



SPEED POST

F. No. B-190019-NGRBA/CPCB/2018-19 7830

09.10.2019

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To

M/s Vadilal Industries Ltd.,
D-24, Persakhera Industrial Area,
Bareilly-243502, Uttar Pradesh

DIRECTION UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986

WHEREAS, the Ministry of Environment & Forests, Government of India, vide Notifications No. S. O. 157 (E) of 27.02.1996 and S. O. 730 (E) dated 10.07.2002, has delegated the powers vested under Section 5 of the Environment (Protection) Act, 1986 (29 of 1986) to the Chairman, Central Pollution Control Board, to issue directions to any industry or any local body or any other authority for violation of emission and effluent standards and rules notified under the Environment (Protection) Rules, 1986 and amendment thereof; and

WHEREAS, M/s Vadilal Industries Ltd., D-24, Persakhera Industrial Area, Bareilly-243502, Uttar Pradesh (hereafter referred to as the 'Unit') is manufacturing flavoured milk, Ice cream, ghee, milk powder, Butter/Cream etc; and

WHEREAS, CPCB issued directions dated 18.12.2018 under section 5 of the Environment (Protection) Act, 1986 to the unit to install the OCEMS and connect with CPCB server within 3 months; and

WHEREAS, the unit has not submitted any reply in respect to the directions issued; and

WHEREAS, CPCB issued directions dated 14.06.2019 under section 5 of the Environment (Protection) Act, 1986 to the unit to comply with the following directions:

1. The unit shall close down all its manufacturing operations.
2. The unit shall deposit the Environmental compensation of Rs 5,00,000/- only within 15 days in CPCB.
3. The unit shall inform CPCB regarding the closure directions and shall not resume operation without the permission from CPCB.

AND WHEREAS, the unit's replies dated 01.07.2019, 02.07.2019 and 05.09.2019 were examined and following observations were made,

1. The unit has installed the Online Continuous Monitoring System at ETP outlet and provided data connectivity with CPCB server, which is verified by IT division CPCB.
2. The unit has submitted the self-certificate and informed that unit has closed all its manufacturing operations w.e.f, 30.08.2019.
3. The unit has requested for waving of Environmental Compensation of Rs. 5,00,000.

AND WHEREAS, CPCB constituted a three-member committee vide office order no. B-19001/NGRBA/CPCB/2017-18/11445 dated 27.09.2017, for examination of representations from the unit regarding recommendation for revocation of the closure direction issued by CPCB; and

WHEREAS, three-member committee in its meeting held on 17.09.2019 examined the replies of the Unit and recommended that the Unit may be allowed to resume operations only after receiving valid consent from UPPCB; and

WHEREAS, The Hon'ble National Green Tribunal (NGT), in the matter of OA No. 593/2017 (WP (CIVIL) No. 375/2012), Paryavaran Suraksha Samiti & Anr. Vs. Union of India & Ors. directed Central Pollution Control Board (CPCB) that "*The CPCB may take penal action for failure, if any, against those accountable for setting up and maintaining STPs, CETPs and ETPs. CPCB may also assess and recover compensation for damage to the environment and said fund may be kept in a separate account and utilized in terms of an action plan for protection of the environment*"; and

WHEREAS, in compliance of above quoted Hon'ble NGT order, cases to be considered for levying penalty are discharges in violation of consent conditions/ non-compliance with the directions, such as direction for closure due to non-installation of OCEMS/ non-adherence to the action plans submitted/ intentional avoidance of data submission or data manipulation by tampering OCEMS; and

WHEREAS, for unremitting violations of CPCB directions dated 18.12.2018, 14.06.2019 issued under section 5 of Environment (Protection) Act, 1986 by the unit, Environmental Compensation shall be levied as per CPCB policy separately after hearing the unit's viewpoints; and

NOW THEREFORE, in view of the above mentioned observations and in exercise of the powers delegated to the Chairman CPCB, under section 5 of the Environment (Protection) Act, 1986, the unit **M/s Vadilal Industries Ltd., D-24, Persakhera Industrial Area, Bareilly-243502, Uttar Pradesh** is hereby directed to comply with the following directions:

- (i) The unit shall resume operation only after receiving valid Consent to Operate from UPPCB.
- (ii) The unit shall ensure uninterrupted connectivity of OCEMS to the CPCB & SPCB server for treated effluent monitoring.
- (iii) The unit shall immediately inform to CPCB regarding the date of resumption of operations.

In case of default in compliance with the above directions, CPCB will be constrained to initiate action without any further notice, in accordance with the provisions of the Environment (Protection) Act, 1986.


(S. P. SINGH PARIHAR)
CHAIRMAN

Copy to:

- 1) **Member Secretary,**
Uttar Pradesh Pollution Control Board, : for kind information please.
Building No. TC-12V, Vibhuti Khand, Gomti
Nagar, Lucknow-226 010, Uttar Pradesh
- 2) **Joint Secretary (CP division)** : for kind information please.
Ministry of Environment, Forests and Climate
Change, Prithvi Wing, 2nd Floor, Room No.
216, Indira Paryavaran Bhawan,
Aliganj, Jor Bagh Road, New delhi-110003
- 3) **District Magistrate,** : for kind information please.
Station Road, Civil Lines,
Bareilly, Uttar Pradesh 243001
- 4) **Regional Director (North),** : for kind information please.
Central Pollution Control Board
Regional Directorate, PICUP Bhawan Vibhuti
Khand, Gomti Nagar, Lucknow - 226 010

5) **Superintending Engineer,**
Electricity Distribution Circle,
Madhyanchal Vidyut Viran Nigam Limited,
Katju Marg, Bareilly, U.P.

: with request to reconnect the electricity
connection

✓ 6) I/c IT division, CPCB, Delhi

: for uploading the direction at CPCB website

7) Master copy (Dairy), WQM-II Division.

: for record


(PRASHANT GARGAVA)
MEMBER SECRETARY