

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

Original Application No. 924/2019

(With report dated 27.01.2020)

Neeraj Goyal

Applicant(s)

Versus

State of Punjab

Respondent(s)

Date of hearing: 11.02.2020

CORAM:

**HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER
HON'BLE MR. SIDDHANTA DAS, EXPERT MEMBER**

For Respondent(s):

Ms. Anusha Nagrajan, Advocate for State of Punjab
with Mr. Vijay Kumar, Env. Engineer, PPCB

ORDER

1. The issue for consideration is remedial action against illegal polluting activities by the motor scraping units in Mandi Gobindgarh, Punjab.
2. Vide order dated 01.12.2019, a joint Committee comprising the Central Pollution Control Board, State Pollution Control Board (SPCB) and the Municipal Council, Mandi Gobindgarh was constituted to look into the matter and furnish an action taken report. The Committee was to look into compliance of the Hazardous and Other Waste (Management & Transboundary Movement) Rules, 2016, apart from the provisions of the Air (Prevention and Control of Pollution)

Act, 1981 and Standard Operating Procedure (SOP) to deal with the metal and other scraps.

3. The report filed on 27.01.2020 relates to inspection of only four units even though about 500 units are said to be operating. However, a report has been annexed indicating action against 19 units against whom complaints were received. Against one of the units, closure has been proposed for burning of scrap. Relevant part of the report are as follows:

“Observations:

In compliance to the Hon'ble NGT order dated 01.11.2019, inspection was carried out by the committee comprising the officials from the Central Pollution Control Board, Punjab Pollution Control Board and Municipal Council Mandi Gobindgarh on 29.11.2019, to verify the complaints regarding burning of plastic, rubber and insulated copper coils attached with the scrap at Mandi Gobindgarh, District Fatehgarh Sahib, Punjab.

During visit, following units (Scrap dealers/Traders) were inspected randomly and the observations of the committee are as follows:

Sr. No.	Name & address of unit	Observations
i.	M/s Lord Shiva Overseas, Near yes bank, G. T. Road, Mandi Gobindgarh.	<p>a) The unit has valid registration (No. EE(HWM)/Import/2012/F.No.465/40508 dated 14.09.2012) for import of metal scrap on behalf of actual user from Punjab Pollution Control Board. The registration is granted only for import of iron and steel scrap and not for any other processing or industrial activity.</p> <p>b) However, it was observed that labours involved in cutting and segregation of scrap material into small pieces using LPG gas cutting, hammer and other mechanical tools.</p> <p>But, no scrap burning was observed during visit.</p> <p>c) The metal scrap was found lying haphazard manner in the open space. The metal scrap was not stored as per the</p>

		<p>provisions of HOWM Rules, 2016.</p> <p>d) During visit, piles of plastic and rubber material was found stored at separate place and upon questioning, the owner of the unit, informed the team that the plastic/varnishes/rubber materials being segregated manually which is sent to the local Kabaari Wala.</p> <p>(Photographs taken during visit are annexed at Annexure-IV)</p>
ii.	<p>M/s Garg Steel Impex, 44, Sector, 19-A. G.T Road, Sirhind Side, Mandi Gobindgarh.</p>	<p>a) The unit does not have any registration from Punjab Pollution Control Board.</p> <p>b) However, it was observed that labours involved in cutting and segregation of scrap material into small pieces manually.</p> <p>c) The metal scrap was found lying haphazard manner in the open space. The metal scrap was not stored as per the provisions of HOWM Rules, 2016.</p> <p>d) At the time of visit, no scrap burning was observed. But, ash residue was found in the premises which may be due to burning of plastic/rubber attached with metal scrap.</p> <p>e) The burning activity was also found during earlier visits of officials of Punjab Pollution Control Board during odd hours.</p> <p>f) The Show Cause Notice has already been issued to the unit based on violations (plastic burning) by Punjab Pollution Control Board.</p> <p>Photographs taken during visit are annexed at Annexure-IV)</p>
iii.	<p>M/s Garvit International, Near Gobindgarh Club Ltd, Sirhind Side, Mandi Gobindgarh.</p>	<p>a) The unit is having valid registration (No.EE(HWM)/Import/2012 /F.No.465/35328 dated 04.12.2018) for import of metal scrap on behalf of actual user from Punjab Pollution Control Board. The registration is granted only for import of Iron and Steel scrap and not for any other processing or industrial activity.</p> <p>b) However, manual segregation and cutting of scrap material was observed</p>

		during visit. But no scrap burning was observed during visit.
iv.	M/s N. G Impex, 2B-1, Sector 5, Block-A, G.T Road, behind Supreme Motor, Sirhind Side, Mandi Gobindgarh.	<p>a) The unit is having valid registration (No.EE(1WM)/Import/2012/F.No.465/13008 DATED 16.03.2010) for import of metal scrap on behalf of actual user from Punjab Pollution control Board. The registration is granted only for import of iron and steel scrap and not for any other processing or industrial activity.</p> <p>b) At the time of visit the unit was not in operation.</p>

Other than above listed units there are approximately 500 units registered for import of metal scrap on behalf of actual users operating in Mandi Gobindgarh. (List of units annexed at **Annexure-V**).

Thereafter, the committee randomly visited some of the induction furnace units, involved in processing of metal scrap. As per the records available with Punjab Pollution Control Board there are 300 authorised induction furnaces and rolling mills (List of such industries are annexed at **Annexure-VI**) in Mandi Gobindgarh.

Sr. No.	Name & address of unit	Observations
i.	M/s Shiva Casting Pvt. Ltd., Amlah Road, Village Tooran, Mandi Gobindgarh, Fatehgarh.	<p>a) The unit has valid consent to operate under section 25/26 of Water (Prevention and Control of Pollution) Act, 1974 upto 30.09.2022 and under section 21 of Air (Prevention and Control of Pollution) Act, 1981 upto 30.09.2023.</p> <p>b) The unit was found involved in manufacturing of ingots.</p> <p>c) There are payers block flooring in the work zone premises of the unit.</p> <p>d) Some of the workers/laborers involved in the operation was found working without personal protective equipment (PPE).</p> <p>e) During the visit it was observed that, display board at main entrance was checked and the same was found in order.</p> <p>(Photographs taken during visit are</p>

		annexed at Annexure-IV)
ii.	M/s Rosha Alloys Pvt. Ltd., Amloh Road, Village Tooran, Mandi Gobindgarh, Fatehgarh	<p>a) The unit has valid consent to operate under section 25/26 of Water (Prevention and Control of Pollution) Act, 1974 and under section 21 of Air (Prevention and Control of Pollution) Act, 1981 upto 30.09.2020.</p> <p>b) The unit was found involved in manufacturing of ingots.</p> <p>c) There are pavers block flooring in the work zone premises of the unit.</p> <p>d) Some of the workers/laborers involved in the operation was found working without personal protective equipment (PPE).</p> <p>e) During the visit it was observed that, display board at main entrance was checked and the same was found in order.</p> <p>(Photographs taken during visit are annexed at Annexure-IV)</p>

After the random inspection of above said units, the committee visited Amloh Road and Local area of Mandi, Gobindgarh to verify the claim of open burning of PVC Copper wires for recovering of copper, as well as plastic and rubber scrap during night hours, but during the visit no open burning was taken place.

Findings:

- 1) The registered importers have been permitted to import of Iron and Steel scrap only. But, other wastes like Copper, Aluminium, Plastic, Rubber etc. are also imported along with Iron and Steel scrap, which are not covered in their import registration/licenses.
- 2) The registered importers and dismantling units are selling their Iron and Steel scrap to the induction furnaces for further processing for making Steel ingots.
- 3) **The registered importers were also involved in processing/dismantling of metal scrap without authorization to do so.**
- 4) **The dismantling units are involved in burning of PVC Copper wires for recovering of copper, as well as plastic and rubber scrap during night hours.**

5) **The registered importers and dismantling units are also selling the Plastic waste, Copper waste, Aluminium waste, Rubber waste to the unauthorized vendors/traders.**

6) *In this matter, Punjab Pollution Control Board also taken various actions against such violators in past as and when they received complaints from this area. The details are annexed at Annexure-I.*

Actions taken by the Punjab Pollution Control Board and Municipal Council, Mandi Gobindgarh after Hon'ble NGT order:

*In compliance of Hon'ble NOT order dated 01.11.2019, the Punjab Pollution Control Board have inspected various illegal dismantling units/godowns as well as premises of registered importers who are involved illegal dismantling activities, since November 2019. On the basis of the violations observed by the Punjab Pollution Control Board during inspection, Show Cause Notices under section 31 -A of Air (Prevention and Control of Pollution) Act, 1981 issued to the 19 registered as well as unauthorised dismantling units thereafter, conducting personal hearings since 20.12.2019 for taking appropriate actions in the matter. The list of units visited and Show Cause Notice issued and conducting personal hearing, annexed at **Annexure-II**. In order to check compliance of show cause notices issued, regular monitoring of the area which is prone to the scrap burning is still being carried out by the officials of Punjab Pollution Control Board during night hours.*

In addition Municipal Council, Mandi Gobindgarh also carried out the survey of such illegal dismantling units/godowns and provided a list of 28 such illegal units till date. List of such units is annexed at Annexure-III. During visits of above said units, no incidents of scrap burning was observed. Further, Punjab Pollution Control Board has kept strict vigil on these units to check any scrap burning incidents.

Recommendations:

1) *As per Rule 13 (2) (c) of HOWM Rules, 2016 for import of other wastes listed in Part D of Schedule III, the importer who is a trader, importing waste on behalf of actual users, shall obtain one time authorisation.*

It is recommended that the registration of those importer shall be cancelled which are importing other wastes like Copper, Aluminium, Plastic, Rubber, etc along with Iron and Steel scrap (like electric motors/ship recycling scrap) without permission in existing import license.

2) *As per Rule 5 (1) of HOWM Rules, 2016, Department of Industry in the State or any other government agency is responsible for ensure earmarking or allocation of industrial*

space or shed for recycling, pre-processing and other utilization of hazardous waste in the existing and upcoming industrial park, estate and industrial clusters.

It is recommended that Department of industry in the State or any other government agency may be directed to identify all unauthorised dismantling units/godowns those are involved in the illegal activities like dismantling/segregation of imported other wastes received from the existing registered importers in the Mandi, Gobindgarh area and across the country.

3) *It is recommended that the eligible registered importers for importing the specific waste or mixed waste like motor scrap, Iron and steel scrap, etc. should not be allowed to dismantle imported wastes at their premises and not to send or sell the imported waste scrap (other waste) to the unauthorised dismantling centres or users.*

4) *Dismantler may be any person or facility engaged in dismantling of imported or any indigenous similar waste into their components and having facilities as per the guidelines of Central Pollution Control Board with authorisation from concerned State Pollution Control Board.*

It is recommended that the dismantling centres or actual users should dispose of non-recyclable waste in an authorised disposal facility after obtaining authorisation from Punjab Pollution Control Board.

4. The above report does not effectively deal with the serious problem and is not, thus, satisfactory. More units should have been monitored having regard to the adverse consequences on the health of the inhabitants in violation of Fundamental Right to breathe clean air and to clean environment. Continuous and stringent action is required which has not yet been taken. Let the Committee file a fresh and detailed report by covering large number of units.

We also direct that carrying capacity of the area to sustain such activities may be conducted by the Committee in terms of number of such units which can be sustained to give effect to

‘Sustainable Development’ principle and to enable the regulatory authorities to ensure steps for preventing pollution.

5. Accordingly, we direct the State PCB to take further stringent measures by way of stopping the polluting activities and recovering compensation on ‘Polluter Pays’ principle, apart from any other statutory action as may be warranted in the situation.
6. Let a further action taken report be furnished to the Tribunal before the next date by email at judicial-ngt@gov.in.

List for further consideration on 24.03.2020.

Adarsh Kumar Goel, CP

S.P Wangdi, JM

Dr. Nagin Nanda, EM

Siddhanta Das, EM

February 11, 2020
Original Application No. 924/2019
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