

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

Original Application No. 1042/2018

Gram Seva Samiti

Applicant(s)

Versus

Ministry of Environment & Forest & Ors.

Respondent(s)

Date of hearing: 29.03.2019

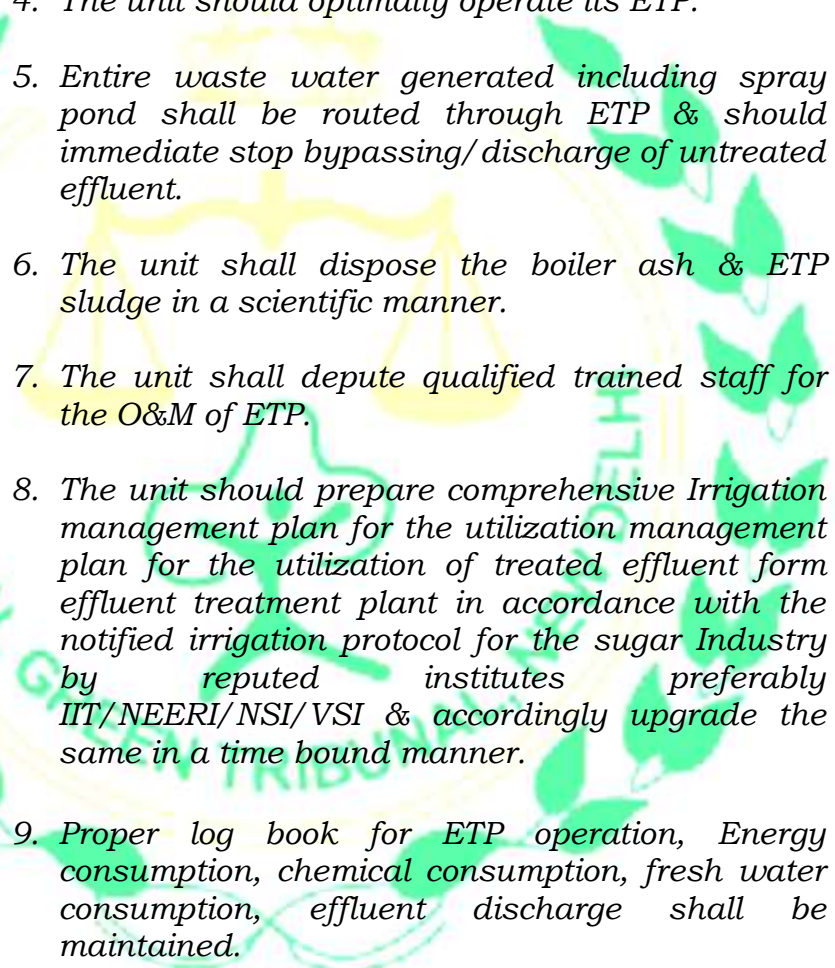
**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s):

For Respondent (s): Mr. Rahul Khurana, Advocate and Mr.  
Shailendra Arora, AEE for HSPCB

**ORDER**

1. Issue for consideration is alleged violation of environmental norms by M/s Piccadilly Agro Distillery Industries Ltd., village Bhadson, Umri Indri Road, Tehsil Indri, District Karnal, Haryana.
2. Vide order dated 14.12.2018, a report was sought from a joint Committee comprising Central Pollution Control Board (CPCB) and Haryana State Pollution Control Board (State PCB).
3. The State PCB has filed a report by e-mail dated 21.02.2019. The Committee visited the site, took samples and inspected the manufacturing process of the unit and following recommendations were made with regard to Sugar Industries unit:-

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- “1. Unit shall install proper separate treatment unit for removal of oil & grease from effluent in the ETP.
  2. Unit shall construct a pakka seepage proof/lined 15 days holding capacity lagoon to store treated effluent of ETP during no demand period.
  3. The unit should carry out adequacy assessment of its existing ETP by reputed institutes preferably IIT/NEERI/NSI & accordingly upgrade the same in a time bound manner.
  4. The unit should optimally operate its ETP.
  5. Entire waste water generated including spray pond shall be routed through ETP & should immediate stop bypassing/ discharge of untreated effluent.
  6. The unit shall dispose the boiler ash & ETP sludge in a scientific manner.
  7. The unit shall depute qualified trained staff for the O&M of ETP.
  8. The unit should prepare comprehensive Irrigation management plan for the utilization management plan for the utilization of treated effluent form effluent treatment plant in accordance with the notified irrigation protocol for the sugar Industry by reputed institutes preferably IIT/NEERI/NSI/VSI & accordingly upgrade the same in a time bound manner.
  9. Proper log book for ETP operation, Energy consumption, chemical consumption, fresh water consumption, effluent discharge shall be maintained.
  10. The unit should improve housekeeping.”

4. With regard to distillery unit, following observations were made during the inspection:-

- “1. The unit shall immediately restrict the storage capacity provided for concentrated spent wash utilized in bio composting to maximum of 30 days generation of MEE concentrate utilised in bio

*composting. The excess storage capacity shall be dismantled / scrapped.*

- 2. The unit shall provide garland drain with collection pit and pumping arrangement of collected effluent to ETP/MEE, at the boundary (all sides) of the bio compost yard. The unit shall discontinue the discharge of coloured effluent collected from bio compost into public drain and dismantle the provisions provided for this purpose.*
- 3. The unit shall ensure complete compliance to Bio composting protocol.*
- 4. The unit shall take effective steps to reduce smell nuisance from the bio composting operations by use of required microbial culture. The unit shall also explore the possibility of development of green belt at the periphery of bio compost yard and providing wind breaking walls at the boundary of the unit to control the odour nuisance.*
- 5. The unit shall take up regular fogging operations at nearby villages in cooperation with the municipal authorities & PHCs as part of CSR activities for controlling the issue of flies & mosquitoes.*
- 6. The unit shall dispose the boiler asks & ETP sludge in a scientific manner.*
- 7. The unit shall depute qualified trained staff or the O&M of ETP.”*

5. The above report shows violations of environmental norms by the Units which are required to be remedied and for which punitive action is required. Particular mention may be made with regard to malfunctioning of ETP and storage capacity of the spent wash. Other steps required are for reducing smell nuisance and to undertake further operations. It is not necessary to repeat all the recommendations which have already been quoted above.
6. We find that a notice dated 15.02.2019 under Sections 21/22 of the Air (Prevention and Control of Pollution) Act, 1981 and

25/26 of the Water (Prevention and Control of Pollution) Act, 1974 was issued asking the unit to submit an action plan to control odour and spillage of leachate. We are also informed during the hearing that a further show cause notice dated 22.02.2019 has been issued under Section 33A of the Water Act and 31A of the Air Act to show cause why the unit may not be closed.

7. We find that in spite of the report showing serious violation of law, the Haryana State Pollution Control Board (State PCB) has failed to initiate any action for prosecution and assessment and recovery of compensation for the damage caused. This may show either negligence, collusion or incompetence of the State PCB. The State PCB may now forthwith take steps in this regard, apart from considering closing the unit till compliance of norms to protect public health of inhabitants and to uphold the rule of law failing which action may have to be initiated against the Chairman and Member Secretary of the State PCB for the failure already pointed out. Violation of environmental norms affects right to life and is criminal offence. Once such violation comes to light, it is duty of regulatory authorities to take stringent preventive and punitive action forthwith instead of shutting eyes on account of incompetence or collusion. Such violation should not be made profitable. Deterrent compensation must be recovered for restoring the damage.

8. The Chief Secretary, Haryana may initiate remedial action against erring officials and furnish a report to this Tribunal within one month by e-mail at [ngt.filing@gmail.com](mailto:ngt.filing@gmail.com).

A copy of this order be sent to State PCB and the Chief Secretary, Haryana by e-mail

List for further consideration on 19.07.2019.

Adarsh Kumar Goel, CP

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

March 29, 2019  
Original Application No. 1042/2018  
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