

By Speed Post

F.NO. B-23012/1/IPC-III / 9974

December 12, 2019

To

**M/s Vishal Paper tech India ltd.,**  
Village- Mubarikpur, Ramgarh Road, Tehsil-Derabassi  
District-Sahibjada Ajit Singh Nagar (Mohali), Punjab.

**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**, M/s Vishal Paper tech India ltd., (*hereafter referred to as 'the Unit'*) Ramgarh Road Mubarakpur, Tehsil-Derabassi District-Sahibjada Ajit Singh Nagar (Mohali), Punjab is engaged in manufacturing of duplex board paper with consented capacity of 125 TPD by using waste paper as raw material; and

**WHEREAS**, the Unit was inspected by a team of officials from CPCB, RD, Lucknow on 29.11.2017 to verify the compliance status under OCEMS surveillance (SMS alert) and based on observations & analysis result of samples stated in the inspection report, CPCB issued closure direction to the unit vide letter dated 16.01.2018 under Section 5 of the Environment (Protection) Act, 1986; and

**WHEREAS**, it was observed that a typographical error occurred in reproducing sample analysis result from the laboratory analysis report dated 11/12/2017 (Annexure-I) w.r.t the value of TSS and COD recorded at s.no.4; page no.1 of said closure direction dated 16.01.2018 under para observation of the inspection team. After incorporating required typographical correction, s.no. 4, page no.1 shall be read as:

*Final ETP treated effluent of the Unit result showed pH-6.51 (norms-7.0-8.5), TSS-163 mg/l (norms-50 mg/l), BOD-650 mg/l (norms-30 mg/l), COD-929 mg/l (norms-350 mg/l), SAR-1.15 (norms-26), TDS-2342 mg/l. MLSS & MLVSS concentration in the aeration tank was 1173 mg/l and 783 mg/l respectively.;*

**AND WHEREAS**, CPCB has constituted a three-member Committee vide office order dated 03.10.2017 having representative(s) from CPCB and MoEF & CC for examination and review of closure direction issued by CPCB for revocation; and

**WHEREAS**, the Committee in its meeting held on 28.02.2018 & 16.03.2018 reviewed the above matter in detail and recommended that the unit may be issued modified closure direction under section 5 of the E(P)Act, 1986; and

Contd...2/-

**WHEREAS**, CPCB issued modified closure direction vide letter dated 27.03.2018 under section 5 of Environment (Protection) Act, 1986 to **M/s Vishal Paper tech India Ltd.**, Derabassi, Punjab for compliance of the following:

1. The Unit shall immediately close down all the manufacturing operations and shall augment/upgrade the ETP and optimise the performance of ETP so as to comply with the prescribed effluent discharge norms.
2. The unit shall carry out adequacy assessment of its existing ETP by reputed institutions preferably IITs/ NEERI/CPPRI within 30 days and accordingly upgrade the same in a time bound manner.
3. The unit shall install electromagnetic flow measuring device at water abstraction point, final outlet of ETP and recycle point within 30 days & records of the same shall also be maintained.
4. The Unit shall install separate energy meter for the ETP and air pollution control device (ESP) within 30 days and maintain record of the same.
5. The Unit shall establish an environmental laboratory for analysing the effluent parameters and shall engage skilled manpower for operation & maintenance of the ETP within 30 days.
6. The Unit shall ensure regular operation & maintenance and calibration of the online system so as to obtain continuous reliable results. The Unit shall maintain records of O&M, calibration of online system as per the SOP/CEMS guidelines.
7. The Unit shall report to CPCB regarding closure of manufacturing operations in compliance of the direction immediately on receipt of this direction.
8. The Unit shall seek permission from CPCB before resumption of manufacturing operation.

**WHEREAS**, the Unit replied vide letter dated 07.05.2018 & submitted copy of valid '*consent to operate*', '*affidavit*' for compliance with direction, *adequacy assessment report* of Thapar Inst. of Eng. & Tech, Patiala and requested for resumption of manufacturing operation; and

**WHEREAS**, Regional Director, CPCB, Lucknow was asked vide letter dated 23.05.2018 to carry out inspection of the unit for verifying the closure direction, reported compliance; and

**WHEREAS**, a letter dt. 25.05.2018 was issued to the unit by CPCB for seeking clarification on the reply letter and submitted ETP adequacy report; and

**WHEREAS**, CPCB inspected the unit on 07.06.2018 for compliance verification of closure direction. The Unit was found closed during the visit, however logbooks records of ETP energy meter & ESP energy meter indicate that the unit was operational during 01.04.2018 to 31.05.2018. The IT Division of CPCB informed that OCEMS data from the unit was received up to June 15, 2018; and

*Contd...3/-*

**WHEREAS**, the unit reply letter dated 15.06.2018 & 30.08.2018, was placed before the three-member committee meeting held on 27.07.2018 & 14.09.2018 and recommendation of the committee was sent to the unit vide letter dated 07.08.2018 & 19.09.2018 respectively; and

**WHEREAS**, the Unit replied vide letter dated 03.10.2018 in response of CPCB letter dated 19.09.2018 and submitted adequacy assessment report of CPPRI, Saharanpur; and

**WHEREAS**, the Committee in its meeting held on 17.10.2018 reviewed the compliance made by the unit & verified the supporting documents in line with the agreed criteria and recommended for revocation of closure direction with certain conditions; and

**WHEREAS**, CPCB issued revocation direction vide letter dated 06.11.2018 under section 5 of the Environment (Protection) Act, 1986, to M/s Vishal Paper tech India ltd., Derabassi, Punjab with certain conditions; and

**WHEREAS**, considering the logbook records of ETP energy meter, ESP energy meters, & IT report of CPCB, it appears that the unit has not closed down its manufacturing operation & has continued operation, indicating non-compliance of direction i.e. to report CPCB regarding closure of operation immediately on receipt of closure direction, hence a separate clause was inserted in the said revocation direction dated 06.11.2018 that levy of environmental compensation & action as per the law shall be initiated separately; and

**WHEREAS**, the Hon'ble NGT, Principal Bench order dated 31.08.2018 in the matter of O.A. No. 593/2017 (WP(CIVIL) No. 375/2012), Paryavaran Suraksha Samiti & Anr. Vs Union of India & Ors. directed "*CPCB to take penal action for failure and, if any, against those accountable for setting up and maintaining STPs, CETPs and ETPs and may also asses and recover compensation for damage to the environment and said fund may be kept in a separate account and utilised in term of an action plan for protection of the environment*"; and

**WHEREAS**, in compliance of the Hon'ble NGT order dated 31.08.2018 (O.A. No. 593/2017), a Committee was constituted by CPCB for developing a formula for imposing penalty and environmental compensation on industrial units. As per the Committee recommendations one of the case to be considered for levying penalty is "non-complying with the direction issued such as closure direction"; and

**WHEREAS**, as per the formula derived for environmental compensation by CPCB, the total environmental compensation (EC) amount calculated is **Rs. 22,50,000/- for the non-compliance period (April 02,2018 to June 15,2018)**; and

**WHEREAS**, CPCB issued show cause notice for imposing Rs.22.50 lakhs environmental compensation (EC) amount vide letter dated 31.07.2019, under section 5 of the Environment (Protection) Act, 1986, to the Unit; and

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**WHEREAS**, the Unit replied vide letter dated 20.08.2019 & informed that the unit is under major financial crisis and requested to review the order to impose of Rs.22.50 lakhs EC amount; and


**WHEREAS**, CPCB vide letter dated 24.09.2019 gave an opportunity to the unit to be heard in person on the matter of the said show cause notice (SCN) dated 31.07.2019 regarding imposition of Rs.22.50 lakhs as EC amount; and

**WHEREAS**, the representatives of the Unit attended the hearing on 01.10.2019 & after discussion on viewpoint of the unit given for considering waiving of EC and viewpoints of CPCB given for imposing EC, it was resolved that the unit shall deposit the EC amount as proposed in said SCN dated 31.07.2019 & shall also submit notarized affidavit stating actual date of closing of manufacturing operation; and

**WHEREAS**, the Ministry of Environment, Forest, & Climate Change, 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 the violation of emission & effluent standards notified under the Environment (Protection) Rules,1986 and other standards and norms; and

**NOW, THEREFORE**, in exercise of powers vested to Chairman CPCB under Section 5 of the Environment (Protection) Act, 1986, **the Unit [M/s Vishal Paper Tech India Ltd., Derabassi, Punjab] is directed to deposit Rs.22,50,000/-** within 15 days from the receipt of this direction in CPCB account A/C No. 532702050000164 (Bank Name: Union Bank of India, IP Extension Branch, Vikas Marg Extn., Delhi; IFSC: UBIN0553271). The Unit shall also submit notarized affidavit stating actual date of closing of manufacturing operation. In case of delay in deposition of EC amount, simple interest @12% shall be levied for delay period.

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

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

Copy to:

1. **The Member Secretary** : For information pl  
Punjab Pollution Control Board (PPCB)  
Vatavaran Bhawan, Nabha Road,  
Patiala - 147 001

Contd...5/-

2. **The Regional Director,**  
Regional Directorate,  
Central Pollution Control Board,  
PICUP Bhawan, Ground Floor, Vibhuti  
Khand, Gomati Nagar, Lucknow-226010 : For information please
3. **The Joint Secretary (CP Division),**  
Ministry of Environment, Forest & Climate  
Change, Indra Paryavaran Bhavan, Jor Bagh Road,  
New Delhi - 110 003 : For information please
4. ✓ The Divisional Head, IT Division, CPCB, Delhi : To upload the direction at  
CPCB website
5. The Divisional Head, IPC-III Division, CPCB : For record purpose.

  
(PRASHANT GARGAVA)  
MEMBER SECRETARY