

Item No. 09

Court No. 1

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

Original Application No. 173/2023

Shalbhjit Singh

Applicant

Versus

State of Punjab

Respondent

Date of hearing: 05.01.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Respondent: Ms. Richa Kapoor & Ms. Shisham Pradhan, Advs. for Punjab PCB
Mr. Atul V. Sood & Mr. Raktim Gogoi, Advs. for R - 3 (Through VC)

ORDER

1. In this original application, the grievance is as against the Respondent – M/s Nectar Life Sciences Limited (a pharmaceutical unit) relating to discharge of highly polluted chemical effluents in the agricultural fields causing damage to the crop, land and other incidental issues.

2. The Tribunal had earlier constituted a joint Committee which had submitted the report on 15.07.2023 finding that the unit in question was non-compliant of many pollution norms as observed in the report. However, in respect of specific point of illegal discharge of chemical effluent into agricultural fields, no violation was found by the Committee.

3. Accordingly, the Tribunal on 17.07.2023 had directed the Punjab Pollution Control Board (PPCB) to ensure that the industry operates on Zero Liquid Discharge (ZLD Model) by taking necessary action to ensure that there is no discharge of polluted water into the open land or any water

bodies and in case, if the industry is found to be violating the environmental norms, then the action be taken. In the previous proceedings, the industry was impleaded and there was a direction to file the action taken report.

4. The PPCB has filed the action taken report at 8.30 pm yesterday. The PPCB is expected to file the report within time by following the directions which are contained in the circulars of the Tribunal dated 26.09.2020 and 02.08.2023.

5. The report so filed by the PPCB reveals that during the visit by the Committee which was formed by the PPCB, waste water of Unit-1 was found filled upto brim level and the industry was not found complying with the decision of hearing held on 01.09.2023 before the Chairman of PPCB and, therefore, the Chairman of the Board had decided to renew the consent to operate for a short period only upto 31.01.2024 by imposing certain conditions. It has been stated before us that unless those conditions are complied with by the defaulting unit, the consent to operate will not be renewed further. It has also been disclosed that PPCB has encashed the bank guarantee amounting to Rs. 15 lakhs for violation and fresh bank guarantee of Rs. 25 lakhs has been submitted by the unit in question. The Committee constituted by PPCB has also found that the industry was not achieving ZLD practice in its unit. The report states the restrictions which have been put on the industry, in the meanwhile, to the following effect:

- “i. The industry shall reduce the production capacity of the unit by 25%, till the technical report is received from Thapar Institute of Engineering and Technology, Thapar, Patiala*
- ii. The industry shall not discharge any quantity of treated/ untreated trade effluent outside its premises/*

plantation area (earlier used by it), under any circumstance.

- iii. The industry shall obtain revised consent to operate under the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981, for reduce production. capacity i.e. 75% of the existing production capacity.”*

6. Learned Counsel appearing for the PPCB has submitted that sample analysis report of the samples taken from the unit is awaited. Therefore, a fresh report after obtaining sample analysis report will be filed. The PPCB is also directed to carry out water audit and submit the water audit report as also the water flow chart of the unit in question and also point out the sample analysis report of discharge of water from the unit by whatever source. The report will also disclose the manner of disposal of sludge by the unit in question and quality of groundwater around the industry. Let the report be filed within a period of six weeks by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

7. List on 05.03.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

January 05, 2024
Original Application No. 173/2023
DV.