

Item No. 09

(Court No. 1)

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

(By Video Conferencing)

Original Application No. 256/2021

(With report dated 01.04.2022)

Vikram & Ors.

Applicant(s)

Versus

Indian Synthetic Rubber Private Limited & Ors.

Respondent(s)

Date of hearing: 29.04.2022

**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**

Respondent: Mr. Rahul Khurna, Advocate for HSPCB

ORDER

1. This application raises grievance that respondent 1, M/s Indian Synthetic Rubber Private Limited, has its unit at opposite Neptha Cracker Polymer Terminal Gate, PO Panipat Refinery, Panipat, Haryana, set up in 2013, for manufacture of Emulsion Styrene Butadiene Rubber (E-SBR). The unit is spread over an area of 57 acres and located adjacent to Panipat Refinery of IOCL at Panipat Haryana. The unit was installed after obtaining Environmental Clearance (EC) from the concerned competent authorities but it was commissioned without complying with various conditions mentioned in the EC which included a provision for 33% area as green belt. Respondent 1 has not developed the said green belt at all. It was necessary to mitigate the effect of fugitive emissions all around the plant. Thus respondent 6 is causing huge pollution in the

area affecting health of the local residence. Initially, inspections were also made by authorities on 31.12.2013 and 24.11.2014 wherein also non-compliances with environmental safeguards required to be observed by Respondent 1, were found, and report was submitted mentioning those non-compliances. Still, Respondent 1 has not removed such defects and continued to violate the conditions mentioned in EC. It is further stated in the application that State PCB granted consent to operate to Respondent 1 on 26.04.2016 under Section 25/26 of Water (Prevention and Control of Pollution) Act, 1974, but even conditions of consent are not being observed and complied with by Respondent 1. Reliance is placed on the judgment of this Tribunal dated 22.03.2021 passed in O.A. No. 738/2018, *Satpal Singh Sarpach v. Indian Oil Corporation Limited*, wherein Tribunal had observed that ambient in quality was exceeding the norms in Panipat area where Respondent No. 1 plant is located. Respondent 1 is also releasing untreated effluents on nearby land which have entered the water table, contaminated ground water and affecting local villagers/residents. The pollution being caused by Respondent 1 is causing different kinds of serious diseases including respiratory disease, skin disease, eye problems etc.

2. Vide order dated 01.11.2021, the Tribunal constituted a joint Committee comprising CPCB, State PCB and District Magistrate, Panipat to furnish a factual report in the matter.

3. In pursuance of above, a report has been filed on 01.04.2022 giving the status of compliance of EC and Consent conditions as follows:

“3.1. Compliance of Conditions of Environmental Clearance (EC) and Consent to Operate (CTO) with specific reference to development of Green Belt:

Environmental Clearance for the Unit under reference, was granted to Mis Indian Oil Corporation Ltd, for installation of "Emulsion Styrene Butadiene Rubber (E-SBR : 1, 20, 000 MTPA) Unit" at Panipat Refinery, Panipat, Haryana in 57 acres of land vide No. J-11011/667/2009-IA (I) dated January 16, 2012 (Annexure-2). The Environmental Clearance was granted with various conditions including that "Green belt shall be developed in 33% area to mitigate the effect of fugitive emissions all around the plant as per CPCB guidelines in consultation with the local DFO. Thick greenbelt with the suitable plant species shall be developed around the proposed plant, to mitigate the odour problem."

The above Environmental Clearance was transferred in the name of Mis Indian Synthetic Rubber Limited (ISRPL), a Joint Venture Company of IOCL, from Mis Indian Oil Corporation Ltd. (IOCL) Vide No. J-11011/667/2009-IA (I) dated June 7, 2013 (Annexure-3).

The compliance of various conditions of the Environmental Clearance granted to ISRL, was verified by MoEF&CC through physical inspection on September 7, 2014 and a report in this regard was generated vide Letter No. 4-1035/2012-RO (NZ) dated 24/11/2014 (Annexure-4). As per the above report of MoEF&CC, "No violations have been noticed. However, a few conditions are yet to be complied. Hence, a non-compliance! Suggestive letter has been written to improve the compliance status of such conditions in time bound frame. "

With regard to the specific condition regarding development of 33% area as green belt all around the plant, the above inspection report of MoEF&CC dated 24/11/2014, mentions that the Unit is complying with this condition.

The Joint Committee also visited the plant and observed that the Industry has developed two layers of trees comprising around 4000 Ashoka trees and other species all around the boundary within the premises of the plant and considering 1000 trees/acre, the equivalent area under plantation comes to around 4 acres (Photograph 1 & 2 of Annexure-11). However, it was observed that industry has also developed plantation in 17.5 acres of land outside the premises of the industry in the land which belongs to Mis IOCL (Photograph 23 of Annexure-11).

In this regard, a letter dated 8/12/2021 alongwith as RTI reply of IOCL vide Letter No. PR/RTI/2021 dated 17/6/2021 (Annexure-5), from the applicant in this matter, Shri Vikram, was received in the office of HSPCB, Regional Officer, Panipat saying that there is no agreement of ISRPL with IOCL for leasing out of this 17.5 acres of land. A clarification in this regard was sought from Mis IOCL, by HSPCB RO, Panipat and M/s IOCL vide letter No.

PR/A&W/2021-22/18 dated 21/12/2021 (Annexure-6) replied, as follows:

"It may please be informed that ISRPL is a Joint Venture of IOCL. The subject land of 17.5 acres has been developed and being maintained by ISPL since the year 2014, as per EIA report submitted by IOCL as the time of obtaining EC and also in compliance of the commitment made in the public hearing by IOCL. "

It was further informed by Mis IOCL that the formal agreement in this regard has recently been signed and notarized between IOCL and ISRPL on 15/11/2021.

It is concluded from the above that though the ISRPL has developed plantation in around 21.5 acres of land i.e approx. 37.7 % of the total area of the Unit but out of these 21.5 acres of land under plantation, 4 acres (7% of the area of the Unit) is within the premises and remaining 17.5 acres (30.7% of the area of the Unit) is outside the premises. However, as per the condition\ stipulated in the Environmental Clearance, the Unit was required to develop 33% of the area (18.9 acres) under plantation all around the plant, to mitigate the effect of fugitive emission and odour problem.

It was also observed that now there is no space left, to further develop any plantation within the premises of the Unit. However, the height of the boundary walls may be raised to minimize the impact of emissions and odour and/or additional plantation may be raised in the nearest forest land, if made available to the Unit. This is important, since the Unit is storing and using Styrene Gas as one of the inputs

The unit was found to be complying with other conditions of Environmental Clearance and Consent to Operate granted by HSPCB reports of MoEF&CC and HSPCB. The latest six-monthly compliance report w.r.t conditions of Environmental Clearance submitted by the Unit to MoEF&CC, is attached as Annexure-7.

3.2. Regarding release of untreated effluent on nearby land which have entered the water table, contaminated ground water and affecting local villagers/residents.

ISPRL is a Zero Liquid Discharge Unit with "recycle and use" of 2475 m' treated trade effluent/day as per Consent to Operate (CTO) granted by HSPCB (Annexure-8). The Joint Committee also didn't observe any outlet for discharge of untreated/treated effluent during visit and therefore applicant was requested by the Joint Committee to visit the site and show the point, from where untreated effluent is discharged by the Industry into the nearby land. The applicant visited the site and showed the holes in the

boundary walls created to release the rain water (Photograph 4 of Annexure-11).

The joint Committee obtained the copy of the construction/structural drawing of the boundary wall for examination. It was observed by the Joint Committee that these 50 mm dia weep holes have been provided as per construction drawing for structural safety of the boundary wall during extreme rain conditions (Copy of the construction drawing attached as Annexure-9).

It was also observed by the Joint Committee that holes on one side of the wall have already been closed by the ISRPL. The " before and after " photographs alongwith details of expenditure made for plastering of these holes as provided by ISRPL are attached as Annexure-10.

It was informed by the representatives of the ISRPL that the industry is ready to close the holes opening towards the nearby land but the Owner of land, who is also one of the Applicants in this matter, is not permitting the industry to do so

It is concluded from the above that holes created "in the boundary walls, which are opening in the nearby land, are meant for releasing the rain water during extreme rain and not for discharging the effluent. The Industry is also ready to plaster these holes and close the opening in the nearby land, if permitted by the Owner of the land (One of the applicant in this matter)."

4. From the above, it is seen that the green belt has not been developed as per EC conditions within the plant where there is no adequate space but the same has been developed outside the plant in the vicinity. Thus, technical violation exists for which learned Counsel for the State PCB has assured that the State PCB will require remedial action in the form of suitable safeguards for improvement of air quality in the area. In this regard, there is need to consider measures such as checking fugitive emissions, letting out emissions through well designed stack, retrofitted with Air Pollution Control Devices particularly for aromatic and volatile compounds. Let such necessary orders be passed within one month from today, in accordance with law.

The application is disposed of.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

April 29, 2022
Original Application No. 256/2021
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