



By Speed Post

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

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10th June, 2019
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To,

M/s Vadilal Industry Ltd.,
D-24, Paraskheda,
Bareilly (U.P.)

Closure Directions under Section 5 of Environment (Protection) Act, 1986 regarding installation of On-Line Effluent Monitoring System-reg.

WHEREAS, there is need to inculcate habit of self-monitoring within the industries for complying with the prescribed standards and this can be achieved by methods like installing online effluent and emission monitoring devices; and

WHEREAS, for strengthening the monitoring and compliance through self-regulatory mechanism, online source emission and effluent monitoring systems need to be installed and operated by the industries on 'polluter pays principle'; and

WHEREAS, Hon'ble National Green Tribunal in its order dated 15th December, 2014 in the matter of Krishan Kant Singh vs. M/s Hindustan Cocacola Beverages Pvt. Ltd., Mehendiganj, Rajatalab, Varanasi stated that "It seems appropriate introduction of online monitoring system for the industries needs to be explored and if it is possible to provide for joint online monitoring system"; and

WHEREAS, CPCB has explored installation of Online Monitoring device in the other countries and has come to conclusion that the online monitoring devices are essential for improving compliance as the conventional monitoring systems not able to capture violations on regular basis; and

WHEREAS, CPCB has held stakeholder consultations with industrial associations and SPCBs/PCCs on 06.08.2014, 19.09.2014, 29.09.2014, 08.10.2014, 16.10.2014, 09.01.2015, 08.04.2015 and 16.06.2015 regarding time bound implementation of installation of these devices; and

WHEREAS, a direction under Section 18 (1) (b) of Water (Prevention & Control of Pollution) Act, 1974 was issued on February, 2014 to Ganga Basin State Pollution Control Boards (SPCBs)/Pollution Control Committee (PCC) for installation of online effluent monitoring systems w.r.t. pH, BOD, TSS, COD and flow parameters in Grossly Polluting Industries; and

WHEREAS, it was clarified that flow meter & web camera may be installed in case of units with Zero Liquid Discharge (ZLD) by March 31, 2015 vide guidelines uploaded on website of CPCB dated November 7, 2014; and

WHEREAS, considering the 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, 2015 under Section 18 (1) (b) of Water (Prevention & Control of Pollution) Act, 1974; and

WHEREAS, a letter dated May 29,2015 was issued by the Chairman, CPCB to all the SPCBs/PCCs informing that no further extension of time will be given after June,2015 and withdrawal of consent to operate along with forfeiture of bank guarantee of non-complying units will be the only option; and

WHEREAS, an office order dated 27th December,2016 was issued by Member Secretary, CPCB directing the installation and connectivity of OCEMS by industries must be completed before February 28th ,2017; and

WHEREAS, the GPIs need to follow the guidelines published by CPCB for OCEMS available on the link <http://cpcb.nic.in/upload/thrust-area/revised-GUIDELINES-final-sent-for-publication-on-07.11.2014.pdf> and amended thereof; and

WHEREAS, 14 out of the 255 units identified by UPPCB as generating more than 100 KLD effluent in phase I segment B (Haridwar to d/s of Unnao) were inspected in compliance of NGT judgement dated 13th July,2017 in the matter of O.A. No. 200/2014 were found to be falling under the GPI category; and

WHEREAS, CPCB issued direction dated 18.12.2018 under Section 5 of Environment (Protection) Act, 1986 to these units to install OCEMS and provide connectivity with CPCB server within three months; and

WHEREAS, IT division, CPCB, Delhi has verified on 11.04.2019 that the unit is yet to connect the OCEMS system; and

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

AND WHEREAS, The Hon'ble National Green Tribunal (NGT), Principal Bench in the matter of O.A. No. 593/2017 (WP (CIVIL) No. 375/2012), Paryavaran Suraksha Samiti & Anr. Vs. Union of India & Ors. directed Central Pollution Control Board (CPCB) that "*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

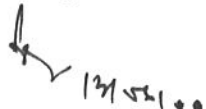
WHEREAS, in compliance of above quoted Hon'ble NGT order, cases to be considered for levying penalty are discharges in violation of consent conditions/ non-compliance with the directions, such as direction for closure due to non-installation of OCEMS/ non-adherence to the action plans submitted/ intentional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

WHEREAS, as per the methodology for assessing penalty and environmental compensation, the environmental compensation to be levied to the unit, **M/s Vadilal Industry Ltd., Bareilly** is calculated as **Rs. 5,00,000 /- only (Five Lakhs only)** for the non-compliance period (18.03.2019 to 06.06.2019); and

NOW, THEREFORE, based on all material facts available with CPCB 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, **M/s Vadilal Industry Ltd., Bareilly** is hereby directed to comply with the following directions:

- 1) The unit shall close down its all-manufacturing operations till the compliance of the above stated directions.
- 2) The unit shall deposit Rs. 5,00,000/- only within 15 days in CPCB A/c No. 532702050000164 (Bank name: Union Bank Of India, IP Extension Branch, Vikas Marg Extn., Delhi; IFSC: UBIN0553271)/ demand draft in favour of EC by CPCB towards environmental compensation.
- 3) The unit shall inform CPCB regarding the closure directions and shall not resume operation without the permission from CPCB.

In case of non-compliance of the above directions, CPCB will be constrained to initiate appropriate action against the unit without giving any further notice in accordance with the provision of Environment (Protection) Act, 1986.


(S.P.S. PARIHAR)
CHAIRMAN

Copy to:

1. Member Secretary
Uttar Pradesh Pollution Control Board,
Building No. TC-12 V, Vibhuti Khand
Gomti Nagar, Lucknow-226010
With request to ensure the compliance
2. District Magistrate,
Station Road, Civil Lines,
Bareilly, Uttar Pradesh 243001
With request to physically verify the operational status of the unit
3. Superintending Engineer,
Electricity Distribution Circle,
Madhyanchal Vidyut Viran Nigam Limited,
Katju Marg, Bareilly, U.P.
With request to disconnect the electricity connection
4. Regional Directorate,
Central Pollution Control Board,
ZO (North), Ground Floor,
PICUP Bhawan, Vibhuti Khand,
Gomti Nagar, Lucknow, U.P.-226010
For kind information please
5. Joint Secretary (CP Division)
Ministry of Environment, Forests
& Climate Change,
Indra Paryavaran Bhavan,
Jor Bagh Road, New Delhi - 110 003
- ✓6. Incharge, IT Division, CPCB
7. Master copy WQM-II, CPCB
For uploading on CPCBs website


(PRASHANT GARGAVA)
MEMBER SECRETARY