

Item No.10

Court No. 1

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

Original Application No. 850/2018

Residents of Saila Khurd, Raniala

Applicant(s)

Versus

State of Punjab

Respondent(s)

Date of hearing: 14.03.2019

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s):

For Respondent (s): Mr. Naginder Benipal, Advocate

ORDER

1. The issue for consideration is the pollution caused by Kuantum Paper Mill adversely affecting the inhabitants of Saila Khurd, Raniala, Saila Kalan, Jassoval, Majari, Paddi Khusi and Pensara village, District Hoshiarpur, Punjab, by discharging polluted air and water.
2. Vide Order dated 19.12.2018, a joint Report was sought from the Central Pollution Control Board (CPCB) and the Punjab State Pollution Control Board (PSPCB) on factual aspects with action taken Report.
3. Accordingly, a joint Report has been received by email on 13.2.2019. The findings and recommendations are as follows:

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- i. The unit is non-complying with the effluent discharge norms stipulated under E(P) Rules, 1986 for BOD, COD & TSS parameters. The final treated effluent showed BOD-106 mg/L (against norms of 30 mg/L), COD-608 mg/L (against 350mg/L) and TSS- 87mg/L (against 50mg/L).
- ii. The OCEMS display panel at ETP was not showing the ETP outlet discharge flow meters reading during the visit and unit requires to connect/restore the flow meter data to CPCB server.
- iii. The quality of ground water collected from tubewells of all three villages showed exceedance w.r.t acceptable norms for parameter, viz, total hardness, total alkalinity, but they are within the permissible limit of BIS standards. The calcium and magnesium level at the Pansera village showed exceedance w.r.t acceptable norms, however are within the permissible limit.
- iv. The heavy metals in the groundwater samples are well within the BIS standards for drinking water.
- v. The stack monitoring results showed compliance with the emission norms.

Recommendations:

- i. The unit shall submit adequacy assessment report of their ETP along with water balance audit report prepared by reputed institutes/organizations like IIT/CPPRI/NEERI/NIT etc. and accordingly should augment and upgrade their ETP as per the recommendation of the adequacy assessment report as well as incorporate other suggestions of the adequacy report.
- ii. The Unit shall install flow measuring device at the inlet of ETP and should maintain log book for the same.

- iii. *The unit shall connect/restore the flow meters data at the outlet of ETP to CPCB server.*
- iv. *The Unit shall submit ash measuring plan to PPCB and should dispose the ash in a scientific manner.*
- v. *The Unit shall submit irrigation water management plan to Punjab Pollution Control Board(PPCB) and PPCB should verify the adequacy of the submitted plan and link with the consent.*
- vi. *The Unit shall expedite the proposed work for elemental chlorine free bleaching in the agro based production by April 2009.*
- vii. *The calibration of the OCEMS instrument shall be periodically done and manual result should be compared with real-time online data.”*

4. It is clear that violations are serious but action taken is inadequate. Neither any closure has been ordered till compliance nor damages assessed and recovered. PSPCB has, thus, failed to act upon the 'Precautionary' and 'Polluter Pays' principle for preventing further damage and restoring the damage already caused.
5. In view of above, the PSPCB may now take appropriate action in accordance with law.
6. The Joint Committee may assess the extent of damage caused in monetary terms on settled principles requiring the compensation to be deterrent and adequate to meet the cost of restoration.
7. An action taken report may be furnished by the PSPCB and the joint Committee in above terms within one month by email at ngt.filing@gmail.com

List the matter for further consideration on 20.5.2019.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

March 14, 2019
Original Application No. 850/2018
PK

