

Item No. 01

Court No. 1

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

Original Application No. 688/2018

(With report dated 31.10.2019)

K. Lakshma Reddy

Applicant(s)

Versus

M/s Siddi Vinayaka Oil Mill & Ors.

Respondent(s)

Date of hearing: 13.11.2019

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER
HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER

For Applicant(s): Mr. K. Lakshma Reddy, Applicant in person

For Respondent(s): Mr. Dhanajay Daijali, Advocate for TSPCB
Mr. Soni Singh, Advocate for CPCB

ORDER

1. Issue for consideration is the remedial action against untreated effluents discharged by Frigerio Conserva Allana Ltd, Algole Road, Zahirabad, Piramal Enterprises Ltd. Digwal, Kohir Mandal, and Sri Siddi Vinayaka Oil Mill, Zahirabad, Sangareddy District, Telangana State, adversely affecting the water quality and availability of ground water and drinking water to the inhabitants of the surroundings area.
2. This Tribunal has been dealing with the matter in the light of reports of the statutory authorities which were furnished in pursuance of the earlier orders, acknowledging the violation of environmental norms by the units in question. The matter was last reviewed on 08.08.2019. The Tribunal noted that Frigerio Conserva Allana Ltd.,

Algole Road, Zahirabad was involved in operation of a slaughter house, Piramal Enterprises Ltd. Digwal, Kohir Mandal was a drug manufacturer and Sri Siddi Vinayaka Oil Mill, Zahirabad was operating a refinery and a solvent extraction plant. The Tribunal observed:

“21. Having regard to the material on record, we are satisfied that a fresh inspection needs to be carried out by a joint Committee comprising CPCB, IIT Chennai, NEERI Nagpur and State PCB. The CPCB will be nodal agency for compliance and coordination. The Committee may ascertain the present status of the pollution caused in terms of the air, land and water and assess the compensation for the last five years which should be deterrent and adequate to recover the cost of restoration. The Committee may also suggest measures for remediation of the contaminated sites in terms of ground water and soil and whether the units can be allowed to operate, having regard to the adequacy of the pollution control devices and compliance of environmental norms. The report may be furnished to this Tribunal on or before 31.10.2019 by e-mail at judicialngt@gov.in. The applicant will be at liberty to participate during the inspection. The State PCB may provide all the requisite data and copies of the inspections conducted and facilitate new inspection. The applicant may furnish his e-mail ID to CPCB for being informed about the date of inspection.

22. The District Magistrate, Sangareddy may conduct health surveys and provide immediate relief to the inhabitants. Cost thereof may be recovered from the industries out of the CSR funds.

23. The applicant or inhabitants of the area may associate to provide necessary assistance to the District Magistrate. The District Magistrate may furnish action taken report before the next date by e-mail at judicial-ngt@gov.in.

24. The applicant is at liberty to move the concerned Court where criminal proceedings are pending for providing necessary assistance to the complainant.”

3. Accordingly, a joint report dated 30.10.2019 has been filed by the CPCB furnishing data about status of the environmental issues.

Conclusion is as follows:

“Summary and Recommendations:***M/s. Shree Siddhi Vinayaka Agro Extractions Pvt. Ltd.***

The industry is a Solvent Extraction Oil (Physical Process) & De oiled cake unit, categorised as Orange by the TSPCB. The refinery section was closed w.e.f March, 2018 due to Odour nuisance and was also directed by the TSPCB to shift the unit to Industrial area, Buchinelli by December, 2020. The industry has already obtained CFE order for establishing the unit at new location, from TSPCB vide order dt. 24.10.2019.

The industry was inspected in three different occasions by the teams constituted as per the directives of the Hon'ble NGT, in O.A. No. 688/2018. In all the occasions, no major violations were observed with respect to consent conditions. However, based on the records of TSPCB, for violations for the last five years, the Joint Committee recommended an amount of Rs. 14,20,000/- (Fourteen Lakh, Twenty Thousand only), towards environmental compensation. It is also noticed that during this period, an amount of Rs. 8,00,000/- was forfeited by TSPCB, from the Bank Guarantee submitted by the industry, towards noncompliance.

TSPCB may be directed to follow up the progress made in shifting the unit to Industrial area, Buchinelli as per the CFE order issued to the unit at the new location vide order dt. 24.10.2019. The TSPCB shall also closely monitor the activities of the industry towards compliance till shifting the unit to new location.

M/s. Piramal Enterprises Ltd.

M/s. Piramal Enterprises Limited, Pharmaceutical unit manufactures 62 products with total capacity of 12.1053 TPD (i.e., 15 products on regular basis and 20 products are on campaign basis thereby restricted the number of products at a time to 35 only). The same has been restricted to 50% of consented quantity.

The industry was inspected in three different occasions by the teams constituted as per the directives of the Hon'ble NGT, in O.A. No. 688/2018. During inspection by the Rolling Task Force team, it was observed that cooling tower, water was contaminated and all the rainwater collection pits were not lined. Subsequent inspections by the Multi-Disciplinary Team and Joint Committee reported compliance of TSPCB directions.

The Joint Committee deliberated the violations of the industry and also discussed the scale of violations as per TSPCB records. It is observed that TSPCB has never issued any closure notice to the industry till 29.11.2018. It is also reported that the major violations were noncompliance of lining of rainwater collection pits. Considering all the factors above, the Joint Committee recommended to put maximum environmental compensation per day as per the guidelines of CPCB i.e., Rs. 60,000/- per day, amounting to Rs. 8,31,60,000/- (Eight Crore Thirty One Lakh Sixty Thousand only) for 1386 days. The Multi-Disciplinary Team and Joint Committee has collected the environmental samples and found to be within the permissible limits. During the period, TSPCB has forfeited an amount of Rs. 99,00,000/- (Ninety nine Lakh only) from the Bank Guarantee submitted by the industry, for the violations by the industry.

The industry presently has 11 Nos. Rain water collection pits, lined with HDPE. The industry shall review the drainage pattern existing and only retain the necessary pits and remaining shall be closed down. An action plan for proper monitoring and treatment system for the rainwater may be submitted to TSPCB, so that the treated rainwater can be effectively used for the industrial purpose.

The industry shall monitor the groundwater quality including signature compounds and transport of contaminants as per raw materials / products / by-products, in and around the industry based on the drainage pattern on quarterly basis.

A periodic monitoring of environmental parameters in air, water and soil may be planned with reputed Government Organisations.

M/s. Frigerio Conserva Allana Ltd:

M/s. Frigerio Conserva Allana Ltd., is a fully automated meat processing unit having facilities raw meat procurement & reception, quarantine facilities, mechanised abattoirs, product chilling rooms, air conditioning deboning salons, meat packing sections, plate freezing and blast freezing facilities, in line rendering plant, automatic packing units and cold storage warehousing.

The industry was inspected in three different occasions by the teams constituted as per the directives of the Hon'ble NGT, in O.A. No. 688/2018. During inspection by the Rolling Task Force team, it was observed that huge quantities of ETP sludge

was stored in open area, leading to odour nuisance. Subsequent inspections by the Multi Disciplinary Team and Joint Committee reported compliance of TSPCB directions. The industry is currently separating the sludge and using it as fuel for boiler and also disposing as manure to the farmers.

The Joint Committee deliberated the violations of the industry and also discussed the scale of violations as per TSPCB records. It is observed that TSPCB has never issued any closure notice to the industry till 02.01.2019. The Multi Disciplinary Team and Joint Committee has collected the environmental samples and found to be within the permissible limits. Considering all the factors above, the Joint Committee recommended for environmental compensation per day as per the guidelines of CPCB i.e., Rs. 30,000/- per day, amounting to Rs. 1,74,90,000/- for 583 days. During the period, TSPCB has forfeited an amount of Rs. 20,00,000/- from the Bank Guarantee Submitted by the industry, for the violations by the industry.

The industry may engage a reputed agency to study the optimum use of treated wastewater management system for the land irrigation.

The industry shall monitor on quarterly basis, the groundwater quality based on the drainage pattern in and around the industry and also odour dispersion as per meteorological conditions.

The industry shall install the online effluent monitoring system and connecting the same to the servers of TSPCB and CPCB.”

4. In view of the above, the State PCB to take further follow up action, including recovery of assessed compensation in accordance with law. The compliance of the observations in the recommendations may be ensured. Since all the three units are 'red category' units, the compliance of environmental norms may be regularly monitored. Inspections be carried out at least once in three months.

The application is disposed of.

Adarsh Kumar Goel, CP

S.P Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

Saibal Dasgupta, EM

November 13, 2019
Original Application No. 688/2018
AK

