

Item No. 01

(Court No. 1)

BEFORE THE NATIONAL GREEN TRIBUNAL

(By Video Conferencing)

Appeal No. 27/2021
(I.A. No. 206/2021)

M/s. Qurx Pharmaceuticals

Appellant

Versus

Himachal Pradesh Pollution Control
Board & Ors.

Respondent(s)

Date of hearing: 18.11.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Appellant: Ms. Radhika Gautam, Advocate

ORDER

1. This appeal has been preferred against order of closure dated 23.04.2021, followed by order dated 26.05.2021, passed by the Himachal Pradesh State PCB, requiring the appellant to deposit compensation in the sum of Rs. 14,50,000/- on 'Polluter Pays' principle. The Board found that the unit of the appellant had discharged polluted water from pharmaceuticals without any treatment. It had also failed to comply with the directions of the Board for remedial action. Show cause notices dated 04.08.2020 and 14.08.2020 were issued but still the appellant failed to take remedial action.

2. The appellant vide letter dated 25.05.2021 acknowledged that during the visit of the PCB official in August, 2020, the evaporator was

under maintenance and thus not functioning. However, it was stated that the unit was not discharging any effluent as the unit was not in operation. It was however, not specifically disputed that in the past the unit discharged pollutant when the evaporator was non-functional.

3. Learned Counsel for the appellant has argued that there is no evidence of discharge of pollution by the appellant and there is no adequate discussion in arriving at the quantum of compensation, giving the basis of calculation.

4. We have considered the submissions and perused the record. In view of stand of the appellant in letter dated 24.5.2021, denial of pollution as such at the time of visit by the representative of the PCB appears to be an afterthought. Only plea therein is that the evaporator had become non functional and at the time of writing of the letter, no pollution was being caused. Thus, alleged causing of pollution at the time of inspection, is not specifically even disputed. We are thus unable to interfere with the order of closure, based on the finding of discharge of pollutant and liability to pay compensation on that basis. Only issue which may need further consideration is the quantum of compensation and basis thereof.

5. Having regard to the entirety of circumstances, we consider it fair and reasonable to direct that if the appellant deposits with the Board 50% of the assessed amount within one month, the Board may revisit the quantum by determining the basis of compensation by a speaking order, considering the contentions of the appellant and the material which the appellant may rely upon in support of its case. Such redetermination may take place within three months. Deposit of 50% will abide by final decision.

The amount of compensation be used for restoration of environment in the area in question.

The appeal is disposed of accordingly.

Since, this order is being passed without notice to the State PCB, it will be open to the State PCB to move this Tribunal, if it is aggrieved.

In view of the order passed above in the main appeal, I.A. No. 206/2021 stands disposed of.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. Nagin Nanda, EM

November 18, 2021
Appeal No. 27/2021
(I.A. No. 206/2021)
SN