

Speed Post

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03 July, 2020

To,

**M/s Bajaj Hindustan Sugar Ltd.,
Distillery Unit, Gola Gokaranath,
Lakhimpur Kheri, Uttar Pradesh-262802**

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

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

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

WHEREAS, for strengthening the monitoring and compliance through self regulatory mechanism and inculcating the habit of self monitoring within the industries for complying with the prescribed standards, CPCB has mandated installation and operation of online continuous emission and effluent monitoring systems (OCEMS) by the 17 category & Ganga GPI industries on 'polluter pays principle'; and

WHEREAS, the sector specific requirement regarding installation of OCEMS for the 17 categories, including distilleries are already uploaded in the CPCB website and is available at <http://cpcb.nic.in/online-monitoring-clarification/>; and

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 violations of the standards and rules notified under the Environment (Protection) Rules, 1986 and amendment thereof.

WHEREAS, **M/s Bajaj Hindustan Sugar Ltd., Distillery Unit, Gola Gokaranath, Lakhimpur Kheri, Uttar Pradesh**, hereinafter referred to as 'the unit' was jointly inspected by RO UP PCB & RD, CPCB, Lucknow team on 23.10.2018 based on complaint received regarding discharge of coloured effluent into Sharda Sahayak Canal and based on the observations made during the inspection, CPCB had issued a show cause notice to the unit on 14.01.2019, under section 5 of the Environment (Protection) Act, 1986 as to why the unit should not be closed down; and

WHEREAS, the unit vide letter dated 30.01.2019 had provided its reply to the notice, indicating compliance to the direction and after examining the reply received, a team from RD, CPCB, Lucknow had again carried out an inspection of the unit on 24.04.2019 for verification of the compliance status of the unit to the show cause notice issued by CPCB; and

WHEREAS, as per the observations reported by the inspection team, the operation of the units is in violation of the norms and unit is still non-complying to the ZLD with respect to operation of MEE for achieving the stipulated volume reduction/concentration of spent wash, storage of coloured untreated effluent in Katcha lagoon, posing threat to ground water and not providing any ETP/CPU for the treatment & reuse of condensate/management of other effluent streams. The unit is also not complying with the bio-composting protocol of CPCB, with respect to restriction of storage lagoon capacity to max. 30 days generation of concentrated effluent, providing covered shed storage facility for ready compost and not providing the required ground water monitoring system; and

WHEREAS, based on the observations made by the team, CPCB had issued direction under section 5 of the E(P) Act, 1986 on 22.07.2019 for the closure of manufacturing operations of the unit till compliance of directions thereof; and

WHEREAS, it is evident that the unit has continuously violated the environmental norms, and the Hon'ble NGT, Principal Bench vide its 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. had 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 utilized in term of an action plan for protection of the environment"; and

WHEREAS, as per the formula developed for Environmental Compensation by CPCB, for the continuous operation of the unit violating the environmental norms and terms and conditions of the Consent to Operate, the total environmental compensation amount of **Rs. 1,96,20,000/- (One Crore Ninety Six Lac Twenty Thousand Rupees only)**, is calculated for the non compliance period (23.10.2018-22.07.2019 - 273 days)"; and

WHEREAS, CPCB had issued a show cause notice to the unit on 19.08.2019 under section 5 of the Environment (Protection) Act, 1986 as to why Environmental Compensation of Rs. **1,96,20,000/- (One Crore Ninety Six Lac Twenty Thousand Rupees only)** should not be imposed on the unit, M/s Bajaj Hindustan Sugar Ltd., Distillery Unit, Gola Gokaranath, Lakhimpur Kheri, Uttar Pradesh for 273 days of continuous violations to the environmental norms, based on available records; and

WHEREAS, the unit vide its letter dated 06.09.2019 had requested for the withdrawal or keeping in abeyance of the show cause notice till the disposal of Special Leave Petition (Civil) No. 18356/2019 filed by M/s Bajaj Hindustan Sugar Ltd., against CPCB in another matter related to levying environmental compensation against its sugar mill located at Berkhera, Pilibhit, UP; and

WHEREAS, CPCB had examined the request from the unit and after obtaining legal opinion in the matter had informed the unit vide letter dated 27.02.2020 that the ongoing matter in the Hon'ble Supreme Court and related orders does not apply on the Notice issued by CPCB on 19.08.2019 to the unit for levying Environmental Compensation, as both the matters are to be dealt separately. It was also informed the request from the unit for withdrawal of show cause notice for deposition of Environment Compensation may not be acceded to; and

WHEREAS, based on the compliance status reported by the unit with supporting documents including adequacy assessment report of ETP & ZLD systems and recommendation of the Three Member Committee, CPCB had revoked the closure direction issued to the unit on 05.03.2020, specifying that "The revocation of closure direction shall not have any bearing on the proceedings related to the notice issued to the unit on 19.08.2019 for remittance of environmental compensation"; and


WHEREAS, CPCB did not receive any communication from the unit in reply to the letter issued by CPCB on 27.02.2020 regarding deposition of Environmental Compensation.

NOW, THEREFORE, in view of the above and exercising powers delegated to the Chairman, Central Pollution Control Board (CPCB) under section 5 of the Environment (Protection) Act, 1986, the unit, **M/s Bajaj Hindustan Sugar Ltd., Distillery Unit, Gola Gokaranath, Lakhimpur Kheri, Uttar Pradesh**, is herewith directed to deposit the EC amount of **Rs. 1,96,20,000/- (One Crore Ninety Six Lac Twenty Thousand Rupees only)** within **15 days** from the date of receipt of direction in CPCB account A/C No. 532702050000164 (Bank Name: Union Bank of India, IP Extension Branch, Vikas Marg Extn., Delhi; IFSC: UBIN0553271).

In case of default in compliance with the above directions by the Unit, CPCB will be constrained to initiate appropriate action against the Unit, in accordance with the provisions of the Environment (Protection) Act, 1986.


(Shiv Das Meena)
CHAIRMAN

Copy to:

- 1) **The Chairman,** : *For information please*
Uttar Pradesh Pollution Control Board
Building No. TC-12V, Vibhuthi Khand,
Gomti Nagar, Lucknow - 226 020
- 2) **The Regional Director,** : *For information please*
CPCB Regional Directorate,
PICUP Bhawan, Ground Floor,
Vibhuthi Khand, Gomti Nagar, Lucknow-10
- 3) **The Joint Secretary, (CP Division),** : *For information please*
Ministry of Environment, Forests & CC,
Prithvi Block, Indira Paryavaran Bhawan,
Jorbagh Road, New Delhi - 110 003
- 4)  The Div. Head, IT Division, CPCB Delhi : *For uploading in the website please*
- 5) The Div. Head, IPC-III Division, CPCB Delhi


(Prashant Gargava)
MEMBER SECRETARY