

Item No. 11

Court No. 1

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

(By Video Conferencing)

Original Application No. 104/2020

(With report dated 07.09.2020)

Pramod Kumar, Shambhu Kumar & Ors.

Applicant

Versus

State of Bihar

Respondent

Date of hearing: 19.10.2020

**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**

Applicant: Mr. Pramod Kumar, Applicant in person

Respondent: Mr. Abhimanyu Singh, Advocate for BSPCB

ORDER

1. Grievance in this application is that Pionex Private Ltd. Company in Village Gulamichak, District Patna is emitting toxic smoke and gases, affecting the environment and the public health in *Gram Panchayat Anandpur, Musepur, Kateser, Bihar Raksha Bahini (Prakashishan Kender)*. The land of the area, ground water, forest and wildlife are also affected.

2. Vide order dated 08.07.2020, a report was sought from a joint Committee comprising District Magistrate, Patna and State PCB with reference to the allegation.

3. Accordingly, a report has been filed on 07.09.2020 as follows:-

“5. That the joint committee during inspection, observed and noted the following facts:

- (i) The unit, under reference, was an integrated plant with induction furnace to produce MS Ingot (70 MT/day), Electro Forged Gratings and Galvanization unit to produce galvanized fabricates steel structure (15000 MT/year) ;*
- (ii) There was one Pre Engineered Building (PEB) Structure unit to facilitate fabricated structure's installation (12000 MT/year) ;*
- (iii) The unit was found operational except the newly constructed galvanization unit, which was not operational during the day of inspection ;*
- (iv) The unit had installed hood based Fume Extraction System to control fugitive emission above the induction furnace/ crucible, The fume is channelized to wet scrubber through a duct and is finally allowed for its dispersion through MS stack of 20 meter height as Air Pollution Control Devices (APCD). Stack had Porthole and platform for facilitating stack emission monitoring;*
- (v) There was visible fugitive emission in this plant indicative of the fact that their Air Pollution Control Devices (fume extractor) were not working properly ;*
- (vi) The unit had dismantled old galvanization unit along with ETP and had replaced new unit with Effluent Treatment Plant and Air Pollution Control Devices for facilitating the galvanization of fabricated structures ;*
- (vii) The galvanization unit had separate fume extraction system for extraction of fumes above the upper part of acid tank along with wet scrubber with a MS stack of 20 meter height and extraction of fumes from upper part of zinc smelting tank along with wet scrubber along with MS stack of 20 meter height. The fumes/ flue gas from furnace/ bhatthi used for heating the zinc, is channelized through a MS stack of 32 meter height, Furnace Oil/LDO is used as fuel for heating the furnace for smelting the zinc ;*
- (viii) This unit, as stated before, was found closed during inspection. But it appeared that this plant had been operational before the day of inspection. Due to the unit, not under operation, there was no emission;*
- (ix) During inspection, the ETP was found non-operational;*
- (x) Painting work was not done in closed area;*
- (xi) Area for vehicular movement/ internal road was found unpaved/ kacha ;*
- (xii) Plantation was done, but it was inadequate ;*
- (xiii) Newly constructed Galvanizing section had not obtained CTE and CTO from the Board;*
- (xiv) There was no sign of ground water pollution or any ill effect on wild life. As regard ill effects on forest, there was no forest in the nearby vicinity ; and*
- (xv) A total number of 11 samples of ground water were collected from the locations inside the unit and outside*

the unit on 18 - 19 of August, 2020. The results, after analysis, conformed to the IS 10500:2012 –Drinking Water Specifications.

6. *That from the facts, gathered during inspection by the Joint Committee and the ground water samples collected by the Board, it appeared that though there was no ground water pollution or noticeable ill effects on the environment, yet the unit, under reference, had no adequate pollution control devices/ arrangement.*

7. *That having looked into the inadequacy of pollution control arrangements, including operation of the galvanization section in the unit without CTE and CTO, Board has :-*

- (i) Served upon the unit a Show Cause Notice before imposition of environmental compensation of Rs.7,40,000/- (Rupees Seven Lac Forty Thousand) only, vide this Board's Letter no, 3679, dated 07.09.2020 ; and*
- (ii) Served upon the unit a Direction under Section 33A of the Water (Prevention & Control of Pollution) Act, 1974 and Section 31A of the Air (Prevention & Control of Pollution) Act, 1981, vide this Board's Letter No. 3680, dated 07.09.2020, to furnish a bank guarantee of Rs.20 Lac (Rupees Twenty Lac) only as Performance Guarantee, wherein they have been directed to undertake to perform the following jobs within a time schedule:-*
 - (a) The unit shall not operate newly constructed Galvanizing unit without obtaining Prior CTE/CTOs from the Board ;*
 - (b) The unit shall ensure adequacy of installed APCD within 4 weeks and operate it regularly to control Particulate Matter/ Fugitive emission and submit SEMR to the Board on quarterly basis ;*
 - (c) The unit shall construct paved/concrete road inside the premises within 3 months to minimize dust fugitive emission ;*
 - (d) The unit shall do painting work in closed area ;*
 - (e) The unit shall ensure regular use of fixed water sprinklers for dust suppression ;*
 - (f) The unit shall do plantation (min. 6 ft. Height) of suitable dust suppressant species around the boundary and vacant land within 1 month ;*
 - (g) The unit shall properly treat its waste water and explore for its reuse in cleaning of fabricated structures or dust suppression; and*
 - (h) The unit shall obtain permission from Central Ground Water Authority for extraction of ground water.”*

4. In view of the above, the State PCB may take further action to enforce the law. Assessed compensation and performance guarantee may

be duly enforced and deficiencies pointed out may be got rectified. Action may be taken for illegal extraction of ground water. Grievance about the location of the unit close to habitation may also be looked into. The action initiated may be completed as far as possible within three months. It will be open to the applicants to make any further representation to the State PCB.

The application is disposed of.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Nagin Nanda, EM

October 19, 2020
Original Application No. 104/2020
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