

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

Original Application No.202/2016
(M.A. No. 381/2016)

With

Review Application No. 21/2017

In

M.A. No. 547/2017

In

O.A. No. 202/2016

With

Original Application No. 34/2014 (THC)
(CWP No. 2844/2011)

(M.A. No. 282/2016, 1230/2016, I.A. No. 141/2019 &
147/2019)

With

Review Application No. 25/2017

In

M.A. No. 1230/2016

In

O.A. No. 34/2014 (THC)

Balotra Textile Hand Processors
Association

Applicant(s)

Versus

Rajasthan State Pollution Control
Board & Ors.

Respondent(s)

And

Balotra Textile Hand Processors
Association

Applicant(s)

Versus

Rajasthan State Pollution Control
Board & Ors.

Respondent(s)

And

Digvijay Singh

Applicant(s)

Versus

State of Rajasthan & Ors.

Respondent(s)

And

Digvijay Singh

Applicant(s)

Versus

State of Rajasthan & Ors.

Respondent(s)

Date of hearing: 06.03.2019

CORAM:

**HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

For Applicant(s) Mr. Ankit Anandraj Shah,
Advocate
Mr. Digvijay Singh, Applicant in
person
Mr. Rishabh Sancheti, Advocate

For Respondent(s) Dr. Maish Singhri, AAG and Mr.
D.K. Devesh, Advocate for State
of Rajasthan
Mr. Ardhendumauli Kr. Prasad,
Advocate for CGWA
Mr. Vinay Kothari, Advocate for
R-8 & 9
Mr. Rajkumar, Advocate for
CPCB
Mr. Keshav Pareek, Advocate for
RIICO

ORDER

1. The Tribunal had on 7th January, 2019 ordered for constitution of a Committee to inspect the sites and submit update report on functioning of ETPs, CETPs, HRTs and other facilities at Bituja, Balotra and Jasol. Accordingly, the committee had visited the sites on 24 and 25th January, 2019 and has submitted a detailed report.

2. We have considered the various observations made in the report, after carrying random inspection of the industries, *inter alia*, relating to CETP at Bituja, Balotra and Jasol, Solar Evaporation Ponds, the common problems in ETPs of the industries claiming ZLD and those which are not Members of CETP. Committee has specifically pointed out the issues relating to adverse impact of industrial effluents and by consumption of river water, on health and agriculture. It has noted that:

(a) The river Luni at Balotra is receiving industrial effluents and sewage as a result of which, it is not even fit for irrigation purpose.

(b) The installed Common Effluent Treatment Plants (CETPs) are not complying with the prescribed standards and the effluents are discharged into river Luni directly or indirectly.

(c) The solar evaporation ponds termed as High Rate Transpiration System (HRTs) are also not effectively performing and are occupying a huge area of land. Thus, not serving the purpose.

(d) The individual members of CETPs are also non-complaint.

3. In such a critical situation, we consider it appropriate to direct the State Government to deposit Rs. 30 Crores with CPCB within one month, as an interim measure, towards environment compensation till complete details on health effect and damages to the agriculture are received. The said amount of Compensation may be later on recovered, by the State Government, from the defaulting industries.

4. We also direct Secretary Health and Agriculture State of Rajasthan to submit reports in respect of the status on health of villagers and agriculture and the damages be assessed to these causes within one month.

5. We consider appropriate to pass further directions, on the suggestion given by the committee, for improving the condition of damage caused to environment, as under:

5.1. The concerned department of State Government shall implement the action plan suggested by the committee which has been highlighted in the report from pg. 50 to pg. 59.

5.2.(a) Rejuvenation of river Luni by dredging/scraping to remove hazardous industrial and sewage sludge.

(b) Canalization of the river at appropriate locations without interfering with riverine eco system.

(c) Installation of CCTV at strategic locations to check illegal and unauthorized disposal of effluents and solid waste into the river. All the actions shall be complied within 4 months.

5.3. (a) State Ground Water Board, RIICO and the State Industries department, along with Collector Barmer, should ensure that ground water supply to the industries, through tankers, is properly regulated and their sources should be labelled as well as status in respect of reserve should be ascertained. A report on the Status of availability of potable water to the affected villages and on availability of irrigation water may also be provided. This action should be completed within one month.

(b) The Borewells which have been contaminated by industrial effluents or river water, should be remediated or alternatively, Treatment/Remediation System may be installed for them at the cost of the industries for public use and this action be co-ordinated by the Secretary of State Water Resources. This action be completed in 4 months.

The respondent shall immediately take up all the above actions and file time-bound execution plan as directed within a period of two weeks and shall file an interim report within a month in respect of the progress made.

5.4. (a) The industries in the area should not be allowed to operate till they setup required ETP/PETP and meet the prescribed norms.

(b) The treated industrial effluent should be utilized by the industries. Action plan in this regard, with time bound execution plan, be approved from State Pollution Control Board, within one month.

(c) The State Pollution Control Board shall ensure that the CETPs comply with the standards and no waste water be discharged into the river, directly or indirectly. The industries should utilize treated water from CETPs, instead of consuming fresh water reserves. This action shall be completed within 4 months.

The State Pollution Control Board shall upload the status of consent and compliance to these directions on its website, within one month from today.

6. We further direct State Government to furnish a performance guarantee of Rs. 10 crores within a month, for implementation of action plan suggested by the Committee.

7. We, at this stage, do not contemplate any coercive measures against State PCB or Industrial Development

Corporation or any other Department with the expectation that, the action plan will be implemented in true spirit and monitored through a robust surveillance and monitoring mechanism suggested under para-13 (page-59) of the report.

8. A copy of this order be sent to the Chief Secretary, Health Secretary, Agriculture Secretary, Secretary Environment, Government of Rajasthan, Divisional Commissioner Jodhpur, Collector Barmer and Chairman as well as Member Secretary State Pollution Control Board, through email forthwith.

List this matter on 8th April, 2019.

I.A. No. 147 of 2019

Issue Notice to Rajasthan Pollution Control Board by Registered post/Acknowledgement due and Dasti as well.

Notice made returnable before next date.

Raghuvendra S. Rathore, JM

Dr. Satyawan Singh Garbyal, EM

March 06, 2019

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