly at Bhiwadi have caused serious pollution of water/ground water. They are seriously polluting industries like pickling, shoes, textiles, electroplating, pharmaceuticals etc. All these industries in the normal course of their business discharge high pollutants. Despite the fact that the matter has been kept pending before the Tribunal for quite some time, the directions issued by the Tribunal requiring the State of Rajasthan, RIICO, Rajasthan Pollution Control Board to take effective steps to prevent and control the polluting in that area have failed to give any results. The Applicant has brought to our notice the photographs showing how the people living in that area are suffering from various diseases. Even the ladies are being affected adversely in terms of public health, to the extent that they are suffering from disabilities as a result of consuming contaminated water either directly through borewells or through the hand pumps.</p> <p>List these matters on 7th December, 2017."</p> <p>The matter was ordered to be listed on 07th December, 2017 when the request was made by the Learned counsel appearing for the State of Rajasthan that the Chief Secretary, the Additional Chief Secretary and other senior officers of the State, prayed for liberty to inform the Tribunal as the steps they were proposing to take for preventing and controlling the pollution and ensuring that the industries which are in default will not be permitted for carrying on their activities.</p> <p>In the meeting various aspects were discussed and</p>
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<p>Item No. 18 to 20</p> <p>December 12, 2017</p> <p>ss</p>	<p>the Chief Secretary of the State and other officers assured the Tribunal for taking effective measures for preventing and controlling of pollution. In furtherance thereto they have filed a statement on behalf of all the respondents including State of Rajasthan, RIICO and Rajasthan Pollution Control Board today i.e. on 12th December, 2017. In the statement filed it is stated there were 1639 plots which has been allotted to trade industry and they are around 1475 industries carrying on their business activities at the industrial cluster in question. Out of these, nearly 823 units were operating, however in the last three days 118 units have been closed as they were found to be operating without consent of the State Board. Consequently, 705 industries units are operating. Out of these 705, units 346 units have Consent to Operate and 222 industrial units are in white category. Around 137 industries have applied for renewal of the consent which is pending with the Board. Out of which 92 industries are in red category, 37 are in orange category and 8 are in green category. There are no definite details provided by any of these authorities in relation to 652 industrial units. It has been stated that the CETP was upgraded from 6 MLD to 9 MLD and biological treatment system was upgraded by providing diffused aeration system.</p> <p>In relation to supply of water it is stated that the State has long terms planning for providing potable water through pipeline to individual houses.</p> <p>In the meanwhile they are supplying water through the tankers. It is also stated in their joint statement dated 12th December, 2017 that there is proposal to put up 5</p>
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	<p>Item No. 18 to 20 December 12, 2017 ss</p>	<p>STPs by April, 2018 for all the 7 clusters. After functioning of these STPs, domestic effluent from villages would be segregated and this would significantly reduce the quality of effluent reaching CETP. Out of them three are likely to be set up at Bhiwadi region particularly around this industrial cluster. It is undisputed before us by any of the official respondents or otherwise that the water is not contaminated as per analysis report of Sri Ram Institute and Central Pollution Control Board. It is also not disputed that there is increase in pollution, but they are trying to control and improve the same. To ensure that the industries do not pollute and people get potable water for their day-to-day needs, in light of the above we pass the following directions:-</p> <ol style="list-style-type: none">1. It shall be ensured by the RIICO as well as the CETP operating Society that the CETP operates to its optimum capacity and its effluents from the discharge point should also be within the prescribed parameters.2. The CETP control the discharges at the outlet point.3. The CEPT should ensure that all the parameters including that Faecal Coliform or the Total Coliform are maintained within the prescribed limits.4. It will be the duty of Rajasthan Pollution Control Board, CPCB, Department of Environment and the State of Rajasthan to conduct joint inspection and ensure the compliance of these directions in future. In the event of default not only the RIICO and Society would be liable to pay environmental compensation @ Rs. 50,000/- per default, but the
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<p>Item No. 18 to 20</p> <p>December 12, 2017</p> <p>ss</p>	<p>concerned officer(s) of the Pollution Control Board and the designated officer(s) from Department of Environment of the State would also be liable for disciplinary action.</p> <p>5. Out of the 346 industrial units which has consent to operate shall be subjected to an inspection by the joint inspecting team consisting of Pollution Control Board, RIICO and the representative of the State Government. These would be subjected to comprehensive inspection for which a report will be prepared particularly in relation to the source of water and utilization thereof. The effluent standards, functioning of the Primary Treatment Plant and whether they are adhering to terms and conditions of the consent granted by the Board. If any of these industries is found to be defaulting they shall be shut down forthwith without any further Notice.</p> <p>6. The 137 industrial units whose applications are pending with the Board, they shall also be subjected to the inspection by the joint inspecting team and their application for renewal shall be dealt with and disposed of in accordance with law as expeditiously as possible in any case not later than four weeks from today.</p> <p>7. The 652 industrial units the details of which have not been furnished. Out of them all the industrial units which are operating without obtaining consent of the Board and are discharging effluents, shall be shut down, within one week from today.</p>
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<p>Item No. 18 to 20</p> <p>December 12, 2017</p> <p>ss</p>	<p>8. The joint inspection team shall conduct a survey to find out as to how many out of 652 are industrial units and how many are using the space provided to them for godown/offices etc.</p> <p>9. For upgradation of the CETP as well as for setting up of the STP, all the industries shall be liable to pay a sum of Rs 50,000/- as environmental compensation on 'Polluters Pays' principle. These industries have been polluting for years, in fact we should have imposed much more environmental compensation upon them, but since the State Pollution Control Board is taking of the matter with earnest and assure the Tribunal for providing due funds for improvement of the conveyer belt/drain or setting up of STP and upgradation of the CETP, as it is stated that 92 industrial units which are in Red Category so would pay environmental compensation of Rs. 50,000/-, those who are in Orange Category would pay environmental compensation of Rs. 30,000/- while the industries in Green/White Category shall pay Rs. 10,000/-.</p> <p>10. If the amount if not paid within two weeks from today by the industries to the State Government Department of Environment, in that event that industry shall be liable to be shut down without any further Notice. The amount so deposited shall be utilized for the compliance of the directions contained in this order.</p> <p>11. We direct the RIICO to clear all the drains and dredge them within four weeks from today. No</p>
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Item No. 18 to 20	drain of Bhiwadi industrial cluster should be checked/blocked, it will be the duty of RIICO to ensure regular maintenance thereof.
December 12, 2017	12. The potable water shall be provided to all villagers is the prime responsibility of the State through tankers or by fixation of RO systems.
ss	13. The money paid by the industry would be utilized for installation of RO systems in all the villages at Bhiwadi surrounded by industrial complex, to maintain them shall be duty of the State Government and the RIICO. In the event of default appropriate action shall be liable to be taken against the concerned officer(s). The State of Rajasthan shall expedite its long term scheme for providing potable water to every house through pipelines and it should be given at utmost priority.
	14. Similarly the projects in relation to establishment and construction of STP should also be given priority by the State Government and they should be installed without any undue delay.
	15. The waste collected on the dredged materials shall be deposited at the site which is to be identified by the State Government. The State should identify the site within four weeks from today and it will be the responsibility of the RIICO to ensure that the dredged material or any other waste collected from the industrial cluster is stored in accordance with law and relevant waste rules at that site. The waste should be stored in accordance with law with the relevant waste rules.

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16. The RIICO and the State Government shall work out on the proposal for reuse of the treated effluent of water from the CETPs/STPs. It shall be the duty of all concerned including the industries that under no circumstances any water or effluent is permitted to be collected around the industrial clusters or inside the cluster.
17. Needless to say that Pollution Control Board and Department of Environment shall maintain due surveillance and collect samples on regular intervals to ensure that there is no pollution.
18. The State of Rajasthan is granted liberty to approach the Department of Industrial Policy and Promotion (in short DIPP) for receiving financial assistance from the Central Government. The State is free to move the Central Government and if such proposal is mooted, the same shall be dealt with utmost expeditiously.
19. It shall be the duty and obligation of the RIICO and the Pollution Control Board to place in public domain the inspection report as well as analysis reports.
20. The applicant and for that matter any citizen would be at liberty to file objections if it comes to the notice that these reports do not depict the actual ground realities. The above directions shall be carried out by all concerned without delay and default, whosoever is found to be obstructing the compliance shall be liable to be proceeded against for violating order of the Tribunal and shall be dealt

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with in accordance with law.

21. Vide our order dated 01st March, 2017, we had imposed environmental compensation and cost upon the various departments and officers. In the event these directions are complied with in that event the compensation or the cost imposed shall stand waived, but in the event of default they shall become operative and it will be the duty of State of Rajasthan to comply with those orders without any default.
22. The Central Pollution Control Board shall also be responsible for keeping general supervision in relation to compliance of these directions. This general directions issued in relation to industrial clusters Bhiwadi shall be adopted and followed by the State Government and all the other concerned authorities with such modifications as may be necessary.
23. The industries which were permitted to operate under the orders of the Tribunal and the Board was required to inspect the same, if their Status Report is not filed by the joint inspection team now within two weeks from today, they shall be liable to be closed.

With the above directions the Original Application No. 127 of 2016 stands disposed of. No order as to cost.

M.A. Nos. 309 of 2017, 657 of 2017, 1305 of 2017,

1329 of 2017 & 1439 of 2017

These applications do not survive for consideration

	<p>Item No. 18 to 20</p> <p>December 12, 2017</p> <p>ss</p>	<p>as the main application itself stands disposed of.</p> <p>Thus the M.A. Nos. 309 of 2017, 657 of 2017, 1305 of 2017, 1329 of 2017 & 1439 of 2017 also stand disposed.</p> <p><u>Original Application No. 124 of 2015 in M.A. No. 375 of 2016, M.A. No. 308 of 2017, M.A. No. 310 of 2017, M.A. No. 327 of 2017, 669 of 2017, 1123 of 2017 & 1307 of 2017 And M.A. No. 664 of 2017 In Appeal No. 11 of 2017.</u></p> <p>These applications are also disposed of, in view of the order passed above in Original Application No. 127 of 2016.</p> <p>The Original Application No. 124 of 2015 in M.A. No. 375 of 2016, M.A. No. 308 of 2017, M.A. No. 310 of 2017, M.A. No. 327 of 2017, 669 of 2017, 1123 of 2017 & 1307 of 2017 And M.A. No. 664 of 2017 In Appeal No. 11 of 2017 stand disposed of accordingly.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....JM (U.D. Salvi)</p> <p>.....EM (Dr. Nagin Nanda)</p>
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Annexure - 2/1/19

Item No. 12

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Execution Application No. 42/2019
(filed by Haryana State PCB)
IN
Original Application No. 124/2015

Sumitra Devi

Applicant(s)

Versus

CPCB

Respondent(s)

Date of hearing: 13.11.2019

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER
HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER**

For Applicant(s): Mr. Rahul Khurana, Advocate

ORDER

1. This application seeks execution of order of this Tribunal dated 12.12.2017 in O.A. No. 124/2015. By the said order, the Tribunal dealt with the grievance against violation of environmental norms by the industries in and around Dharuhera in Rajasthan directing that discharge from the CETP in question should be as per parameters which will be the responsibility of the Rajasthan State Industrial Development and Investment Corporation (RIICO) and the CETP operating society. The State PCB, CPCB and Department of Environment of the State were to conduct joint inspections. Industrial units were to be inspected. Further directions issued included providing potable water to the villagers and clearing and dredging of all drains.

24271

2. Grievance now put forward is that the authorities failed to comply with the directions of this Tribunal on account of which there was stagnation of untreated effluents and domestic sewage affecting the inhabitants in and around border town of Dharuhera in the States of Rajasthan and Haryana.
3. Let a joint Committee of MoEF&CC, CPCB and Rajasthan State PCB furnish a factual and action taken report in the matter by e-mail at judicial-ngt@gov.in within one month. Nodal agency will be the CPCB for compliance and coordination. It will be open to the applicant to put forward his viewpoints before the said Committee through CPCB. The District Magistrate concerned may extend necessary support to the Committee.
4. The applicant may furnish a set of papers to MoEF&CC, CPCB, Rajasthan State PCB and District Magistrate Bhiwadi and file affidavit of service within one week.
5. A copy of this order be sent to MoEF&CC, CPCB, Rajasthan State PCB and District Magistrate Bhiwadi by e-mail.

List for further consideration on 28.01.2020.

Adarsh Kumar Goel, CP

S.P Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

Saibal Dasgupta, EM

Item No. 04

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Execution Application No. 42/2019

IN

Original Application No. 124/2015

(With report dated 13.12.2019)

Sumitra Devi

Applicant(s)

Versus

CPCB

Respondent(s)

Date of hearing: 28.01.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER
HON'BLE MR. SIDDHANTA DAS, EXPERT MEMBER**

For Respondent(s):

Mr. Rahul Khurana, Advocate and Mr. Kamaljit, RO
with Mr. Mohit Mudgil, AEE, HSPCB
Mr. Anuj Bhandair and Mr. Aman Bhalla, Advocates
for RIICO**ORDER**

1. The issue for consideration is remedial action against violation of environmental norms in pursuance of order dated 12.12.2017 passed by this Tribunal, directing that discharge from the CETP in question should be as per parameters which is the responsibility of the Rajasthan State Industrial Development and Investment Corporation (RIICO) and the CETP operating society.
2. Grievance of the applicant is that the authorities failed to perform their duties and order of this Tribunal dated

12.12.2017 has not been complied with, resulting in stagnation of untreated effluents and domestic sewage affecting the inhabitants in and around border town of Dharuhera in the States of Rajasthan and Haryana.

3. A factual and action taken report was sought from a joint Committee of MoEF&CC, CPCB and Rajasthan State PCB.
4. A report has been filed by the CPCB on 13.12.2019, giving the status of compliance of directions as on 04.12.2019. The status of compliance of some of the direction are as follows:-

Compliance Status of Hon'ble NGT order dated 12.12.2017, in O.A. No. 124 of 2015 in the matter of "Sumitra Devi Vs. CPCB & Ors" before P.B., New Delhi

S. No.	Directions	Compliance as on 04.12.2019 as per the joint inspection team (RSPCB, CPCB and MoEF&CC)			
13.	The money paid by the industry would be utilized for installation of RO systems in all the villages at Bhiwadi surrounded by an industrial complex. To maintain them shall be the duty of the State Government and the RIICO. In the event of default, appropriate action shall be liable to be taken against the concerned officer(s). The State of Rajasthan shall expedite its long-terms scheme for providing potable water to every house through pipelines and it should be given at utmost priority.	Out of 8 proposed villages, RO plants are installed in 7 villages. In Khijuribas village RO plant is not installed due to dispute onsite. The details including operational status of RO plants is as given below:			
		Name of village	RO plant capacity	Installation	Commissioned
		Rampura	500 lit/hr	Completed on 11.02.2018	Not commissioned
		Mundana Meo	500 lit/hr	Completed on 12.02.2018	Not commissioned
		Milakpur-Gurjar	500 lit/hr	Completed	Not commissioned
		Sahadod	500 lit/hr	Completed	Not commissioned
		Khijuribas	Work not started by contractor		
		Harchand pur		Completed	Not commissioned
		Nagaliya	500 lit/hr	Completed	Not commissioned
		Kharani	500 lit/hr	Completed	Not commissioned

		<p>Although RO plants in 7 villages have been installed but none of them made operational. As per the Executive Engineer, PHED-Bhiwadi, the firm has not started work for O & M period, therefore contact has been rescind by Add. Chief Engineer, NCR Alwar vide letter dated 7.8.2019 and retendering process under progress which will be completed within 2-3 months. The status report as on 03.12.2019 collected from PHED is enclosed at Annexure-IX.</p>																																														
14.	<p>Similarly the projects in relation to establishment and construction of STP should also be given priority by the State Government and they should be installed without any undue delay.</p>	<p>As informed by the Nagar Parishad, Bhiwadi they have taken up the work of laying of sewer lines and constructing 5 STPs under AMRUT Yojana of 11.5 MLD capacity. The 5 Sequential Batch Reactor (SBR) STPs which were under construction at Rajasthan Housing board (1.5 MLD), Mundana Mev (2MLD), Khanpur (2MLD), Santhalka (3MLD) & near existing one (3MLD). The present status of STPs collected from Nagar Parishad, Bhiwadi is enclosed at Annexure-X.</p>																																														
		<table border="1"> <thead> <tr> <th>Name</th> <th>Capacity in MLD</th> <th>Completion</th> <th>Present Status</th> <th>Present Hindrance</th> <th>Expected Completion</th> <th>Remarks</th> </tr> </thead> <tbody> <tr> <td>STP1 at RHB</td> <td>1.5</td> <td>100%</td> <td>Operational</td> <td>Permission for disposal point is pending</td> <td>Completed</td> <td>Present flow: 0.5 MLD</td> </tr> <tr> <td>STP2 at Mundana Meo</td> <td>2</td> <td>100%</td> <td>Operational</td> <td></td> <td>Completed</td> <td>Present flow: 0.05 MLD</td> </tr> <tr> <td>STP3 at Khanpur</td> <td>2</td> <td>47%</td> <td colspan="4">High Court stay from 17.01.2018 to till date</td> </tr> <tr> <td>STP4 at Housing Board (near existing)</td> <td>3</td> <td>100%</td> <td>Operational</td> <td>Awaiting permanent power connection</td> <td>31.01.2019</td> <td></td> </tr> <tr> <td>STP5 at Santhalka</td> <td>3</td> <td>88%</td> <td>Equipment installation is under progress</td> <td>Disposal point not fixed</td> <td>28.02.2020</td> <td>Inlet connection is pending</td> </tr> </tbody> </table>					Name	Capacity in MLD	Completion	Present Status	Present Hindrance	Expected Completion	Remarks	STP1 at RHB	1.5	100%	Operational	Permission for disposal point is pending	Completed	Present flow: 0.5 MLD	STP2 at Mundana Meo	2	100%	Operational		Completed	Present flow: 0.05 MLD	STP3 at Khanpur	2	47%	High Court stay from 17.01.2018 to till date				STP4 at Housing Board (near existing)	3	100%	Operational	Awaiting permanent power connection	31.01.2019		STP5 at Santhalka	3	88%	Equipment installation is under progress	Disposal point not fixed	28.02.2020	Inlet connection is pending
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1.5 MLD STP at RHB:- The SBR technology based STP was in operational with inlet flow of 46m³/hr. as per the operator 0.5 MLD flow coming against the 1.5 MLD designed capacity. The treated wastewater has been discharged on the open area at the back side of STP without any chlorination which created cesspool of stagnated wastewater in between the STP and nearby residential areas. Samples of STP outlet has been collected and the analysis results reveals that the treated STP outlet values of pH:-6.86, O&G:1.2mg/l, TSS:-54mg/l, COD:-184mg/l and BOD:30.33mg/l. The detailed analysis report is enclosed at Annexure-XI.

2.0 MLD STP at Mundana Meo:- The 2 MLD capacity SBR technology based STP was in operation with a inlet flow of 0.05 MLD against the 2MLD designed capacity, it is because of out of 4 villages (Mundana Meo, Rampura, Nayagoam, and Kairani) only Mundana Meo village domestic wastewater is coming to STP and other 3 villages sewer connection is not done. The sewer connection could not be done due to railway line construction and no NOC from DFC. During the visit railway line earth bund raising work was under progress. Presently the treated wastewater from STP is discharged on open plot just in front of STP, however Nagar Parishad has constructed a storage tank for reuse of this treated water. At the time of visit STP outlet samples collected and analysed for pH-7.29, TSS-15mg/l, COD-85mg/l, BOD-6mg/l and O & G:1.4mg/l. the detailed analysis report is enclosed at Annexure-XII.

2MLD STP at Khanpur:- 47% construction work has been completed and further no progress done by the construction agency i.e. M/s L & T due to stay order from Rajasthan High Court, Jaipur from May 2018. As per the Nagar Parishad officials that there is a dispute regarding title of the land of STP at Khanpur.

3MLD STOP at Housing Board Colony:- The STP is located near existing old 4.0 MLD STP, which is just adjacent to the CETP. It is a SBR technology based STP and 100% construction work completed and connection to sewer line is pending which will be completed by end of February 2020. Presently the untreated sewage is going towards Dharuheda

industrial area along with the untreated domestic wastewater of Maheshwari (village situated in Haryana) and Dharuhera and accumulated near Bestech shopping Centre and Dharuhehera industrial area. During visit collected the drain samples at Nagina Garden (Rajasthan), Modern public school after mixing with domestic effluent of Maheshwari village and accumulated wastewater at Dharuheda industrial area for analysis of general parameters, bacteriological parameters and heavy metals to identify and to know the industrial effluent is mixing in domestic drain or not. During visit it was observed the untreated effluent from M/s Amul Dairy (Dudhmoti Sargar), a industry situated in Dharuhera Industrial area was, being discharged in to the accumulated waste water at Dharuhera Industrial Area. The combined effluent (domestic and industrial) generated from Bhiwadi Industrial Area is being treated in a 9MLD CETP and treated waste water pumped to Khushkhera industrial area where the treated effluent is accumulated in open plot. The details of drain samples collected is as given below:

S. NO	Drain Sampling Locations	pH	TSS	COD	BOD	Heavy Metals			
						Fe	ZN	Mn	Cu
01	Nagina Garden	7.16	36	188	49.61	0.318	0.0469	0.1644	0.008
02	Modern Public School	7.75	45	208	21.2	0.273	0.0385	0.1749	0.009
03	Domestic & Industrial effluent accumulated at Dharuheda Industrial Area	7.81	155	432	74.96	0.948	0.0915	0.1432	BDL

Note: 1. all values are in mg/l except pH.

2. Other metals values reported as BDL.

3.0 MLD STP at Santhalka:-As informed by Nagar Parishad Bhiwadi the STP is under construction and about 88% work has been completed and the entire work will be completed by

		<p>28/02/2020.</p> <p>In addition to above 5 STP's and one 4MLD existing STP, Nagar Parishad Bhiwadi is also constructing 3 septage systems with 1.2 MLD sewage treatment capacity.</p>
15.	<p>The waste collected on the dredged materials shall be deposited at the site which is to be identified by the State Government. The State should identify the site within four weeks from today and it will be the responsibility of the RIICO to ensure that the dredged material or any other waste collected from the industrial cluster is stored in accordance with law and relevant waste rules at that site. The waste should be stored in accordance with law with the relevant waste rules.</p>	<p>RIICO has allotted land measuring 34729m² near Rampura Mundana, Kharani for dumping of non-hazardous industrial solid waste to Bhiwadi Jal Pradushan Niwaran Trust (BJPNT) vide letter dated 24.01.2018 but the BJPNT has not taken the possession of the land. Due to non-availability of boundary wall. BJPNT has requested RIICO for construction of boundary wall of this site. Proposal for construction of boundary wall has been forwarded to RIICO head office, Jaipur for approval by RIICO Bhiwadi office on 4.11.2019. After construction of boundary wall BJPNT will take possession of the site for scientific development and operation of dumping yard. The land allotment and SPVC formation letter is enclosed at Annexure-XIII.</p>
16.	<p>The RIICO and the State Government shall work out on the proposal for reuse of the treated effluent of water from the CETPs/STPs. It shall be the duty of all concerned including the industries that under no circumstances any water or effluent is permitted to be collected around the industrial clusters or inside the cluster.</p>	<p>As informed by SRM, RIICO project report of amounting Rs. 146.00 cr. for the up gradation of existing CETP upto ZLD level was prepared by BJPNA, Bhiwadi (consultant M/s IL&FS). On the request of State Government, Ministry of Finance, GOI, New Delhi has been issued financial sanction of R F.No.44(1)PF.S/2018-19-1377 dated 11.12.2018. RIICO has invited proposal for selection of Project Management Consultant for this work in September 2019, but the tender got rejected in November 2019 due to participation of only one firm i.e. M/s IL&FS Company. Senior Regional Manger, RIICO informed that new tender for consultancy work will be floated soon.</p>
17.	<p>Needless to say that Pollution control Board</p>	<p>RSPCB, Bhiwadi is collecting samples from outlet of CETP on fortnightly basis and are being tested in</p>

	<i>and Department of Environment shall maintain due surveillance and collect samples on regular intervals.</i>	<i>their laboratory. Besides board has constituted Pollution Control and Vigilance Squad (PCVs) for 24x7 surveillance in the area.</i>
18.	<i>The State of Rajasthan is granted liberty to approach the Department of Industrial Policy and Promotion (in short DIPP) for receiving financial assistance from the Central Government. The State is free to move the Central Government and if such proposal is mooted, the same shall be dealt with utmost expeditiously.</i>	<i>It was informed by RIICO Ltd, Bhiwadi that sanction had been received from GOI amounting Rs 146 crore for the work of upgradation of industrial effluent management system at industrial area Bhiwadi.</i>

5. From the above it is clear that even after two years of the order of this Tribunal, all necessary steps have not taken in right earnest. ROs installed as far back as 11.02.2018 have still not being commissioned, without any valid reason. Work of STPs also remains incomplete even though financial assistance has been duly received from the Central Government for upgradation of the industrial effluent management. The industries which are violating the norms have not been closed, though it is stated that inspection was carried out and the report was sent to the head of the State PCB. Thus, the action taken by the concerned authorities is not consistent with the concern required for remedying the environment and for rule of law. There is no justification for not even adopting interim measures by way of phyto-remediation/ bio-remediation/

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tapping of drains carrying pollutants and remedying the same. Since basic responsibility is of the RIICO, the said Corporation and its key office bearers must be made accountable and they may be liable to be prosecuted if there is continuous negligence and failures. This Tribunal may have no other option except to take appropriate coercive measures, including stopping of salary of the Managing Director and other senior officers of the Corporation. The Tribunal may also consider compensation to be recovered for the damage to the environment from the salaries of the said officers.

Let a further report of monitoring as on 31.03.2020 be filed before the next date by e-mail at judicial-ngt@gov.in by the Committee already constituted.

List for further consideration on 21.04.2020.

Adarsh Kumar Goel, CP

S.P Wangdi, JM

Dr. Nagin Nanda, EM

Siddhanta Das, EM

January 28, 2020
E.A. No. 42/2019 in O.A. No. 124/2015
A

251b

Annexure - R/1/21

Item No. 04

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Execution Application No. 42/2019
IN
Original Application No. 124/2015

M.A. No. 72/2020: for intervention

(With report dated 03.11.2020)

Sumitra Devi

Versus

Applicant

CPCB

Respondent

.....

HSPCB

.....

Applicant in EA

Date of hearing: 04.02.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Mr. Shivesh P. Singh, Advocate for applicant in MA 72/2020

Respondent: Ms. Prachi Mishra, Advocate for State of Rajasthan
Mr. Aman Bhalla, Advocate for CPCB
Mr. Rahul Khurana, Advocate for HSPCB
Mr. K.K. Singh, Advocate for MoEF&CC
Mr. Nikhil Jain, Advocate for RIICO

ORDER

1. This application has been filed by the Haryana State PCB for execution of order dated 12.12.2017 passed by this Tribunal, directing the Rajasthan State Industrial Development and Investment Corporation (RIICO) and the CETP operating society at industrial area Bhiwadi, Rajasthan Bhiwadi to take remedial measures against water pollution from the CETP. It is submitted that the authorities failed to perform their duties and order of this Tribunal dated 12.12.2017 has not been complied with, resulting in stagnation of untreated effluents and

domestic sewage affecting the inhabitants in and around border of Rajasthan and Haryana, particularly in Dharuhera in Haryana.

2. A factual and action taken report with reference to the status of compliance of directions of this Tribunal in order dated 12.12.2017 was sought from a joint Committee of MoEF&CC, CPCB and Rajasthan State PCB with CPCB being the nodal agency. The matter was last considered on 28.01.2020 in the light of report of the CPCB (on behalf of the joint Committee) dated 13.12.2019 giving the compliance status of each of the directions as follows:

"Compliance Status of Hon'ble NGT order dated 12.12.2017, in O.A. No. 124 of 2015 in the matter of "Sumitra Devi Vs. CPCB & Ors" before P.B., New Delhi

S. No.	Directions	Compliance as on 04.12.2019 as per the joint inspection team (RSPCB, CPCB and MoEF&CC)			
13.	The money paid by the industry would be utilized for installation of RO systems in all the villages at Bhiwadi surrounded by an industrial complex. To maintain them shall be the duty of the State Government and the RIICO. In the event of default, appropriate action shall be liable to be taken against the concerned officer(s). The State of Rajasthan shall expedite its long-terms scheme for providing potable water to every house through pipelines and it should be given at utmost priority.	Out of 8 proposed villages, RO plants are installed in 7 villages. In Khijuribas village RO plant is not installed due to dispute onsite. The details including operational status of RO plants is as given below:			
		Name of village	RO plant capacity	Installation	Commissioned
		Rampura	500 lit/hr	Completed on 11.02.2018	Not commissioned
		Mundana Meo	500 lit/hr	Completed on 12.02.2018	Not commissioned
		Milakpur-Gurjar	500 lit/hr	Completed	Not commissioned
		Sahadod	500 lit/hr	Completed	Not commissioned
		Khijuribas	Work not started by contractor		
		Harchand pur		Completed	Not commissioned
		Nagaliya	500 lit/hr	Completed	Not commissioned
		Kharani	500 lit/hr	Completed	Not commissioned
		Although RO plants in 7 villages have been installed			

		but none of them made operational. As per the Executive Engineer, PHED-Bhiwadi, the firm has not started work for O & M period, therefore contact has been rescind by Add. Chief Engineer, NCR Alwar vide letter dated 7.8.2019 and retendering process under progress which will be completed within 2-3 months. The status report as on 03.12.2019 collected from PHED is enclosed at Annexure-IX .																																										
14.	Similarly the projects in relation to establishment and construction of STP should also be given priority by the State Government and they should be installed without any undue delay.	<p>As informed by the Nagar Parishad, Bhiwadi they have taken up the work of laying of sewer lines and constructing 5 STPs under AMRUT Yojana of 11.5 MLD capacity. The 5 Sequential Batch Reactor (SBR) STPs which were under construction at Rajasthan Housing board (1.5 MLD), Mundana Mev (2MLD), Khanpur (2MLD), Santhalka (3MLD) & near existing one (3MLD). The present status of STPs collected from Nagar Parishad, Bhiwadi is enclosed at Annexure-X.</p> <table border="1"> <thead> <tr> <th>Name</th> <th>Capacity in MLD</th> <th>Completion</th> <th>Present Status</th> <th>Present Hindrance</th> <th>Expected Completion</th> <th>Remarks</th> </tr> </thead> <tbody> <tr> <td>STP1 at RHB</td> <td>1.5</td> <td>100%</td> <td>Operational</td> <td>Permission for disposal point is pending</td> <td>Completed</td> <td>Present flow: 0.5 MLD</td> </tr> <tr> <td>STP2 at Mundana Meo</td> <td>2</td> <td>100%</td> <td>Operational</td> <td>-</td> <td>Completed</td> <td>Present flow: 0.05 MLD</td> </tr> <tr> <td>STP3 at Khanpur</td> <td>2</td> <td>47%</td> <td colspan="4">High Court stay from 17.01.2018 to till date</td> </tr> <tr> <td>STP4 at Housing Board (near existing)</td> <td>3</td> <td>100%</td> <td>Operational</td> <td>Awaiting permanent power connection</td> <td>31.01.2019</td> <td></td> </tr> <tr> <td>STP5 at Santhalka</td> <td>3</td> <td>88%</td> <td>Equipment installation is under progress</td> <td>Disposal point not fixed</td> <td>28.02.2020</td> <td>Inlet connection is pending</td> </tr> </tbody> </table> <p>1.5 MLD STP at RHB:- The SBR technology based STP was in operational with inlet flow of 46m³/hr. as per the operator 0.5 MLD flow coming against the 1.5 MLD designed capacity. The treated wastewater</p>	Name	Capacity in MLD	Completion	Present Status	Present Hindrance	Expected Completion	Remarks	STP1 at RHB	1.5	100%	Operational	Permission for disposal point is pending	Completed	Present flow: 0.5 MLD	STP2 at Mundana Meo	2	100%	Operational	-	Completed	Present flow: 0.05 MLD	STP3 at Khanpur	2	47%	High Court stay from 17.01.2018 to till date				STP4 at Housing Board (near existing)	3	100%	Operational	Awaiting permanent power connection	31.01.2019		STP5 at Santhalka	3	88%	Equipment installation is under progress	Disposal point not fixed	28.02.2020	Inlet connection is pending
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2.0 MLD STP at Mundana Meo:- The 2 MLD capacity SBR technology based STP was in operation with a inlet flow of 0.05 MLD against the 2MLD designed capacity, it is because of out of 4 villages (Mundana Meo, Rampura, Nayagoam, and Kairani) only Mundana Meo village domestic wastewater is coming to STP and other 3 villages sewer connection is not done. The sewer connection could not be done due to railway line construction and no NOC from DFC. During the visit railway line earth bund raising work was under progress. Presently the treated wastewater from STP is discharged on open plot just in front of STP, however Nagar Parishad has constructed a storage tank for reuse of this treated water. At the time of visit STP outlet samples collected and analysed for pH-7.29, TSS-15mg/l, COD-85mg/l, BOD-6mg/l and O & G:1.4mg/l. the detailed analysis report is enclosed at Annexure-XII.

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Note: 1. all values are in mg/l except pH.
2. Other metals values reported as BDL.

3.0 MLD STP at Santhalka:As informed by Nagar Parishad Bhiwadi the STP is under construction and about 88% work has been completed and the entire work will be completed by 28/02/2020.

In addition to above 5 STP's and one 4MLD existing STP, Nagar Parishad Bhiwadi is also constructing 3 septage systems with 1.2 MLD sewage treatment capacity.

15. The waste collected on the dredged materials shall be deposited at the site which is to be identified by the State Government. The State should identify the site within four weeks from RIICO has allotted land measuring 34729m² near Rampura Mundana, Kharani for dumping of non-hazardous industrial solid waste to Bhiwadi Jal Pradushan Niwaran Trust (BJPNT) vide letter dated 24.01.2018 but the BJPNT has not taken the possession of the land. Due to non-availability of boundary wall. BJPNT has requested RIICO for construction of boundary wall of this site. Proposal

	<p>today and it will be the responsibility of the RIICO to ensure that the dredged material or any other waste collected from the industrial cluster is stored in accordance with law and relevant waste rules at that site. The waste should be stored in accordance with law with the relevant waste rules.</p>	<p>for construction of boundary wall has been forwarded to RIICO head office, Jaipur for approval by RIICO Bhiwadi office on 4.11.2019. After construction of boundary wall BJPNT will take possession of the site for scientific development and operation of dumping yard. The land allotment and SPVC formation letter is enclosed at Annexure-XIII.</p>
16.	<p>The RICCO and the State Government shall work out on the proposal for reuse of the treated effluent of water from the CETPs/STPs. It shall be the duty of all concerned including the industries that under no circumstances any water or effluent is permitted to be collected around the industrial clusters or inside the cluster.</p>	<p>As informed by SRM, RIICO project report of amounting Rs. 146.00 cr. for the up gradation of existing CETP upto ZLD level was prepared by BJPNA, Bhiwadi (consultant M/s IL&FS). On the request of State Government, Ministry of Finance, GOI, New Delhi has been issued financial sanction of R.F.No.44(1)PF.S/2018-19-1377 dated 11.12.2018. RIICO has invited proposal for selection of Project Management Consultant for this work in September 2019, but the tender got rejected in November 2019 due to participation of only one firm i.e. M/s IL&FS Company. Senior Regional Manger, RIICO informed that new tender for consultancy work will be floated soon.</p>
17.	<p>Needless to say that Pollution control Board and Department of Environment shall maintain due surveillance and collect samples on regular intervals.</p>	<p>RSPCB, Bhiwadi is collecting samples from outlet of CETP on fortnightly basis and are being tested in their laboratory. Besides board has constituted Pollution Control and Vigilance Squad (PCVs) for 24x7 surveillance in the area.</p>
18.	<p>The State of Rajasthan is granted liberty to approach the Department of Industrial Policy and Promotion (in short DIPP) for receiving financial assistance from the Central Government. The State is free to move the Central Government and</p>	<p>It was informed by RIICO Ltd, Bhiwadi that sanction had been received from GOI amounting Rs 146 crore for the work of upgradation of industrial effluent management system at industrial area Bhiwadi.</p>

<p><i>if such proposal is mooted, the same shall be dealt with utmost expeditiously.</i></p>	
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3. From the report, it was clear that necessary steps had not been taken by the concerned authorities in Rajasthan. The ROs had not been commissioned. The work of STPs was incomplete. The industries were violating the norms for which remedial action was not taken. The Tribunal accordingly directed further action and filing of a further report by the joint Committee on verification of compliance. The operative part of the order is extracted below:

"5. From the above it is clear that even after two years of the order of this Tribunal, all necessary steps have not taken in right earnest. ROs installed as far back as 11.02.2018 have still not being commissioned, without any valid reason. Work of STPs also remains incomplete even though financial assistance has been duly received from the Central Government for upgradation of the industrial effluent management. The industries which are violating the norms have not been closed, though it is stated that inspection was carried out and the report was sent to the head of the State PCB. Thus, the action taken by the concerned authorities is not consistent with the concern required for remedying the environment and for rule of law. There is no justification for not even adopting interim measures by way of phyto-remediation/ bio-remediation/ tapping of drains carrying pollutants and remedying the same. Since basic responsibility is of the RIICO, the said Corporation and its key office bearers must be made accountable and they may be liable to be prosecuted if there is continuous negligence and failures. This Tribunal may have no other option except to take appropriate coercive measures, including stopping of salary of the Managing Director and other senior officers of the Corporation. The Tribunal may also consider compensation to be recovered for the damage to the environment from the salaries of the said officers."

4. Accordingly, further report of monitoring dated 03.11.2020 has been filed by the joint Committee comprising MoEF&CC, CPCB and RSPCB. Compliance status is mentioned to be as follows:

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"Compliance Status of Hon'ble NGT order dated 28.01.2020, in O.A. No. 124 of 2015 in the matter of "Sumitra Devi Vs CPCB & Ors" before P.B. New Delhi

S. No	Directions	work progress in the field as on 05 & 06.10.2020 as per the joint inspection team (RSPCB, CPCB and MoEF&CC)	Remarks																																				
1.	It shall be ensured by the RIICO as well as the CETP operating Society that the CETP operates as its optimum capacity and its effluents from the discharge point should also be within the prescribed limits.	The joint inspection team collected a sample of CETP final Outlet and analyzed at CPCB, Regional Directorate, Lab Bhopal Results tabulated below are:	Complied																																				
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standards prescribed under MoEF&CC notification S.O. 4(E) dated 01.01.2016 for general & heavy metal parameters. The copy of detailed analysis report is enclosed at Annexure-1. The inlet quality standards for CETP has been prescribed by RSPCB vide office order dated 11.03.2019 in compliance with MoEF& CC notification S.O. 4(E) dated 01.01.2016. Copy of the notification is enclosed at Annexure-11. The Bhiwadi Jal Pradushan Niwaran Association is calibrating the online continuous effluent monitoring system (OCEMS) on regular basis and last calibration done on 05/08/2020. Copy of analyser calibration report is enclosed at Annexure-111. On the day of the inspection i.e. 05/10/2020, the OCEMS installed at CETP outlet was showing readings of pH-7.66, TSS6. 79 mg/l, BOD- 11.68 mg/l and COD- 54.46 mg/l. Copy of the day average enclosed at Annexure-IV. On the day of inspection the CETP was in operation with inlet flow of 362 m³/hour and the outlet flow was 353.lm³/ hour. As per the record provided by CETP representative that the average flows of CETP in July, August and September2020 is as given below in table against the CETP capacity of 9 MLD. During visit no overflow and bypass observed from the CETP.

Month	Monthly Average flow in MLD	
	Inlet	Outlet
July-2020	9.01	8.04
August-2020	8.9	8.4
September-2020	8.6	8.3

Note: last three months daily flow details submitted by the CETP are enclosed at Annexure-V. As CETP receiving industrial as well as domestic wastewater through conduit pipe of 2.5KMs length from a common sump of 2 drains coming adjacent to the shyam vatika (Rajasthan housing board) & Parshvanath mall. The open drain near shyam vatika carries effluent of Phase+ 1 RIICO industrial -cum-domestic area whereas the Parshvanath mall open drain carries effluent of Phase 2, 3, 4 & Rampur Mundana RIICO industrial -cum-domestic area. Presently the treated effluent of CETP is being discharged at Khushkhera industrial area, which is 14 km away from the CETP through conduit pipe system (4KM HDPE and rest is RCC HUME

		<p>pipe). During the visit it was observed that the treated effluent accumulated on the open plot near Mis Kundan edible oil from the final outlet of CETP (being pumped to Khushkhera). During the visit the final discharge point samples accumulated on the open plot at Khushkhera has been collected and the analysis values found to be pH:6.99, TSS:54 mg/l, TDS: 1968 mg/l, COD:293 mg/l, BOD-65 mg/l, Cl - 627 mg/l, Sulphate> 302 mg/l, Phosphate:-0.2158 mg/l, Fluoride> 1.1mg/l The copy of detailed analysis report is enclosed at Annexure-VI.</p>	
2.	The CETP control the discharges at the outlet point	<p>Treated effluent from CETP is pumped up to Matila village after which effluent flow under gravity up to RIICO Industrial Area, Khushkhera in closed conduit pipeline (4KM HDPE and rest is RCC HUME pipe) laid down by RIICO for disposal of effluent up to Sabi River.</p> <p>M/s Honda Two vehicler Limited is taking approx. 01 MLD of treated water from the closed conduit pipeline at RIA Tapukara for development of greenbelt in Honda Campus. Mis G-Tekt India Pvt. Ltd Tapukara is taking approx 1.5 MLD of treated water from the closed conduit pipeline at RIA Tapukara for development of greenbelt/irrigation in their premises.</p> <p>CETP treated water (approx. 0.5 MLD) is being utilized for sprinkling on roads in Bhiwadi industrial area to control the dust emissions & for watering in the parks/lawns maintained by Bhiwadi Manufacturers Association (BMA). As informed by SRM, RIICO Bhiwadi to utilize 100% of the CETP treated effluent, a preliminary project report of amount Rs. 146 Crores for ~gradation of existing CETP to 6 MLD ZLD facility, laying of closed conduit pipeline for carrying untreated effluent from industries to CETP & reverse pipeline for supplying treated effluent back to industries has been prepared by BJPNA Bhiwadi. On request of State Government, Ministry of Finance, GOI, New Delhi has been issued financial sanction of 146 Crores vide sanction order No. F.No.44(1) PF. S/2018-19/1377 dated 11/12/2018. RIICO has invited bids for appointment of Project Management Consultant for this work as on 23.10.2019 but could not be succeeded due to exorbitantly higher rates and also a single bidder. Accordingly bid was rejected by RIICO on 13.11.2019. After re-tender, M/s Excel Tech Consultancy and Projects Pvt. Ltd. has been appointed</p>	Not complied

		<p>as Project management Consultant on 10.01.2020.PMC has submitted DPR to RJICO in September 2020 for approval of report. After approval from RJICO Head Office and after vetting from the experts of MNIT Tender for said work will be invited. RIICO Ltd. Bhiwadi informed that CETP for industrial area Chopanki & Kehrani will be constructed at industrial area Kehrani. Land measuring 17.05 Hectors has been acquired by RIICO.</p> <p>No progress on the ground was observed.</p>	
3.	The CETP should ensure that all the parameters including that Fecal Coliform or the Total Coliform are maintained within the prescribed limits.	Disinfection of the CETP treated effluent using Chlorine gas was put in place on 08.02.2018 and operational since then. During visit it was observed that chlorine dosing was being done and records of chlorine gas dose are maintained.	Complied
4.	<p>It will be the duty of Rajasthan Pollution Control Board, CPCB Department of Environment and the State of Rajasthan to conduct a joint inspection and ensure the compliance of these directions in future. In the event of default not only the RIICO and Society would be liable to pay environmental compensation @ Rs. 50,000/- per default, but the concerned officer(s) of the Pollution Control Board and the designated officer(s) from Department of Environment of the State would also be liable for disciplinary action.</p>	<p>Compliance of these directions were submitted jointly by RIICO and RSPCB on 27/08/2018. A joint inspection by CPCB and RSPCB was conducted on 28/09/2018 to ensure the compliance of these directions.</p> <p>Joint inspection on 4.12.2019 by CPCB, RSPCB and MoEF&CC official Copy of joint inspection report enclosed at Annexure VII.</p>	Complied
5.	<p>Out of the 346 industrial units which have consented to operate shall be subjected to an inspection by the joint inspecting team consisting of Pollution Control Board, RJICO and the representative of the State Government. These would be subjected to Comprehensive for which a will be inspection report Prepared particularly in relation to the source of water and utilization thereof. The effluent standards, the Functioning of the Primary Treatment Plant and whether they are adhering to terms and conditions of the consent granted by the Board. If any of these industries are found to be defaulting they shall be</p>	<p>In compliance with the RSPCB, Head Office, Jaipur office order dated 27.12.2017, teams of officials from RIICO Bhiwadi Unit- 1, Department of Industries (DIC Bhiwadi) & Regional office, RSPCB, Bhiwadi were constituted by office order dated 29.12.2017 & inspection of 346 nos. of industries which were running with valid consent of Board (as on 12.12.2017) completed by the joint inspection team. 5 industries were found permanently closed/dismantled/ shifted. Out of 341 operating industries, no major deficiency/non-compliance with regard to water pollution control arrangements was observed except one (M/s Singh Plasticizers, Bhiwadi) against which closure direction has been issued. However, for other non-compliances of conditions of CTO regarding air pollution control measure/equipment, CGW A permission, record keeping etc. show-cause notice was issued to such industries. The report is prepared and submitted to RSPCB,</p>	Complied

	shut down forth with without any further Notice.	Head Office for uploading on the website of the RSPCB and the same has been uploaded on the website.	
6.	The 137 industrial units whose applications are pending with the Board, they shall also be subjected to the inspection by the joint inspecting team and their application for renewal shall be dealt with and disposed of in accordance with law as expeditiously as possible in any case not later than four weeks from today.	Inspection of all 137 industries whose consent applications were pending as on 12.12.2017 has been completed by the joint inspection team. The all completed applications had been disposed by Board.	Complied
7	The 652 industrial units the details of which have not been furnished. Out of them all the industrial units which are operating without obtaining the consent of the Board and are discharging effluents shall be shut down, within one week from today.	Survey of 652 industrial plots whose details were not furnished has been completed jointly by RIICO limited and RSPCB. The record of RIICO limited (plot number wise) and RSPCB (industry name wise) have been reconciled/updated. On the basis of the survey of 652 plots, nearly 120 industrial units have been identified operative without Consent to Operate (most of these industrial units are of Green/White category). Remaining 532 plots are being used for non-industrial purposes viz. offices, go-downs etc. Or laying vacant or with closed/dismantled industrial units. The remaining 120 industrial units have either obtained Consent (as per category) or do not require to obtain consent from the board (being a White category) During a joint survey of 652 nos. of industrial units, none of the industry was found discharging trade effluent, thus immediate closure of industries was not required. The report has been uploaded on the website of the RSPCB.	Complied
8.	The joint inspection team shall conduct a survey to find out as to how many out of 652 are industrial units and how many are using the space provided to them for godown/offices etc.	Survey of 652 industrial plots whose details were not furnished has been completed jointly by RIICO limited and RSPCB. The record of RIICO limited (plot number wise) and RSPCB (industry name wise) have been reconciled/updated. On the basis of the survey of 652 plots, nearly 120 industrial units have been identified operative without Consent to Operate (most of these industrial units are of Green/White category). Out of 652 plots remaining 532 plots are being used for non-industrial purposes viz. offices, go-downs etc. or lying vacant or with closed/dismantled industrial units.	Complied
9.	For up gradation of the CETP as well as for setting up of the STP, all the industries shall be liable to pay a sum of Rs. 50,000/- as environmental compensation on Polluters Pays" principle. These industries have been polluting for years, in fact, we should have	Out of 943 nos. of industries (Red, Orange, Green & White) in RIICO industrial area, Bhiwadi, 840 nos. of industries have paid Environmental Compensation amounting to Rs. 2.412 Cores. Remaining industries are either lying closed/dismantled are covered under White Category" RSPCB & RIICO are pursuing with industries lying closed/dismantled & White	Complied

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	imposed much more environmental compensation upon them, but since the State Pollution Control Board is taking of the matter with earnest and assure the Tribunal for providing due funds for improvement of the conveyer belt/drain or setting up of STP and up gradation of the CETP, as it is stated that 92 industrial units which are in Red category so would pay environmental compensation of Rs. 50,000/-, those who are in Orange Category would pay environmental compensation of Rs.30,000/- while the industries in Green/White Category shall pay Rs. 10,000/-.	category industries to deposit the environmental compensation amount.	
10.	If the amount if not paid within two weeks from today by the industries to the State Government Department of Environment, in that event that industry shall be liable to be shut down without any further Notice. The amount so deposited shall be utilized for the compliance of the directions contained in this order.	Show cause notice intending directions for closure under section 133(A) of the Water Act 1974 and under Section 31(A) of the Air Act 1981 has been issued during April 2018 to individual industry for paying/depositing environmental compensation. Notices have been issued to industries lying closed/dismantled & White category industries to deposit the environmental compensation RSPCB & RIICO are pursuing with industries lying closed/dismantled & White category industries to deposit the environmental compensation amount	Complied
11.	We direct the RIICO to clear all the drains and dredge them within four weeks from today. No drain of Bhiwadi industrial cluster should be Chocked/blocked, it will be the duty of RIICO to ensure regular maintenance thereof.	As informed by Senior Regional Manager RIICO Bhiwadi- I 1, RIICO is taking up the work of cleaning of drains regularly of industrial areas. After December the total quantity 5264.87 cum has been cleaned from industrial area Kehrani and total quantity 42838.13 cum has been cleaned from all phases Bhiwadi industrial area. For annual cleaning of drains in industrial area Bhiwadi phase 1,2,3 and 4, the RIICO has invited tender on dated 29.09.2020. The drain repairing work has been executed in length 750mtr by brick masonry. The maintenance of drain by replacing old drain to RCC drain has been executed 935 m. drain in length.	Complied
12.	The potable water shall be provided to all villagers is the prime responsibility of the State through tankers or by fixation of RO systems.	As informed by Ex.En PHED Bhiwadi water is being supplied through tankers in 14 villages i.e. Nagaliya, Alampur, Ghatal and Khijarpur, Gudhan, Rampura, Shahdod, Kehrani, Milakpur-Gurjar, villages (Rampura, MundanaMev, Milakpur-Gurjar, Sahadod, Harchandpur, Nagaliya and Kharani) but non-of them were functional. In khijuribas village RO plant is	Partially complied

13.	<p>The money paid by the industry would be utilized for installation of RO systems in all the villages at Bhiwadi surrounded by an industrial complex, to maintain them shall be the duty of the State Government and the RIICO. In the event of default, appropriate action shall be liable to be taken against the concerned officer(s). The State of Rajasthan shall.</p>	<p>yet to install.</p> <p>Out of 8 proposed villages, RO plants are installed in 7 villages. In khijuribas village RO plant is not installed so far. The details including operational status of RO plants is as given below:</p> <table border="1" data-bbox="825 423 1415 760"> <thead> <tr> <th>Name of the villages</th> <th>RO plant Capacity</th> <th>Installation</th> </tr> </thead> <tbody> <tr> <td>Rampura</td> <td>500 Lit/Hr</td> <td>Completed</td> </tr> <tr> <td>MundanaMev</td> <td>500 Lit/Hr</td> <td>Completed</td> </tr> <tr> <td>MilakpurGujjar</td> <td>500 Lit/Hr</td> <td>Completed</td> </tr> <tr> <td>Shadod</td> <td>500 Lit/Hr</td> <td>Completed</td> </tr> <tr> <td>Harchandpur</td> <td>500 Lit/Hr</td> <td>Completed</td> </tr> <tr> <td>Nagaliya</td> <td>500 Lit/Hr</td> <td>Completed</td> </tr> <tr> <td>Kehrani</td> <td>500 Lit/Hr</td> <td>Completed</td> </tr> <tr> <td>Khijuribas</td> <td colspan="2">Work not started by contractor</td> </tr> </tbody> </table> <p>During the visit RO plants found not commissioned. Although RO plants in 7 villages have been installed but none of them made operational. As per the Executive Engineer, PHED-Bhiwadi, the firm M/s. Fontus Water Pvt. Ltd. Delhi had not started work for O & M period, therefore contact has been rescind by Add. Chief Engineer, NCR Alwar vide letter dated 7.8.2019. After re-tendering the work order of installation and commissioning of all 8 RO plants has been issued by PHED wide letter dated 27.08.2020 to M/s. Amara Agency, Tamil Naidu. Executive Engineer PHED intimated that entire work related to all 8 RO's shall be completed upto 15.11.2020 and till the time they are supplying potable water in the villages through tankers. The status report as on 05.10.2020 collected from HIED is enclosed at Annexure-VIII.</p>	Name of the villages	RO plant Capacity	Installation	Rampura	500 Lit/Hr	Completed	MundanaMev	500 Lit/Hr	Completed	MilakpurGujjar	500 Lit/Hr	Completed	Shadod	500 Lit/Hr	Completed	Harchandpur	500 Lit/Hr	Completed	Nagaliya	500 Lit/Hr	Completed	Kehrani	500 Lit/Hr	Completed	Khijuribas	Work not started by contractor		Not Complied
Name of the villages	RO plant Capacity	Installation																												
Rampura	500 Lit/Hr	Completed																												
MundanaMev	500 Lit/Hr	Completed																												
MilakpurGujjar	500 Lit/Hr	Completed																												
Shadod	500 Lit/Hr	Completed																												
Harchandpur	500 Lit/Hr	Completed																												
Nagaliya	500 Lit/Hr	Completed																												
Kehrani	500 Lit/Hr	Completed																												
Khijuribas	Work not started by contractor																													
14.	<p>Similarly the projects in relation to establishment and construction of STP should also be given priority by the State Government and they should be installed without any undue delay.</p>	<p>As informed by the Nagar Parishad, Bhiwadi they have taken up the work of laying of sewer lines and constructing 5 STPs under AMR.UT Yojana of 1.5MLD capacity. The 5 Sequential Batch Reactor (SBR) STPs which were under construction at Rajasthan Housing board (1.5MLD), Mundana Mev (2MLD), Khanpur (2MLD), Santhalka (3MLD) & near existing one (3MLD). The present status of STPs collected from Nagar Parishad, Bhiwadi is</p>																												

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enclosed at **Annexure-IX**.

1.5 MLD STP at RHB: -The SBR technology based STP was non Operational due to silt deposition in main inlet line as informed by the operator. As there was no outlet flow, sample could not be collected.

2.0 MLD STP at MundanaMeo:-The 2 MLD capacity SBR technology based STP was in operation with inlet flow of 0.7 MLD against the 2 MLD designed capacity, It is because of out of 5 villages (MundanaMeo, Bilaheri, Rampura, Nayagoam, andKairani) only MundanaMeo village domestic wastewater is coming to STP and in other 4 villages, sewer connection is not done. The sewer connection could not be done due to railway line construction and no NOC from DFC. During the visit railway line earth bund raising work was under progress. Presently the treated wastewater from STP is discharged on open plot just in front of STP, however Nagar Parishad has constructed a storage tank for reuse of this treated water. At the time of visit STP outlet samples collected and analysed for pH-7.28, TSS-18 mg/1, COD-61 mg/1, BOD-14 mg/1 and O&G: 1.8 mg/l. The detailed analysis report is enclosed at **Annexure-X**.

2MLD STP at Khanpur:-47% construction work has been completed and further no progress done by the construction agency i.e. M/s L&T due to stay order from *Rajasthan High Court, Jaipur from May 2018*. As per the Nagar Parishad officials that there is a dispute regarding title of the land of STP at Khanpur.

3 MLD STP at Housing Board Colony:-The STP is located near existing old 4.0MLD STP, which is just adjacent to the CETP. It is a SBR technology based STP and 100% construction work completed and commissioned on 28/09/2020. During visit, STP was operational with inlet flow of 0.4 MLD against the 3 MID designed capacity but was found under stabilization stage so sample was not collected. Presently only about 20 % sewer connection is done by the Nagar Parisad. **Due to significant non connection of sewer line, some part of untreated sewage is going towards Dharuheda along with the untreated domestic wastewater of Maheshwari (village situated in Haryana) and Dharuhera and flowing towards Bestech shopping Centre at**

Dharuhera. During visit, team collected the drain samples at Nagina Garden (Rajasthan), Modern public school after mixing with domestic effluent of Maheshwari village (Haryana) and Flowing waste water near Bestech and accumulated waste at Dharukhera industrial area being generated from Waste Water for analysis of general parameters and heavy metals to identify and to know the industrial effluent is mixing in domestic drain or not. However it was observed by the team that quantity of waste water flowing toward Bestech (Dharuhera) was very less compared to previous visit in the month of December. 2019.

3.0 MLD STP at Santhalka:-

It is a SBR technology based STP and 100% construction work completed and commissioned on 17/09/2020. During visit, **STP was non operational due to silt deposition in main inlet line.** As there was no outlet flow, sample could not be collected. In addition to above 5 STP's and one 4 MLD existing STP, Nagar Parishad Bhiwadi is also constructing 3 septage systems with 1.2 MLD sewage treatment capacity.

The combined effluent (domestic and industrial) generated from Bhiwadi Industrial Area is being treated in a 9 MLD CETP and treated waste water pumped to Khushkhera industrial area where the treated effluent is accumulated in open plot. The details of drain samples collected is as given below:

Drain Sampling locations	PH	TSS mg/l	COD mg/l	BOD mg/l	Chloride mg/l	Sulphate mg/l	Fluoride mg/l
Nagina marriage Garden	7.3	29	143	21	385	56	0.42
Modern public School	7.44	41	193	39	380	96	0.45
Open drain at Bestech City Center, Dharuhera	7.25	28	200	60	337	99	0.52
Domestic & Industrial	4.77	357	2858	1420	689	96	0.56

		effluent accumulated at Dharuheda Industrial									
15.	<p>The waste collected on the dredged materials shall be deposited at the site which is to be identified by the State Government. The State should identify the site within four weeks from today and it will be the responsibility of the RIICO to ensure that the dredged material or any other waste collected from the industrial cluster is stored in accordance with law and relevant waste rules at that site. The waste should be stored in accordance with law with the relevant waste rules.</p>	<p>RIICO has allotted land measuring 34729mL near Rampura Mundana, Bhiwadi for dumping of non- hazardous industrial solid waste to Bhiwadi Jal Pradhushan Nuwara Trust (BJPNT) vide letter dated 24.01.2018 but the BJPNT has not taken the possession of the land. Due to non- availability of boundary wall. BJPNT has requested RIICO for construction of boundary wall of this site. The land allotment and SPVC formation.</p> <p>Copy of letter enclosed at Annexure- XU</p> <p>It was informed by Senior Regional Manager RIICO Bhiwadi-1, the work order for dumping yard Boundary wall has been awarded on dated 30.01.2020 in favor of Mis Kapoor Singh & Company & the work has been completed on dated 10.09.2020. There was some delay in execution of the work, which was due to Covid-19 lockdown & shortage of laborers. The work has been completed at site. Letter to Chairman, BJPNA for handing over taken over of dumping yard has been issued on dated 04.09.2020.</p> <p>Copy of letter enclosed at Annexure- XIII</p>	Complied								
16.	<p>The RIICO and the State Government shall work out on the proposal for reuse of the treated effluent of water from the CETPs/STPs. It shall be the duty of all concerned including the industries that under no circumstances any water or effluent is permitted to be collected around the industrial clusters or inside the cluster.</p>	<p>As informed by SRM, RIICO, to utilize 100% of the CETP treated effluent, a preliminary project report of amount Rs. 146 Crores for up-gradation of existing CETP to 6MLD ZLD facility, laying of closed conduit pipeline for carrying untreated effluent from industries to CETP & reverse pipeline for supplying treated effluent back to industries has been prepared by BJPNA Bhiwadi. On request of State Government, Ministry of Finance, GOI, New Delhi has been issued financial sanction of 146 Crores vide sanction order No. F.No.44(1)PFS/2018-19/1377 dated 11/12/2018. RIICO has invited bids for appointment of Project Management Consultant for this work on 23.10.2019 but could not be succeeded due to exorbitantly higher rates and</p>	However, during joint inspection no progress on ground was found.								

		also a single bidder. Accordingly bid was rejected by RIICO on 13.11.2019. After re-tender, <i>Mis Excel Tech Consultancy and Projects Pvt. Ltd.</i> has been appointed as Project management Consultant on 10.01.2020. PMC has submitted DPR to RIICO in September 2020 for approval of report. After approval from RIICO Head Office and after vetting from the experts of MNIT Tender for said work will be invited.	
17.	Needless to say that Pollution Control Board and Department of Environment shall maintain due surveillance and collect samples on regular intervals to ensure that there is no pollution.	RSPCB, Bhiwadi is collecting samples from outlet of CETP on 1 fortnightly basis and are being tested in their laboratory. Besides board has constituted Pollution Control and Vigilance Squad (PCVs) for 24x7 surveillance in the area.	Complied
18.	The State of Rajasthan is granted liberty to approach the Department of Industrial Policy and Promotion (in short DIPP) for receiving financial assistance from the Central Government. The State is free to move the Central Government and if such proposal is mooted, the same shall be dealt with utmost expeditiously	It was informed by RIICO Ltd, Bhiwadi that sanction had been received from GOI amounting Rs 146 corer for the work of up gradation of industrial effluent management system at industrial area Bhiwadi.	Complied
19.	It shall be the duty and obligation of the RIICO and the Pollution Control Board to place in the public domain the inspection report as well as analysis reports.	The inspection report/analysis reports are uploaded on official websites of RSPCB.	Complied
20.	The applicant and for that matter, any citizen would be at liberty to file objections if it comes to the notice that these reports do not depict the actual ground realities. The above directions shall be carried out by all concerned without delay and default, whosoever is found to be obstructing the compliance shall be liable to be proceeded against for violating the order of the Tribunal and shall be dealt with in accordance with law.	Noted for compliance.	Noted for compliance
21.	Vide our order dated 01st March 2017, we had imposed environmental compensation and cost upon the various departments and officers. In the event, these directions are complied with in that event the compensation or the cost imposed shall stand waived, but in the event of default they shall become	Noted the directions.	Noted the directions.

	operative and it will be the duty of State of Rajasthan to comply with those orders without any default.		
22.	The Central Pollution Control Board shall also be responsible for keeping general supervision in relation to compliance of these directions. This general directions issued in relation to industrial clusters Bhiwadi shall be adopted and followed by the State Government and all the other concerned authorities with such modifications as may be necessary.	In compliance of the Hon'ble NGT directions, CPCB hold a meeting on 12.04.2018 with officials of Department of Environment, Rajasthan, Rajasthan State Pollution Control Board (RSPCB) and Rajasthan State Industrial Development & Investment Corporation Limited (RICO), Rajasthan. During meeting, the participants were requested to accomplish various actions within time frame fixed by the Hon'ble NGT and further review of the progress is ongoing.	CPCB is conducting review meetings regularly with stake holders. The last meeting was held on 13.08.2020
23.	The industries which were permitted to operate under the orders of the Tribunal and the board was required to inspect the same if their a status report is not filed by the joint inspection team now within two weeks from the today, they shall be liable to be closed.	Inspection of all the 19 industries had been carried out by RSPCB and units were found complying with Environmental laws so no action was required.	Completed

Recommendations:

- A. **The Santhalka 3MLD capacity STP and the 0.5 MLD capacity STP at RHB were non-operational due to silt deposition in main inlet lines, the MundanaMeo 2 MLD capacity STP was in operation with inlet flow of 0.7 MLD against the 2 :MLD designed capacity and the Housing Board Colony 3MLD capacity STP was operational with inlet flow of 0.4 MLD against the 3 MLD designed capacity. These STPs are not receiving the full quantity of domestic wastewater due to 20 % sewer connection only. Because of non-connectivity of 100% sewer lines and non-operation of these STPs, the part of untreated - sewage was going towards Dharuhera(Haryana). Therefore, directions may be issued to Municipal Corporation, Bhiwadi for submitting the time bound action plan for early completion of entire sewer connections and proper functioning of constructed STP's.**
- B. **During the visit the joint committee has also collected 3 drain samples from Nagina marriage Garden(pH-7.3, TSS-29mg/l, BOD-21mg/l and COD-143mg/l), Modern public School pH-7.44, TSS-41mg/l, BOD- 39mg/l and COD-193mg/l -) and Open drain at Bestech City Center(pH-7.25, TSS-28mg/l, BOD-60mg/l and COD-200mg/l). All the drain samples results are within the limits except the BOD values of Modern Public School and Bestech City Center drains whereas the accumulated**
- C. **wastewater sample values are 15 to 20 times higher than the drain samples values. The higher concentrations (pH-4.77, TSS-357mg/l, COD- 2858mg/l, BOD-1420mg/l and Fluoride-0.56mg/l) of wastewater accumulated in the open land at the Dharuhera industrial area reveals that industrial effluent from Dharuhera industrial area also mixing with the accumulated wastewater. Therefore directions may be given to HSPCB for identifying the industries which are contributing the industrial effluent accumulated at Dharuhera industrial area.**
- D. **During the visit the joint committee members collected the samples of treated waste water pumped from CETP to Khushkhera industrial area where the treated effluent is accumulated in open area and the analysis values found to be pH-6.99, TSS-54 mg/l, TDS-1968 mg/l, COD-293 mg/l, BOD-65mg/l, Chlorides-627 mg/l, Sulphate-302 mg/l, Phosphate-0.2158 mg/l, Fluoride- 1.1mg/l. from the analysis report that it indicate that the COD, BOD and fluoride values are exceeding the discharge norms of CETP. Therefore directions may be issued to Bhiwadi Jal Pradushan Niwaran Association (BIPNA) for utilization of CETP treated waste water up to the maximum possible extant**

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so that treated waste water may not get accumulated in Khushkhera.

E. Ministry of Finance, Govt. of India has given a financial sanction of 146 Cores for construction of 6 MLD ZLD plant at CETP Bhiwadi on 11.12.2018. RIICO has invited bids for appointment of Project Management Consultant for the work on 23.10.2019 and rejected the bid due to exorbitantly higher rates and also a single bidder on 13.11.2019. later on retendering done by RIICO, after re-tender M/s Excel Tech Consultancy and Projects Pvt. Ltd. has been appointed as Project management Consultant on 10.01.2020 and the consultant has submitted DPR to RIICO in September 2020 for approval. As per SRM, RIICO Bhiwadi the Tenders for the work will be invited after approval from RIICO Head Office at Jaipur and after vetting from the experts of MNIT, Jaipur. Therefore directions may be issued to RIICO for submitting the time bound action plan for early completion of 6 MLD ZLD project to prevent further damage to the environment.

F. Out of 8 villages RO plants are installed in 7 villages but none of them found in operational and all the plants are damaged and the potable water is being supplied to the villagers through tankers as per the demand. As per the Executive Engineer, PITIED, Bhiwadi that the firm M/s. Fontus Water Pvt. Ltd. Delhi had not started work for O & M period, therefore contact has been rescind vide letter dated 7.8.2019. After re-tendering the work order for installation and commissioning of all 8 RO plants has been issued vide letter dated 27.08.2020 to M/s. Amera Agency, Tamil Naidu and work will be completed on or before 15.11.2020. In view of the above Additional Chief Engineer PHED NCR Alwar may be directed to submit the time bound action plan to complete the installation and commissioning of RO plants in all the identified villages."

5. From the above, it is seen that STPs are non-functional due to silt deposition in the inlet lines. They were not receiving the full quantity of the waste because of non-connectivity of sewer-lines. Waste water was getting accumulated in the open land. Treated waste water was also not being utilized but was getting accumulated. RIICO has still not finalized the ZLD project plant at CETP inspite of sanction of funds on 11.12.2018. RO plants

installed in seven villages were not operational. It is also seen that industrial effluent from Dharuheda industrial area is also mixing with the waste water.

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9. It is further stated in the application:

"1. That 2400 tons of sludge was disposed of in open industrial plot situated at Neelam Chowk in the name of Jay Complex Pvt. Ltd. The applicant sent a complaint on 12.01.2020. Copy of email

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dated 12.01.2020 and Media Reports are annexed herewith as Annexure-S/4 (Colly).

It is important to note that a platform has been constructed using hazardous sludge into CETP premises to execute Brick manufacturing plant. If sample is being taken from underneath of that land and their surrounding thereof, the analysis report will reveal the presence of hazardous waste therein.

2. The spent acid of Pickling Units is not being treated scientifically. There is no authorization under hazardous Waste Management Rules with CETP Operator i.e BJPNA. The photographs of fumes of spent acid are annexed herewith as Annexure-S/5 (Colly). It shows that how the life of residents is under threat and unsafe. The spent acid is being transported without taking preventive measures."

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- 6) Page 22:- Point No. 19 & 20. No reports are being updated in public domain. Even after regular complaints RSPCB is reluctant in taking any action irrespective of issuing show cause notices. None of these Show Cause notices are being answered by CETP administration/BJPNA."

11. Further statement filed by the said intervener on 27.01.2021 is as follows:

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- (a) In regard to Solid Waste Management mentioned at page no.9, 10 of affidavit, the applicant submits as under:
 - (i) The RIICO cannot get rid of from its liabilities to ensure compliance of SWM Rules, 2016. Merely allotting land is not the compliance of SVVM Rules, 2016. It is further submitted that after allotment of land in 24.01.2018, no development has been carried out in compliance of SWM Rules, 2016 except construction of boundary wall of dumping yard. The State of Rajasthan and the RIICO are merely shifting their responsibilities towards BJPNA which itself is not interested for environmental safeguards. This fact is clear from the letter dated 04.11.2020 issued by the RIICO to Managing Director, BJPNA requesting him to take over Dumping Yard site. Copy of letter dated 04.11.2020 and 04.09.2020 of RIICO addressed to MD, BJPNA are annexed with additional affidavit of State of Rajasthan as Annexure-R112 (Colly) at page No.132-133.
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Management unit. All this is just to create a third party interference for delaying the work and shifting their own responsibility. The RIICO has allocated the plot for Solid Waste Management to the SPV managing CETP and that SPV has signed an MOU with a Plastic Waste Management Company. (Refer Annexure 13 Page 134).

- (b) Admittedly, even after 3 years from passing of order dated 12.12.2017 (under execution), no CETP has been established in Chopanki Industrial Area and Khushkhera industrial Area. Even, no timelines prescribed in Additional Affidavit dated 07.11.2020. [Refer page 10, 11 of Addl. Affidavit].
- (c) The RIICO is misleading about up gradation of existing CETP to ZLD Level. The applicant submits as under:
- (i) Govt sanctioned Rs. 146 Crores on 11.12.2018 for the above project. However, RIICO took more than 1 year in only appointing a consultant.
- (ii) The RIICO is taking shelter of obtaining Environmental Clearance without taking sincere steps in this regard. Firstly, BJPNA files application for Amendment in ToR for Environmental Clearance for the RO project only on 29.02.2020. Secondly, said application has been rejected on technical grounds on 06.05.2020. After rejection of EC, no fresh step has been taken to obtain EC."

12. We have heard learned Counsel for the Haryana State PCB, State of Rajasthan and RIICO and also the intervenor and considered the rival submissions. From the above, it is seen that even though the funds were made available to the State of Rajasthan by the Government of India in the year 2018, the upgradation of CETP has not been even started though more than two years have passed thereafter and after more than three years of the order of this Tribunal. Only progress is said to be acquisition of land which by itself is not a solution of the problem. When a serious situation of water pollution has been found and directions issued by this Tribunal in the year 2017 and inspite of funds being available, the problem remains untackled, it may be a clear case of

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failure of the authorities to perform their duties, to the detriment of the citizens for which accountability needs to be fixed.

13. Accordingly, while directing the State of Rajasthan and its authorities to take prompt emergency measures in the matter for compliance of rule of law and protection of public health and the environment, we direct the CPCB to assess compensation for the damage caused to the environment so far, after giving due opportunity to the representatives of the State of Rajasthan and its authorities and also to the representatives of State of Haryana and undertaking site visit, if necessary. This process may be completed within three months. The status of compliance as on 30.04.2021 may be verified by the joint Committee and report furnished by 15.05.2021 by e-mail with a copy to the States of Rajasthan and Haryana to enable them to file their response, if any, before the next date. While verifying the compliance, status of member unit in meeting the PETP norms/standards may also be verified and the mechanism setup for regular monitoring. In view of continuing violation of law inspite of repeated orders of this Tribunal and the funds allotted by the Central Government more than two years ago, the Chairman, Rajasthan State PCB and MD, RIICO may remain present in person by video conference on the next date with their version so that final responsibility for the failure can be fixed in the light of status of compliance on the next date.

List for further consideration on 28.05.2021.

A copy of this order be forwarded to the CPCB, States of Haryana and Rajasthan, Rajasthan SPCB and MD, RIICO by e-mail for compliance.

Adarsh Kumar Goel, CP

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S.K. Singh, JM

Dr. Nagin Nanda, EM

February 04, 2021
Execution Application No. 42/2019
IN Original Application No. 124/2015
(M.A. No. 72/2020)
DV

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Item No. 02

(Court No. 2)

BEFORE THE NATIONAL GREEN TRIBUNAL

(By Video Conferencing)

Execution Application No. 42/2019
IN
Original Application No. 124/2015
(M.A. No. 72/2020)

Sumitra Devi

Applicant

Versus

CPCB

Respondent

Date of hearing: 29.10.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Mr. Shivesh P. Singh, Advocate for Applicant in M.A 72/2020, intervenor supporting the Application

Respondent: Ms. Veenu Gupta, Chairperson, RSPCB with Mr. Brij B. Gupta, Senior Advocate & Mr. Adhiraj Singh, Advocate
Mr. Ashutosh A.T Pednekar, MD, RIICO with Mr. Pinaki Misra, Senior Advocate & Mr. Nikhil Jain, Advocate with
Mr. Rahul Khurana, Advocate for HSPCB
Ms. Prachi Mishra, Advocate for the State of Rajasthan
Mr. Pawan Upadhyay, Advocate for CETP, Bhiwadi

ORDER

1. This application has been filed by the Haryana State PCB for execution of order dated 12.12.2017 passed by this Tribunal, directing the Rajasthan State Industrial Development and Investment Corporation (RIICO) and the CETP operating society at industrial area Bhiwadi, Rajasthan Bhiwadi to take remedial measures against water pollution from the CETP. It is submitted that the authorities failed to perform their duties and order of this Tribunal dated 12.12.2017 has not been complied with, resulting in stagnation of untreated effluents and

domestic sewage affecting the inhabitants in and around border of Rajasthan and Haryana, particularly in Dharuhera in Haryana.

2. A factual and action taken report with reference to the status of compliance of directions of this Tribunal in order dated 12.12.2017 was sought from a joint Committee of MoEF&CC, CPCB and Rajasthan State PCB, with CPCB as the nodal agency.

3. The matter was considered on 28.01.2020 in the light of report of the CPCB (on behalf of the joint Committee) dated 13.12.2019, giving the compliance status of each of the directions. Considering the above, the Tribunal held that there was failure on the part of the State PCB in taking action against the violation of norms and also on the part of the RIICO in discharging its obligation to prevent continuing pollution which may call for coercive measures. The operative part of the order is reproduced below:-

"5. From the above it is clear that even after two years of the order of this Tribunal, all necessary steps have not taken in right earnest. ROs installed as far back as 11.02.2018 have still not being commissioned, without any valid reason. Work of STPs also remains incomplete even though financial assistance has been duly received from the Central Government for upgradation of the industrial effluent management. The industries which are violating the norms have not been closed, though it is stated that inspection was carried out and the report was sent to the head of the State PCB. Thus, the action taken by the concerned authorities is not consistent with the concern required for remedying the environment and for rule of law. There is no justification for not even adopting interim measures by way of phyto-remediation/ bio-remediation/ tapping of drains carrying pollutants and remedying the same. Since basic responsibility is of the RIICO, the said Corporation and its key office bearers must be made accountable and they may be liable to be prosecuted if there is continuous negligence and failures. This Tribunal may have no other option except to take appropriate coercive measures, including stopping of salary of the Managing Director and other senior officers of the Corporation. The Tribunal may also consider compensation to be recovered for the damage to the environment from the salaries of the said officers."

4. The matter was thereafter considered on 04.02.2021 in the light of further report of the joint Committee dated 03.11.2020, finding that violations were continuing. Violation continued in the manner mentioned in the report which has been quoted in detail in the order dated 04.02.2021, followed by recommendations which are reproduced below for ready reference:-

Recommendations:

- A. **The Santhalka 3MLD capacity STP and the 0.5 MLD capacity STP at RHB were non-operational due to silt deposition in main inlet lines, the Mundana Meo 2 MLD capacity STP was in operation with inlet flow of 0.7 MLD against the 2 :MLD designed capacity and the Housing Board Colony 3MLD capacity STP was operational with inlet flow of 0.4 MLD against the 3 MLD designed capacity. These STPs are not receiving the full quantity of domestic wastewater due to 20 % sewer connection only. Because of non-connectivity of 100% sewer lines and non-operation of these STPs, the part of untreated - sewage was going towards Dharuhera(Haryana). Therefore, directions may be issued to Municipal Corporation. Bhiwadi for submitting the time bound action plan for early completion of entire sewer connections and proper functioning of constructed STP's.**
- B. **During the visit the joint committee has also collected 3 drain samples from Nagina marriage Garden(pH-7.3, TSS-29mg/l, BOD-21mg/l and COD-143mg/l), Modern public School pH-7.44, TSS-41mg/l, BOD- 39mg/l and COD-193mg/l -) and Open drain at Bestech City Center(pH-7.25, TSS-28mg/l, BOD-60mg/l and COD-200mg/l). All the drain samples results are within the limits except the BOD values of Modem Public School and Bestech City Center drains whereas the accumulated**
- C. **wastewater sample values are 15 to 20 times higher than the drain samples values. The higher concentrations (pH-4.77, TSS-357mg/l, COD- 2858mg/l, BOD-1420mg/l and Fluoride-0.56mg/l) of wastewater accumulated in the open land at the Dharuhera industrial area reveals that industrial effluent from Dharuhera industrial area also mixing with the accumulated wastewater. Therefore directions may be given to HSPCB for identifying the industries which are contributing the industrial effluent accumulated at Dharuhera industrial area.**
- D. **During the visit the joint committee members collected the samples of treated waste water pumped from CETP to Khushkhera industrial area where the treated effluent is**

accumulated in open area and the analysis values found to be pH-6.99, TSS-54 mg/l, TDS-1968 mg/l, COD-293 mg/l, BOD-65mg/l, Chlorides-627 mg/l, Sulphate-302 mg/l, Phosphate:-0.2158 mg/l, Fluoride- 1.1mg/l. from the analysis report that it indicate that the COD, BOD and fluoride values are exceeding the discharge norms of CETP. Therefore directions may be issued to Bhiwadi Jal Pradushan Niwaran Association (BJPNA) for utilization of CETP treated waste water up to the maximum possible extant so that treated waste water may not get accumulated in Khushkhera.

E. Ministry of Finance, Govt. of India has given a financial sanction of 146 Cores for construction of 6 MLD ZLD plant at CETP Bhiwadi on 11.12.2018. RIICO has invited bids for appointment of Project Management Consultant for the work on 23.10.2019 and rejected the bid due to exorbitantly higher rates and also a single bidder on 13.11.2019, later on retendering done by RIICO, after re-tender M/s Excel Tech Consultancy and Projects Pvt. Ltd. has been appointed as Project management Consultant on 10.01.2020 and the consultant has submitted DPR to RIICO in September 2020 for approval. As per SRM, RIICO Bhiwadi the Tenders for the work will be invited after approval from RIICO Head Office at Jaipur and after vetting from the experts of MNIT, Jaipur. Therefore directions may be issued to RIICO for submitting the time bound action plan for early completion of 6 MLD ZLD project to prevent further damage to the environment.

F. Out of 8 villages RO plants are installed in 7 villages but none of them found in operational and all the plants are damaged and the potable water is being supplied to the villagers through tankers as per the demand. As per the Executive Engineer, PITIED, Bhiwadi that the firm M/s. Fontus Water Pvt. Ltd. Delhi had not started work for O & M period, therefore contact has been rescind vide letter dated 7.8.2019. After re-tendering the work order for installation and commissioning of all 8 RO plants has been issued vide letter dated 27.08.2020 to M/s. Amera Agency, Tamil Naidu and work will be completed on or before 15.11.2020. In view of the above Additional Chief Engineer PHED NCR Alwar may be directed to submit the time bound action plan to complete the installation and commissioning of RO plants in all the identified villages."

5. Considering continuing violations of serious nature and failure of the authorities to take remedial and coercive measures, the Tribunal held that State of Rajasthan and its authorities must take prompt emergency measure for compliance of Rule of Law and protection of public health

and environment. CPCB was directed to assess compensation for the violations for restoration of the environment and to verify the status of compliance as a result of remedial action, if any, taken, as on 30.04.2021. In view of continuing failure for a long time, the Tribunal also required the Chairman of State PCB and MD, RIICO to remain present by video conferencing with their compliance reports. The operative part of the order is reproduced below:-

"1to4..xxx.....xxx.....xxx

5. **From the above, it is seen that STPs are non-functional due to silt deposition in the inlet lines. They were not receiving the full quantity of the waste because of non-connectivity of sewer-lines. Waste water was getting accumulated in the open land. Treated waste water was also not being utilized but was getting accumulated. RIICO has still not finalized the ZLD project plant at CETP inspite of sanction of funds on 11.12.2018. RO plants installed in seven villages were not operational. It is also seen that industrial effluent from Dharuheda industrial area is also mixing with the waste water.**

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(i) Govt sanctioned Rs. 146 Crores on 11.12.2018 for the above project. However, RIICO took more than 1 year in only appointing a consultant.

(ii) The RIICO is taking shelter of obtaining Environmental Clearance without taking sincere steps in this regard. Firstly, BJPNA files application for Amendment in ToR for Environmental Clearance for the RO project only on 29.02.2020. Secondly, said application has been rejected on technical grounds on 06.05.2020. After rejection of EC, no fresh step has been taken to obtain EC."

12. We have heard learned Counsel for the Haryana State PCB, State of Rajasthan and RIICO and also the intervenor and considered the rival submissions. From the above, it is seen that even though the funds were made available to the State of Rajasthan by the Government of India in the year 2018, the upgradation of CETP has not been even started though more than two years have passed thereafter and after more than three years of the order of this Tribunal. Only progress is said to be acquisition of land which by itself is not a solution of the problem. When a serious situation of water pollution has been found and directions issued by this Tribunal in the year 2017 and in spite of funds being available, the problem remains untackled, it may be a clear case of failure of the authorities to perform their duties, to the detriment of the citizens for which accountability needs to be fixed.

13. Accordingly, while directing the State of Rajasthan and its authorities to take prompt emergency measures in the matter for compliance of rule of law and protection of public health and the environment, we direct the CPCB to assess compensation for the damage caused to the environment so far, after giving due opportunity to the representatives of the State of Rajasthan and its authorities and also to the representatives of State of Haryana and undertaking site

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visit, if necessary. This process may be completed within three months. The status of compliance as on 30.04.2021 may be verified by the joint Committee and report furnished by 15.05.2021 by e-mail with a copy to the States of Rajasthan and Haryana to enable them to file their response, if any, before the next date. While verifying the compliance, status of member unit in meeting the PETP norms/standards may also be verified and the mechanism setup for regular monitoring. In view of continuing violation of law inspite of repeated orders of this Tribunal and the funds allotted by the Central Government more than two years ago, the Chairman, Rajasthan State PCB and MD, RIICO may remain present in person by video conference on the next date with their version so that final responsibility for the failure can be fixed in the light of status of compliance on the next date."

6. In pursuance of above, reports have been filed by the joint Committee dated 13.10.2021 and 20.10.2021 giving status of compliance and assessment of compensation payable by the authorities of States of Rajasthan and Haryana for the violations so far. Response of the Rajasthan State, RIICO and State of Rajasthan is dated 21.10.2021, 27.10.2021 and 28.10.2021 respectively and Response of Haryana State PCB is dated 29.10.2021, disowning liability even without showing compliance in past or even now.

7. We may make brief reference to the above reports to consider the matter further.

8. The joint Committee reports filed by the CPCB dealing with the issue of compliance status gives item wise compliance status. Reference may be made to items where non compliance is continuing which is as follows:-

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S. No	Directions	work progress in the field as on 03-05.08.2021 as per the joint inspection team (RSPCB, CPCB and MoEF&CC)	Remarks																																																															
14.	Similarly the projects in relation to establishment and construction of STP should also be given priority by the State Government and they should be installed without any undue delay.	<p>As informed by the Nagar Parishad, Bhiwadi they have taken up the work of laying of sewer lines and constructing 5 STPs under AMRUT Yojana of 11.5MLD capacity. The 5 Sequential Batch Reactor (SBR) STPs which were under construction at Rajasthan Housing board (1.5MLD), Mundana Mev (2MLD), Khanpur (2MLD), Santhalka (3MLD) & near existing one (3MLD). The present status of STPs collected from Nagar Parishad, Bhiwadi is enclosed at Annexure-X.</p> <p>The details of Final Out let samples collected is as given below: Analysis Report enclosed at Annexure- XI.</p> <table border="1" data-bbox="520 821 1339 1328"> <thead> <tr> <th>Drain Sampling locations</th> <th>pH</th> <th>TSS mg/l</th> <th>COD mg/l</th> <th>BOD mg/l</th> <th>Chloride mg/l</th> <th>Oil & Grease</th> <th>Faecal MPN/100ml</th> <th>Coliform</th> </tr> </thead> <tbody> <tr> <td>1.5 MLD RHBA</td> <td>7.44</td> <td>28</td> <td>63</td> <td>14</td> <td>82</td> <td>1.8</td> <td>370</td> <td></td> </tr> <tr> <td>3.0 MLD BIDA near Existing</td> <td>7.13</td> <td>40</td> <td>47</td> <td>11</td> <td>78</td> <td>2.1</td> <td><1.8</td> <td></td> </tr> <tr> <td>2.0 MLD Mundana Mev</td> <td>7.07</td> <td>95</td> <td>78</td> <td>54</td> <td>44</td> <td>2.2</td> <td>410</td> <td></td> </tr> <tr> <td>3.0 MLD Santhalka</td> <td>7.08</td> <td>16</td> <td>39</td> <td>08</td> <td>52</td> <td>1.6</td> <td><1.8</td> <td></td> </tr> <tr> <td>Santhalka Discharge at near Baba Mohan Ram Mandir (Proposed Biodiversity Park)</td> <td>7.53</td> <td>19</td> <td>55</td> <td>06</td> <td>57</td> <td>--</td> <td>--</td> <td></td> </tr> <tr> <td>CTD discharge Standard</td> <td>6.5-9.0</td> <td>30</td> <td>100</td> <td>20</td> <td>--</td> <td>10</td> <td>230</td> <td></td> </tr> </tbody> </table>	Drain Sampling locations	pH	TSS mg/l	COD mg/l	BOD mg/l	Chloride mg/l	Oil & Grease	Faecal MPN/100ml	Coliform	1.5 MLD RHBA	7.44	28	63	14	82	1.8	370		3.0 MLD BIDA near Existing	7.13	40	47	11	78	2.1	<1.8		2.0 MLD Mundana Mev	7.07	95	78	54	44	2.2	410		3.0 MLD Santhalka	7.08	16	39	08	52	1.6	<1.8		Santhalka Discharge at near Baba Mohan Ram Mandir (Proposed Biodiversity Park)	7.53	19	55	06	57	--	--		CTD discharge Standard	6.5-9.0	30	100	20	--	10	230		Not complied
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NGT Order dated							
30.04.2019							
2.0MLD Khanpur	Incomplete due to Stay of Rajasthan High Court						

1.5 MLD STP at RHB:-The SBR technology based STP was found Operation during the visit on 04.08.2021 and inlet flow was noted as 0.6 m³/hr., The sample was collected and the analysis results are within a limit as per CTO. It was informed that heavy rain fall occurred in Bhiwadl one day before the visit of the committee.

2.0 MLD STP at Mundana Mev:-The 2 MLD capacity SBR technology based STP was in operation with Inlet flow of 0.7 MLD against the 2 MLD designed capacity, It is because of out of 5 villages (Mundana Mev, Bilaheri, Rampura, Nayagoam, and Kairani) only Mundana Mev village domestic wastewater is coming to STP and in other 4 villages, sewer connection is not done. The sewer connection could not be done due to railway line construction and no NOC from DFC. During the visit railway line earth bund raising work was under progress. Presently the treated wastewater from STP is being discharged in to RIICO drain just in front of STP, During the visit collected the samples and the analysis result of TSS & BOD are higher than limits given in CTO.

2 MLD STP at Khanpur:-47% construction work has been completed and further no progress done by the construction agency i.e. M/s L&T due to stay order from Rajasthan High Court, Jaipur from May 2018. As per the Nagar Parishad officials that there is a dispute regarding title of the land of STP at Khanpur.

3 MLD STP near existing BIDA STP :-The STP is located near existing old 4.0MLD STP, which is just adjacent to the CETP. It is a SBR technology based STP and 100% construction work completed and commissioned on 28/09/2020. During visit, STP was operational with inlet flow of 0.50 MLD against the 3 MLD designed capacity. Presently only about 20

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% sewer connection is done by the Nagar Parishad. STP Outlet sample collected during visit and the analysis results are within the limits.

Due to significant non connection of sewer line, some part of untreated sewage is going towards Dharuhera along with the untreated domestic wastewater of Maheshwari (village situated in Haryana) and Dharuhera and flowing towards Bestech shopping Centre at Dharuhera. During visit, the committee has collected the drain samples at Nagina Garden (Rajasthan), Modern public school after mixing with domestic effluent of Maheshwari village(Haryana) and Flowing waste water near Bestech and accumulated wastewater at Dharuhera industrial area has been collected for analysis of general parameters and heavy metals to identify and to know the Industrial effluent is mixing in domestic drain or not. However it was observed by the team that quantity of waste water flowing toward Bestech (Dharuhera) was very less compared to previous visit in the month of October 2020.

3.0 MLD STP at Santhalka:- It is a SBR technology based STP and 100% construction work completed and commissioned on 17/09/2020. During the visit sample was collected at final outlet.

In addition to above 5 new STP's and one old 4 MLD capacity existing STP, Nagar Parishad Bhiwadi is also constructed 3 Septage treatment systems with a 1.2 MLD Capacity. During the visit commissioning and trial run was under progress.

The combined effluent (Domestic and Industrial) generated from Bhiwadi Industrial Area is being treated in a 9 MLD CETP and treated waste water pumped to Khushkhera industrial area where the treated effluent is accumulated in open plot.

Domestic waste water drain: Domestic waste water generated from village Akera (Harayana) Narayan vihar, (Harayana), Karankunj, Ghatal (Harayana) is discharged in to RIICO drain through which it reached to CETP, Bhiwadi

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The details of drain samples collected is as given below:

Drain Sampling locations	pH	TSS mg/l	COD mg/l	BOD mg/l	Chloride mg/l	Sulphate mg/l	Fluoride mg/l
Nagina marriage Garden	7.69	129	157	67	157	98	0.47
Modern public School	7.49	150	314	97	131	56	0.39
Open drain at Bestech City Center, Dharuhera	7.77	41	188	24	129	49	0.54
Domestic & Industrial effluent accumulated at Dharuheda Industrial Area near M/s. Amul Sagar	8.36	61	173	18	75	33	0.59
Domestic waste water drain at Haryana-Bhiwadi border Naryan Vihar (HR)	8.29	92	392	43	157	30	1.1
Domestic waste water drain at Haryana-Bhiwadi	7.62	2662	627	144	138	31	0.36

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		border Karanpur (HR)								
		CETP Inlet open drain bypass near UTI, Thana	7.75	461	54 9	28 9	421	709	2.22	
		Note: All values are in mg/l except pH. Lab Analysis Report enclosed at Annexure- XII								
15.	The waste collected on the dredged materials shall be deposited at the site which is to be identified by the State Government. The State should identify the site within four weeks from today and it will be the responsibility of the RIICO to ensure that the dredged material or any other waste collected from the industrial cluster is stored in accordance with law and relevant waste rules at that site. The waste should be stored in accordance with law with the relevant waste rules.	<p>RIICO has allotted land measuring 34729m² near Rampura Mundana, Bhiwadi for dumping of non- hazardous industrial solid waste to Bhiwadi Jal Pradhushan Niwaran Trust (BJPNT) vide letter dated 24.01.2018 but the BJPNT has not taken the possession of the land.</p> <p>It was informed by Senior Regional Manager RIICO Bhiwadi-1, the work order for dumping yard Boundary wall has been awarded on dated 30.01.2020 in favour of M/s Kapoor Singh & Company & the work has been completed on dated 09.09.2020. The SPV has entered in an agreement with Sarthak Samudayik Vikas Avam Jan Kalyan Sansthan (SARTHAK) on dated 25.09.2020. As per the agreement, Sarthak will run the project with installation of plant & machinery for segregation and recycling of waste, collection of solid waste material from the industries etc.</p> <p>RIICO has awarded work order for construction of shed of size 3000 sqft. at disposal site for setting up MRF (Material Recovery Facility), work has also completed on 05.04.2021. The representative of SARTHAK has informed to Sr. Manger RIICO, Bhiwadi, that necessary machine has reached to Bhiwadi and they will start installation work from 15.08.2021. Status note Copy of letter enclosed at Annexure-XIII.</p>								Not Complied
16.	The RIICO and the State Government shall work out on	As informed by SRM, RIICO, to utilize 100% of the CETP treated effluent, a preliminary project report of amount Rs. 146 Crores for up-gradation of existing								Not Complied

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the proposal for reuse of the treated effluent of water from the CETPs/STPs. It shall be the duty of all concerned including the industries that under no circumstances any water or effluent is permitted to be collected around the industrial clusters or inside the cluster.

CETP to 6MLD ZLD facility, laying of closed conduit pipeline for carrying untreated effluent from industries to CETP & reverse pipeline for supplying treated effluent back to industries has been prepared by BJPNA Bhiwadi. On request of State Government, Ministry of Finance, GOI, New Delhi has been issued financial sanction of 146 Crores vide sanction order No. F.No.44(1)PF.S/2018-19/1377 dated 11/12/2018. RIICO has invited bids for appointment of Project Management Consultant for this work on 23.10.2019 but could not be succeeded due to exorbitantly higher rates and also a single bidder. Accordingly bid was rejected by RIICO on 13.11.2019. After re-tender, M/s Excel Tech Consultancy and Projects Pvt. Ltd. has been appointed as Project management Consultant on 10.01.2020. PMC has submitted DPR to RIICO in September 2020 for approval of report. After approval from RIICO Head Office and after vetting from the experts of MNIT Tender for said work will be invited.

Present Status:- NIT for "Up-gradation of existing CETP by installing 6.0 MLD ZLD plant with reject management system including conveyance system to collect effluent from industries and reuse of treated water system at Bhiwadi industrial area including O&M for 10 Years" bid had been invited on 15.04.2021 amounting to Rs. 162.32 Cr.

The end date for submission of tender was 23.07.2021 and the bids has been opened on 28.07.2021, Total 5 nos. of bidders has participated and the Technical evaluation of bids is under process. The financial bids of Technically qualified bidders shall be opened immediately after.

Status note Copy of letter enclosed at Annexure-XIII.

9. Other observations and recommendations are as follows:-

"The matter was filed by the Haryana State Pollution Control Board in the Hon'ble NGT vide Execution Application No. 42/2019 in the matter of Original Application No. 124 of 2015 (Sumitra Devi Vs. CPCB & Ors.) for which directions were given to the RIICO and CETP to take remedial measures against water pollution from CETP. During the visit it was found that:

1. *The treated water of the STPs are also collected in cess pools and low lying areas and are not being utilized or recycled for plantation or by industries.*
2. *It is imperative that treated waste water of STP should be recycled and arrangements for the reuse is RO systems should be established for the recycling of the same by water intensive industries of the industrial area.*
3. *There is a proposal for installation of RO system at the CETP 9 MLD combined with 03 MEEs after the same for which bid has been finalized by RIICO for which amount of Rs. 146 Crores has been allotted by Govt. of India and the same is proposed to be completed in 18 months.*
4. *The treated waste water of the CETP is discharged through a conduit line which is installed till the Sabiriver. However the line is broken in Khushkhera industrial area opposite M/s Sai Enterprises, Plot No. F-37,47 RIA Khushkhera, the treated waste water is discharged through a drain into the RIICO plots and other nearby areas. It is worthwhile to note that the problem can be solved if the water intensive industries or any other industry which are abstracting ground water are bound to use this treated waste water of the CETP which is actually being waste or creating nuisance/pollution in the area. The industries of Khushkhera should be directed as above and RIICO be directed to lay any connectivity pipelines if need be for example, The industry M/s Honda Cars India Pvt. Ltd. is already utilizing 1 MLD from the same & others should follow.*
5. *During the visit information was gathered from the local people and Municipal Authorities and the following was received:*
 - a. *Domestic waste water generated from some area of Suraj cinema, Village -Harchandpur, Santhalka, Ghatal Nayagoan and commercial establishments which falls in between them is discharged in to RIICO drain through which it reached to CETP, Bhiwadi*

- b. Domestic waste water generated from village Akeria (Harayana) Narayan Vihar, (Harayana), Karankunj, Ghatal (Harayana) is discharged in to RIICO drain through which it reached to CETP, Bhiwadi
- c. Domestic waste water generated from Housing board sector 1,2, 3, Bhiwadi village, Neelam Chowk and Samtal Chowk and also the commercial establishments which fall in between them flow through drains and meet at nallah near bus stand Bhiwadi, from there it flow through gravity to Dharuhera.
6. It may be please be noted that although the case has been filed by State Pollution Control Board, Haryana regarding discharge of waste water into Dharuhera it was found that waste water from Dharuhera also enters the Rajasthan boundary at certain points and sample were taken at such points.
7. During the visit of Dharuhera it was founded the industries of the area may not be on ZLD and it must be investigated as to how the sewage waste water of Dharuhera and the industrial waste water is being treated and it was gathered on visual observations that the problem is aggregated due to waste water (sewage/industrial) of Dharuhera itself.
8. It needs be mentioned that looking to the fact that domestic waste water is also either reaching to CETP or flowing towards Dharuhera due to poor progress in sewer line confectioning with the newly installed STPs at Santhalka, RHB Arravali Vihar, near existing BIDA STP and Mundana Mev STP. For example, STP near the existing STP (BIDA) has a capacity of 03 MLD and as per the observations during inspection only 0.5-0.8 MLD waste water is being received there, The municipal authorities should check the reason of the same vis -à-vis the DPR prepared and the area which should contribute waste water to the STP above and such areas which should but not conveying waste water should be connected. All the above points were also discussed with the CEO BIDA, Bhiwadi Sh. Rohitashav Singh Tomar (IAS) who assured to take up the matter and as such coordinates with different department. He immediately gave directions to the Municipal Officers to calculate the total volume of water generated based on the thumb rule and compare it with the capacities of STP installed.
9. During the visit the joint committee has also collected 3 drain samples from Nagina Marriage Garden (pH-7.69, TSS-129mg/l, BOD-67mg/l and COD-157mg/l), Modern Public School (pH-7.49, TSS-150 mg/l, BOD- 97mg/l and COD-314mg/l) and Open drain at Bestech City Center (pH-7.77, TSS-41mg/l, BOD-24mg/l and COD-188mg/l). All

the drain samples results are within the limits except the BOD values of Modern Public School and Bestech City Center drains whereas the accumulated wastewater sample values are near to lower than the drain samples values. The lower concentrations (pH-8.36, TSS-61 mg/l, COD-173 mg/l, BOD-18 mg/l and Fluoride-0.59 mg/l) of wastewater accumulated in the open land at the Dharuhera industrial area reveals that industrial effluent from Dharuhera industrial area also mixing with the accumulated wastewater as well as rain water.

10. During the visit the joint committee members collected the samples of treated waste water pumped from CETP to Khushkhera industrial area where the treated effluent is accumulated in open area and the analysis values found to be pH-7.71, TSS-38 mg/l, TDS-1005 mg/l, COD-88 mg/l, BOD-19 mg/l, Chlorides-122 mg/l, Sulphate-168 mg/l, Fluoride- 0.07 mg/l. from the analysis report that it indicate rain water mixing that the COD, BOD and fluoride values are under the discharge norms of CETP.
11. Compliance status of member unit in meeting the PETP norms/standards: In order to verify the compliance of PETP standards sample was taken from the inlet to CETP where the combined effluent from all the member industries is reaching after the PETPs individually installed, the parameters in the analysis report meets the CETP inlet standards/ PETPs discharge standards hence it can be said that member industries as a whole comply with the CETP inlet standards/ PETPs discharge standards.
12. Mechanism setup for regular monitoring of industries by RSPCB: Samples are being taken fortnightly from the CETP inlet to verify the PETP standards and the list of parameters in the analysis report is enclosed. It can be seen from the same that the PETP standards/CETP standards are being met."

10. In the 2nd report of the CPCB dealing with the environmental compensation, after undertaking field visit, compensation has been assessed is as follows:-

"5.0 The Environmental Compensation assessed for the damage caused to the Environment

The assessed environmental compensation for the major 05 non-compliances is as tabulated below with the responsible authority/department:

S.No.	Major non-compliance issue	Assessed EC in Lacs Rs.	Responsible authority/ department liable to pay
1	The CETP control the discharges at the outlet points by Bhiwadi Jal Pradushan Niyantran Trust (BJPNT)	107.5	RIICO & CETP Trust
2	Construction of the 05 STPs Municipal Council, Bhiwadi	2233.03	Department of Local Self Government, through Municipal Council, Bhiwadi
3	Solid waste management by RIICO & Municipal Council, Bhiwadi	145.99	RIICO and Municipal Bhiwadi Council,
4	Reuse of the treated effluent of the water from CETPs/STPs by RIICO	672	RIICO
5	Discharge of sewage of Sector 4A & Sector 6 towards Dharuhera before the commissioning of SMLD STP at Dharuhera i.e. before 1 st July 2019	382.85	HSVP, Rewari Haryana

11. We may now note the response of the authorities in Rajasthan in the reports filed by the Rajasthan State PCB, RIICO and the Rajasthan. The stand of the State PCB merely gives number of STPs in Bhiwadi and construction of waste disposal facility. It is further stated that RIICO is in the process of upgrading CETP. The affidavit filed on behalf of the State PCB is quite vague and does not fully address the issue of remedial action against the violations noted in the order of this Tribunal and even the current report of the joint Committee filed through the CPCB. The Affidavit of the RIICO is that responsibility for operation of the CETP is of the operator thereof. With regard to the compensation, the stand of the RIICO is that it has contributed Rs. 21.99 Crores for waste processing

facilities. Project of upgradation of CETP is in the process and for utilizing treated effluent the steps for giving contract are in the process and will be completed within 18 months from the date of the work order (for which no date is indicated). The stand of the State of Rajasthan is that STP has been created for managing sewage and RIICO is to take steps for utilization of treated effluent. The said works are in the process of being awarded. The work for setting up of the STP by the Municipal Council is also in the process. Some steps for the waste management are mentioned. There is nothing in the said reports which can rebut the findings in the reports of the joint Committee to the extent of continuing violations or question the assessment of compensation which is infact based on very conservative approach and may need upward revision so as to ensure that cost of restoration is met. Likewise, the response of the Haryana State PCB merely states that steps are required to be taken in terms of joint Committee report without disputing the violations found and liability for compensation, as assessed.

12. We have interacted with the MD, RIICO and Chairman who are present in person to ascertain why such sorry state of affairs has been allowed to continue for such a long time and even now there is lack of commitment to remedy the situation expeditiously. We find in them unwillingness to take ownership and effort to just disown and shift responsibility, which is unfortunate. Their approach shows lack of concern for the environment and to their statutory obligations. They appear to be satisfied with the unsatisfactory state of affairs. The State PCB has not taken any meaningful action against such established violations. Similarly, RIICO thinks its responsibility is only to set up industrial area and if industries cause pollution, it is none of its concerns, to stop it. We are unable to follow such lack of concern and

perhaps this attitude is responsible for damage to the environment for which the officers have to held accountable by way of criminal prosecution and civil liability in appropriate proceedings.

13. Enactment of regulatory provisions and appointing statutory regulators is not enough unless such positions are manned by persons of commitment and competence with concern for environment. We hope higher authorities in the State of Rajasthan with take further remedial action in terms of our observations for protection of environment and public health if they have respect for the rule of law. There is need to fix accountability for gross failure in the past and also for prompt timebound remedial measures for future. Timelines suggested are certainly in violation of mandate under the Water (Prevention and Control of Pollution) Act, 1974 (Water Act, 1974), the Public Trust Doctrine and the provisions of Article 243 W read with XII Schedule of the Constitution and law laid down in *Paryavaran Suraksha v. UOI & Ors*¹ and orders of this Tribunal as follows:-

“Extracts from the judgement of the Hon’ble Supreme Court in Paryavaran Suraksha Samiti Vs. Union of India, supra

7. Having effectuated the directions recorded in the foregoing paragraphs, the next step would be, to set up common effluent treatment plants. We are informed, that for the aforesaid purpose, the financial contribution of the Central Government is to the extent of 50%, that of the State Government concerned (including the Union Territory concerned) is 25%. The balance 25%, is to be arranged by way of loans from banks. The above loans, are to be repaid, by the industrial areas, and/or industrial clusters. We are also informed that the setting up of a common effluent treatment plant, would ordinarily take approximately two years (in cases where the process has yet to be commenced). The reason for the above prolonged period, for setting up “common effluent treatment plants”, according to the learned counsel, is not only

¹ (2017) 5 SCC 326

financial, but also, the requirement of land acquisition, for the same.

X.....X.....X.....

10. *Given the responsibility vested in municipalities under Article 243-W of the Constitution, as also, in Item 6 of Schedule XII, wherein the aforesaid obligation, pointedly extends to "public health, sanitation conservancy and solid waste management", we are of the view that the onus to operate the existing common effluent treatment plants, rests on municipalities (and/or local bodies). Given the aforesaid responsibility, the municipalities (and/or local bodies) concerned, cannot be permitted to shy away from discharging this onerous duty. In case there are further financial constraints, the remedy lies in Articles 243-X and 243-Y of the Constitution. It will be open to the municipalities (and/or local bodies) concerned, to evolve norms to recover funds, for the purpose of generating finances to install and run all the "common effluent treatment plants", within the purview of the provisions referred to hereinabove. Needless to mention that such norms as may be evolved for generating financial resources, may include all or any of the commercial, industrial and domestic beneficiaries, of the facility. The process of evolving the above norms, shall be supervised by the State Government (Union Territory) concerned, through the Secretaries, Urban Development and Local Bodies, respectively (depending on the location of the respective common effluent treatment plant). The norms for generating funds for setting up and/or operating the "common effluent treatment plant" shall be finalised, on or before 31-3-2017, so as to be implemented with effect from the next financial year. In case, such norms are not in place, before the commencement of the next financial year, the State Governments (or the Union Territories) concerned, shall cater to the financial requirements, of running the "common effluent treatment plants", which are presently dysfunctional, from their own financial resources.*
11. *Just in the manner suggested hereinabove, for the purpose of setting up of "common effluent treatment plants", the State Governments concerned (including, the Union Territories concerned) will prioritise such cities, towns and villages, which discharge industrial pollutants and sewer, directly into rivers and water bodies.*

12. We are of the view that in the manner suggested above, **the malady of sewer treatment, should also be dealt with simultaneously.** We, therefore, hereby direct that "sewage treatment plants" shall also be set up and made functional, within the timelines and the format, expressed hereinabove.

13. We are of the view that mere directions are **inconsequential, unless a rigid implementation mechanism is laid down.** We, therefore, hereby provide that the directions pertaining to continuation of industrial activity only when there is in place a functional "primary effluent treatment plants", and the setting up of functional "common effluent treatment plants" within the timelines, expressed above, shall be of the Member Secretaries of the Pollution Control Boards concerned. **The Secretary of the Department of Environment, of the State Government concerned (and the Union Territory concerned), shall be answerable in case of default.** The Secretaries to the Government concerned shall be responsible for monitoring the progress and issuing necessary directions to the Pollution Control Board concerned, as may be required, for the implementation of the above directions. They shall be also responsible for collecting and maintaining records of data, in respect of the directions contained in this order. The said data shall be furnished to the Central Ground Water Authority, which shall evaluate the data and shall furnish the same to the Bench of the jurisdictional **National Green Tribunal.**

14. To supervise complaints of non-implementation of the instant directions, the Benches concerned of the National Green Tribunal, will maintain running and numbered case files, by dividing the jurisdictional area into units. The abovementioned case files will be listed periodically. **The Pollution Control Board concerned is also hereby directed to initiate such civil or criminal action, as may be permissible in law, against all or any of the defaulters.**

X.....X.....X.....

16. It however needs to be clarified, that the instant directions and time lines, shall not in any way dilute any time lines and directions issued by Courts or Benches of the National Green Tribunal, hitherto before, wherein the postulated time lines would expire before the ones expressed through the directions recorded above. **It is clarified, that the time lines, expressed hereinabove will be relevant, only in situations where there are no prevalent time line(s), and also, where a longer period, has been provided for."**

(emphasis supplied)

14. This position has also been dealt with by this Tribunal *inter-alia* in OA No. 593/2017 in *Paryavaran Suraksha Samiti v. UOI & Ors.* is as follows:-

"26. Summary of directions:

- i. *All States/UTs through their concerned departments such as Urban/Rural Development, Irrigation & Public Health, Local Bodies, Environment, etc. may ensure formulation and execution of plans for sewage treatment and utilization of treated sewage effluent with respect to each city, town and village, adhering to the timeline as directed by Hon'ble Supreme Court. STPs must meet the prescribed standards, including faecal coliform.*

CPCB may further continue efforts on compilation of River Basin-wise data. Action plans be firmed up with Budgets/Financial tie up. Such plans be overseen by Chief Secretary and forwarded to CPCB before 30.6.2020. CPCB may consolidate all action plans and file a report accordingly.

Ministry of Jal Shakti and Ministry of Housing and Urban Affairs may facilitate States/UTs for ensuring that water quality of rivers, lakes, water bodies and ground water is maintained.

As observed in para 13 above, 100% treatment of sewage/effluent must be ensured and strict coercive action taken for any violation to enforce rule of law. Any party is free to move the Hon'ble Supreme Court for continued violation of its order after the deadline of 31.3.2018. This order is without prejudice to the said remedy as direction of the Hon'ble Supreme Court cannot be diluted or relaxed by this Tribunal in the course of execution. PCBs/PCCs are free to realise compensation for violations but from 1.7.2020, such compensation must be realised as per direction of this Tribunal failing which the erring State PCBs/PCCs will be accountable."

Order dated 21.09.2020

"11. The Tribunal has already issued directions vide orders dated 28.08.2019 and 21.05.2020 for ensuring that no untreated violation compensation is to be assessed and recovered by the CPCB so that the same can be utilized for restoration of the environment, complying with the principle of

'Polluter Pays' which has been held to be part of 'Sustainable Development' and part of right to life. Control of such pollution is crucial for environment, aquatic life, food safety and also human health ..."

15. In view of the above, the reports of the joint Committee dated 13.10.2021 on the issue of compliance status and dated 20.10.2021 and assessment of environmental compensation have to be accepted, without prejudice to further compensation being required to be paid to meet the cost of restoration of the environment and also obligation to promptly remedy the situation by coercive measures against polluters by way of closure of polluting activity till appropriate treatment capacity is available and by positive steps as per mandate of law. The amount assessed as of compensation may be deposited by the States of Rajasthan and Haryana respectively with the CPCB within one month which will be responsibility of the Chief Secretaries of the said States. The amount may be utilised for restoring the environment as per plan to be prepared as per directions in the next para. The Chief Secretaries may also consider the situation at their level in the light of above observations so that the authorities are manned by persons of competence and sincerity.

16. Since the issue involved herein relates to the compliance of CETP in terms of adequacy and with respect to consented mode of disposal as well as of the STPs, apart from both the States individually monitoring compliance, CPCB is required to resolve inter-state issues under the Water Act. As held by the Tribunal on earlier occasions, CETP' non-compliance is considered default of its members, rendering them liable, a Joint Committee needs to be constituted in the matter to deal with the inter-state issues as well as all other issues already noted earlier.

17. Accordingly, we constitute a six-member joint Committee to be headed by Chairman CPCB with other members being Member Secretary, CPCB, nominee of MoEF&CC, Chairmen Rajasthan and Haryana State PCBs, Secretary Industries Rajasthan, to prepare an action plan for restoration of the environment. The Member Secretary, CPCB will be the nodal agency for coordination and compliance. The meeting of the Committee may be held within 15 days and remedial action plan prepared within one month thereafter. The Committee will be free to co-opt any other expert/institution and any other concerned Departments of the States such as local bodies and District Magistrates. The Committee will also oversee execution of the action of plans, with the assistance of concerned Departments, District Magistrates or any other agencies. This direction is without prejudice to personal criminal and civil liability of the violators as well as regulators for their gross failure, resulting in continued damage to the environment.

18. The above joint Committee may now file report of status of compliance as on 31.03.2022 by 15.04.2022 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.

List for further consideration on 04.05.2022.

A copy of this order be forwarded to the CPCB, MoEF&CC, Chief Secretaries Rajasthan and Haryana, and State PCBs by email for compliance.

Adarsh Kumar Goel, CP

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Sudhir Agarwal, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

October 29, 2021
E.A. No. 42/2019 in O.A. No 124/2015
(M.A. No. 72/2020)
A

3076

Vijai Vardhan, IAS
Chairman

D.O No. HSPCB/SA/2013/1112 Date 30.09.2013
HARYANA STATE POLLUTION CONTROL BOARD
C-11, Sector-6, Panchkula (haryana)- 134109
Email: hspcb.pkl@sify.com
Phone: 0172-2581005-06, Fax: 0172-2581201

**Sub: Regarding Pollution Caused by Discharge of untreated/
partially treated effluents of Bhiwadi Industrial Area in
Haryana territory.**

Dear Sir,

I Would like to bring to your notice the important issue of pollution caused by discharge of untreated/partially treated effluents of Bhiwadi industrial Area in the territory of Haryana. The topography of this area is such that polluted water flows from Bhiwadi industrial area to Dharuhera in Haryana. Partially treated /untreated industrial effluent alongwith domestic effluent of Bhiwadi is adversely affecting the land situated near Maheshwari village and sector 4& 6 of Dharuhera & Vill. Maheshwari and affecting the residents of these areas adversely. This polluted effluent is also polluting the subsoil water of this area besides polluting the agricultural land of the said area in Haryana territory Hon'ble Minister has also enclosed a copy of the news report published in Dainik Jagran, Aaj Samj & Punjab Kesri respectively in this regard and has desired that this problem be resolved immediately.

A Joint inspection was conducted by Senior officers of Haryana State Pollution Control Board and officers of Rajasthan Pollution Control Board on 14th September, 2013 and samples were also collected from CETP, Sewage effluent of Bhiwadi town & effluent of Cess pool in Kushkhera. There is a serious problem of disposal of effluent from Bhiwadi industrial area and sewage effluent of the city because as per topography of the area, the effluent flows in Haryana territory due to natural gradient. During rainy season partially treated/untreated industrial /sewage effluent flows through drains and enters the Haryana territory, and adversely affects the subsoil water and also causes soil pollution in sectors 4 & 6 of Dharuhera and Vill. Maheshwari in Haryana.

As per the result of samples drawn from Common Effluent Treatment Plant (CETP) Bhiwadi industrial Area, The parameters such as suspended solids, COD, Oil & Grease and iron were found to be beyond the permissible limits. Similarly, the results of samples drawn from the Sewage Treatment Plant (STP) of Bhiwadi town are also samples drawn from the sewage Treatment Plant (STP) of Bhiwadi town are also exceeding the

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permissible limits in respect of Suspended Solids, BOD & COD respectively. The results of samples taken from the cess pool in Kushkhera Village too reveal results in excess of the prescribed parameters regarding Suspended Solids COD, Oil & Grease and Iron. These results are enclosed alongwith this letter at **Annexure-A** for your convenience.

In view of the above mentioned facts, I would request you to intervene in this matter and issue necessary instructions to Rajasthan Pollution Control Board to take immediate steps for controlling pollution of Bhiwadi industrial Area as untreated/ partially treated effluent of Bhiwadi industrial area is polluting Vill. Maheshwari. Dharuhera and its adjoining region as a result of which susoil water of a large area is getting adversely affected in Haryana.

It is proposed that a meeting of the officials of departments of Environment/State Pollution Control Boards of Haryana and Rajasthan may be convened at Jaipur under your chairmanship at a date and time convenient to you so that this long standing issue adversely affecting the environment of the State of Haryana could be resolve amicable without any further delay.

With Regards

Yours Sincerely-
-Sd/-
(Vijai Vardhan)

Sh. O.P. Meena, IAS
Additional Chief secretary, Govt. Of Rajasthan,
Department of Environment & Forest,
Jaipur

238309

Annexure-A

Results of outlet of Common Effluent Treatment Plant (CETP) Bhiwadi Industrial Area.

Sr. No.	Parameters	Results	Limits
1	Suspended Solids	2594	100
2	COD	1920	250
3	Oil & Grease	22.5	10
4	Iron	6.8	3

Results of sewage Treatment Plant (STP) of Bhiwadi Town

Sr. No.	Parameters	Results	Limits
1	Suspended Solids	162	100
2	BOD	140	30
3	COD	464.80	250

Results of the samples taken from the Cess pool in Khuskhera Village

Sr. No.	Parameters	Results	Limits
1	Suspended Solids	166	100
2	COD	562.4	250
3	Oil & Grease	12.5	10
4	Iron	10.73	3

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Annexure-2/1/24

Prof. Surinder Deswal
BE ME phd (Env'al Engg)
Chairman

HARYANA STATE POLLUTION CONTROL BOARD
C-11, Sector-6, Panchkula (Haryana)- 134109
Email: hspcbho@gmail.com
Phone: 0172-2581005-06, Fax: 0172-2581201
D.O No. HSPCB/SA/2014/4246
Date:- 31.07.2014

Sub: Regarding Pollution caused by discharge of untreated /partially treated effluents of Bhiwadi industrial Area in Haryana territory.

Dear Sh. O.P. Meena Ji,

I would like to bring to your notice the important issue of pollution caused by discharge of untreated/partially treated effluents of Bhiwadi industrial Area in the territory of Haryana. Large number of Red & Orange categories of highly polluting industries are located in Bhiwadi industrial Area which is just two Kms from the Dharuhera town of Haryana. The topography of this area is such that polluted water flows from Bhiwadi industrial area to Dharuhera in Haryana due to gradient, especially in rainy season. Samples were collected on 1st July, 2014 from the Nallah coming from Bhiwadi industrial Area towards Haryana territory jointly with the officers of Rajasthan Pollution Control Board. The results of the samples collected shows that it contains toxic elements such as Hexavalent Chromium, Total Chromium, Bio Chemical Oxygen Demand Chemical Oxygen Demand, Oil & Grease, Phosphate, Iron etc. In excess of the prescribed standards and the same are given at **Annexure-A**.

Although a Common Effluent Treatment Plant (CETP) is installed in Bhiwadi industrial Area of 6 MLD Capacity, but industrial waste generated ranges from 7 to 10 MLD thus rendering the CETP as inadequate. Presently, the effluent is flowing in the storm water drainage system which enters in Haryana Territory alongwith rain water. Moreover, untreated sewage effluent is also coming towards Haryana bypassing the STP which can be seen at road near Kushkhera Village. It has been reported that officials of Rajasthan Pollution Control Board have identified 77 critically Polluted industrial units which are discharging effluents in the above mentioned Nallah.

Keeping in view above stated facts, I would request your goodself to please intervene in this matter and issue necessary instructions to Rajasthan Pollution Control Board to take immediate steps for controlling pollution

SDP

coming from Bhiwadi industrial Area, especially untreated/partially treated industrial effluent, towards Dharuhera and to ensure that no untreated effluent is discharged in the storm water which can adversely affect the Haryana territory.

Warm regards.

Yours sincerely

-sd-

(Prof. Surinder Deswal)

Sh. O.P. Meena, IAS
Additional Chief Secretary, Govt. of Rajasthan,
Department of Environment & Forest,
Jaipur

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Annexure-A

Results of Samples collected from Nallah

Sr. No.	Parameters	Open Nallah	Prescribed Limits
1	Colour	Blackish	-
2	Odour	Bad	-
3	pH Value	7.3	5.5-9.0
4	Suspended Solids, mg/l	236	100
5	BOD for 3 days at 27°C, mg/l	110	30
6	COD, mg/l	416	250
7	Oil & Grease, mg/l	13	10
8	Conductivity, us/cm	2410	-
9	Iron as Fe. Mg/l	5.3	3
10	Hexa Chrome as Cr ⁺⁶ , mg/l	0.5	0.1
11	Total Chrome as Cr, mg/l	4.7	2
12	Phosphate as P, mg/l	9.2	5
13	Nickel as Ni, mg/l	ND	3

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Annexure - R/1/25

D.S Dhesi, IAS

D.O. No. HSPCB/WC/3045

Chief Secretary, Haryana

Chandigarh-160001

Email: es@hry.nic.in

Dated 26.10.2018

Subject: Flow of untreated effluent from Bhiwadi to Dharuhera.

Dear Sh. Gupta,

As you may be aware, there is an issue of flow of effluent (both industrial and domestic) from Bhiwadi town of Alwar District of Rajasthan, entering into Dharuhera town of Haryana (due to natural gradient of the land), flooding the roads of the town causing considerable inconvenience to the residents. The matter was raised by a group of residents in National Green Tribunal (NGT) too (OA No. 124 of 2015 titled Sumitra Devi Vs CPCB & Ors) which vide its order dated 12.12.2017 advised the State of Rajasthan to work out a proposal for reuse of effluent from CETP/STPs of Bhiwadi.

In this regard, I have learnt that Deputy Commissioner, Rewari has already taken up the matter with his counterpart in Bhiwadi and that 5 STPs are being constructed from the domestic effluents which are likely to be commissioned by December, 2018. However, the proposal for upgradation of CETP for treating the industrial effluent has not been initiated. Moreover, the proposed capacity is inadequate to handle the quantum and volume of discharged effluents.

I shall be grateful if you could personally review and intervene in this matter and expedite the planning and execution of these projects at the earliest. I will be grateful, if you can apprise me of the action taken by you.

Regards.

Yours Sincerely

(D.S Dhesi)

**Sh. Devendra Bhusan Gupta, IAS,
Chief Secretary,
Govt. of Rajasthan
Secretariat, Jaipur-302005**

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HARYANA STATE POLLUTION CONTROL BOARD

D.O. No. HSPCB/HWM/DHR/381/2020

Dated: 30.07.2020

Sub:- Pollution due to discharge of untreated/partially treated effluent from Bhiwadi industrial Area into adjoining villages of Rewari District, Haryana.

Dear Pawan Goel Ji,

As you are aware of critical issue of Water pollution caused due to discharge of untreated/partially treated effluent from industrial area of Bhiwadi of Rajasthan into the territory of Haryana of Rewari District.

I wish to bring to your kind notice that the areas have started receiving huge quantity of such effluent recently causing environment and health issues (besides the restricted mobility/nuisance issues) affecting the normal life of residents significantly. The Board has received a number of complaints recently in this regard.

As you may be further aware of, Hon'ble NGT has already examined the issue in OA No. 124/2015 (In the matter of Sumitra Devi Vs CPCB and Ors) and directed that 'under no circumstance, any water or effluent shall be permitted to be collected around cluster or inside the cluster' and Rajasthan State Industrial Development and Investment Corporation Limited (RIICO) and Rajasthan State Government to work out a proposal for reuse of treated effluent water from CETPs/STPs of their area.

We also learn RIICO and Rajasthan Govt. State have worked out a proposal as per the direction of Hon'ble Tribunal to treat the effluent by developing necessary infrastructure in the area, which may take some time to get establish. Considering the continued problem in the area chief Secretary of Haryana has made a request through D.O communication to Chief Secretary of Rajasthan on dated 26.10.2018 Requesting his intervention to resolve the issue and to provide for interim measures to address the problem till the long term solution is put in place. State Pollution Control Board of Haryana has also filed an execution application in above application focusing on the issues.

In view of above mentioned facts, I would request you to intervene in this matter personally and issue necessary instructions to Rajasthan State

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industrial Development and investment corporation Limited and other
authorities concerned to take immediate steps.

With Regards,

(Ashok Kheterpal)

**Sh. Pawan Kumar Goyal,
Chairman, Rajasthan Pollution Control Board,
4, Jhalana institutional Area Jhalana Doongri,
Jaipur (Rajasthan) Pin: 302004**

Annexure R/1/27

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Keshni Anand Arora, IAS

D.O No. HSPCB/DHR/2020/431

Chief Secretary, Haryana,

Chandigarh-160001

E mail. es@hry.nic.in

Dated 26.08.2020

Sub:- Pollution due to discharge of untreated/partially treated effluent from Bhiwadi industrial Area into adjoining villages of Rewari District, Haryana.

Dear Sh. Swarup,

Please refer to my D.O. communication dated 26.10.2018 on the above subject and I wish to bring once again in you notice, the critical issue of water pollution caused due to discharge of untreated/partially treated effluent from industrial area of Bhiwadi of Rajasthan into the territory of Haryana of Rewari district.

In this regard I have learnt that action has already been initiated by State of Rajasthan and some details of actions were informed to us by Shri Subodhg Aggarwal, IAS vide his letter dated 18.01.2019. Now during the present monsoon, the areas have again started receiving huge quantity of such effluent recently, causing environment and health issues (besides the restricted mobility/nuisance issues) affecting the normal life of residents significantly.

I would, therefore, request you to review the progress of works initiated by Rajasthan Government and Rajasthan State industrial development and investment Corporation Limited (RIICO) for treatment of domestic and industrial effluent coming from Bhiwadi town and to ensure that some interim measures are brought in place to prevent the same.

I will be grateful if you apprise me about the further progress of the action taken by Rajasthan Government in this regard.

Yours sincerely,

(Keshni Anand Arora)

**Sh. Rajeeva Swarup, IAS,
Chief Secretary,
Govt. of Rajasthan
Secretariat, Jaipur-302005.**

Item No. 01

(Court No. 1)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Execution Application No. 42/2019
In
Original Application No. 124/2015
(M.A. No. 72/2020)

Sumitra Devi

Applicant

Versus

CPCB

Respondent

Date of hearing: 04.05.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Rahul Khurana, Advocate for HSPCB applicant

Respondent(s): Mr. Aman Bhalla, Advocate for CPCB
Mr. Nikhil Jain, Advocate for RIICO
Mr. Tanzeela Mubashsharah, Advocate for CETP, Bhiwadi
Mr. Nishant Awana, Advocate for RSPCB**ORDER**

1. This application has been filed by the Haryana State PCB for execution of order dated 12.12.2017 passed by this Tribunal, directing the Rajasthan State Industrial Development and Investment Corporation (RIICO) and the CETP operating society at industrial area Bhiwadi, Rajasthan Bhiwadi to take remedial measures against water pollution from the CETP. It is submitted that the authorities failed to perform their duties and order of this Tribunal dated 12.12.2017 has not been complied with, resulting in stagnation of untreated effluents and domestic sewage

affecting the inhabitants in and around border of Rajasthan and Haryana, particularly in Dharuhera in Haryana.

2. A factual and action taken report with reference to the status of compliance of directions of this Tribunal in order dated 12.12.2017 was sought from a joint Committee of MoEF&CC, CPCB and Rajasthan State PCB, with CPCB as the nodal agency.

3. The matter has been thereafter considered on several occasions and lastly by order dated 29.10.2021.

4. The Tribunal issued directions for remedial action by the said order against which Civil Appeal Nos. 1377, 1228 and 1234 of 2022, *Municipal Council Bhiwadi vs. Sumitra Devi & Ors.* have been filed. Stay of operation of the order of this Tribunal has been granted.

5. In OA No. 11/2020(CZ), *Action for Community Foundation vs. Central Pollution Control Board & Ors.* filed before the Central Zone Bench of this Tribunal, same issue has been raised. It came up for hearing on 28.03.2022. In view of pendency of the matter before the Hon'ble Supreme Court, the Tribunal deferred the matter sine die.

In view of above, this application may now be listed for hearing after disposal of the matter pending in the Hon'ble Supreme Court alongwith OA No. 11/2020(CZ), *Action for Community Foundation vs. Central Pollution Control Board & Ors.*, before the Principal Bench.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

May 04, 2022
Execution Application No. 42/2019
In Original Application No. 124/2015
(M.A. No. 72/2020)
DV

Item No. 07

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(By Hybrid Mode)

Execution Application No. 42/2019
IN
Original Application No. 124/2015
(M.A. No. 72/2020)

Sumitra Devi

Applicant

Versus

CPCB

Respondent

Date of hearing: 03.02.2023

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Rahul Khurana, Advocate (HSPCB)

Respondents: Ms. Prachi Mishra & Mr. Dipesh Singhal, Advocates for the State of Rajasthan
Mr. Nishant Awana, Advocate for RSPCB
Mr. Nikhil Jain, Advocate for RIICO
Ms. Supriya R. Pandey, Advocate for CETP Bhiwadi

ORDER

1. This application has been filed by the Haryana State PCB for execution of order dated 12.12.2017 passed by this Tribunal, directing the Rajasthan State Industrial Development and Investment Corporation (RIICO) and the CETP operating society at industrial area Bhiwadi, Rajasthan Bhiwadi to take remedial measures against water pollution from the CETP. It is submitted that the authorities failed to perform their duties and order of this Tribunal dated 12.12.2017 has not been complied with, resulting in stagnation of untreated effluents and domestic sewage affecting the inhabitants in and around border of Rajasthan and Haryana, particularly in Dharuhera in Haryana.

2. A factual and action taken report with reference to the status of compliance of directions of this Tribunal in order dated 12.12.2017 was sought from a joint Committee of MoEF&CC, CPCB and Rajasthan State PCB, with CPCB as the nodal agency.

3. The matter has been thereafter considered on several occasions and lastly by order dated 29.10.2021. The Tribunal issued directions for remedial action by the said order against which Civil Appeal Nos. 1377, 1228 and 1234 of 2022, *Municipal Council Bhiwadi vs. Sumitra Devi & Ors.* have been filed. Stay of operation of the order of this Tribunal has been granted.

4. In OA No. 11/2020(CZ), *Action for Community Foundation vs. Central Pollution Control Board & Ors.* filed before the Central Zone Bench of this Tribunal, same issue has been raised. It came up for hearing on 28.03.2022. In view of pendency of the matter before the Hon'ble Supreme Court, the Tribunal deferred the matter sine die.

5. Since stay of operation of order of this Tribunal dated 29.10.2021 is still operative, after hearing the learned counsel for the parties, we find it to be in the interest of justice to make the earlier orders absolute, as far as this Tribunal is concerned, abiding further orders of Hon'ble Supreme Court with the modification that status report required to be filed before this Tribunal in terms of the said order may now be filed with the Chairman, CPCB and Chairman, State PCB for further action. If there is any grievance against the said report or any other grievance survives after the order of the Hon'ble Supreme Court, it will be open to the parties to take their remedies. Statutory compliances may be overseen and ensured by the statutory Authorities as per law, subject to order of the Hon'ble Supreme Court.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

February 03, 2023
E.A. No. 42/2019 in O.A. No. 124/2015
A



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Rewari Region HSPCB <hspcbrodr@gmail.com>

Status Report in Original Application No. 344/2023 titled as Prakash Yadav Versus State of Haryana in Hon'ble National Green Tribunal, Principal Bench, New Delhi

Suneel Dave <sdave.cpcb@gmail.com>

Tue, Aug 1, 2023 at 7:28 PM

To: Dharuhera Region Hspcb <hspcbrodr@gmail.com>

Cc: adcrwr@hry.nic.in, drdarwr@nic.in, sdave.cpcb@nic.in

The report needs to cover the following points:

1. To provide information and other details about the industries operating in the State of Haryana at Dharudhera, Rewari. The compliance of the order needs to be achieved.
2. The cause of pollution, extents of pollution and its scale are required to be mentioned. The agency responsible to provide smooth and effective drainage within the State of Haryana has miserably failed to achieve its objective by not providing complete scheme of lifting, transporting, treating and disposing the waste water received through a naturally flowing drain.
3. Created are the obstruction meant for development of the area and therefore State of Haryana is required to undertake the detailed evaluation of failure of earlier attempts made to improve the water logging.
4. The issue of receiving treated, untreated or partially treated sewage and effluent needs to be taken into consideration by the Government of Haryana with that of Rajasthan. An estimate suggests that about 12-14 MLD mixed waste water is discharged into the drain in the State of Rajasthan at Bhiwadi, Alwar. The drain carrying the waste water while entering into the State of Haryana found be unlined and obstructed for its natural gradient flow, thus resulted into water logging and stagnation besides expected to cause deterioration in ground water quality.
5. The monitoring data, shared time to time by HSPCB with RSPCB do confirm that the waste water which is received/ reached at the State's boundary is combined waste of partially treated sewage and untreated effluent.
6. The State of Haryana may work out a detailed scheme and its schedule to let the waste water received be treated , transported and discharged for disposal and thereby an appropriate mechanisms be developed to charge the expenses from the State of Rajasthan.

This may also be referred the earlier email dated 26.07.2023.

Suneel Dave

9205849639

[Quoted text hidden]

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Suneel Dave

Additional Director

Central Pollution Control Board

Delhi

Cell:- +919868036039



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Rewari Region HSPCB <hspcbrodr@gmail.com>

Status Report in Original Application No. 344/2023 titled as Prakash Yadav Versus State of Haryana in Hon'ble National Green Tribunal, Principal Bench, New Delhi

Suneel Dave <sdave.cpcb@gmail.com>

Wed, Aug 2, 2023 at 8:53 AM

To: Dharuhera Region Hspcb <hspcbrodr@gmail.com>

Cc: adcrwr@hry.nic.in, drdarwr@nic.in, gurnam <gurnamsingh.cpcb@nic.in>, sdave.cpcb@nic.in

PS:

7. Since, it is very much evident from the waste water quality monitoring data that the State of Rajasthan through its designated agencies involved in committing offences under the various provisions of the Water Act, 1974, this therefore stipulates that Haryana Government may recommend to invoke the provisions under the said Act for constitution of joint board to resolve the issue and speedy implementation of remedies for protecting the water and land environment of Bhiwadi-Dharudhera region.

Thanks.

[Quoted text hidden]



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Haryana State Pollution Control Board
Regional Office, Rewari at SCO-D6 & D-7,
Suncity Commercial Complex, Sector-6, A-Block Rewari
Tele: ☎ 01274-244241, E-Mail: ✉ hspcbrodr@gmail.com



HSPCB/RWR/2023/1398.....

Dated 16/11/2023

To

Sh. Suneel Dave, Additional Director
CPCB, Chandigarh

Sub:- Reply of observation received vide email dated 01.08.2023 and 02.08.2023 in OA No. 344/2023 titled as Prakash Yadav Versus State of Haryana in Hon'ble National Green Tribunal, Principal Bench, New Delhi.

Kindly refer to the subject noted above, in reference to the visit of joint committee on 24.07.2023 constituted by Hon'ble NGT in OA No. 344/2023 titled as Prakash Yadav Versus State of Haryana, this office received email from your good-self on dated 01.08.2023 & 02.08.2023 mentioned in various observations. Hon'ble Chief Minister, State of Haryana has taken up the matter again with the Hon'ble Chief Minister of Rajasthan. Detail of developments after your emails and point wise reply of observations in emails is as follows:-

Observation No. 1:- To provide information and other details about the industries operating in the State of Haryana at Dharuhera, Rewari. The compliance of the order needs to be achieved.

Reply:- It is absolutely correct that compliance of the order needs to be achieved. It is therefore requested to consider direction No.22 passed by Hon'ble NGT vide Order dated 12.12.2017 passed in OA No.124/2015 & OA No.127/2016 and appropriate directions be issued to State of Rajasthan and Rajasthan SPCB. State of Haryana is facing inter-state Pollution since long which is required to be addressed now. It is further submitted that root cause is 12-14 MLD coming from thousands of industries at Bhiwadi (State of Rajasthan) in vacant land at Dharuhera industrial area and not the effluent of industries at Dharuhera industrial area. There are 46 Nos. industrial units is operating in Industrial Area, Dharuhera having valid consent to operate from the Board. The total trade effluent generation is approx. 1.9 MLD. All the trade effluent generating units have their own effluent treatment plant, there is no CETP in Industrial Area, Dharuhera at present. The hazardous waste generated from industrial units is being disposed through authorized TSDF/Recycler.

The details of industries operating, quantification of trade effluent, status of consent granted and hazardous waste are as follows:-

Sr No	Name of the Industry	Trade effluent	Mode of discharge of Trade effluent	Status of Latest CTO	Status of Authorization	HWM	Hazardous Waste mode of disposal
1	A R Milk Foods Plot No. 5/26, Industrial Area, Dharuhera Distt-Rewari	16	Recycling/Reuse	01/04/2023 31/03/2028	-	20/05/2023 - 31/03/2028	Authorized Recycler
2	Airef Engineers Pvt Ltd Plot No 24 Ind Area Dharuhera	-	-	01/04/2021 31/03/2026	-	-	-
3	Aligned Industries Plot No. 51-54, HUDA industrial Area, Dhareuhera	-	-	01/04/2023 31/03/2027	-	-	-
4	Amtek Auto Limited, Plot No 20, Urban Estate	0.2	Recycling/Reuse	01/04/2021 31/03/2024	-	01/04/2021 - 31/03/2024	Authorized Recycler/ Gujarat Enviro Protection and

	Dharuhera, Distt Rewari, Haryana					Infrastructure (Haryana) Pvt. Ltd. (GEPIL)	
5	Amtek Auto Limited Plot no. 01, Ind. Area, Dharuhera	0.1	Gardening	01/04/2021 31/03/2024	-	01/04/2021 - 31/03/2024	Authorized Recycler/ GEPIL
6	Amtek Powertrain Limited, (MPT Amtek Automotive India Ltd) Plot no. 20, phase 1, Industrial complex Dharuhera, District Rewari	-	-	01/04/2021 31/03/2024	-	01/04/2021 - 31/03/2024	Authorized Recycler/ GEPIL
7	Apcolite Polymers Pvt Ltd Plot No. 42, Ind. Area, Dharuhera	-	-	01/10/2022 30/09/2027	-	01/10/2022 - 30/09/2027	Authorized Recycler
8	Aptiv Components India Pvt. Ltd (Delphi Automotive Systems Pvt. Ltd) Plot No. 7, Dharuhera Industrial Area, Dharuhera, District Rewari	-	-	15/04/2023 30/09/2024	-	01/04/2021 - 31/03/2026	Authorized Recycler/ GEPIL
9	ARGL LIMITED, PLOT NO. 1, HUDA IND. AREA, DHARUHERA, DISTT-REWARI	13	Recycling/Reuse	11/06/2019 31/03/2024	-	20/03/2021 - 31/03/2024	Authorized Recycler/ GEPIL
10	BNM Breweries LLP, Plot No-7, Dharuhera Industrial Area, Dharuhera	1.2	Recycling/Reuse	14/12/2022 31/03/2025	-	-	-
11	Calderys India Refractories Limited, (HIL Ltd.) Plot no. 31 A, Main Delhi Jaipur Road Dharuhera Industrial Area, Sector 8, Dharuhera, Rewari	61	Recycling/Reuse	01/04/2023 31/03/2024	-	01/04/2023 - 31/03/2024	Authorized Recycler
12	Carlsberg India Private limited, (Kool Breweries Ltd.) 02, Industrial Area, Dharuhera, Rewari	570	Recycling/Reuse	27/10/2023 30/09/2028	-	01/11/2023 - 30/09/2028	Authorized Recycler/ GEPIL
13	Committed Ispat Pvt. Ltd. (AGR STEEL STRIPS PVT LTD.) INDUSTRIAL AREA,PLOT NO-69, DHARUHERA	8	Recycling/Reuse	01/10/2022 30/09/2027	-	-	-
14	Dharuhera Pharmaceuticals Pvt Ltd PlotNo-25,Sec-6, Industrial Area, Dharuhera	2.1	For Irrigation	01/10/2022 30/09/2024	-	01/10/2022 - 30/09/2024	Authorized Recycler/ GEPIL
15	Dhingra Trucking Pvt Ltd., Plot No 22 A, Industrial Area, Dharuhera, Dist.-Rewari	8	Public Sewer	01/10/2020 31/03/2025	-	01/10/2020 - 31/03/2025	Authorized Recycler
16	ENCO ENGINEERS COMBINE PLANT-II PVT.LTD PLOT NO 70, INDUSTRIAL AREA,DHARUHERA,DIST-REWARI	8	Recycling/Reuse and Gardening	01/10/2021 30/09/2024	-	01/10/2021 - 30/09/2024	GEPIL
17	Evershine Moulders Ltd Plot No. 68, Ind. Area, Dharuhera Distt-Rewari	-	-	01/04/2023 31/12/2027	-	20/05/2023 - 31/12/2027	Authorized Recycler
18	GKN Driveline(India)Ltd. Plot no.34-35,Industrial Area,Dharuhera	1	For Irrigation	01/10/2022 30/09/2025	-	31/10/2022 - 30/09/2025	Authorized Recycler/ GEPIL
19	JMX Works, 5/13, HUDA Industrial Area, Dharuhera, District- Rewari	0.1	Recycling/Reuse	01/10/2023 30/09/2028	-	27/01/2021 - 31/03/2024	Authorized Recycler/ GEPIL
20	JTEKT India Pvt. Ltd. (Formerly Sona Koyo Steering Systems Ltd) Plot No- 19, HUDA Industrial Area, Dharuhera	3.15	For Irrigation	01/10/2021 30/09/2026	-	01/10/2021 - 30/09/2026	Authorized Recycler/ GEPIL
21	JTEKT India Pvt. Ltd. (Formerly Sona Koyo Steering Systems Ltd) Plot No.-32, HUDA Industrial Area, Dharuhera	1.56	For Irrigation	01/10/2021 30/09/2026	-	01/10/2021 - 30/09/2026	Authorized Recycler/ GEPIL
22	Kryton Buildmat Co. Pvt. Ltd., Plot No. 63 Dharuhera	-	-	25/04/2022 31/12/2026	-	-	-
23	Lumax Ind. Ltd., Plot No. 6 , I.A., Dharuhera	22	For Irrigation	01/11/2023 30/09/2025	-	06/11/2023 - 30/09/2025	Authorized Recycler/ GEPIL
24	Mark Exhaust System Limited Plot No 30 Dharuhera Industrial Estate	1.5	Gardening	01/10/2022 30/09/2024	-	01/10/2022 - 30/09/2025	Authorized Recycler

	Dist Rewari						
25	Mehsana District Co-opt Milk Producers Union Ltd., Plot No 17 Dharuhera HUDA Industrial Area, Dharuhera District Rewari	900	Recycling/Reuse, Gardening and Sprinkling on road and road side plantation	01/10/2020 30/09/2025	-	17/11/2020 - 30/09/2025	Authorized Recycler/ GEPIL
26	Micro Precession Pvt Ltd, 11 Industrial Area Dharuhera District Rewari	-	-	14/05/2022 31/03/2027	-	24/05/2022 - 31/03/2027	Authorized Recycler
27	Munjil Auto Industries Limited, -32-A, Industrial Area, Dharuhera	2	Recycling/Reuse	01/10/2023 30/09/2028	-	01/10/2023 - 30/09/2028	Authorized Recycler/ GEPIL
28	Oriental Carbon & Chemicals Limited (100% Export Oriented Unit) Plot No. 3 & 4, Dharuhera Industrial Complex, Phase-1; Rewari	30	Recycling/Reuse	01/10/2022 30/09/2025	-	01/10/2022 - 30/09/2025	GEPIL
29	Oriental Carbon & Chemicals Limited (Chemicals Division) Plot No. 3 & 4, Dharuhera Industrial Complex, Phase-1; Rewari	110	Recycling/Reuse	01/10/2022 30/09/2025	-	01/10/2022 - 30/09/2025	GEPIL
30	Oriental Carbon & Chemicals Limited (Insoluble Sulphur Division) Plot No. 3 & 4, Dharuhera Industrial Complex, Phase-1; Rewari	25	Recycling/Reuse	01/10/2022 30/09/2027	-	01/10/2022 - 30/09/2027	GEPIL
31	Oswal Poly Rubbers Plot No. 45, Industrial Area Dharuhera Distt-Rewari	-	-	01/04/2021 31/12/2025	-	01/04/2021 -31/12/2025	Authorized Recycler
32	Paramount Communications Ltd Plot No 37 Industrial Estate Dharuhera	-	-	09/06/2023 31/03/2028	-	18/06/2021 - 31/12/2025	Authorized Recycler
33	PMI Coaches Pvt. Ltd., Plot No. 26, I.A. Ind. Area, Dharuhera	4	Recycling/Reuse	01/10/2021 30/09/2026	-	05/11/2022 - 30/09/2026	Authorized Recycler/ GEPIL
34	ROOP AUTO FORGE PVT LIMITED (Logwell Forge Ltd.), 14, HUDA Industrial Area, Dharuhera	0.1	For Irrigation	21/09/2023 31/03/2028	-	23/09/2023 - 31/03/2028	Authorized Recycler/ GEPIL
35	SAMYAK METALS PRIVATE LIMITED, PLOT NO. 13, SECTOR-8, IND. AREA, DHARUHERA, DISTT-REWARI	-	-	01/04/2022 31/03/2027	-	11/06/2019 - 04/03/2024	Authorized Recycler
36	Sand Chem India Ltd Plot No. 43-44, Ind. Area, Dharuhera Rewari	-	-	01/04/2022 30/09/2026	-	-	-
37	SARAS METAL ALLOYS, Plot No. 5/23, Sector-8, Industrial Urban Estate, Dharuhera, Distt. Rewari	-	-	02/08/2019 31/03/2024	-	-	-
38	Satyam Auto Components Private Limited, Plot No. 8, Industrial Area, Dharuhera, Rewari	-	-	01/10/2021 30/09/2026	-	01/10/2021 - 30/09/2026	Authorized Recycler
39	Silvertones Impex Pvt. Ltd. Plot No. 57, Dharuhera Industrial area, Dharuhera, Rewari	-	-	01/04/2022 31/03/2027	-	15/05/2022 - 31/03/2027	Authorized Recycler
40	SMI Amtek crankshaft Pvt Ltd Plot no 20 Phase 1 Industrial Area Dharuhera distt Rewari Haryana	45	For Irrigation	01/04/2021 31/03/2026	-	01/04/2021 - 31/03/2026	Authorized Recycler/ GEPIL
41	SUPERMAC INDUSTRIES (INDIA) LIMITED, Plot no 72 Sector 8 Industrial Area Dharuhera Rewari,	-	-	17/06/2023 31/03/2026	-	-	-
42	SYNERGY GLOBAL STEEL PRIVATE LIMITED, PLOT NO-30, DHARUHERA INDUSTRIAL AREA, REWARI	-	-	19/04/2022 31/03/2024	-	31/07/2023 - 31/03/2024	Authorized Recycler/ GEPIL
43	SyskaMiterr Pvt. Ltd., 30, 1/A, HSIIDC Industrial Area, Dharuhera, Rewari	-	-	01/04/2020 31/03/2025	-	01/04/2020 -31/03/2025	Authorized Recycler
44	Vibewell Techniks, Plot No.	1	Recycling/Reuse	01/10/2021	-	01/10/2021 - 30/09/2026	Authorized Recycler/

	55, Ind Area, Dharuhera			30/09/2026			GEPIL
45	WINSHARP ELECTRONICS PVT LTD, Plot No-30, shed No-2, Industrial Area Dharuhera	-	-	27/02/2023 31/03/2025	-	-	-
46	Lifelong India Pvt Ltd. PLOT NO. 76, IA & KHASRA NO. 5//20,21,6//15/2,16 & 25, IA, DHARUHERA, DISTT- REWARI	85	Recycling/Reuse	01/10/2023 30/09/2028	-	01/10/2023 - 30/09/2028	Authorized Recycler/ GEPIL

Observation No. 2:- The cause of pollution, extents of pollution and its scale are required to be mentioned. The agency responsible to provide smooth and effective drainage within the State of Haryana has miserably failed to achieve its objective by not providing complete scheme of lifting, transporting, treating and disposing the waste water received through a naturally flowing drain.

Reply:- The cause of pollution is the effluent flowing from Bhiwadi (Rajasthan) to Dharuhera (Haryana). As observed by the joint committee on dated 24.07.2023 there is approx. 12-14 MLD untreated effluent coming from Bhiwadi to Dharuhera. HSPCB alongwith RSPCB regularly collecting the effluent samples and parameters of effluent are exceeding the prescribed limits and analysis reports are being shared with RSPCB regularly. In OA No. 124 of 2015 and in EA No. 42 of 2019, directions have already been issued by Hon'ble NGT to Govt. of Rajasthan and various agencies of Rajasthan to take action in this matter. It is respectfully submitted that observation under reply is contrary to direction No.4, 7, 8, 16, 17, 22 of Order dated 12.12.2017 passed in OA No.124/2015 & OA No.127/2016 which is under execution in EA No.42/2019 disposed of subject to order passed by Hon'ble Supreme Court as annexed with the report. It is further submitted that Hon'ble NGT vide direction No.22 directed that Central Pollution Control Board shall also be responsible for keeping general supervision in relation to compliance of directions No.s 1 to 22. It is illogical to portray the State for Haryana as liable to lift, transport, treat and dispose of waste water of thousands industries coming from State of Rajasthan. It is humbly requested to reconsider the observation under reply in light of orders passed by Hon'ble NGT.

Observation No. 3:- Created are the obstruction meant for development of the area and therefore State of Haryana is required to undertake the detailed evaluation of failure of earlier attempts made to improve the water logging.

Reply:- The untreated effluent flowing from Bhiwadi (Rajasthan) to Dharuhera (Haryana) through drain and stagnated into vacant land at industrial area, Dharuhera. The contents of reply at Point No.2 are reiterated. It is humbly submitted that necessary directions may kindly be issued to state of Rajasthan and Rajasthan State Pollution Control Board.

Observation No.4:-The issue of receiving treated, untreated or partially treated sewage and effluent needs to be taken into consideration by the Government of Haryana with that of Rajasthan. An estimate suggests that about 12-14 MLD mixed waste water is discharged into the drain in the State of Rajasthan at Bhiwadi, Alwar. The drain carrying the waste water while entering into the State of Haryana found be unlined and obstructed for its natural gradient flow, thus resulted into water logging and stagnation besides expected to cause deterioration in ground water quality.

Reply:-The matter regarding receiving of untreated effluent has been taken up multiple times with Govt. of Rajasthan and recently Hon'ble Chief Minister, Govt. of Haryana held a meeting on 30.07.2023 with the officers of Rajasthan and Haryana to stop the effluent coming from Bhiwadi to Dharuhera. Joint teams are constituted by both the states to check the industries of Bhiwadi but Govt. of Rajasthan have not shared the schedule of inspection of industries of Bhiwadi for inspection by joint team even after requested by Deputy Commissioner, Rewari to District Collector, Khairthal vide letter No. 5167/LFA dated 13.09.2023, 5495/LFA dated 20.10.2023. Further, the effluent from Bhiwadi to Dharuhera flowing through drain and stagnating into vacant land at Industrial Area Dharuhera & Dharuhera town. In OA No. 124 of 2015 and in EA No. 42 of 2019, directions have already been issued by Hon'ble NGT to Govt. of Rajasthan and various agencies of Rajasthan to take action in this matter. It is noteworthy that drains referred in observation under reply are for drainage of rainy water, and not for the waste water/effluent. Thus, it is not legally required to lined the

drains in questions, rather, discharge of untreated waste water/effluent from Bhiwadi (Rajasthan) should be stopped.

Observation No.5:-The monitoring data, shared time to time by HSPCB with RSPCB do confirm that the waste water which is received/ reached at the State's boundary is combined waste of partially treated sewage and untreated effluent.

Reply:-The samples of untreated effluent flowing from Bhiwadi to Dharuhera is being taken regularly by HSPCB alongwith RSPCB and as per sample report, parameters of effluent are exceeding the prescribed limits. Analysis Reports are being shared regularly with RSPCB to take necessary action.

Observation No.6:-The State of Haryana may work out a detailed scheme and its schedule to let the waste water received be treated , transported and discharged for disposal and thereby an appropriate mechanisms be developed to charge the expenses from the State of Rajasthan.

Reply:-The effluent is flowing from Bhiwadi to Dharuhera. Hence, Govt. of Rajasthan must take remedial action to stop the untreated effluent coming in Industrial Area, Dharuhera. It is illogical to impose liability on State of Haryana to transport, treat and dispose of waste water of thousands industries coming from State of Rajasthan. Directions has been issued by Hon'ble NGT to State of Rajasthan, RIICO etc. to treat & reuse the effluent generated from Bhiwadi (Rajasthan). The contents of reply at Point No.2 are reiterated.

Observation No.7:-Since, it is very much evident from the waste water quality monitoring data that the State of Rajasthan through its designated agencies involved in committing offences under the various provisions of the Water Act, 1974, this therefore stipulates that Haryana Government may recommend to invoke the provisions under the said Act for constitution of joint board to resolve the issue and speedy implementation of remedies for protecting the water and land environment of Bhiwadi-Dharuhera region.

Reply:-Hon'ble NGT vide order dated 12.12.2017 in OA No. 124 of 2015 issued various directions to the various agencies of Govt. of Rajasthan to stop the effluent coming from Bhiwadi to Dharuhera and vide order dated 29.10.2021 in EA No. 42 of 2019 Hon'ble NGT imposed environmental compensation on various agencies of Govt. of Rajasthan for causing environmental damages. Hon'ble Apex court has granted stayed the operation of order passed by Hon'ble NGT in EA No.42/2019. Further, HSPCB has filed counter affidavit in Hon'ble Apex court on 28.06.2023 to vacate the stay.

Latest developments from 31.07.2023 are reproduced below:

30.07.2023	Meeting held on 30.07.2023 at 09:30 AM regarding "Effluent coming from Bhiwadi (Rajasthan) to Dharuhera (Haryana)" under the Chairmanship of Hon'ble Chief Minister, Haryana at Jungle Babbler, Tourist Complex at Dharuhera and directed that A joint committee of officers from Haryana and Rajasthan to be constituted within 24 hours and the committee will conduct inspections of the industries of Bhiwadi to check the untreated effluent discharge. Govt. of Rajasthan will take immediate action against the violating industries.
31.07.2023	Deputy Commissioner, Rewari has constituted joint team of officers of Haryana State vide letter No. 4972-78 dated 31.07.2023 and requested to District Collector, Alwar to constitute joint team of officers of Rajasthan Govt.
04.08.2023	This office sent letter vide No. 170566/2023 dated 04.08.2023 to Deputy Commissioner, Rewari that District Magistrate, Alwar (Raj.) may kindly be requested again to constitute the requisite committee of officers of Rajasthan State, so that joint inspection by officer of both the states could be conducted and compliance of directions of Hon'ble Chief Minister, Haryana may be done.
07.08.2023	DC, Rewari has sent reminder to District Collector, Alwar vide letter No. 4984 dated 07.08.2023 to constitute joint team of officers of Rajasthan State.
17.08.2023	DC Rewari has sent Minutes of Meeting to PS to CM Haryana vide letter No. 4102/LFA dated 17.08.2023.
17.08.2023	DC Rewari has sent letter to Chief Secretary, Govt. of Haryana vide letter No. 4103 dated 17.08.2023.
21.08.2023	DO letter from Hon'ble CM Haryana to Hon'ble CM Rajasthan has been sent on 21.08.2023.
01.09.2023	Team has been constituted of officers of Rajasthan Govt. vide DO letter dated 01.09.2023.
13.09.2023	DC, Rewari has sent letter to District Collector, Alwar vide letter No. 5167 dated 13.09.2023 to share the schedule of inspection of industries of Bhiwadi.
17.10.2023	This office has requested to DC, Rewari vide letter No. 1234 dated 17.10.2023 that District Collector, Khairthal, Tijara to share the schedule of inspection of industries of Bhiwadi.
20.10.2023	DC Rewari has sent letter to DC Khairthal vide letter No. 5495 dated 20.10.2023 to share the schedule of inspection of industries of Bhiwadi.

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16.11.2023

This office has requested to DC, Rewari vide letter No. 1396 dated 16.11.2023 that District Collector, Khairthal, Tijara to share the schedule of inspection of industries of Bhiwadi.

Copy of letters dated 21.08.2023, 01.09.2023, 13.09.2023, 17.10.2023, 20.10.2023 and 16.11.2023 referred in above table are enclosed herewith.

DA:As above

HSPCB/RWR/2023/...1399.....

A copy of the above is forwarded to the Sr. Environmental Engineer, Coordination Cell, HSPCB, Panchkula for information and further necessary action please.


Regional Officer

Rewari Region

Dated...16/11/2023


Regional Officer

Rewari Region



मनोहर लाल
MANOHAR LAL

D.O. No. CMH-2023 /160./21.08.23

मुख्य मन्त्री, हरियाणा,
चण्डीगढ़।

CHIEF MINISTER, HARYANA,
CHANDIGARH.

Dated21.08.2023.....

Subject: Regarding untreated effluent coming from Bhiwadi (Rajasthan) to Dharuhera (Haryana).

Respected Sh. Ashok Gehlot Ji

I wish to bring to your notice the issue of release of untreated effluent from the Bhiwadi industrial area, Rajasthan into the city of Dharuhera in Haryana. The release of untreated industrial effluent into the residential areas of Dharuhera has been a matter of deep concern for the people residing in the area and for the Government of Haryana. The matter had also been taken up by the National Green Tribunal (NGT) and certain directions have been issued by NGT for mitigating this problem. While Government of Rajasthan has initiated certain steps to mitigate this problem, nevertheless the time taken for mitigation and the monitoring of the mitigation measures in the meanwhile, have not been clearly specified.

I had spoken to you on this issue on 29th July, 2023 following which officers from the two States were in touch. As was decided, a joint team of officers of Rajasthan and Haryana was to be constituted so that the action being taken by Rajasthan and the adequacy of mitigation measures could be mutually discussed and the affected people informed accordingly. Based on this understanding, Deputy Commissioner, Rewari had written to District Collector, Alwar for nominating a team of five officers vide his letter dated 31.07.2023. I am informed by Deputy Commissioner, Rewari that despite reminders they are not getting any response from officers of Rajasthan.

I believe that you are interested in resolving this problem. I would be happy if you could kindly direct your officers concerned to be a part of the joint committee which could periodically meet, monitor and take interim steps in this regard till the final solution in terms of NGT directions are implemented.

With Regards

Yours sincerely,

MANOHAR LAL

(Manohar Lal)

Shri Ashok Gehlot,
Chief Minister, Rajasthan,
Jaipur-302005.

Office : 4th Floor, Haryana Civil Secretariat, Chandigarh - 160001, Ph. 0172-2749396, 0172-2740995 (Fax)

Resi. : H.No. 1, Sector-3, Chandigarh - 160001, Ph. 0172-2749394, 0172-2740596 (Fax)

email : cmharyana@nic.in



प्रिय श्री मनोहर लाल जी,

इस पत्र के माध्यम से मैं आपका ध्यान आपके पत्र क्रमांक डीओ न सीएमएच-2023/160 दिनांक 21.08.2023 द्वारा धारूहेड़ा में आने वाले पानी के निस्तारण हेतु हरियाणा और राजस्थान के अधिकारियों की एक संयुक्त टीम बनाने के आग्रह की ओर आकर्षित करना चाहूंगा।

प्रदेश सरकार इस विषय को लेकर गंभीर है और इसके सम्बन्ध में राज्य सरकार द्वारा विभिन्न कदम उठाए गये हैं। आपके द्वारा पत्र में दिए गए सुझाव अनुसार खैरथल एवं रेवाड़ी के अधिकारियों की संयुक्त बैठक हेतु राजस्थान सरकार की ओर से निम्न अधिकारियों को नामित किया गया है:-

1. जिला कलक्टर, खैरथल-तिजारा
2. मुख्य कार्यकारी अधिकारी, BIDA
3. क्षेत्रीय प्रबंधक, राजस्थान राज्य प्रदूषण नियंत्रण भिवाड़ी।
4. वरिष्ठ प्रबंधक, RIICO, भिवाड़ी
5. अधीक्षण अभियंता, RUDSICO
6. आयुक्त नगर परिषद, भिवाड़ी

मेरा आपसे आग्रह है कि आप हरियाणा में इस कार्य से सम्बन्धित अधिकारियों को इस हेतु राजस्थान की टीम के साथ समन्वय बनाकर दोनों राज्यों के पर्यावरण संरक्षण के लिए आवश्यक कदम उठाने हेतु निर्देशित करने का श्रम करावें।

सद्भावी,

(अशोक गहलोत)

श्री मनोहर लाल
माननीय मुख्यमंत्री, हरियाणा
चण्डीगढ़ - 160 001

उपायुक्त, रेवाड़ी।

सेवामें

जिलाधीश, खैरथल,
तिजारा।

यादीक्रमांक 5167 /एल.एफ.ए.

दिनांक 13/09/2023

विषय:-

भिवाड़ी राजस्थान से धारूहेड़ा, रेवाड़ी (हरियाणा) में आ रहे प्रदूषित पानी बारे।

इस कार्यालय के पत्र क्रमांक 4971/एल.एफ.ए. दिनांक 31.07.2023 व 4984/एल.एफ.ए. दिनांक 07.08.2023 की निरंतरता में भेजकर लिखा जाता है कि भिवाड़ी से धारूहेड़ा क्षेत्र में आ रहे रसायन युक्त पानी के समाधान के लिए दिनांक 30.07.2023 को माननीय मुख्यमंत्री, हरियाणा की अध्यक्षता में हुई बैठक में दिए गए दिशा निर्देशों के अनुसार राजस्थान सरकार एवं हरियाणा सरकार के सम्बन्धित प्रशासनिक अधिकारियों की एक संयुक्त कमेटी का गठन करने का निर्णय लिया गया था। इस संबंध में जिला रेवाड़ी (हरियाणा) द्वारा संयुक्त कमेटी गठित करके पूर्व में उक्त वर्णित पत्रों द्वारा आपको अवगत किया जा चुका है।

अब माननीय मुख्यमंत्री, राजस्थान सरकार के डी.ओ. पत्र दिनांक 01.09.2023 द्वारा राजस्थान सरकार के द्वारा संयुक्त कमेटी में अधिकारियों को नामित किया गया है।

अतः आपसे अनुरोध है कि हरियाणा सरकार व राजस्थान सरकार के द्वारा गठित की गई संयुक्त कमेटी के द्वारा भिवाड़ी की औद्योगिक ईकाइयों का निरीक्षण करने हेतु शेड्यूल सांझा करें व माननीय मुख्यमंत्री हरियाणा सरकार की अध्यक्षता में दिनांक 30.07.2023 को संपन्न हुई बैठक के कार्यवृत्त (Minutes of Meeting) पर की गई कार्यवाही रिपोर्ट (Action Taken Report) भिजवाने का कष्ट करें।

सलंगन: 1. बैठक दिनांक 30.07.2023 के कार्यवृत्त (Minutes of Meeting).

2. कार्यालय पत्र दिनांक 31.07.2023 व दिनांक 07.08.2023.

3. माननीय मुख्यमंत्री, राजस्थान सरकार का डी.ओ. पत्र दिनांक 01.09.2023.

पृ० क्रमांक 5168-72 /एल.एफ.ए.

दिनांक

13/09/2023

इसकी एक प्रति निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही प्रेषित है:-

1. मुख्य सचिव, हरियाणा सरकार, चण्डीगढ़।
2. प्रधान सचिव, मुख्यमंत्री हरियाणा सरकार, चण्डीगढ़।
3. चैयरमैन, हरियाणा राज्य प्रदूषण नियंत्रण बोर्ड, पंचकूला।
4. मुख्य कार्यकारी अधिकारी, भिवाड़ी इंटीग्रेटेड विकास प्राधिकरण (BIDA) भिवाड़ी, अलवर (राजस्थान)।
5. क्षेत्रीय अधिकारी, हरियाणा राज्य प्रदूषण नियंत्रण बोर्ड, रेवाड़ी।

उपायुक्त, रेवाड़ी।

Dated...17/10/2023

HSPCB/RWR/2023/.....1234.....

To

The Deputy Commissioner
Rewari

Sub.:- भिवाड़ी राजस्थान से धारुहेड़ा रेवाड़ी (हरियाणा) में आ रहे प्रदूषित पानी बारे।

Ref.- Telephonic message received from Head Office and your good self-office letter No. 5167/LFA dated 13.09.2023.

In reference to the above referred letter issued by your good office, a team has already been constituted by your good office in compliance to the direction of Hon'ble Chief Minister, Haryana during the meeting dated 30.07.2023 regarding Inter State pollution matter regarding inspection of industries in Bhiwadi (Raj.) and Hon'ble Chief Minister, Rajasthan vide DO letter dated 01.09.2023, constituted joint team on behalf of Govt. of Rajasthan.

Your good self-office vide letter No. 5167/LFA dated 13.09.2023 requested to District Collector, Khairthal, Tijara to share the schedule of inspection of the industries of Bhiwadi and to send the action taken report of the minutes of meeting held on 30.07.2023 under the Chairmanship of Hon'ble Chief Minister, Haryana. But no reply has been received from the District Collector, Khairthal, Tijara (Raj.) till date.

Hence, it is requested that District Collector, Khairthal, Tijara (Raj.) may kindly be requested again to share the schedule of inspection of the industries of Bhiwadi and to send the action taken report of the minutes of meeting held on 30.07.2023 under the Chairmanship of Hon'ble Chief Minister, Haryana, so that compliance of directions of Hon'ble Chief Minister, Haryana may be done please.

Endst No. HSPCB/RWR/2023/.....1235.....


Regional Officer
Rewari Region
Dated...17/10/2023

CC:-

A copy of the above is forwarded to the SEE, Coordination Cell, HSPCB, Panchkula for information please.



335 DEPUTY COMMISSIONER OFFICE, REWARI

(Department of Revenue and Disaster Management, Haryana)

Address :- District Secretariat Office, Rewari- 123401 Haryana

E-mail: dcrwr@hry.nic.in, Tel: 01274-226666, 225555

प्रेषक

उपायुक्त, रेवाड़ी।

सेवा में

जिलाधीश, खैरथल,
तिजारा।

यादी क्रमांक 5495 /एल एफ.ए.

दिनांक 20/10/2023

विषय:-

भिवाड़ी राजस्थान से धारुहेडा, रेवाड़ी (हरियाणा) में आ रहे प्रदूषित पानी बारे।

उपरोक्त विषय पर इस कार्यालय के यादी क्रमांक 5167/एल0एफ0ए0 दिनांक 13.09.2023 के सन्दर्भ में।

विषयाधीन मामले में इस कार्यालय के सन्दर्भित पत्र द्वारा हरियाणा सरकार व राजस्थान सरकार के द्वारा गठित की गई संयुक्त कमेटी के द्वारा भिवाड़ी की आधौगिक ईकाइयो का निरीक्षण करने हेतु शैडयूल सांझा करने व माननीय मुख्यमंत्री, हरियाणा, सरकार की अध्यक्षता में दिनांक 30.07.2023 को सम्पन्न हुई बैठक के कार्यवृत्त (Minutes of Meeting) पर की गई कार्यवाही रिपोर्ट भिजवाने बारे अनुरोध किया गया था। परन्तु अभी तक आपकी ओर से इस बारे कोई जवाब प्राप्त नहीं हुआ है।

अतः आपसे पुनः अनुरोध है कि हरियाणा सरकार व राजस्थान सरकार के द्वारा गठित की गई संयुक्त कमेटी के द्वारा भिवाड़ी की आधौगिक ईकाइयो का निरीक्षण करने हेतु शैडयूल सांझा करे तथा माननीय मुख्यमंत्री, हरियाणा, सरकार की अध्यक्षता में दिनांक 30.07.2023 को सम्पन्न हुई बैठक के कार्यवृत्त (Minutes of Meeting) पर की गई कार्यवाही रिपोर्ट भिजवाने का कष्ट करे।

पू0 क्रमांक 5496-5500/एल,एफ.ए.

दिनांक 20/10/2023

इसकी एक प्रति निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है:-

- 1 मुख्य सचिव, हरियाणा सरकार, चण्डीगढ।
- 2 प्रधान सचिव, मुख्यमंत्री हरियाणा सरकार, चण्डीगढ।
- 3 चैयरमैन, हरियाणा राज्य प्रदूषण नियंत्रण बोर्ड, पंचकूला।
- 4 मुख्य कार्यकारी अधिकारी, भिवाड़ी इंटीग्रेटेड विकास प्राधिकरण (BIDA) भिवाड़ी, अलवर (राजस्थान)।
- 5 क्षेत्रीय अधिकारी, हरियाणा राज्य नियंत्रण बोर्ड, रेवाड़ी।

उपायुक्त रेवाड़ी

उपायुक्त रेवाड़ी



Haryana State Pollution Control Board
Regional Office, Rewari, HSCO-D6 & D-7,
Suncity Commercial Complex, Sector-6, A-Block Rewari
Tele Fax: 01274-244241, E-Mail: hspcbrodr@gmail.com



HSPCB/RWR/2023/.....1396.....

Dated.....16/11/23

To
The Deputy Commissioner
Rewari

Sub.:- भिवाड़ी राजस्थान से धारूहेडा रेवाड़ी (हरियाणा) में आ रहे प्रदूषित पानी बारे।

Ref.- Telephonic message received from Head Office and your good self-office letter No. 5167/LFA dated 13.09.2023&5495/LFA dated 20.10.2023.

In reference to the above referred letter issued by your good office, a team has already been constituted by your good office in compliance to the direction of Hon'ble Chief Minister, Haryana during the meeting dated 30.07.2023 regarding Inter State pollution matter regarding inspection of industries in Bhiwadi (Raj.) and Hon'ble Chief Minister, Rajasthan vide DO letter dated 01.09.2023, constituted joint team on behalf of Govt. of Rajasthan.

Your good self-office vide letter No. 5167/LFA dated 13.09.2023, 5495/LFA dated 20.10.2023 requested to District Collector, Khairthal, Tijara to share the schedule of inspection of the industries of Bhiwadi and to send the action taken report of the minutes of meeting held on 30.07.2023 under the Chairmanship of Hon'ble Chief Minister, Haryana. But no reply has been received from the District Collector, Khairthal, Tijara (Raj.) till date.

Hence, it is requested that District Collector, Khairthal, Tijara(Raj.) may kindly be requested again to share the schedule of inspection of the industries of Bhiwadi and to send the action taken report of the minutes of meeting held on 30.07.2023 under the Chairmanship of Hon'ble Chief Minister, Haryana, so that compliance of directions of Hon'ble Chief Minister, Haryana may be done please.

Amar
Regional Officer
Rewari Region
Dated.....

EndstNo.HSPCB/RWR/2023/.....

A copy of the above is forwarded to the SEE, Coordination Cell, HSPCB, Panchkula for information please.

scf
Regional Officer
Rewari Region