

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

.....

IN THE MATTER OF:

**Original Application No. 438/2017
(Earlier O.A. No. 167/2017)**

1. M/s Subhan Tanners
Through its Proprietor
Parwej Alam
43/36-A, Sheetla Bazar,
Jamau, Kanpur,
Uttar Pradesh- 208010

And

**Original Application No. 445/2017
(Earlier O.A. No. No. 166/2017)**

1. M/s Imco Industries
Through its Proprietor
Malik Wasiullah
Plot No. 70-A, 150 Ft. Road,
Jamau, Kanpur,
Uttar Pradesh-208010

And

**Original Application No. 448/2017
(Earlier O.A. No. No. 173/2017)**

1. M/s Chaudhary Leather Finishers
Through its Proprietor
Mr. Anil chaudhary
410/380 Asharfabad,
Jajmau, Kanpur,
Uttar Pradesh-208010

And

**Original Application NO. 449/2017
(Earlier O.A. No. No. 172/2017)**

1. Feroz Tanners Unit-2
Through its Partner
Ahmer Feroz
18-B, Sir Iqbal Street
Jajmau, Kanpur,
Uttar Pradesh- 208010

..... Applicant

Versus

1. Central pollution control Board
Through its Member Secretary
Parivesh Bhawan, East Arjun Nagar
New Delhi-110032

2. Uttar Pradesh Pollution Control Board
Through its Member Secretary
T.C. 12, V, Vibhuti Khand,
Gomti Nagar
Lucknow: 226010

..... Respondents

COUNSEL FOR APPLICANTS:

Mr. S.A. Zaidi & Ms. Mansi Chahal, Advs for Applicant

COUNSEL FOR RESPONDENTS :

Mr. Pradeep Mishra & Mr. Daleep Dhayani, Advs for UPPCB
Mr. B.V. Niren, Adv CGWA
Mr. Rajkumar, Adv with Ms. Geeta, L.A. for CPCB

JUDGMENT

PRESENT:

Hon'ble Dr. Justice Jawad Rahim (Judicial Member)

Hon'ble Ranjan Chatterjee (Expert Member)

Per Dr. Justice Jawad Rahim

Reserved on: 18th August , 2017
Pronounced on: 25th August, 2017

1. Whether the judgment is allowed to be published on the net?
2. Whether the judgment is allowed to be published in the NGT Reporter?

1. M/s Subhan Tanners, M/s Imco Industries, M/s Chaudhary
Leather Finishers and M/s Feroz Tanners Unit – 2 have
presented these four applications numbered Original

Application no. 438/2017, Original Application no. 445/2017, Original Application no. 448/2017 and Original Application no. 449/2017 respectively before this Tribunal.

2. All the Applications are clubbed and taken up for hearing.
3. These four Industries had applied to this Tribunal to seek a direction to the State Pollution Control Board to conduct an inspection of their respective units on the ground that the deficiencies which were pointed out by the State Pollution Control Board have been removed and each of the units are compliant. M/s Subhan Tanners had filed original application no. 167/2017, M/s Imco Industries had filed original application no. 166/2017, M/s Chaudhary Leather Finishers had filed original application no. 173/2017 and M/s Feroz Tanners Unit-2 had filed original application no. 172/2017. The applications were allowed by this Tribunal vide order dated 16th March, 2017 and 17th March, 2017 respectively directing joint inspection to be conducted by the CPCB and State Pollution Control Board of these units. The operative portion of the order is as follows:

We record the submission and are of the opinion that the joint inspection can be ordered for a limited purpose of ascertainment whether the deficiencies pointed out in the joint inspection in pursuance to the order dated 10th December, 2016 is complied by the unit or not. Since the unit has been shut down in pursuance of the order passed on 12th January, 2017 we permit running of the unit for limited period of the joint inspection. The unit must intimate the CPCB and UPPCB well in advance the date they will commence running of the unit. For this purpose we direct the restoration of water and electricity for a limited purpose i.e only for the period of the Joint Inspection and thereafter these two services will be withdrawn. In case the joint inspection reveals the unit is compliant the competent authority may pass appropriate order subject to approval of the Tribunal in view of direction passed in the earlier judgment. This shall be complied within a period of two weeks from now or the date of receipt of this order.

As stated in para supra the unit is allowed to run for a period of two weeks but if the inspection is conducted within this period the unit shall cease to function with effect from the date of completion of joint inspection.

The cost of the joint inspection shall be borne by the applicant unit.

In view of the above order this application is disposed of with no order as to cost subject to further order which may be required.

4. Now the Applicants claim that they have removed all the deficiencies which were noticed by the Inspection Team.
5. The applicant M/s Subhan Tanners in original application no. 167/2017, was permitted to run for two weeks and to remain shut after the inspection. We had directed joint inspection report to be filed before this Tribunal. The joint inspection team has submitted its report in which they had incorporated that the unit was inspected earlier on 6th October, 2016 and as the Joint Inspection Team of Central Pollution Control Board and State Pollution Control Board found the unit was non-compliant direction under Section 5 of Environmental Protection Act, 1986 was issued on 13th June, 2016.
6. It is further submitted in the report that pursuant to the order of the Tribunal dated 16th March, 2017 joint inspection was conducted and the joint inspection team found that the unit is compliant, however, further recommendations is made in the report that the industry shall ensure consistent compliance of improvement suggested in the adequacy report. The unit be kept under regular surveillance of the UPPCB to ensure that treated effluent conforms to the notified standards. Thus it is seen that the unit is now shown to be compliant in view of such report, we accept the application and permit the unit to

run subject to the conditions imposed in the consent and other permissions being valid.

7. The application of M/s Imco Industries in original application no. 166/2017 was also allowed directing joint inspection to be conducted of the Units by the State Pollution Control Board and the Central Pollution Control Board. The unit was permitted to run for two weeks and to remain shut after the inspection. We had directed joint inspection report to be filed before this Tribunal. The joint inspection team has submitted its report in which they have incorporated that the unit was inspected earlier on 5th October, 2016 and as the team of Central Pollution Control Board found the unit was non-compliant direction under Section 5 of Environmental Protection Act, 1986 was issued on 13th June, 2016.
8. It is further submitted in the report that pursuant to the order of the Tribunal dated 16th March, 2017 joint inspection was again conducted and the joint inspection team found that the unit is compliant. However, further recommendations is made in the report that unit may be permitted to operate only after meeting the norms prescribed by UPPCB and treated effluent be released at the outlet of PETP. The industry shall ensure status of compliance of the improvements suggested in the Adequacy Report with particular reference to Cr(T). UPPCB shall keep the industry under regular surveillance to ascertain that the industry does not process chrome tanning operations. Considering the fact that the Unit processes vegetable tanning

and finishing of chrome tanned hides purchased from outside and current operations in the unit being without input of chromium chemicals, the matter wherein, treated waste water is observed with high concentration of Cr(T) assumes significance. The matter may be referred to CLRI to ascertain possibility of Chromium released from (inappropriately tanned)Wet Blue (Hides). Thus it is seen that the unit is now shown to be compliant in view of such report, we accept the application and permit the unit to run subject to the condition in the consent and other recommendation in the joint inspection report.

9. The applications of M/s Chaudhary Leather Finishers in original application no. 173/2017, was allowed directing joint inspection to be conducted of the Units by the State Pollution Control Board and the Central Pollution Control Board. The unit was permitted to run for two weeks and to remain shut after the inspection. We had directed joint inspection report to be filed before this Tribunal. The joint inspection team has submitted its report in which they have incorporated that the unit was inspected earlier on 5th October, 2016 and as the team of Central Pollution Control Board found the unit was non-compliant direction under Section 5 of Environmental Protection Act, 1986 was issued on 13th June, 2016.

10. It is further submitted in the report that pursuant to the order of the Tribunal dated 17th March, 2017 joint inspection was conducted and the joint inspection team found that the unit is

compliant. However, further recommendation is that the unit may be permitted to operate for a limited period subject to the following conditions: the unit shall ensure better stabilization of PETP in strict accordance to the practices recommended in the adequacy report of CLRI. The industry shall inform to CPCB and UPPCB regarding resumption of its operation and stabilized status of PETP. The unit shall be re-inspected after resuming operation for a limited period subject to approval of the NGT and status of treated effluent shall be adjudged for status of compliance of the standards. Thus it is seen that the unit is now shown to be compliant. In view of such report, we accept the application and permit the unit to run subject to the condition of the consent and other recommendations made in the Joint Inspection Report.

11. The applications of M/s Feroz Tanners Unit-2 in original application no. 172/2017, was also allowed joint inspection to be conducted of the Units by the State Pollution Control Board and the Central Pollution Control Board. The unit was permitted to run for two weeks and to remain shut after the inspection. We had directed joint inspection report to be filed before this Tribunal. The joint inspection team has submitted its report which was conducted on 7th June, 2017.

12. It is further submitted in the report that pursuant to the order of the Tribunal dated 17th March, 2017 joint inspection was conducted and the joint inspection team found that the unit is compliant. However, further recommendation is that the unit

can be permitted for operation subject to the following conditions: to maintain PETP in healthy working condition in order to keeping pollution levels within prescribed standards. To follow the consent condition for disposal of solid waste or to obtain permission from UPPCB for adopting other option for safe disposal of solid waste. To ensure regular compliance of consent conditions and other stipulated norms, the UPPCB to keep surveillance of the unit for strict compliance of discharge standards and other stipulated norms.

13. We have noticed that the consent is granted subject to certain condition one of which is with regard to obtaining of permission for extraction of ground water. Such of the applicant units who do not have valid permission/NoC from Central Ground Water Authority or other Competent Authority for extraction of ground water shall obtain such permission/NoC from the CGWA/Competent Authority and submit to the Pollution Control Board whereupon the board may permit running of the industries.

14. The units shall be periodically inspected by the Uttar Pradesh Pollution Control Board and if the unit is found to be violating any of the conditions of the permit or is shown to be causing pollution or adverse effect on environment, in any manner, either due to discharge of the effluent or otherwise, State Pollution Control Board shall take appropriate action in law against the unit irrespective of the permission granted by this order.

15. All the industrial units shall comply with recommendations and directions which is part of the consent in respect to each of them. The Pollution Control Board must ensure that before permitting the industry to start they have complied with all the recommendations and conditions of the consent and obtain permission for extraction of ground water.

16. In view of the above observations Original Application no. 438/2017, Original Application no. 445/2017, Original Application no. 448/2017 and Original Application no. 449/2017 filed by M/s Subhan Tanners, M/s Imco Industries, M/s Chaudhary Leather Finishers and M/s Feroz Tanners Unit – 2 is disposed of accordingly with no order as to cost.

.....JM
(Dr. Jawad Rahim)

.....EM
(Ranjan Chatterjee)

Place: New Delhi
Date: 25.08.2017

NGT