

Item No. 04

(Court No. 1)

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

(By Video Conferencing)

Original Application No. 438/2021

(With report dated 05.05.2022)

Paryavaran Mitra

Applicant

Versus

State of Gujarat

Respondent

Date of hearing: 09.05.2022

**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(s): Mr. Maulik Nanavati, Advocate for GPCB

ORDER

1. Grievance in this application is against violation of environmental norms by SML Films Industries Limited, Ichchapore, GIDC-Surat by disposing plastic waste in illegal manner from film its making unit. It is further submitted that burning of plastic waster by the industry emits foul gases which is dangerous to the health of the residents of the surrounding areas. It is next submitted that industry has also started new construction on mass scale and has removed soil and trees from the site without requisite statutory permission and has also unauthorizedly constructed a 10 lakhs liter Glycol tank.

2. Vide order dated 27.01.2022, the Tribunal sought a factual and action taken report from a joint Committee of the CPCB, State PCB, Gujarat Industrial Development Corporation (GIDC), SEIAA, Gujarat and the District Magistrate-Surat.

3. In pursuance of above, a report of the joint Committee has been filed on 05.05.2022 as follows:

“SITE OBSERVATIONS OF COMMITTEE

The committee members visited all the 05 plots allotted to the unit to assess the factual position. The observation details are as follows:

1. Plot No. A-17/1

As per GIDC letter No. GIDC/RM/SRT/1822, dated 23-8-2017, the total area of Plot No. A-17/1 is 26857.16 Sq. Meter. As per approved plan total constructed area is 19762.79 Sq. Meter and keep open spare 2909.70 Sq. Meter for plantation and other activities. It was observed that 3 BOPET lines are working in the plot wherein manufacturing of bi-axially oriented polyester film (BOPET film polyester film) was going on. There are 4 TFH are installed in the said plot which were not in operation during the visit. The permission accorded to unit by GPCB to operate the BOPET lines are as below.

Sr. No.	Production Line	Consent to Operate (issued by GPCB)
1.	BOPET line 1	AWH-58571 Dated 25/11/2013
2.	BOPET line 2	AWH-90711 Dated 25/01/2018
3.	BOPET line 3	AWH-40561 04/02/2020

2. Plot No. A-16/2

It is observed that plot is utilised for Metallized films manufacturing unit and raw material storage area for BOPET lines 1,2& 3.

Sr No.	Production Line	Consent to Operate
1.	Metallised film unit	04/02/2020

3. Plot No. A-10/2

It is observed that the Electricity sub-station is located in the plot and partially utilized for green belt.

4. Plot No. 11/2

It is observed that Thermic Fluid Heater of capacity 6000 U is installed in the said plot and coal is used as fuel. The plot is also utilised partially for coal storage and partially for Green Belt. The Green Belt Development in the said plot was found in preliminary stage.

5. Plot No. A-17/2

*The approved (CTE obtained) / proposed expansion activities of the unit are supposed to come up in Plot No. A-17/2. As per GIDC record, the total area of Plot No. A-17/2 is 27,812.50 Sq. Meter, out of which GIDC has approved the plan for construction in 27359.05 Sq. Meter built up area. The committee observed that in one large part of the plot, construction and machinery installation work is under progress which is claimed (by the unit) to be for BOPET line 4, 5 and 6 along with one Metalized film unit, storage area for raw material, finish goods, coal storage, TFH 6,7 and 8. **As per the layout of plant submitted with EIA report of the unit to SEIAA Gujarat for seeking Environment Clearance, it was observed that there was no construction / installation activity in the area proposed for Polyester Chips manufacturing and green belt development. Two Nos of storage tanks (red colour) of capacity 1000 KL each were observed in the plot, which are claimed to be water storage tanks for fire extinguishing purpose. The EIA report addressed the fire safety details of the plant and the two tanks of 1000 KL capacity each are shown in the layout as water storage tanks.***

CONCLUSION:

Following conclusions can be drawn considering all the above observations / facts on record and allegations of the applicant raised in the matter:

- 1. It is understood from the manufacturing processes of BOPET Film and Metallized Film, explained to the committee during site visit and process flow diagram provided by the unit (Annexure-II) that maximum part of generated cutting plastic films waste from BOPET Film manufacturing is recycled back in to processes and only few lump waste generated is sold to the plastic waste recyclers. As per record of 2021 -22 provided by the unit (Annexure-III), about 54.688 MT of waste lumps are generated against total BOPET films production of — 82005.396 MT. As per the record provided by the industry (Annexure-IV), generated waste lumps are sold to MIS Shruti Enterprise, Silvassa and M/S A. K. Enterprise, Ankleshwar, Bharuch, M/S K. R. Enterprise, Mandavi, Surat and M/S Jay Ambey Industry Dadranagar Haveli for recycling. As per information provided by GPCB, these units are not having valid CCA and not registration with SPCB / PCC under plastic waste management rules-2016. Similarly, as per record of 2021-22 provided by the unit (Annexure-V), about 34.924 MT of*

Side Cutting Or Trim material are generated against total production of Metalized BOPET films production of 18264.815 MT. Generated Side Cutting Or Trim material are sold to MIS Happy Hands Plastic Solution, Plot No. 6-9, Jal Bhumi Industrial Estate, Village Atodara, Tal : Olpad, Dist. : Surat, Gujarat (Annexure-VI). As per the information of GPCB, the said unit is registered recycler with GPCB under plastic waste management rules-2016. Thus, as per available records, the unit is disposing the cutting waste from Metallized Film manufacturing to registered recyclers, **however, disposal of the lump waste generated during the manufacturing of BOPET film is not in accordance of rule.** GPCB should take appropriate action in this regard.

2. GPCB and GIDC representatives apprised the committee that they have not received any complaint regarding burning of plastic or foul smell originating from the unit in the past.
3. As per information provided by GIDC, there was no plants/trees in the plots allotted to M/s. SML Films Ltd., from time to time. Google images of the area in question in timeline of 2006 to 2012 are enclosed as Annexure-VII for ready reference. The committee has not observed any soil mining activity in the unit premises (as alleged by the applicant) during visit except construction related activities of different manufacturing lines. GIDC representative has clarified that the unit is located in notified industrial area i.e. GIDC and the plots were allotted to the unit for the industrial purpose. The above observations shows that possibility of removal / cutting of plants from the unit premises does not arise.
4. The inspection report of GPCB dated 24.03.2021 clearly indicates that **the unit had started construction / installation activities for Polyester Chips manufacturing, which requires prior Environment Clearance** and after receiving the Closure Direction from GPCB, the unit had removed the structure / machineries related to Polyester Chips manufacturing. As far as allegation related to construction of Glycol tank is concerned, the layout presented by SEIAA shows that the space airmarked for Glycol tanks is still vacant and the 02 nos. of tanks (1000KL each) are reportedly meant for water storage for fire extinguisher. GPCB should ensure that this observation needs to be in consideration when CTE / CCA application of the unit is processed in future.”

4. From the above, it is seen that though it is mentioned that coal was being used as a fuel, nothing is mentioned about generation and disposal of fly ash. Further, requisite EC has not been obtained. Since operations of the unit in question are in violation of requirement of EC, the State PCB

has to take further action against such illegal operations, following due process of law. A further action taken report may be filed within two months 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. The State PCB may also put the PP to the notice of these proceedings for its response, if any, before the next date.

List again on 08.08.2022.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

May 09, 2022
Original Application No. 438/2021
DV