

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

Original Application No. 470/2023

Public Action Committee & Ors

Applicant(s)

Versus

State of Punjab & Ors

Respondent(s)

Status report of Punjab Pollution Control Board i.e. respondent no.4 in compliance of order dated 06.02.2024 of the Hon'ble Tribunal through Environmental Engineer, Regional Office, Amritsar.

Respectfully Showeth;

- 1) That the grievance in the present Original Application is in respect of violation of environmental norms by respondent no. 5 namely M/s Amar Colour Chem India, 26, Focal Point, Amritsar. The Hon'ble Tribunal by an order dated 10.08.2023 had constituted a Joint Committee and had called report from the Committee. The Joint Committee has submitted report dated 21.11.2023 before the Hon'ble Tribunal.
- 2) That during the course of arguments on 06.02.2024, the counsel for the applicant has produced an order dated 12.01.2024 of the Punjab Pollution Control Board for revocation of consent to operate granted to respondent no.5. The counsel for the applicant has alleged that though the consent to operate has been revoked, yet respondent no.5 is functioning. Vide order dated 06.02.2024 the Punjab Pollution Control Board has been asked by the Hon'ble Tribunal to look into this aspect of the matter and also to file report with regard to the imposition of environmental compensation for past violation, disclosing the action taken in this regard.
- 3) That in compliance to the orders dated 06.02.2024, it is submitted that the Board has earlier imposed environmental compensation amounting to Rs. 8,37,500/- upon M/s Amar Colour Chem India, Amritsar vide order dated 18.11.2022 for violation of the directions issued by the Board. However, the industry has filed an appeal before the Appellate Authority-cum-Secretary to Government of Punjab, Department of Science, Technology and Environment against the orders dated 18.11.2022 passed by the Board for imposition of environmental compensation

with prayer to set aside the order of the Board. It was alleged by the industry that the environmental compensation has been imposed in an illegal and arbitrary manner.

- 4) That the grievance of the industry before the Appellate Authority was that the Board has not extended an opportunity of hearing before the imposition of environmental compensation and the Board has acted in complete violation of law laid down by the Hon'ble Supreme Court of India in the case of Deepak Nitrate Limited v/s State of Gujarat reported in 2004(6) SCC 402.

After hearing the parties and observing that the Board has laid down the procedure for imposing environmental compensation upon industries, other projects and ULBs by passing an office memorandum no. SEE(HQ2)2021/OMNo.517 dated 01.10.2021, the Appellate Authority-cum-Secretary to Government of Punjab, Department of Science, Technology and Environment vide order dated 04.01.2024 has remanded and relegated the case to the Chairman, Punjab Pollution Control Board with direction to reconsider the case in accordance with the contents and elements contained in office order no. 517 dated 01.10.2021 issued by the Board for imposition of environmental compensation. The Chairman, Punjab Pollution Control Board will pass a fresh order in the case accordingly. A copy of order dated 04.01.2024 passed by the Appellate Authority-cum-Secretary to Government of Punjab, Department of Science, Technology and Environment and issued vide letter memo dated 06.02.2024 is enclosed herewith as **Annexure-A**.

- 5) That with regard to revocation of consent to operate, it is submitted that the industry M/s Amar Colour Chem India was granted consents to operate on 27.6.2023 with validity upto 31.12.2023 with certain conditions as mentioned therein and special condition that the industry shall get the environmental audit/study regarding adequacy of effluent treatment plant, air pollution control devices installed for control of fugitive emissions from various process from IIT, Delhi on its own cost within three month.

However, a complaint regarding pungent odor and emittance of black smoke was received telephonically from the proprietor of adjoining unit. Accordingly, area under complaint was visited on 08.12.2023 and pungent odor was felt being released from the industry from the roof of the adjoining unit.

In view of the observations and violations observed by the Joint Committee as well as complaint received from the adjoining industry and record submitted by GSPL regarding non-consumption of PNG (consented fuel), the Consent to operate under Air (Prevention & Control of Pollution) Act, 1981 granted to the industry was revoked vide Zonal Office, Amritsar letter no. 164 dated 12.01.2024 and a copy of the same is enclosed herewith as **Annexure-B**.

- 6) That afterwards, the industry has obtained auto renewal of the consent to operate under Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 through Online Consent Management and Monitoring System (OCMMS) of the Board claiming compliances on self-declaration basis and the consents generated through online system are valid upto 25.12.2026. However, Regional Office has been directed by the Competent Authority of the Board during the course of personal hearing on 28.03.2024 to verify the compliances made by the industry and submit report and the relevant facts in this regard have been mentioned in paragraph 10 and 11 of this reply.
- 7) That thereafter, considering the facts relating to the implementation of the suggestions and recommendations of the Joint Committee, conducting of environmental audit / study from IIT, Delhi and the orders passed by the Appellate Authority, the Board has issued show cause notice bearing no. 936 dated 20.03.2024 to the industry with an opportunity of personal hearing before the Chairman of the Board on 28.03.2024. A copy of notice bearing no. 936 dated 20.03.2024 issued to the notice is enclosed as **Annexure-C**.
- 8) That Sh. Rohit Handa, Partner of the industry appeared for hearing before the Chairman of the Board on 28.03.2024 and stated that the industry was not operated for 13 days from 14.10.2022 to 26.10.2022 and also not operated on Gazetted holidays and operated for only 32 days. The representatives of the industry further stated that he contacted IIT, Delhi through e-mails for conducting environmental audit / study of the industry but no response has been received from the institute so far. The representative stated that the industry has complied with all the suggestions and recommendations of the Joint Committee and requested that environmental compensation shall not be imposed upon the industry.
- 9) That after hearing the partner of the industry, the Chairman of the Board observed that the industry kept on operating its plant in-spite of the directions issued by the Board and as such the industry deserves no leniency in this regard. The competent authority of the Board decided to refer the case to environment compensation assessment committee for calculation of environmental compensation with the direction to the industry to deposit the amount of environmental compensation within 07 days after passing of orders by the Board. The competent authority has also decided to write a letter immediately to IIT, Delhi to conduct environmental audit / study at the cost of the industry within one month.
- 10) That it is pertinent to mention here that immediately after the conduct of the personal hearing on 28.03.2024, the Board has written a letter No. 8546 dated 01.04.2024 to Er. Sri Harsha Kota, Associate Professor, Department of Civil Engineering, Block-V, Room 201, Indian Institute of Technology, Delhi, Hauz Khas Delhi informing that while granting consent to operate to M/s Amar Colour Chem India, Amritsar under the Water (Prevention and Control of Pollution) Act,



1974 and the Air (Prevention and Control of Pollution) Act, 1981 a special condition was imposed that the industry shall get the environmental audit / study regarding adequacy of effluent treatment plant, Air Pollution Control Devices installed for control of fugitive emission from various process, from IIT, Delhi on its own cost within 03 months. IIT, Delhi was accordingly requested to conduct environmental audit / study at the cost of the industrial unit. A copy of letter no. 8546 dated 01.04.2024 is enclosed herewith as **Annexure-D**.

11) That the decisions taken by the Chairman of the Board after hearing the representative of the industry as well as the officers of the Board and considering the material facts on record on 28.03.2024 are reproduced herein below:

- a) The EC imposition case of the industry shall be referred to the EC assessment committee for calculation of environmental compensation.
- b) After the receipt of report of the Environmental Compensation assessment committee, separate speaking order for imposition of Environmental Compensation will be passed by the Board.
- c) The industry shall deposit the amount of Environmental Compensation within 07 days with the office of the Board at Amritsar after the order is conveyed.
- d) The Regional Office shall visit the industry and verify the compliances claimed to be made by the industry with regard to the suggestions and recommendations of the Joint Committee and submit report within next 02 weeks.
- e) In case of non-compliance of decisions mentioned at Sr.no. b to d above, auto renewal of consents obtained by the industry shall stand revoked without any further notice.

The proceedings of the hearing were conveyed to the industry for compliance by the Board vide letter no. 1133-1135 dated 08.04.2024 and a copy of the same is enclosed herewith as **Annexure-E**.

12) That Punjab Pollution Control Board is taking appropriate action against the industrial unit M/s Amar Colour Chem India from time to time. The status report is hereby submitted in compliance to order dated 06.02.2024 for kind consideration of the Hon'ble National Green Tribunal.

Date: 10-04-2024

Place: AMRITSAR

Submitted by

Environmental Engineer
Punjab Pollution Control Board
Regional Office, Amritsar

On behalf of respondent no. 4

Government of Punjab
Department of Science, Technology and Environment

Office of the Appellate Authority Constituted under the Water (Prevention and Control of Pollution) Act 1974 and the Air (Prevention and Control of Pollution) Act 1981.

To

The Member Secretary,
Punjab Pollution Control Board,
Nabha Road, Patiala.

No.01/SLO/AA/2023/26

Dated 6/2/2024

Subject: Appeal filed by M/s Amar Colour Chem India, Plot No. 26, Old Focal Point, Near Hayat Hotel, Amritsar.

The subject cited appeal has been disposed of by the Appellate Authority-cum-Secretary to Government of Punjab, Department of Science, Technology and Environment vide order dated 04.01.2024. Please find enclosed herewith a certified copy of the said order dated 04.01.2024 for information and necessary action.

Amrik Singh
o/c Senior Law Officer
Appellate Authority

Endst. No. 01/SLO/AA/2023/27-29

Dated 6/2/2024

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

- ✓ 1) Personal Assistant to Secretary to Government of Punjab, Department of Science, Technology and Environment, Room No.726, Mini Secretariat, Punjab, Sector-9, Chandigarh.
- ✓ 2) The Environmental Engineer, Punjab Pollution Control Board, Regional Office, Amritsar.
- ✓ 3) M/s Amar Colour Chem India, Plot No. 26, Old Focal Point, Near Hayat Hotel, Amritsar.

Amrik Singh
o/c Senior Law Officer
Appellate Authority

Endst. No. 01/SLO/AA/2023/30

Dated 6/2/2024

A copy of the above is forwarded to the Chairman, Punjab Pollution Control Board, Nabha Road, Patiala for information please.

Amrik Singh
o/c Senior Law Officer
Appellate Authority

**Government of Punjab, Department of Science, Technology and Environment
Office of the Appellate Authority Constituted under the Water (Prevention and
Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution)
Act, 1981.**

Appeal No.01/SLO/AA/2023

Date of Filing:11.01.2023

Date of Decision: 04.01.2024

M/s Amar Colour Chem India

V/s

Punjab Pollution Control Board

- Present: 1 Mr. Aalok Jagga, Advocate alongwith Mr. H.S Jagdev, Advocate on behalf of the Appellant
- 2 Er. Vinod Kumar, Assistant Environmental Engineer on behalf of Punjab Pollution Control Board.

Order

M/s Amar Colour Chem India, Amritsar has filed the present appeal against the order dated 18.11.2022 of the Punjab Pollution Control Board vide which Environmental Compensation of Rs. 8,37,500/- has been imposed. A prayer has been made to set aside the order dated 18.11.2022.

2) Upon notice, Punjab Pollution Control Board has put in its appearance and filed reply in the case. The reply was taken on record and copy was supplied to the counsel for the appellant.

3) Parties were heard.

4) The counsel for the appellant stated that the Punjab Pollution Control Board in an absolutely illegal and arbitrary manner has imposed Environmental Compensation amounting To Rs. 8,37,500/- upon the appellant industry vide order dated 18.11.2022 in complete violation of Law laid down by the Hon'ble Supreme Court of India in the case of Deepak Nitrate Limited v/s State of Gujarat reported in 2004 (6) SCC 402. The counsel further stated that earlier the appellant herein has filed an appeal before the Appellate Authority on 20.1.2022 against the orders dated

18.10.2022 of the Punjab Pollution Control Board whereby the consents to operate the industrial unit under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 were unreasonably returned /refused by the Board. The said appeal was decided by the Appellate Authority vide orders dated 16.11.2022 whereby the operation of the industrial plant was allowed by imposing several conditions but no condition was related to the imposition of Environmental Compensation. The Board after the passing of the said order on 16.11.2022 by the Appellate Authority has illegally and arbitrarily imposed Environmental Compensation amounting to Rs. 8,37,500/- upon the appellant by passing an order dated 18.11.2022.

The counsel for the appellant placed on record a copy of office order no. 517 dated 1.1.2021 of the Punjab Pollution Control Board wherein procedure for imposition of Environmental Compensation to the industries, other projects, ULBs has been explained. The counsel stated that the Board has not given any opportunity of hearing to the appellant before imposing the Environmental Compensation,

The Counsel further argued that Environmental Compensation can be imposed if actual damage has been caused to the environment. In the present case the Board has failed to disclose any damage to the Environment. The counsel requested to set aside the order dated 18.11.2022 passed by the Board for imposition of Environmental Compensation upon the appellant.

5) The officer of the Board reiterated the same facts which have been mentioned in the reply and stated that the Board has imposed Environmental Compensation upon the appellant by following due procedure. The officer stated that many complaints have been received by the Board against the industry for damaging the environment and on 10.10.2022 in the morning, leakage of gas/ acid was observed from the industry and the same spreaded in the surrounding. The Punjab State Power Corporation Ltd authorities had failed to disconnect to power supply available to the industry. The Board thereafter had issued directions on 12.10.2022 to seal the entire plant and machinery alongwith DG set of the industry. The industry was sealed by the Board officers on 28.10.2022. The industry remained in operation without the valid consents and in violation to the directions issued by the Board. Due to these violations, Environmental Compensation amounting to Rs. 8,37,500/- was imposed from the release date of stay order i.e.23.08.2022 till penultimate date of the sealing of whole machinery i.e. 28.10.2022.

6) After hearing the parties, I have examined the relevant documents. The main grievance of the appellant is that the Board has not extended an opportunity of hearing before the imposition of Environmental Compensation and the Board has acted in complete violation of law laid down by the Hon'ble Supreme Court of India in Deepak Nitrate Limited v/s State of Gujarat. It is observed that the Board has laid down the procedure for imposing Environmental Compensation to industries, other projects and ULBs by passing an office memorandum bearing no. SEE(HQ2)/2021/OMNo.517 dated 01.10.2021 under the signatures of its Chairman. The contents of the office memorandum dated 01.10.2021 are reproduced herein below:

Office Memorandum

Subject: Procedure for imposing Environmental Compensation to the Industries, Other Project & ULBs.

It has been noticed that some of the officers from the Board are imposing environmental compensation to the industries, other project proponents and ULBs without giving an opportunity to show cause (with or without hearing) before the Competent Authority. The Board has yet to delegate the powers to impose environmental compensation to the subordinate offices (EEs/SEEs/CEEs).

As such, it has been decided that a show cause notice (with or without an opportunity of personal hearing) before the Chairman of the Board proposing to impose EC mentioning the violations shall be issued to the industry/project proponent/ULBs before the imposition of environmental compensation (EC). No officer (EEs/SEEs/CEEs) will issue any show cause notice or extend opportunity of personal hearing to impose environmental compensation to the industry/project proponent/ULB at their own. A detailed note/proposal justifying the reasons for imposition of environmental compensation shall be placed before the competent authority and only after his approval, notice/speaking orders for imposition of environmental compensation shall be issued under the signature of Member Secretary/Chairman of the Board as per the template issued by the legal branch. Before confirming the environmental compensation to any industry/project proponent/ULB,

the calculations shall be vetted by the committee constituted by the Board for this purpose vide office order no. 312 dated 19.05.2021.

These order will come into force with immediate effect.

sd/-

(Prof. (Dr) Adarsh Pal Vig)
Chairman

- 7) The office memorandum dated 1.10.2021 issued by the Punjab Pollution Control Board provides for at-least four essential features which are required to be complied before the Environmental Clearance is imposed. The important features of the office order of the Board summarized are i) Placing of the matter before the Competent Authority justifying the reasons for imposition of Environmental Compensation. ii) The issuance of a show cause notice (with or without an opportunity of personal hearing) to the industry, project proponent, ULBs before the Chairman of the Board proposing to impose Environmental Compensation mentioning the violations therein. iii) Before conforming Environmental Compensation to any industry / project proponent, ULB the calculations shall be vetted by the committee constituted by the Board for this purpose vide office order no. 512 dated 19.5.2021 and iv) passing of speaking orders for imposition of Environmental Compensation.
- 8) In view of the facts recorded herein above, the case in hand is remanded and relegated to the Chairman of the Punjab Pollution Control Board with a direction to reconsider the case in accordance with the contents and elements contained in office order no.517 dated 1.10.2022 issued by the Board for imposition of Environmental Compensation. The Chairman, Punjab Pollution Control Board will pass a fresh order in the case accordingly.
- 9) The appeal stands disposed of in above terms. The file be consigned to record.

Sd/-

(Rahul Tewari, IAS)

Appellate Authority
-cum-

Secretary to Government of Punjab,
Department of Science, Technology
and Environment, Chandigarh.

04.01.2024

Pronounced.

Certified Copy
Arvink Singh
Senior Law Officer
Appellate Authority
Government of Punjab
Deptt. of Science, Technology
and Environment
05-02-2024.

	PUNJAB POLLUTION CONTROL BOARD Zonal Office, Plot No. 164, Focal Point, Mehta Road, Amritsar Tele Fax:- 0183-2581420 Website:- www.ppcb.gov.in email:- seezoasr@yahoo.com
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No. 164
To

Regd.

Date: 12/01/2024

M/s Amar Colour Chem India,
26 Focal Point,
Amritsar.

Sub: Revoking of consent to operate under Air (Prevention & Control of Pollution) Act, 1981 (24296762).

Whereas, it is obligatory on the part of the industry to obtain consent to operate an outlet under the Air (Prevention & Control of Pollution) Act, 1981 and the Water (Prevention & Control of Pollution) Act 1974 for operation of the industry.

And whereas, it is mandatory on the part of industry to install proper and adequate pollution control devices so as to ensure that the concentration of various pollutants in emissions/effluent being discharged by industry, conforms to the emission/effluent standards as prescribed by the Board.

And whereas, Regional Office, Amritsar reported that the industry was granted consent to operate under Air (Prevention & Control of Pollution) Act, 1981 valid upto 31-12-2023, subject to the suitable conditions mentioned there under.

And whereas, a complaint titled as Public Action Committee & Other V/s State of Punjab & Ors before the Hon'ble National Green Tribunal, New Delhi in the matter of pollution being raised by M/s Amar Color Chem, Plot No. 26, Focal Point, Mehta Road, Amritsar. The Hon'ble National Green Tribunal (NGT), in O.A No. 470/2023 vide order August 10, 2023 constituted a joint committee of three members comprising of one representative from State Pollution Control Board, Punjab, one representative from the CPCB and one representative from Collector/DM, Amritsar. The Committee is directed to visit the industry and submit the factual action taken report on extent of violation and reasons for not taking action under Water Act, 1974 and Air Act, 1981 within four weeks. The State PCB will be the nodal agency for coordination and compliance. It has directed by the Hon'ble NGT in the order dated 10/08/2023, as follows: -

"We deem it just and proper to call a report on the matter in issue in present original application, from a Joint Committee constituted on the above cited matter. In compliance to Hon'ble NGT order committee comprising of the following members was composed 1. Sh. Nikas Kumar, IAS, SDM, Amritsar-II (Nominated by District Magistrate, Amritsar) 2. Sh. J P Meena, Scientist-D, CPCB (Nominated by CPCB, RD, Chandigarh) 3. Er. Sukhdev Singh, EE, PPCB, RO, Amritsar (Nodal Officer, nominated by PPCB)

And whereas, the Joint Committee comprising of above said officers visited the industry on 20.10.2023 and has placed action taken report before Hon'ble National Green Tribunal, New Delhi through e-mail on 22.11.2023 for consideration. As per factual action taken report the observations made by the committee are as under: -

1. The unit is involved in batch wise standardization operation of dyes for further processors application needs. However, the unit reportedly manufacturing the basic Dyes Oil Yellow @100 kg/day, Oil Green @ 100 kg/day using glycerine, benzaldehyde and dyes methyl aniline and other chemicals such as Ortho toluidine, Mono chlorobenezane & acids as raw material.
2. The unit meets its water requirement through one bore well for industrial and domestic purpose. Mechanical type water meter installed at bore well and log book of the same was not maintained.
3. The unit has not obtained permission from Central Ground Water Authority (CGWA)/ PWRDA for ground water abstraction.
4. The unit has provided separate two reactor vessels for processing of the oil yellow & Oil Green dyes standardization.

5. Committee observed that work zone area of green dye stuff has not provided adequate ventilation arrangement as well as fugitive emission control system.
6. On the day of visit, the unit was found operational however, other treatment units of the ETP were found empty and dried which indicated that the flowing of stream from process is not produced since long times. Only Aeration tanks of ETP were found operational for maintaining the biomass.
7. As informed by the unit representatives, no effluent is generated from this process although, a small quantity effluent generated infrequently in floor washing of the work area, cleaning and washing of reactor vessel and its floor, that effluent is enrouted to existing ETP for treatment. However, logbook of the same was not maintaining.
8. Committee observed the unit is not adopting closed loop system for feeding of the raw material into the reaction vessel along with carry out the semi-finished product through open channel.
9. The unit has installed an ETP which is based on physico-chemical followed by Biological process. The ETP comprises of Bar Screen > Oil & Grease Chamber > Equalization Tank > Chemical Dozing > Flocculation Tank > Primary Tube Settler > MBBR-1 > MBBR-2 > Secondary Tube Settler > Pre-filtrations tank > Pressure Sand filter > Dual Media filter > Activated Carbon Filter □ Final Outlet.
10. On the day of visit, there was no discharge of the effluent from the ETP.
11. At the time of visit of the team the ETP was not in operation only aeration in MBBR-1 and MBBR-2 (Aeration Tank-I, Aeration Tank-II 2) were operational. Effluent samples were collected from MBBR-1 and MBBR-2 (Aeration Tank-I & Aeration Tank-II). Sample were sealed in the presence of Sh. Rohit Handa, Partner and sample were sent to the Board's Lab at Head Office, Patiala for analysis MLSS and MLVSS.
12. On the day of visit, committee observed that all treatment components of ETP were found empty and dry except aeration tank of ETP. The committee had taken samples from aeration tank (MBBR Tank-1 & MBBR Tank-II) of ETP to assess stabilized of the bio-mass. Sampling Location MLSS MLVSS aeration tank-I 2280 1710 aeration tank-II 960 680 all values are in mg/l.
13. The unit has installed OCEMS at final outlet of ETP for measuring meter pH, TSS, COD, BOD, flow meter. The OCEMS were not showing on line value due to not generation of the effluent.
14. The unit has not maintained any records of the quantity of effluent generation, treated effluent discharged and quantity of ETP sludge generated.
15. Committee observed that the unit kept various hazardous chemical in their premise namely Acetic acid, Sulphuric acid, Oxalic acid without valid registration/permission for trading these chemicals at the adjacent textile units.
16. The unit has installed 02 no. reaction vessels from manufacturing of Oil Yellow at second floor of its production area. The reaction vessels are attached with wet alkaline scrubber provided as APCD at second floor for scrubbing gases being generated from the process during reactions. Wet scrubber installed by the unit was in operation at the time of visit.
17. The unit has also installed storage vessels at the second floor of production area for the purpose of storage of raw material as well as intermediate products. All storage vessels are also connected with wet alkaline scrubber provided at Second floor.
18. The unit has installed storage vessels at first floor of the production area. All storage vessels are connected with wet alkaline scrubber provided at second floor.
19. The unit has installed 01 grinder at ground floor for grinding of intermediate product. The unit has also installed 01 centrifuge machine for extraction of crystalline material from its process. As informed by the unit representative, liquid (mother liquor) being generated from the centrifuge process is being reuse in the process.
20. The unit has installed one filter press and same was found in non-operational condition.
21. The unit has not put up proper display board at the entrance gate as per the Hon'ble supreme court order in WP 657/1995.

22. It was observed that workers are not using personal protective equipments (PPEs) for their Health & Safety i.e. Gum Boot, Mask Safety belt etc.
23. The unit has not installed adequate firefighting arrangements in their plant premise i.e. Hose Reel system, Fire Hydrant system, Sand buckets, Portable Fire Extinguishers, Electrical/manual siren for emergency/ accident situation.
24. The unit had been kept used drums and barrels as well as various raw chemical of MS drums/plastic containers in open area of the unit premise.
25. The unit possesses consolidated consents valid upto 31.12.2023 under the Water Act-1974 and the Air Act-1981 whereas Authorization has not obtained under the Hazardous and Other Wastes (Management, & Trans boundary Movement) Rules, 2016 from PPCB.
26. Committee observed that the unit has not provided separate system for discharge of the storm water.
27. The unit has not taken public liability insurance policy.
28. The unit has not prepared on-site /off-site emergency plan of the plant area.
29. Over all housekeeping of the plant process area was found poor.

And whereas, the committee has also given suggestion in its report which are given as under:-

1. The committee suggests that local administration /PPCB should keep stringent surveillance to discharge of the effluent in addition to releasing toxic gases and fugitive fumes in ambient air as well as discharging harmful effluents in the domestic sewer illegally.
2. The unit should obtain permission from Central Ground Water Authority (CGWA)/ PWRDA for ground water abstraction.
3. The unit should install electromagnetic flow meter in place of. Mechanical type water meter at tube well and log book of the same was maintained.
4. Emergency preparedness plan based on the hazard identification and risk assessment and disaster management plan should be implemented in the unit.
5. The unit should obtain valid registration/NOC permission from concerned SPCB for trading of hazardous chemical in their premise namely Acetic acid, sulphuric acid, oxalic acid etc.
6. The unit should obtain authorization under the Hazardous and Other Wastes (Management, & Trans boundary Movement) Rules, 2016 from PPCB for disposal of Used drums/containers, ETP sludge, process residue and expired chemicals.
7. The unit should be taken public liability insurance policy.
8. The unit should prepare on site /off site emergency plan of the plant area.
9. Over all housekeeping of the plant process area should be improved.
10. Leakage and spillage in the process needs to be improved.
11. The unit should install adequate firefighting arrangements in their plant i.e. Hose Reel system, Fire Hydrant system, Sand buckets, Portable Fire Extinguishers, Electrical/manual siren for emergency/ accident situation.
12. The unit should carry out regularly occupational health checkup of engaged workers and records of the same was maintained.
13. The unit should maintain proper ventilation system in the work Zone by providing proper exhaust along with filter and duct in the process area of green dye stuff.
14. The unit should put up proper display board at the entrance gate as per the Hon'ble supreme court order in WP 657/1995.

And whereas, said report has been submitted before the Hon'ble National Green Tribunal, New Delhi along with a separate report on the behalf of the Board. The case before Hon'ble National Green Tribunal, New Delhi was listed on 01.12.2023 and Hon'ble tribunal has passed orders which are attached herewith for your kind perusal. The abstract of the said orders are as follow: -

"Joint Committee has submitted the report dated 21.11.2023 which reflects various non-compliance and violations by the project proponent-respondent no.5 and objections to the report of the committee has also been filed by the applicant. A separate reply dated 28.11.2023 has been filed by the PPCB."

The said case has now fixed on 06.02.2024 for which report has already been submitted by the Board.

And whereas, a complaint regarding pungent odor and emitting black smoke was received telephonically from the prop. of adjoining unit. Accordingly, area under complaint was visited on 08.12.2023 and pungent odor being released from the industry observed from the roof of the adjoining unit. It is further intimated that this office asked GSPL through e-mail dated 09.12.2023 to submit consumption of PNG by the industry from last 06 months. Accordingly, GSPL has submitted record vide e-mail dated 11.12.2023 and as per record submitted consumption of PNG by the industry is zero from 24.09.2023 to upto 30.11.2023. It reveals from the record submitted by GSPL that the industry is not using PNG as fuel in its boiler and is using non-consented fuel.

And whereas, in light of the observations/violations observed by the Joint Committee as well as complaint received from the adjoining industry and record submitted by GSPL regarding non-consumption of PNG (consented fuel), the industry has failed to comply with the conditions of consent granted to it and is violating various provisions of the Air (Prevention & Control of Pollution) Act, 1981, as such the Competent Authority has decided to revoke the consent to operate granted to the industry under the said Act.

As such, in exercise of the powers conferred upon u/s 21 of Air (Prevention & Control of Pollution) Act, 1981, the consents to operate granted under the above said Act is hereby **revoked** due to the reasons mentioned above.

↓ - 12/1/24
 Senior Environmental Engineer
 Zonal Office, Amritsar

Endst. No. 165

Dated. 12/01/2024

A copy of the above is forwarded to the Environmental Engineer, Regional Office, Punjab Pollution Control Board, **Amritsar** for information and further necessary action..

↓ - 12/1/24
 Senior Environmental Engineer
 Zonal Office, Amritsar


PUNJAB POLLUTION CONTROL BOARD
Zonal Office, Plot No. 164, Focal Point, Mehta Road, Amritsar

Tele Fax:- 0183-2581420

 Website:- www.ppcb.gov.in

 email:- seezoasr@yahoo.com

No. 936

Regd.

Date: 20/03/2024

To

M/s Amar Colour Chem India,
26 - Focal Point,
Amritsar.

Sub: Show cause notice for violations of the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981. (24210653)

Whereas, it is obligatory on the part of the industry to obtain the consent to establish (NOC) u/s 21 of the Air (Prevention & Control of Pollution) Act, 1981 and u/s 25/26 of the Water (Prevention & Control of Pollution) Act, 1974 before establishing / expansion of the industry.

And whereas, it is also obligatory on the part of the industry to obtain consent to operate an outlet under the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 for operation of the industry.

And whereas, it is mandatory on the part of industry to install proper and adequate pollution control devices so as to ensure that the concentration of various pollutants in effluent/emissions being discharged by industry, conforms to the effluent/emission standards as prescribed by the Board.

And whereas, Regional Office, Amritsar has reported that continues complaint by Sh. Davinderpal Singh owner of M/s T.K Rubber, Plot No. 24-25, Focal Point, Amritsar is being filed in this office on regular basis against the subject cited industry namely M/s Amar Color Chem, Plot No. 26, Focal Point, Amritsar.

And whereas, this office has taken action on the complaints time to time and also Board has taken several actions in regard to the complaints. The complainant has also filed the complaint in Hon'ble NGT, New Delhi titled as Public Action Committee & Ors vide O.A No. 470 of 2023.

And whereas, the detail of action taken by the Board for redressal of the complaint and several events on the basis of the complaint are detailed as follow:- Regarding imposition of environmental compensation Rs. 837500/- Earlier directions were issued to the industry u/s 31- A of Air (Prevention & Control of Pollution) Act, 1981 and u/s 33-A of Water (Prevention & Control of Pollution) Act, 1974 for disconnection of the electric connection of the industry. Due to court case, the PSPCL authorities failed to disconnect the power supply available to the industry. Accordingly, directions u/s 33-A of Water (Prevention & Control of Pollution) Act, 1974 & 31-A of Air (Prevention & Control of Pollution) Act, 1981 issued vide no. 3333-37 dated 12.10.2022 issued to seal the entire plant & machinery along with D.G. Set of the industry immediately was police protection. The industry not open the gate or allowed to seal the plant and machinery, but same was sealed by the officers of the Board on 28.10.2022 .

And whereas, the industry remain in operation without valid consents of the Board and in violation to the directions issued u/s 33-A of Water (Prevention & Control of Pollution) Act, 1974 & 31-A of Air (Prevention & Control of Pollution) Act, 1981 of the Board. Due to abovesaid violations the EC of amounting Rs. 837500/- was imposed vide letter no. 3672-73 dated 18.11.2022 to the industry which was calculated from the release date of stay vacate order i.e. 23.08.2022 till penultimate day of the sealing of whole machinery i.e. 28.10.2022.

And whereas, M/s Amar Colour Chem India, Amritsar has filed appeal before Hon'ble Appellate Authority of the Board against the order dated 18.11.2022 of the Punjab Pollution Control Board vide which Environmental Compensation of Rs. 8,37,500/- has been imposed before . A prayer has been made to set aside the order dated 18.11.2022. Hon'ble Appellate Authority has been disposed off the appeal filed by the industry vide order dated 04.01.2024.

And whereas, The extract of the order passed by the Hon'ble Appellate Authority are reproduced as under:-

"After hearing the parties, I have examined the relevant documents. The main grievance of the appellant is that the Board has not extended an opportunity of hearing before the imposition of Environmental Compensation and the Board has acted in complete violation of law laid down by the Hon'ble Supreme Court of India in Deepak Nitrate Limited v/s State of Gujarat. It is observed that the Board has laid down the procedure for imposing Environmental Compensation to industries, other projects and ULBs by passing an office memorandum bearing no. SEE(HQ2))2021/OMNo.517 dated 01.10.2021 under the signatures of its Chairman."

And whereas, the office memorandum dated 1.10.2021 issued by the Punjab Pollution Control Board provides for at-least four essential features which are required to be complied before the Environmental compensation is imposed. The important features of the office order of the Board summarized are:-

- i) Placing of the matter before the Competent Authority justifying the reasons for imposition of Environmental Compensation.
- ii) The issuance of a show cause notice (with or without an opportunity of personal hearing) to the industry, project proponent, ULBs before the Chairman of the Board proposing to impose Environmental Compensation mentioning the violations therein.
- iii) Before conforming Environmental Compensation to any industry / project proponent, ULB the calculations shall be vetted by the committee constituted by the Board for this purpose vide office order no. 512 dated 19.5.2021.
- iv) The passing of speaking orders for imposition of Environmental Compensation.

And whereas, in view of the facts recorded herein above, the case in hand is remanded and relegated to the Chairman of the Punjab Pollution Control Board with a direction to reconsider the case in accordance with the contents and elements contained in office order no.517 dated 1.10.2022 issued by the Board for imposition of Environmental Compensation. The Chairman, Punjab Pollution Control Board will pass a fresh order in the case accordingly. The appeal stands disposed of in above terms.

And whereas, original Application No. 470 of 2023 titled as Public Action Committee & Ors filed before the Hon'ble NGT, New Delhi The complainant has filed a complaint before the Hon'ble National Green Tribunal, New Delhi alleged that the industry is running on ZLD but has been damaging the environment by releasing toxic gases, fugitive fumes in ambient air as well as discharging harmful effluents in the domestic sewer illegally and in a very unscientific way, resulting in serious health related problems for residents, for workers of factory and public at large.

And whereas, the Hon'ble National Green Tribunal (NGT), vide order August 10, 2023 constituted a Joint Committee of three members comprising of One representative from State Pollution Control Board, Punjab, One representative from the CPCB and One representative from Collector /DM, Amritsar. The Committee is directed to visit the place and submit the factual and action taken report on extent of violation and reasons for not taking action under Water Act, 1974 and Air Act, 1981 within four weeks. The State PCB will be the nodal agency for coordination and compliance. It has directed by the Hon'ble NGT in the order dated 10/08/2023, as follows: -

"We deem it just and proper to call a report on the matter in issue in present Original Application, from a Joint Committee constituted on the above cited matter."

And whereas, in compliance to Hon'ble NGT order committee comprising of the following members was composed:- 1. Sh. Nikas Kumar, IAS, SDM, Amritsar-II (Nominated by District Magistrate, Amritsar) 2. Sh. J P Meena, Scientist-D, CPCB (Nominated by CPCB, RD, Chandigarh) 3. Er. Sukhdev Singh, EE, PPCB, RO, Amritsar (Nodal Officer, nominated by PPCB).

And whereas, the committee has been vested with mandate to visit and inspect the site in question and vested with following scope vide order dated 10.08.2023.

And whereas, the Hon'ble National Green Tribunal has also directed to respondent no. 2, 4 and 5 to submit an affidavit separately. Accordingly a reply in the shape of affidavit was prepared and was filed before the Hon'ble NGT after vetting from the competent authority of the Board.

And whereas, the Hon'ble National Green Tribunal, New Delhi on dated 06.02.2024 has passed following orders:-

1. Grievance in this Original Application is in respect of violation of environmental norms by respondent no. 5, M/s Amar Colur Chem India, Plot No. 26, Focal Point, Amritsar. The Tribunal by order dated 10.08.2023 had constituted a Joint Committee and had called for the report from the Committee. The Joint Committee has submitted the report dated 21.11.2023 and the said report contains following salient observations about the unit in question.
2. A perusal of the above salient observations by the Committee reveals that the respondent no. 5 has defaulted and violated the requisite norms.
3. Learned Counsel for the applicant, during the course of argument, has produced the order dated 12.01.2024 passed by the Punjab Pollution Control Board revoking the Consent to Operate (CTO) granted to respondent no. 5. He is directed to place on record the said order by way of an affidavit.
4. Neither the Counsel for respondent no. 5 nor the Counsel for PPCB are aware of any such revocation order. Hence, they are granted liberty to obtain instructions in this regard
5. So far as the issue of imposition of EC for past violation is concerned, the PPCB will file the fresh report within three weeks disclosing the action taken in this regard.
6. It is also the submission of the Counsel for the applicant that though the CTO has been revoked, yet respondent no. 5 unit is functioning. PPCB will duly look into this aspect of the matter. If the CTO has been revoked, then the concerned authorities will ensure implementation of the said order, if there is no illegal impediment in this regard. Hon'ble NGT has directed to file reply before next date hearing i.e. 16.04.2024 through e-mail. Recent complaint against the industry and revocation of the consent under Air (Prevention & Control of Pollution) Act, 1981.

And whereas, a complaint regarding pungent odor and emitting black smoke was received telephonically from the prop. of adjoining unit. Accordingly, area under complaint was visited on 08.12.2023 and pungent odor being released from the industry observed from the roof of the adjoining unit.

And whereas, this office asked GSPL through e-mail dated 09.12.2023 to submit consumption of PNG by the industry from last 06 months. Accordingly, GSPL has submitted record vide e-mail dated 11.12.2023 and as per record submitted consumption of PNG by the industry is zero from 24.09.2023 to upto 30.11.2023. It reveals from the record submitted by GSPL that the industry is not using PNG as fuel in its boiler and is using non-consented fuel. In light of the observations/violations observed by the Joint Committee as well as complaint received from the adjoining industry and record submitted by GSPL regarding non-consumption of PNG (consented fuel).

And whereas, consent to operate under Air (Prevention & Control of Pollution) Act, 1981 was revoked vide Zonal Office, Amritsar letter no. 164 dated 22.01.2024. But the industry has obtained auto renewal of the consent to operate under Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 through OCMMS system of the Board which are valid upto 25.12.2026. Special condition of the Board regarding audit/study from IIT, Delhi.

And whereas, it is pertinent to mention here that earlier a special condition was imposed to the industry while granting CTO under Air (Prevention & Control of Pollution) Act, 1981 and Water (Prevention & Control of Pollution) Act, 1974 as under: -

The industry shall get the environmental audit/study regarding adequacy of Effluent treatment plant, Air pollution Control Devices installed for control of fugitive emission from various processes, from IIT Delhi on its own cost within 3 months. But till date the industry has failed to submit audit/study report from IIT Delhi.

And whereas, opinion of SLO of the Board Vide above e-note dated Senior Law Officer of the Board has opined as under:-

1. The Hon'ble National Green Tribunal has passed order dated 1.12.2023 in the case. In para no. 3 of the order, it is mentioned that Joint Committee has submitted the report dated 21.11.2023 which reflects non-compliance and violations by the project proponent respondent no.5 and objections to the report of the committee has also been filed by the applicant. The objections filed by the applicant to the Joint Committee report may be downloaded from the website of the Hon'ble National Green Tribunal.
2. Though the Hon'ble Tribunal has allowed the prayer of the counsel for respondent no.5 i.e M/s. Amar Colour Chem India to file reply / response to the reports, but the Board may also act on the joint committee report in reference to non-compliances and violations as mentioned in the report of the Joint Committee.
3. The Board may examine the Joint Committee report and then issue notice disclosing the violations to M/s. Amar Colour Chem India with an opportunity of hearing before the Competent Authority, so that necessary action is taken by the Board on the report of the Joint Committee.

And whereas, in view of the above Regional Office recommended that above all mentioned sequence regarding non compliances observed by the Joint Committee (constituted by Hon'ble National Green Tribunal, New Delhi), and recommendations of the said committee, Imposition of environmental compensation Rs. 837500/-, Case pending before Hon'ble NGT, New Delhi, Recent complaint, Revocation of consent under Air (Prevention & Control of Pollution) Act, 1981, Auto renewal of consents obtained by the industry under Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 through online system and special condition of the Board regarding audit/study from IIT may be considered during personal hearing before the competent authority of the Board which has already been approved.

And whereas, it is pertinent to mention here that Hon'ble National Green Tribunal vide order dated 06.02.2024 has directed PPCB to file the fresh report within three weeks disclosing the action taken w.r.t. imposition of EC for past violation is concerned.

And whereas the industry was given an opportunity of personal hearing before the Chairman of the Board on 19/03/2024 but no one from the industry attended the said hearing.

And whereas, the industry is violating the provisions of Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981.

And whereas, it has now been proposed to initiate action against the industry under the Water (Prevention & Control of Pollution) Act 1974 as amended in 1988 & Air (Prevention & Control of Pollution) Act, 1981 as amended in 1987.

As such, you are, hereby given **Final opportunity** of personal hearing, to file objections, if any, on the proposed action **before the Chairman of the Board at Vatavaran Bhawan, Nabha Road, Patiala on 28-03-2024 at 11.00 AM** failing which it will be presumed that the Project Proponent has nothing to say and the Board shall go ahead to take action as proposed under the Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act 1981 without giving any further notice / opportunity.

[Signature] 20/3/24

Environmental Engineer
For Senior Environmental Engineer

Endst. No. ९३७Dated. 20/03/2024

A copy of the above is forwarded to the Environmental Engineer, Punjab Pollution Control Board Regional Office, **Amritsar** for information and necessary action. **He is requested that this letter must be delivered to the industry well before the date of hearing.**

for 20/3/24
Environmental Engineer
For Senior Environmental Engineer



Annexure-D
453
ਪੰਜਾਬ ਪ੍ਰਦੂਸ਼ਣ ਕੰਟਰੋਲ ਬੋਰਡ
PUNJAB POLLUTION CONTROL BOARD

No... 8546

Dated... 1/4/24

To

Dr. Sri Harsha Kota, Associate Professor,
Department of Civil Engineering, Block: V,
Room:201, Indian Institute of Technology Delhi,
Hauz Khas, New Delhi.

Sub: Conducting environmental audit/study of M/s Amar Color Chem (India), Plot No. 26, Focal Point, Amritsar.

In reference to the subject cited matter, it is intimated that the subject cited industry is a small scale red category and is engaged in manufacturing of basic dyes, glycerine, benzaldehyde and dyes methyl aniline using Oil Green, Oil Yellow & other chemicals such as Ortho toluidine, Mono chlorobenzene & acids as raw material.

It is further intimated that while granting Consent to operate under Air (Prevention & Control of Pollution) Act, 1981 and Water (Prevention & Control of Pollution) Act, 1974 to the industry by the Board following special condition was imposed: -

"The industry shall get the environmental audit/study regarding adequacy of Effluent treatment plant, Air pollution Control Devices installed for control of fugitive emission from various processes, from IIT Delhi on its own cost within 3 months".

As above you are requested to conduct environmental audit/study of the subject cited industry as mentioned above. Cost of the audit/study will be bear by the industry.

Endst No... 8547


Member Secretary

Dated... 1/4/24

A copy of the above is forwarded to M/s Amar Color Chem (India), Plot No. 26, Focal Point, Amritsar with request to coordinate with Indian Institute of Technology Delhi, Hauz Khas, New Delhi for conducting environmental audit/study as already directed by the Board.


Member Secretary



	PUNJAB POLLUTION CONTROL BOARD Zonal Office, Plot No. 164, Focal Point, Mehta Road, Amritsar Tele Fax:- 0183-2581420 Website:- www.ppcb.gov.in email:- seezoasr@yahoo.com
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No. 1133

Regd.

Date: 08/4/2024

To

M/s Amar Colour Chem India,
26, Focal Point,
Amritsar.

Subject: Proceedings of the personal hearing given before the Chairman of the Board on 28.03.2024 in reference to Show cause notice for violations of the provisions of Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 (24210653).

Following were present:-

On behalf of Board: - Dr. Krunesh Garg, CEE, Jalandhar
Er. Sukhdev Singh, EE, RO, Amritsar
Er. Vinod Kumar, AEE, RO, Amritsar

On behalf of the industry: - Sh. Rohit Handa, Partner

A. Environmental Compensation imposed for earlier violations:

At the outset, the Environmental Engineer, Regional Office, Amritsar brought out that earlier Environmental Compensation of Rs. 8,37,500/- was imposed upon the industry vide letter no. 3672-73 dated 18.11.2022 considering violation period from the period from 23/08/2022 to 28/10/2022 during which the industry remained in operation in spite of revocation of consent to operate under Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981 and confirmation of directions for closure of industry for violations observed earlier. Thereafter, the industry filed appeal before the Appellate Authority with a prayer to set aside said order. The appeal came up for hearing before Appellate Authority on 04/01/2024 and was disposed off with the following order:

"After hearing the parties, I have examined the relevant documents. The main grievance of the appellant is that the Board has not extended an opportunity of hearing before the imposition of Environmental Compensation and the Board has acted in complete violation of law laid down by the Hon'ble Supreme Court of India in Deepak Nitrate Limited v/s State of Gujarat. It is observed that the Board has laid down the procedure for imposing Environmental Compensation to industries, other projects and ULBs by passing an office memorandum bearing no. SEE(HQ2))2021/OMNo.517 dated 01.10.2021 under the signatures of its Chairman.

The office memorandum dated 01.10.2021 issued by the Punjab Pollution Control Board provides for at-least four essential features which are required to be complied before the Environmental compensation is imposed. The important features of the office order of the Board summarized are:-

- a. Placing of the matter before the Competent Authority justifying the reasons for imposition of Environmental Compensation.*
- b. The issuance of a show cause notice (with or without an opportunity of personal hearing) to the industry, project proponent, ULBs before the Chairman of the Board proposing to impose Environmental Compensation mentioning the violations therein.*
- c. Before conforming Environmental Compensation to any industry / project proponent, ULB the calculations shall be vetted by the committee constituted by the Board for this purpose vide office order no. 512 dated 19.5.2021.*
- d. The passing of speaking orders for imposition of Environmental Compensation.*

In view of the facts recorded herein above, the case in hand is remanded and relegated to the Chairman of the Punjab Pollution Control Board with a direction to reconsider the case in accordance with the contents and elements contained in office order no.517 dated 1.10.2021 issued by the Board for imposition of Environmental Compensation. The Chairman, Punjab Pollution Control Board will pass a fresh order in the case accordingly. The appeal stands disposed of in above terms."

B. Hon'ble NGT Matter O.A. No. 470 of 2023 titled as Public Action Committee & Ors

The officers further brought out that a compliant was filed before the Hon'ble NGT, New Delhi i.e. O.A No. 470 of 2023 alleging that the industry is running on ZLD but has been damaging the environment by releasing toxic gases, fugitive fumes in ambient air as well as discharging harmful effluents in the domestic sewer illegally and in a very unscientific way, resulting in serious health related problems for residents, for workers of factory and public at large.

Hon'ble National Green Tribunal (NGT), vide order dated August 10, 2023 constituted a Joint Committee comprising of One representative from State Pollution Control Board, Punjab, One representative from the CPCB and One representative from Collector /DM, Amritsar. The Committee was directed to visit the place and submit the factual and action taken report on extent of violation and reasons for not taking action under Water Act, 1974 and Air Act, 1981 within four weeks. The State PCB was appointed nodal agency for coordination and compliance.

The nominated committee members visited the industry on 20/10/2023 and suggested following measures:-

- a) The committee suggests that local administration /PPCB should keep stringent surveillance to discharge of the effluent in addition to releasing toxic gases and fugitive fumes in ambient air as well as discharging harmful effluents in the domestic sewer illegally.
- b) The unit should obtain permission from Central Ground Water Authority (CGWA)/ PWRDA for ground water abstraction.
- c) The unit should install electromagnetic flow meter in place of. Mechanical type water meter at tube well and log book of the same was maintained.
- d) Emergency preparedness plan based on the hazard identification and risk assessment and disaster management plan should be implemented in the unit.
- e) The unit should obtain valid registration/NOC permission from concerned SPCB for trading of hazardous chemical in their premise namely Acetic acid, sulphuric acid, oxalic acid etc.
- f) The unit should obtain authorization under the Hazardous and Other Wastes (Management, & Transboundary Movement) Rules, 2016 from PPCB for disposal of Used drums/containers, ETP sludge, process residue and expired chemicals.
- g) The unit should be taken public liability insurance policy.
- h) The unit should prepare on site /off site emergency plan of the plant area.
- i) Over all housekeeping of the plant process area should be improved.
- j) Leakage and spillage in the process needs to be improved.
- k) The unit should install adequate firefighting arrangements in their plant i.e. Hose Reel system, Fire Hydrant system, Sand buckets, Portable Fire Extinguishers, Electrical/manual siren for emergency/ accident situation.
- l) The unit should carry out regularly occupational health checkup of engaged workers and records of the same was maintained.
- m) The unit should maintain proper ventilation system in the work Zone by providing proper exhaust along with filter and duct in the process area of green dye stuff.
- n) The unit should put up proper display board at the entrance gate as per the Hon'ble Supreme court order in WP 657/1995.

The reply based on the basis of observations/suggestions of the committee was filed before the Hon'ble NGT on 28/11/2023.

The case further came up for the hearing on 06/02/2024 and Hon'ble NGT passed the following orders: -

1. *"Grievance in this Original Application is in respect of violation of environmental norms by respondent no. 5 i.e. M/s Amar Colur Chem India, Plot No. 26, Focal Point, Amritsar. The Tribunal by order dated 10.08.2023 had constituted a Joint Committee and had called for the report from the Committee. The Joint Committee has submitted the report dated 21.11.2023.*
2. *A perusal of salient observations by the Committee reveals that the respondent no. 5 has defaulted and violated the requisite norms.*
3. *Learned Counsel for the applicant, during the course of argument, has produced the order dated 12.01.2024 passed by the Punjab Pollution Control Board revoking the Consent to Operate (CTO) granted to respondent no. 5. He is directed to place on record the said order by way of an affidavit.*
4. *Neither the Counsel for respondent no. 5 nor the Counsel for PPCB are aware of any such revocation order. Hence, they are granted liberty to obtain instructions in this regard*
5. *So far as the issue of imposition of EC for past violation is concerned, the PPCB will file the fresh report within three weeks disclosing the action taken in this regard.*

It is also the submission of the Counsel for the applicant that though the CTO has been revoked, yet respondent no. 5 unit is functioning. PPCB will duly look into this aspect of the matter. If the CTO has been revoked, then the concerned authorities will ensure implementation of the said order, if there is no illegal impediment in this regard."

It was directed to file reply at least one week before next date of hearing i.e. 16.04.2024 through e-mail.

It is further informed that earlier consents of the Board were granted to the industry on 27/06/2023 with special condition that the industry shall get the environmental audit/study regarding adequacy of Effluent treatment plant, Air pollution Control Devices installed for control of fugitive emission from various processes, from IIT Delhi on its own cost within 3 months.

A complaint regarding pungent odor and emitting black smoke was received telephonically from the Prop. of adjoining unit. Accordingly, area under complaint was visited on 08.12.2023 and pungent odor was felt being released from the industry from the roof of the adjoining unit.

In view of the observations/violations observed by the Joint Committee as well as complaint received from the adjoining industry and record submitted by GSPL regarding non-consumption of PNG (consented fuel), the Consent to operate under Air (Prevention & Control of Pollution) Act, 1981 was revoked vide Zonal Office, Amritsar letter no. 164 dated 22.01.2024.

Afterwards, the industry has obtained auto renewal of the consent to operate under Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 through OCMMS system of the Board claiming compliances on self-declaration basis, which are valid upto 25.12.2026.

In view of the orders of the Appellate Authority regarding passing fresh order on imposition of Environmental Compensation, orders of the NGT, implementation of suggestions of joined committee and conducting Environmental Audit/ Study from IIT, Delhi by the industry, a show cause notice bearing no. 936 dated 20.3.2024 for violation of the provisions of Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 was issued to the industry with an opportunity of personal hearing before the Chairman of the Board on 28.3.2024

Sh. Rohit Handa, partner of the industry appeared for hearing before the Chairman of the Board on 28.3.2024. During hearing Sh. Rohit Handa, Partner contested the amount of Environmental Compensation @ Rs. 8,37,500/- imposed upon the industry stating that the industry remained closed for 13 days due to demise of his grand-mother. He submitted that his grand mother was serious during those days and died on 14/10/2022. The industry was not operated for 13 days due to mourning from 14/10/2022 to 26/10/2022. Also order in this regard was obtained for not sealing the plant and machinery of the industry from Deputy Commissioner, Amritsar. Considering the mourning period, weekly off and gazetted industrial holidays on account of Gandhi Jayanti and Dusshehra, the industry was only operated for 32 days. The partner further that he contacted IIT, Delhi through e-mails for Environmental Audit / Study of the industry, however, no response has been received from the said institute so far. He requested not to impose any EC as the industry has complied with all the suggestions and recommendations of the committee. He also submitted documentary evidence in support of his claim. As far as non-consumption of PNG (non-consented fuel) is concerned, the representative of the industry replied that they obtain supply of PNG from GSPL but due to less pressure in winters the unit also obtained the supply of the Gas from local vendor and submitted copy of bills as evidence towards purchase of gas.

After hearing the partner of the industry, the Chairman of the Board observed that the industry kept on operating its plant inspite of the directions issued by the Board and as such the industry deserves no leniency in this regard. The industry

also owes duty towards the protection of environment but the industry has not bothered to comply with the directions issued by the Board. Thus, no ground is made out to deduct any amount of environmental compensation. However, the competent authority of the Board decided to request IIT, Delhi officially immediately to conduct environmental audit of the industry within one month.

After hearing the officers of the Board as well as representative of the industry and considering the material facts on file, the Chairman of the Board decided as under that:

1. The EC imposition case of the industry shall be referred to the EC assessment committee for calculation of environmental compensation.
2. After the receipt of report of the Environmental Compensation assessment committee, separate speaking order for imposition of Environmental Compensation will be passed by the Board.
3. The industry shall deposit the amount of Environmental Compensation within 07 days with the office of the Board at Amritsar after the order is conveyed.
4. The Regional Office shall visit the industry and verify the compliances claimed to be made by the industry with regard to the suggestions and recommendations of the Joint Committee and submit report within next 02 weeks.
5. In case of non-compliance of decisions mentioned at Sr.No.2 to 4 above, auto renewal of consents obtained by the industry shall stand revoked without any further notice.


 Senior Environmental Engineer
 Zonal Office, Amritsar
 for and on behalf of the Board

Endst No... 1134

Dated... 08/4/2024 

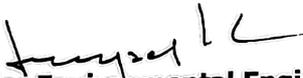
A copy of the above is forwarded to the Environmental Engineer, Regional Office, Amritsar for information and necessary action.


 Senior Environmental Engineer
 Zonal Office, Amritsar
 for and on behalf of the Board 

Endst No...1135

Dated...08/9/2024

A copy of the above is forwarded to the Senior Environmental Engineer (HQ-1), Punjab Pollution Control Board, Patiala for assessment of Environmental Compensation in the matter and for submission of its recommendations within 07 days positively.


Senior Environmental Engineer
Zonal Office, Amritsar
for and on behalf of the Board

