

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

**Original Application No. 35(T<sub>HC</sub>)/2013**

**And**

**M.A. No. 21/2014**

**Parminder Singh V/s Punjab PCB & Ors.**

**CORAM: HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER  
HON'BLE DR. G.K. PANDEY, EXPERT MEMBER  
HON'BLE MR. B.S. SAJWAN, EXPERT MEMBER**

**Present:**

<b>Applicant / Appellant (Amicus Curiae)</b>	<b>: Ms. Richa Relhan, Adv. for Mr. Ritwick Dutta, Adv.</b>
<b>Respondents No. 1 to 3</b>	<b>: Mr. A.R. Takkar, Adv, Ms. Gurinder Jit, Mr. Ankur Sharma and Ms. Garima Hooda, Adv.</b>
<b>Respondents No. 4 to 6</b>	<b>: Mr. Jeevesh Nagrath, Mr. Nitish Kr. Sharma and Mr. V. Kashyap, Adv.</b>
<b>Respondent No. 7</b>	<b>: Mr. Rajat Navet, Adv.</b>
<b>Respondent No. 9</b>	<b>: Mr. Sunil Gupta, Adv.</b>
<b>Respondent No. 10</b>	<b>: Mr. S.L. Gundli, Sr. Law Officer (CPCB)</b>

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No. 2 July 31, 2014</b>	<p>Heard. Perused.</p> <p>In the present Petition which was initiated as PIL in the Hon'ble High Court of Punjab and Haryana and later on transferred before us, we had directed the Central Pollution Control Board (CPCB) to examine the locations of the sites in question i.e. the sites where the manufacturing of H-acid and its salts by Matharu Chemical Industry was going on between 1991-2005 and to give report on the following points vide order dated 04.07.2013:</p> <ol style="list-style-type: none"><li><i>Whether the water is contaminated/ polluted at the place shown in the Application?</i></li><li><i>Whether the characteristics of the soil are affected due to the dumping of the chemical wastes at the place in question?</i></li><li><i>Whether the ground water is polluted due to the effluent discharge or the discharge in to the bore wells?</i></li><li><i>Whether the crops or orchards in the proximity of the sites have been damaged due to the pollution allegedly caused due to the affluent discharged.</i></li><li><i>The expert team of CPCB may suggest the methodology for restoration /reclamation of the contaminated environment.</i></li></ol>

The CPCB placed before us report dated August, 2013 (Annexed at page no. 725 Vol.-1D). Learned Counsel appearing for the Punjab Pollution Control Board (PPCB) submitted that the water drawn from the underground sources at the sites in question had reddish brown colour and the colour index reflected in results of the analysis carried out by the CPCB exceeded the standard colour index. This according to him is either due to the iron or Sulfonated Phenolic compounds finding way to underground water source as a result of percolation and/or suspected injection of waste water filtrate of H acid manufacturing step-11 and wash water from step-12 of the manufacturing process.

On 8<sup>th</sup> May, 2014, we further directed the CPCB to conduct tests for identifying the presence of Sulfonated Phenolic compounds in the ground water and assess the quantitative presence of such compounds and further to suggest methodology for restitution and remediation of contaminated water. In response to this direction, the CPCB placed before us the report dated June, 2014 (at page no. 878). As regards the Sulfonated Phenolic compounds, the said report reveals that the Sulfonated Phenolic compounds were below the detection level. It also shows that the analysis carried out to assess Sulfonated Phenolic compounds was by APHA method.

Our attention is invited to the report of analysis carried out by Thapar Center for Industrial Research & Development at the instance of PPCB in 2011, particularly to Table No. 5 and 6 at page no. 20 of the report. It reveals the presence of the Sulfonated Phenolic compounds in the samples collected from the site in question as under:

**Table No. 5: Sulfonated phenolic compounds in the samples from Stns -1 and -2**

<b>Compound</b>	<b>Sample 1</b>	<b>Sample 2</b>
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Methanol extractables (mg/L)	149	173
Compound A (mg/L)	60	75
Compound B (mg/L)	48	32

It appears that the Thapar Center for Industrial Research & Development had carried out the analysis of the samples by FTIR (Fourier Transform Infrared Spectrometry).

Learned Counsel appearing for the industry disputes the said findings in Thapar Center's report. According to him, the report of the CPCB shows that the Sulfonated Phenolic compounds were below the detection limits and cannot be simplistically attributed to the industry in question as there could be many reasons such as the pesticides used in the fields.

Learned Counsel appearing for the PPCB submitted that the CPCB carried out analysis by APHA method which is less sensitive than FTIR method and, therefore, if the findings of the CPCB are to be comfortably relied upon then the findings ought to have been arrived by the sensitive method of FTIR and not by APHA method alone.

He, therefore, suggested carrying out of the fresh sampling and analysis of the ground water from the sources collected from the same sites as those collected by the CPCB at the hands of reputed specialised institution like NEERI (National Environmental Engineering Research Institute) by employing FTIR method for analysis of the ground water to assess the presence of Sulfonated Phenolic compounds.

We do find merit in this submission and, therefore, pass the following directions:-

1. NEERI shall depute a team of Experts to collect the underground water samples from the same locations from where the earlier water samples were collected by CPCB and to analyse those samples for ascertaining the presence of Sulfonated Phenolic compounds by APHA as well as FTIR

methods and any other better method that may be available with NEERI. Quantitative analysis of the Sulfonated Phenolic compounds shall also be undertaken by NEERI.

2. NEERI shall also give its opinion as regards the possible sources of such Sulfonated Phenolic compounds, if detected in the samples, at the said locations.
3. NEERI shall also suggest the methodology for remediation of the underground water if found contaminated with Sulfonated Phenolic compounds.
4. NEERI shall take standard precautions like purging of water at the time of collection of samples.
5. The PPCB shall co-ordinate with the NEERI and expedite the work of sampling and analysis.
6. Prior notice of collection of samples be given to the parties.
7. The report of analysis shall be presented by the NEERI on or before the next date of hearing.
8. The CPCB report dated June, 2014 shall be made available to NEERI for the purpose of locating the sites in question.
9. Initially the cost of this work of collection of samples and analysis shall be borne by the PPCB and its liability shall ultimately be decided at the time of final disposal of this petition.
10. Registry to communicate this order to NEERI.

List the matter on 1<sup>st</sup> September, 2014 at 2:00 P.M.

....., JM  
(U.D. Salvi)

....., EM  
(Dr. G.K. Pandey)

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