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B-190198/WQM-II(RG)/CPCB/Sugar/04/2016-17 8247

23.10.2019  
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To,

M/s Bajaj Hindustan Sugar Ltd.,  
Barkhera, Pilibhit, U.P.-262201

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

**WHEREAS**, the Central Government has notified the standards for discharge of environmental pollutants from various categories of industries under the Environment (Protection) Act, 1986 and the rules framed there under; and

**WHEREAS**, the Ministry of Environment & Forests, Govt. of India, vide notification S.O.157(E) of 27.02.1996 has delegated powers vested under Section 5 of the Environment (Protection) Act, 1986 (29 of 1986) to the Chairman, Central Pollution Control Board (CPCB), to issue direction to any industry, Municipal Corporation, Municipal Council, Cantonment Board to any local or other Authority for violation of emission and effluent standards notified under Environment (Protection) Rules, 1986; and

**WHEREAS**, it is obligatory on the part of industries to install effluent treatment plants (ETPs) to comply with the effluent discharge standards as notified under the Environment (Protection) Act, 1986 and the Rules framed thereunder and also to meet the consent conditions granted by State Pollution Control Board (SPCBs) / Pollution Control Committees (PCCs); and

**WHEREAS**, M/s Bajaj Hindustan Sugar Ltd., Barkhera, Pilibhit, U.P. (hereinafter referred as 'the Unit') is involved in the process of sugar manufacturing from crushing of cane; and

**WHEREAS**, the unit was inspected on 31.01.2018 by officials from CPCB, Delhi and was found non-complying with CPCB norms; and

**WHEREAS**, CPCB issued directions dated 19.03.2018 under Section 5 of the Environment (Protection) Act, 1986 to the unit for compliance of the following:

1. The unit is directed to close down its sugar manufacturing operations with immediate effect and shall not resume its operations.
2. The unit shall dismantle the bypass arrangement and stop untreated effluent discharge immediately.
3. The unit shall install & commission ETP system upto tertiary treatment level including adequate treatment system for spray pond overflow effluent in case of double sulphitation process.
4. The unit having high-pressure boiler (>45 Kg/cm<sup>2</sup>) shall install & commission Condensate Polishing Unit (CPU) for treatment of condensate water to ensure its reuse & recycle within the process.
5. The unit shall restrict the treated wastewater storage lagoon capacity of 15 days in low demand period for irrigation.

6. The unit shall submit irrigation management plan and utilise treated effluent meeting the prescribed norms for irrigation as per the irrigation management plan validated by expert institutions namely, NSI, Kanpur/ VSI, Pune/ Agricultural Institutions.
7. The unit shall get the verification of implement status of the recommendation of adequacy report including ETP performance assessment & effluent generation assessment done by the same institute that carried out adequacy assessment and submit the report to CPCB.
8. The unit shall submit the revalidated ETP adequacy assessment report within 45 days to CPCB.
9. The unit shall inform to CPCB about the closure of operation immediately.
10. The unit shall seek permission from CPCB before resumption of manufacturing operations.

**WHEREAS**, the unit's reply dated 22.3.2018 was examined; and

**WHEREAS**, the unit submitted the revalidated adequacy assessment reports by NSI, Kanpur vide letter dt. 07.05.2018; and

**WHEREAS**, the unit vide letters dated 20.07.2018 and 24.09.2018 submitted their compliance status of the charter, and

**WHEREAS**, CPCB issued directions dated 22.10.2018 under Section 5 of Environment (Protection) Act, 1986 to the unit; and

**WHEREAS**, the unit was inspected on 26.03.2019 by officials from CPCB, Delhi and following observations were made:

1. Analysis of effluent sample collected from lagoon showed pH- 7.57 (against stipulated norms of 5.5- 8.5), **TSS - 304 mg/l** (against stipulated norms of 100 mg/l), **BOD -313 mg/l** (against stipulated norms of 100 mg/l) and **COD - 478 mg/l** (against stipulated norms of 250 mg/l), TDS- 1053 mg/l (against stipulated norms of 2100 mg/l) which indicate non-compliance with on land effluent discharge standards the effluent from lagoon is discharged for land irrigation.
2. The unit has not installed flowmeters at various locations as suggested in the charter.
3. Analysis of sample collected from ETP outlet showed pH- 7.81 (against stipulated norms of 5.5- 8.5), BOD - 16.7 mg/l (against stipulated norms of 100 mg/l), COD- 105 mg/l (against stipulated norms of 250 mg/l) , TSS- 28.4 mg/l (against stipulated norms of 100 mg/l) , TDS -977 mg/l ( against stipulated norms of 2100 mg/l). However, MLSS in aeration tank was 489 mg/l which indicates unstabilized aeration tank and dilution of ETP system could not be ruled out. TDS level reduced drastically from 1751 mg/l (at inlet) to 966 mg/l (at outlet) which also indicates possibility of dilution of ETP system.
4. The logging of wastewater upto 4-5 inches is observed in storm water drain shows pH: 7.25, BOD: 29mg/L, COD: 125 mg/L and TDS: 2,501 mg/L and a barren field within the premises and in cane yard which indicate that the unit is not using the treated effluent for irrigation purposes and disposing it in indiscriminate manner.

**AND WHEREAS**, Hon'ble NGT vide its orders dated 03.08.2018 and 19.02.2019 in Original Application No. 593/2017 (W.P. (Civil) No. 375/2012), Paryavaran Suraksha Samiti & Anr. Vs. Union of India & Ors. directed 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 referred 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**, CPCB has been levying Environmental Compensation in compliance of Hon'ble NGT and as per the methodology for imposing Environment Compensation issued vide CPCB circular dated 24/05/2019, the environmental compensation to be levied to the unit is calculated as **Rs. 27,30,000/-** (Rupees twenty-seven lakhs thirty thousand only) for the non-compliance period (31.01.2018 to 01.05.2018), during the crushing season 2017-18; and **Rs. 1,09,20,000/-** (Rupees One crore nine lakhs twenty thousand only) for the non-compliance period (14.11.2018 to 14.05.2019) during the crushing season 2018-19; and

**WHEREAS**, CPCB issued direction dated 30.05.2019 under section 5 of the Environment (Protection) Act, 1986 to the unit to comply with the following directions:

1. The unit shall deposit **Rs 1,36,50,000/-** within 15 days in CPCB account towards environmental compensation.
2. The unit shall immediately close down all its manufacturing operations with immediate effect and shall not resume its operations.
3. The unit shall submit adequacy assessment of treatment facility by reputed govt. institute including work completion report regarding implementation of the recommendations of the adequacy report within 45 days.
4. The unit shall seek permission for CPCB, after completion of above direction, before resumption of operation.

**AND WHEREAS**, the unit replies vide letters dated 17.06.2019 was examined and following observations are made:

1. The unit has submitted ETP outlet analysis report from NABL accredited laboratory.
2. The unit has submitted adequacy assessment of treatment facility by NSI, Kanpur dated 17.06.2019.
  - a. Adequacy reports indicate that ETP system comprise of secondary biological system followed by tertiary treatment. ETP system comprises of bar screen chamber, O&G trap, equalization tank, pH correction tank, primary clarifier, aeration tank, secondary clarifier, MGF and ACF.
  - b. Bar screen chamber, O&G trap, equalization tank, secondary clarifier and ACF are found adequate at operational capacity (6183.6 TCD) but inadequate at licenced capacity (10,000 TCD).
  - c. The unit has not installed the spray pond overflow treatment system as factory informed that purchase order has been placed for the same.

**WHEREAS**, the unit has filed writ petition against CPCB direction dated 30.05.2019, in Hon'ble High Court of Delhi, and the case is disposed by Hon'ble High court vide order 05.07.2019 in WPC no. 7167/2019 that *"The court does not consider it apposite to entertain the present petition and the same is disposed of leaving it open for the petitioner to avail of alternative remedies"; and*

**WHEREAS**, the unit has filed petition for Special Leave to Appeal (C) No. (s) 18356/2019 in Hon'ble Supreme Court and Hon'ble Supreme court passed order on 09.08.2019 that "*The demand of penalty imposed by Central Pollution Control Board shall remained stayed*"; and

**WHEREAS**, Hon'ble NGT vide order dated 22/05/2019 in Appeal No. 27/2019 with Appeal No. 35/2019 and order dated 29/07/2019 in Appeal no. 22/2019 directed that, *CPCB may treat the impugned order as tentative and pass further appropriate order after permitting the affected parties to furnish their viewpoint*; and

**WHEREAS**, the unit replies vide letters dated 19.08.2019 were examined; and

**AND WHEREAS**, CPCB vide office order dated 04.09.2019 issued policy for levying environmental compensation (EC) for industries which prescribes that

- a. EC for the closure direction issued on the ground of non-compliance of prescribed discharge/ emission norms shall applied for the period between date of inspection and monitoring of date of closing of manufacturing operation.
- b. Direction for closure or revocation and direction for imposition of EC to be dealt separately.

**WHEREAS**, as per office order dated 04.09.2019, Environmental Compensation has been recalculated as Rs. 6,90,000/- for the period from date of inspection (26.03.2019) to date of end of operations in the crushing season 2018-19 (17.04.2019). However, the EC will remain stayed and shall be levied subject to the final judgement of the Hon'ble Supreme Court in the matter of Bajaj Hindusthan Sugar Limited Versus Central Pollution Control Board in SLA (c) No. (s) 18356/2019; and

**AND WHEREAS**, the unit replies vide letters dated 30.09.2019 were examined and following observations are made:

- a. The unit has submitted R.T. 8 (C); according to which unit has closed its manufacturing operations on 17.04.2019.
- b. The unit has granted licensed capacity of 10,000 TCD, while installed crushing capacity is 7500 TCD only. Further average crushing of last three crushing seasons i.e. 2018-19, 2017-18 and 2016-17 are 6,225.4 TCD, 6,298.8 TCD and 5,976.4 TCD respectively.
- c. The unit has ensured that they have complied with all the recommendations desired by NSI, Kanpur in the last adequacy report.

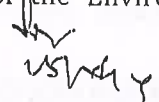
**WHEREAS**, CPCB constituted a Three-member committee vide office order dated 27.09.2017 having representative from CPCB, MoEF&CC and NMCG for examination and recommendation for revocation of the closure direction issued by CPCB; and

**WHEREAS**, the Three Member Committee in its meeting held on 04.10.2019 examined the unit's replies and recommended that the unit may be allowed to resume operation; and

**NOW, THEREFORE**, in view of above 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 Bajaj Hindustan Sugar Ltd., Barkhera, Pilibhit, U.P.) is directed to comply with the following directions before commencement of crushing season 2019-2020:

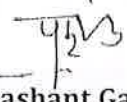
1. The unit may resume its operation only after obtaining the valid consent from Uttar Pradesh State Pollution Control Board.
2. The unit shall submit performance assessment of effluent treatment plant including analysis of treated effluents by the reputed government institute within 60 days of resumption of operation.
3. The unit shall inform CPCB about resumption of manufacturing operations.

In case of default in compliance with the above directions, CPCB will be constrained to initiate action against the Unit (**M/s Bajaj Hindustan Sugar Ltd., Barkhera, Pilibhit, U.P.**) without giving any further notice in accordance with the provisions of the Environment (Protection) Act, 1986.

  
(**S. P. SINGH PARIHAR**)  
CHAIRMAN

**Copy to:**

1. **Principal Secretary** : With request to ensure compliance of the directions.  
Sugar Industry and Cane Development Department,  
"G" Block, 2/3, Mantri Wing, 4<sup>th</sup> Floor, Bapu  
Bhawan, Vidhan Sabha Marg, Lucknow - 226 001
2. **The Member Secretary** : With request to ensure compliance of the directions.  
Uttar Pradesh Pollution Control Board,  
Building No. TC-12V, Vibhuthi Khand,  
Gomti Nagar, Lucknow - 226 010
3. **Joint Secretary (CP Division)** : For kind information, please.  
Ministry of Environment, Forest & CC  
Prithvi Block, Indira Paryavaran Bhawan, Jorbagh  
Road, New Delhi - 110 003
4. **The District Magistrate** : With request to ensure compliance of the directions.  
Pilibhit-262201, U.P.
5. **The Superintending Engineer** : To reconnect the power supply of the unit, please  
Madhyanchal Vidyut Vitran Nigam Ltd.  
Pilibhit, U.P.
6. **Regional Director** : For follow up and ensuring compliance  
Regional Directorate  
Central Pollution Control Board,  
PICUP Bhawan, Ground Floor,  
Vibhuthi Khand, Gomti Nagar,  
Lucknow - 226 010
7.  **In-charge, IT Division, CPCB** : With request to upload on CPCB server.
8. **Master file/Guard file, WQM II, CPCB Delhi**

  
(**Prashant Gargava**)  
MEMBER SECRETARY