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F. No. PJ-14011(11)/2/2021-WQM-II-HO-CPCB-HO

Date: 29.01.2024

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To,

District Magistrate,
Collectorate Compound, Hamrautia,
Varanasi, Uttar Pradesh 221102

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

WHEREAS, the Central Government has notified standards for discharge of environmental pollutants from industries and common effluent treatment plants (CETPs), under the Environmental (Protection) Act, 1986 and rules framed there under, and

WHEREAS, the State Pollution Control Boards (SPCBs) and Pollution Control Committees (PCCs) are empowered to stipulate standards for discharge of environmental pollutants for various categories of industries and common effluent treatment plants (CETPs) more stringent than those notified by the Central Government, under the Environmental (Protection) Act, 1986 and rules framed there under; and

WHEREAS, Grossly Polluting Industries (GPIs) from sectors Chemical (Pharmaceuticals, Organic, Inorganic, Fertilizers, Refinery and Pesticides), Distillery, Sugar, Pulp & Paper, Textile, Dying, Bleaching, Slaughter House, Tannery, Food & Dairy and Others categories of industry located in states of Uttarakhand, Haryana, NCT-Delhi, Uttar Pradesh, Bihar, Jharkhand and West Bengal discharging effluent directly or indirectly into the river Ganga, Yamuna and their tributaries through drains, have potential to cause adverse effect on the river water quality; and

WHEREAS, Ministry of Environment, Forests & 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, 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

WHEREAS, the Hon'ble NGT judgment dated 13.07.2017 in matter of MC Mehta Vs Union of India, OA no. 200 of 2014 has mandated that *no industries, big or small can be permitted to pollute the groundwater, drains, water bodies and environment and in all events the discharge of effluents from the unit has to be strictly in compliance with the prescribed standards. The units shall be liable to be closed and shutdown with immediate effect, in case it is found defaulting;* and

WHEREAS, the Hon'ble Supreme Court of India in WP (375 of 2012) passed the judgement dated 22.02.2017 that *"the concerned SPCBs are mandated to carry out inspections, to verify, whether or not, each industrial unit regarding "consent to operate", has a functional primary effluent treatment plant. Such of the industrial units, which have not been able to make their primary effluent treatment plant fully operational, within the notice period, shall be restrained from any further industrial activity. This direction may be implemented by requiring the concerned electricity supply and distribution agency, to disconnect the electricity connection of the defaulting industry. We therefore hereby further direct, that in case the concerned SPCBs make a*

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recommendation to the concerned electrical supply and distribution agency/company, to disconnect electrical supply to an industry, for the reason that its primary effluent treatment plant is not functional, it shall honour such recommendation, and shall disconnect the electricity supply to such defaulting industrial concern, forthwith," and

WHEREAS, it has been decided that inspection of GPIs should be made an annual exercise; and

WHEREAS, inspections of 3186 GPIs were carried out during February, 2023 – July, 2023 by teams of officials comprising of experts from Technical Institutions, concerned State Pollution Control Boards (SPCBs)/Pollution Control Committee (PCC), State Mission for Clean Ganga (SMCGs)/District Ganga Committees (DGCs) and inspection reports were made available to concerned SPCBs/PCC by technical institutes for necessary action; and

WHEREAS, concerned SPCBs/PCC have taken action against GPIs which were found self-closed and non-complying during inspections; and

WHEREAS, CPCB issued directions dated 18.05.2023 under section 18(1)(b) to SPCBs/PCC of Uttarakhand, Haryana, NCT Delhi, Uttar Pradesh, Bihar, Jharkhand and West Bengal to issue directions to remain closed to all self-closed units (including temporary closed & permanent closed) and also to issue appropriate directions in case of non-compliant GPIs, which includes show cause notices/closure directions within 30 days of receipt of inspection reports; and

WHEREAS, SPCBs/PCC of Uttarakhand, Haryana, Delhi, Uttar Pradesh, Bihar and West Bengal issued closure directions under section 33(A) of the Water (Prevention & Control of Pollution) Act, 1974 to 474 GPIs (Uttarakhand-03; Haryana-78; Delhi-23, UP-363; Bihar-05 & WB-02) which were found self-closed (334 Temporary closed and 140 Permanent Closed) and to 65 GPIs (Haryana-05; Delhi-05 & UP-55) which were found non-complying during annual inspection 2022-23; and

WHEREAS, out of 539 GPIs issued closure directions 01 GPI is located in the jurisdiction of District Magistrate, Varanasi and list is enclosed at Annexure-I; and

WHEREAS, many of GPIs found self-closed (temporary/permanent closed) during annual inspection, were reported to have resumed operation immediately after completion of such inspection thereby indicating their deliberate closure to avoid such inspections. Therefore, it has been decided that industrial units which are either found self-closed (temporary or permanent closed) during inspection or issued closure direction due to non-compliance shall be sealed immediately by the concerned District Magistrates till they are re-inspected to verify the functional status of ETP, compliance with the norms and allowed to resume operation by Uttar Pradesh Pollution Control Board (UPPCB); and

WHEREAS, it has been reported that many of the industrial units found self-closed (temporary/permanent closed) during annual inspection are established on lease basis/leased property; and during the time interval between inspection of units and issuance of this direction, termination of land lease agreement by the original lessee owning the industrial unit listed in the GPI list and replacement by a new lessee who may be operating a dry unit or an industrial unit not included in the GPI list may occur. In the event of change of lessee, after due verification, if the new manufacturing unit is found to cause zero water pollution, then the same shall be exempted from sealing and power disconnection.

AND NOW THEREFORE, in view of above observations and in exercise of the power delegated under section 5 of the Environment (Protection) Act, 1986, District Magistrate of Varanasi is hereby directed to ensure that GPI located in their jurisdiction, which have been found either self-closed or non-compliant during annual inspection 2022-23 and have been issued closure directions/to remain closed directions under Section 33(A) of the Water (Prevention & Control of Pollution) Act, 1974 by the concerned SPCBs/PCC, as the case may be, (list at Annexure-I) be


closed forthwith and ensure that these units do not operate till permission is granted by UPPCB to them to resume their operations. For this purpose, industries listed at Annexure-I shall be physically checked, lease agreements verified to identify cases of change of lessee and manufacturing unit and accordingly, barring newly replaced industries meeting exemption criteria, all other industries which have been issued closure directions by UPPCB, as per list at Annexure-I shall be sealed and power supply be disconnected by the concerned District Magistrate or any authorised representative of the District Magistrate.

The action taken report on each GPI (as per list enclosed) shall be forwarded by District Magistrate to CPCB within 30 days. District Magistrate shall acknowledge the receipt of the directions to CPCB immediately.

13th 29/11
(TANMAY KUMAR)
CHAIRMAN

Copy to:

1.	Director General, National Mission for Clean Ganga (MoWR, RD & GR), 1 st Floor, Major Dhyan Chand National Stadium India Gate, New Delhi - 110002	: for kind information please
2.	Additional Secretary (CP Division), Ministry of Environment, Forests, & Climate Change, Indira Paryavaran Bhawan, Jorbagh Road, New Delhi - 110013	: for kind information please
3.	Member Secretary, Uttar Pradesh Pollution Control Board Building. No. TC-12V, Vibhuti Khand Gomti Nagar, Lucknow-226010, Uttar Pradesh	: for kind information please
4.	Regional Director, Regional Directorate (North) Central Pollution Control Board Ground Floor, PICUP Bhawan, Vibhuti Khand Gomti Nagar, Lucknow-226 010(U.P.)	:for kind information and to ensure compliance of the direction please
5.	Incharge, IT Division, CPCB	: for uploading on CPCB website
6.	Master File, CPCB	: to keep record


(Bharat Kumar Sharma)
MEMBER SECRETARY

Annexure-I

District wise Industry list (Temporary closed/ Permanent closed or Closure directions for Non-compliance)

District- Varanasi				
S.No.	Name & Address of Unit	Sector	Compliance Status	Action taken
1	Hindustan Coca Cola Beverages (P) Ltd., Mehndigunj, Raja Talab, Varanasi	Food & Beverages	Temporary Closed	Closure by UPPCB