

**BY REGISTERED AD**

No.B-360(S)/IPC-III/2019-20/ 10206

**December 17, 2019**

To

**M/s The Thandava Co-Operative Sugar Limited,  
Payakaraopeta, Visakhapatanam Distt,  
Andhra Pradesh-531126**

**Sub: Directions under Section 5 of the Environment (Protection) Act, 1986**

**WHEREAS**, Sugar industries are identified as one of the 17 categories of highly polluting industries which have been discharging environmental pollutants directly or indirectly into the ambient air and water, having potential threat to cause adverse effect on the water and air quality; and

**WHEREAS**, for strengthening the monitoring and compliance through self-regulatory mechanism, a direction under section 18 (1) (b) of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 was issued on February 05, 2014 to all the State Pollution Control Boards (SPCBs)/ Pollution Control Committees (PCCs) for installation of online emission monitoring system w.r.t. Particulate Matter parameter & online effluent monitoring system w.r.t. pH, BOD, COD, TSS, Flow parameters in 17 categories of industries including Sugar; and

**WHEREAS**, considering the requests/ representations received from industries/ industrial associations/ SPCBs / PCCs, an extension of time up to June 30, 2015 for installation of online monitoring systems was granted vide direction dated March 02, 2015 under section 18 (1) (b) of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981; and

**WHEREAS**, in follow up to the directions issued to the SPCBs/PCCs, CPCB had issued show cause notices under section 5 of the Environment (Protection) Act, 1986 dated 24.07.2015 to 602 Sugar industries, including M/s The Thandava Co-Operative Sugar Limited, Payakaraopeta, Visakhapatanam Distt, Andhra Pradesh-531126 hereinafter referred to as 'the unit', as to why the Unit should not be closed down if the Unit has not complied fully with the direction issued w.r.t. installation of online emission & effluent monitoring system by June 30, 2015. It was further directed to submit documentary evidence regarding status of installation and connectivity of online emission & effluent monitoring system in the format given in annexure; and

**WHEREAS**, no reply as recorded was filed by the said unit in response of the same; and

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**WHEREAS**, in view of the above and in exercise of the powers delegated to the Chairman, Central Pollution Control Board under section 5 of the Environment (Protection) Act, 1986, the unit vide letter no. B-400(S)/PCI-III/2016-17/4215/ dated 22.08.2016 was directed to close down their sugar mill and not to resume their manufacturing operation till installation and commissioning of online 24x7 monitoring system and networking of data with SPCB and CPCB, and to submit compliance to CPCB within 15 days on the receipt of the Closure Direction; and

**WHEREAS**, the unit has responded to the above said Closure Direction vide its letter dated 19.05.2017 and informed to have stopped all manufacturing operations on 17.02.2017 & complied with the CPCB's directions regarding installation and commissioning of online continuous effluent monitoring system (OCEMS) and asked for revocation of closure directions issued under Section 5 of E(P)A, 1986 dated 22.08.2016; and

**WHEREAS**, it has been observed that the unit has deliberately failed to respond the CPCBs closure directions and resumed operations during crushing season 2016-17 without seeking permission from CPCB which is non-compliance of the closure direction issued by CPCB dated 22-08-2016 under Section 5 of the E(P) Act, 1986; and

**WHEREAS**, based on the compliance made by the unit (M/s The Thandava Co-Operative Sugar Limited) and verification by IT Division of CPCB, it was allowed to resume its manufacturing operations vide CPCB revoking directions u/s 5 of E(P)A, 1986 dated 04.07.2017. However, a separate clause was inserted in the revoke direction that action as per law shall be initiated separately.

**WHEREAS**, it has been noticed that even after CPCB's closure directions the unit has operated for 77 days during crushing season 2016-17 without obtaining revocation orders from CPCB.

*WHEREAS, The Hon'ble National Green Tribunal (NGT), Principal Bench 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."*

**WHEREAS**, in compliance of above quoted Hon'ble NGT order, a Committee was constituted by CPCB. As per the Committee recommendations one of the cases to be

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considered for levying environmental compensation is 'not complying with the directions issue, such as direction for closure due to non-installation of OCEMS, non-adherence to the action plans submitted etc.'

**WHEREAS**, as per formula derived for levying Environmental Compensation by CPCB, the total environmental compensation amount was calculated Rs. 23,10,000/- (Rupees Twenty three Lakhs & ten Thousand Only) for the non-compliance period of 77 days during 03.12.2016 to 17.02.2017 and same shall be deposited by the unit to CPCB.

WHEREAS, a direction under Section 5 of the Environment (Protection) Act, 1986, was issued to the unit vide letter no. B-360(S)/IPC-III/2018-19/17035 dated February 20, 2019 directing it to deposit EC of Rs. 23,10,000/- (Rupees Twenty three Lakhs & ten Thousand Only) to CPCB.

WHEREAS, the unit appealed against the CPCB direction dated February 20, 2019 for submission of EC in Hon'ble NGT. *In this matter, Hon'ble NGT vide order dated 22.05.2019 directed CPCB to consider the views of the unit and to give opportunity of personal hearing to the unit.*

WHEREAS, as per the directives of Hon'ble NGT vide order dated 22.05.2019 an opportunity of personal hearing was accorded to the unit on August 09, 2019. After hearing and considering the viewpoints of the unit representative, it was resolved that EC amount levied may be reviewed considering date of connectivity as verified by IT, and in accordance with the CPCB policy on EC.

WHEREAS, as per the CPCB policy dated 04.09.2019 for levying EC for industries 'EC for non-compliance to CPCB's closure direction regarding installation & connectivity of OCEMS shall apply till establishment of initial uninterrupted data connectivity for all the specified parameters in all the permitted outlets/stacks, as verified by the IT division.' The IT division verified the date of establishment of initial uninterrupted data connectivity of OCEMS for all the specified parameters as 14.02.2017.

WHEREAS, as per formula derived for environmental compensation by CPCB, the revised EC amount was calculated Rs. 21, 90,000/- (Rupees Twenty one Lakhs and Ninty thousand only) for the non-compliance period of 73 days during 03.12.2016-13.02.2017.

**NOW THEREFORE**, in exercise of powers vested to Chairman CPCB under Section 5 of the Environment (Protection) Act, 1986, the unit **M/s The Thandava Co-Operative Sugar Limited, Payakaraopeta, Visakhapatnam Distt, Andhra Pradesh-531126** is directed to deposit Environmental Compensation of

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Rs. 21, 90,000/- (Rupees Twenty one Lakhs and Ninty thousand only) in CPCB account No. 532702050000164 (Bank name: Union Bank of India, I.P. Extn Branch, Vikas Marg Extn., Delhi; IFSC UBIN0553271).

In case of failure of the unit to comply with the above directions action as deemed appropriate will be taken with the provisions under Environment (Protection) Act, 1986 without further notice.

(S.P.SINGH PARIHAR)  
CHAIRMAN

Copy to:

1. **The Member Secretary,**  
Andhara Pradesh Pollution Control Board,  
Paryavaran Bhawan,  
A-3, I. E, Sanath Nagar,  
Hyderabad-500018 : For information please
2. **The Regional Directorate, (South)**  
Central Pollution Control Board  
Nisarga Bhavan, A-Block, 1<sup>st</sup> & 2<sup>nd</sup> Floors, Thimmaiah  
Road, Shivanagar, Bengaluru  
Bangalore-560010 : For information please
3. The In-charge, IT Division, CPCB : For uploading on CPCB website

  
(PRASHANT GARGAVA)  
MEMBER SECRETARY

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Andhra Pradesh