



केन्द्रीय प्रदूषण नियंत्रण बोर्ड  
CENTRAL POLLUTION CONTROL BOARD  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार  
MINISTRY OF ENVIRONMENT FOREST & CLIMATE CHANGE GOVT OF INDIA

BY SPEED POST

CP-11/99/2022-IPC-III-HO-CPCB-HO

January 4, 2024

To,

M/s Samrudhi Sugars Ltd.  
G. NO-122,123 and 173,  
Devi Dahegaon, Tal. -  
Ghansawangi Dist -Jalna,  
Maharashtra - 431209

**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-regulation and self-promotion within the industries, 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 effluent/emission monitoring system 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 Samrudhi Sugars Ltd, G. NO-122,123 and 173, Devi Dahegaon, Tal.-Ghansawangi Dist-Jalna, Maharashtra (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; and

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

**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 was directed vide letter no. B-400(S)IPC-III/2015 -16/529 dated 22.03.2016 to close down the sugar mill and not to resume manufacturing operation till installation and

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commissioning of continuous online monitoring system and providing connectivity of data with SPCB and CPCB server, 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 along with required documents vide email dated 31.05.2022 & 02.06.2022 and informed to have complied with the directions regarding installation and commissioning of online continuous effluent monitoring system (OCEMS) and the same was verified by IT Division of CPCB on 21.06.2022; and

**WHEREAS**, after verification of compliance submitted by the Unit and subsequent verification of the connectivity status of OCEMS by IT Division of CPCB, closure direction of the Unit has been revoked vide direction dated 07.09.2022 and the unit has been allowed to resume its manufacturing operations; and

**WHEREAS**, it has been observed that the Unit has not closed its manufacturing operations during the crushing season 2016-17 to 2021-22 which is non-compliance of the closure direction issued by CPCB vide letter no No. B-400(S) PCI-III/2015-16/529 dated 22.03.2016 under section 5 of E (P) Act, 1986 and a separate clause has been mentioned in revocation direction that action for which shall be initiated separately; and

**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; and

**WHEREAS**, in compliance of above quoted Hon'ble NGT order, a Committee was constituted by CPCB for reviewing the cases of Environmental Compensation. As per the Committee recommendations one of the cases to be considered for levying environmental compensation is 'not complying with the directions issued, such as direction for closure due to non-installation of OCEMS, non-adherence to the action plans submitted etc.'; and

**WHEREAS**, it is evident that the Unit started the manufacturing operations without seeking permission from CPCB; and

**WHEREAS**, as per the formula derived for EC by CPCB, the total EC amount calculated for the non-compliance period. Number of days of violation (non-compliance period) for imposing EC is calculated based on actual number of days of operation during crushing seasons till date of compliance of direction i.e. closing of manufacturing operation; and

**WHEREAS**, it has been noticed that the Unit operated for 166 days during crushing season 2017-18, 158 days during crushing season 2018-19 and 100 days during crushing season 2019-20 as per submitted RT-8(c) form, without installing and connecting OCEMS devices with CPCB server; and



**WHEREAS**, as per formula derived for levying environmental compensation by CPCB, the total environmental compensation amount was calculated to be Rs.1,27,20,000/- (One crore twenty-seven Lacs and twenty thousand rupees only) for the total non-compliance period of 424 days during crushing season 2017-18, Crushing season 2018-19 & crushing season 2019-20; and

**WHEREAS**, CPCB issued a show cause notice (SCN) dated 14.02.2023 to the unit under section 5 of the Environment (Protection) Act, 1986 to show cause why the environmental compensation (EC) of Rs.1,27,20,000/- should not be imposed on M/s Samrudhi Sugars Ltd., Tal-Ghansawangi, Dist-Jalna, Maharashtra for 424 days of violation based on available record i.e. running their manufacturing operation during crushing season 2017-18, 2018-19, and 2019-20 without installation and connectivity of OCEMS devices with CPCB server and notwithstanding CPCBs closure direction dated 22.03.2016; and

**WHEREAS**, the Unit vide its letter dated 24.03.2023 has submitted its reply against the show cause notice dated 14.02.2023 and submitted that they have suffered huge financial loss during the FY 2015-16 & Unit was closed during FY 2016-17 due to financial loss / NPA of loan accounts and legal recovery by Bank and placed purchase order of OCEMS in 2017-18 and installed the same on 12.02.2020; and

**WHEREAS**, an opportunity of personal hearing was also accorded to the Unit before the Member Secretary, CPCB on 11.07.2023. The Unit did not provide the justification of starting manufacturing operations without seeking revoke direction from CPCB and it was also observed during the hearing that the Unit has operated without valid consent order from MPCB. During the personal hearing, it was decided that in case the Unit has any claim differing to the no. of days EC assessed by CPCB, the Unit may provide documentary evidence of operating days between 22.03.2016 to 12.02.2020; and

**WHEREAS**, the Unit replied vide letter dated 25.10.2023 and 08.11.2023 and requested for providing personal hearing again. The Unit did not provided any claim /documentary evidence differing the no. of days of EC assessed by CPCB as decided in the personal hearing; 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 Samrudhi Sugars Ltd, G.NO-122,123 and 173, Devi Dahegaon, Tal.-Ghansawangi Dist-Jalna, Maharashtra] **is hereby directed to deposit Environmental Compensation of Rs 1,27,20,000/-** (Rupees One-crore twenty-seven Lacs and twenty thousand only) in CPCB account No. 532702050000164 (Bank name: Union Bank of India, I.P. Extn Branch, Vikas Marg Extn., Delhi; IFSC UBIN0553271) within 15 days from receipt of this direction. It is also to be noted that, in pursuance of Hon'ble NGT,

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**Dir. u/s 5 of E (P) Act, 1986 to M/s Samrudhi Sugars Ltd, Maharashtra**

*or*



Principal Bench, New Delhi order dated December 6, 2018 in O.A No. 125/2017, it was decided to levy annual interest @12 % for delay period in deposition of EC.

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.

*M<sup>rec</sup> 5/1/24*  
(TANMAY KUMAR)  
CHAIRMAN

Copy to:

1. **The Member Secretary,** : For information and necessary action  
Maharashtra Pollution Control Board, please.  
2nd, 3rd & 4th Floor, Opp. Cine Planet,  
Near Sion Circle, Sion (E), Mumbai-  
400022
2. **The Regional Director,** : For information and necessary action  
Regional Directorate, please.  
Central Pollution Control Board,  
Survey No. 110, Dhankude Multi  
Purpose Hall, Baner Road, Baner,  
Pune - 411045
3. **The Director (CP Division),** : For information please.  
Ministry of Environment, Forest and  
Climate Change (MoEF&CC),  
Prithvi Block, Indira Paryavaran  
Bhawan,  
Jorbagh Road, New Delhi - 110 003
4. The District Magistrate, : For information please.  
Collectorate Office,  
District.Jalna, Maharashtra-431203
5. ✓ The Divisional Head, IT, CPCB : For uploading the direction on CPCB  
website.

*BK*  
(BHARAT KUMAR SHARMA)  
MEMBER SECRETARY

*or*