



SPEED POST

File No. PJ-14011(11)/21/2022-WQM-II-HO-CPCB-HO

12 November, 2024

To,

M/s Indian Potash Ltd. (Sugar division),
Siswa Bazar, Maharajganj, U.P. 273163.

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

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

WHEREAS, the 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 to any local or other Authority for the violation of emission and effluent standards notified under the Environment (Protection) Rules, 1986; and

WHEREAS, it is obligatory on the part of industries to install effluent treatment plants (ETPs) to comply with the effluent discharge 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, joint inspection of M/s Indian Potash Ltd. (Sugar division), Siswa Bazar, Maharajganj, U.P. (hereinafter referred as 'the unit') was carried out by joint team of CPCB, RD Lucknow and UPPCB, RO, Gorakhpur on 11.04.2019 and during the visit it was observed that unit was bypassing the untreated effluent through two drains (BOD- 323 mg/l and 857 mg/l) without any treatment; and

WHEREAS, based on Joint inspection report findings, closure direction dated 15.05.2019 under section 5 of the Environment (Protection) Act, 1986 was issued to M/s Indian Potash Ltd, Sugar Division, unit-Siswa Bazar Maharajganj, U.P. to immediately close down all its manufacturing operations and not to restart manufacturing till it complies with CPCB's direction and obtain permission from CPCB before resuming operation. The direction was also forwarded to UPPCB for ensuring compliance of the direction and to Uttar Pradesh Power Corporation Limited (UPPCL) for disconnection of power supply of the unit; and

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'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली - 110032.

Parivesh Bhawan, East Arjun Nagar, Delhi - 110 032.

दूरभाष /Tel : 43102030, 22305792, वेबसाइट/Website: www.cpcb.nic.in

WHEREAS, the team of CPCB again visited the unit on 16.11.2022 for verification of the compliance of CPCB's Closure direction dated 15.05.2019. Though the unit was found non-operational during the inspection however, from the RT-8(C) forms it was evident that the unit continued its operations during crushing seasons 2019-20, 2020-21, 2021-22 despite CPCB closure directions. It was also observed that the washing/cleaning effluent was discharged directly through bypass drain and the sample analysis results of the same showed **BOD value as 173 mg/l** (against standard of 30 mg/l) and **COD as 399 mg/l** (against standard of 250 mg/l). This clearly indicates that cleaning/washing effluent is being bypassed through drain without treatment; and

WHEREAS, the Hon'ble NGT Principal Bench 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. 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 assess and recover compensation for damage to the environment and said fund may be kept in a separate account and utilised in term of an action plan for protection of the environment"; and

WHEREAS, in compliance of the Hon'ble NGT order dated 31.08.2018 (O.A. No. 593/2017), a Committee was constituted by CPCB for developing a formula for imposing environmental compensation (EC) on industrial units. As per the Committee Recommendations, one of the case to be considered for levying EC is "non-complying with the direction issued such as closure direction"; and

WHEREAS, as per the formula derived for EC by CPCB, the total EC amount was calculated for the non-compliance period. Number of days of violation (non-compliance period) for imposing EC was calculated based on actual number of operational days during crushing season till date of compliance of direction i.e. closing of manufacturing operation. Based on the formula derived by CPCB the total environmental compensation amount was calculated as **Rs. 1,11,90,000/- (One Crore Eleven Lakh Ninety Thousand only)** for the non-compliance period (29.11.2019 to 22.04.2020) in crushing season 2019-20, (26.11.2020 to 20.03.2021) in crushing season 2020-21, and (06.12.2021 to 28.03.2022) in crushing season 2021-22 and same shall be deposited by the unit to CPCB.; and

WHEREAS, CPCB issued a show cause notice u/s 5 of E(P)A, 1986 to the unit on 22.02.2023 to show cause why EC of Rs. 1,11,90,000/- (One Crore Eleven Lakh Ninety Thousand only) should not be imposed for non-compliance of the closure directions and non-compliance period of (Crushing season 2019-20, 2020-21, 2021-22) 29.11.2019-22.04.2020, 26.11.2020-20.03.2021 and 06.12.2021-28.03.2022 wherein it was also stated that, further EC shall be levied if the unit was found operating again in crushing season 2022-23 without seeking permission from CPCB; and

WHEREAS, the unit submitted a reply on 14.03.2023 and stated that on the day of inspection dated 16.11.2022, ETP was not bypassing but for attending leakage of drain line, maintenance work was being carried out, as plant was not in operation, and water trials were being conducted in plant by tube well water, (i.e. fresh water) which was going into drain. The unit also



requested to waive off the environmental compensation and to revoke the closure directions dated 15.05.2019; and

WHEREAS, an opportunity of personal hearing was accorded to the unit on 11.07.2023 under the Chairmanship of Member Secretary, CPCB. Accordingly, following were recommended:

- The unit should provide the copy of reply submitted against CPCB closure direction dated 15.05.2019 along with supporting documents like copy of receipt of registered post, through which reply was submitted.
- The unit may submit the supporting documents regarding inspections and compliance reports carried out by UPPCB, if any during the period of closure direction.
- The unit shall submit the Consent to operate for each crushing season since 2019-20.
- The unit should not start its manufacturing operations in next crushing season without seeking revocation of closure directions from CPCB.

WHEREAS, the unit vide its letter dated 13.07.2023 submitted its compliance documents to CPCB; and

WHEREAS, the case was discussed in the three-member revocation committee meeting held on 04.11.2023 and following was decided:

- The unit should initially comply with the closure direction issued by CPCB.
- UPPCB may verify the compliance including operational status of the unit.
- The case will be again discussed after compliance report submitted by UPPCB.
- EC should be levied on the unit for violation of CPCB closure direction.

AND WHEREAS, in compliance to the three-member revocation committee meeting decision. UPPCB officials carried out an inspection on 05.12.2023. During visit, the unit was found operational and no bypass arrangement was observed. Also, the unit was found complying w.r.t. discharge standards; and

WHEREAS, CPCB issued a letter to Member Secretary, UPPCB on 21.05.2024 to ensure the compliance w.r.t. CPCB closure direction dated 15.05.2019; and

WHEREAS, UPPCB vide letter dated 06.07.2024 submitted that the unit has stopped its crushing on 24.04.2024; and

WHEREAS, unit submitted its reply on 06.07.2024 to CPCB along with self-certificate regarding closure of manufacturing operations in compliance to the CPCB closure directions; and

WHEREAS, the four-member revocation committee meeting was held on 19.09.2024 to examine the revocation request of closure direction dated 15.05.2019 issued by CPCB under section 5 of the Environment (Protection) Act, 1986; and

NOW, THEREFORE, in view of the above observations, decision taken during four-member revocation committee meeting and exercising powers delegated to the Chairman, Central Pollution Control Board, the closure directions dated 15.05.2019 under section 5 of the



Environment (Protection) Act, 1986, issued to the unit "M/s Indian Potash Ltd. (Sugar division), Siswa Bazar, Maharajganj, U.P." is hereby revoked with following conditions:

1. The unit shall be permitted to operate for 90 days (three months) from the date of resumption of manufacturing operations and the unit shall immediately inform to CPCB RD Lucknow as well as CPCB Head Office, Delhi and UPPCB about the date of resumption of operations.
2. The unit shall resume manufacturing operations only after obtaining valid consent to operate under the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981 and Authorization under Hazardous & Other Waste Rules, 2016 from UPPCB.
3. The unit shall restrict its manufacturing operations up to 75% of consented capacity for 90 days in order to meet the capacity of existing ETP and to rule out the possibility of any bypass of untreated effluent and shall communicate to CPCB/UPPCB. The unit shall also redesign its aeration tank as it is initially designed for surface aeration rather than existing diffused aeration.
4. The unit shall submit the adequacy assessment of ETP considering estimated effluent generation @ 250 l/MT duly validated by reputed expert government institute and shall also submit time bound action plan for augmentation/up-gradation of ETP system to CPCB within 45 days. Only after due implementation of the ETP adequacy assessment report, the unit shall be permitted to operate on its full capacity.
5. CPCB issued show cause notice under sections 5 of Environment (Protection) Act, 1986 dated 22.02.2023 wherein, the details of non-compliance period considered for levying EC was communicated to the unit. Thereafter, in order to claim waiver of EC, the unit submitted supporting documents regarding compliance status during the non-compliance period for which EC was levied. Also unit shall submit RT 8(C) form for the crushing season 2019-20, 2020-21, 2021-22, 2022-23, 2023-24. Thereafter, revised EC amount, as applicable, shall be imposed following due procedure and the unit shall deposit the same.
6. The unit shall ensure uninterrupted data connectivity of OCEMS with CPCB/UPPCB server after commencement of operation of the plant.
7. The unit shall ensure that there is no bypass arrangement for illegal discharging and comply with consent conditions.
8. The unit shall implement the following as per the adequacy assessment report 2019:
 - a. The unit shall install the flow meters at various points i.e. Power house, B&C massecuite molasses, hot water consumption, centrifugal, spray pond overflow and maintain the records for the same.
 - b. The unit shall establish environmental laboratory for daily analysis of ETP parameters.



9. The unit shall submit compliance report w.r.t. above mentioned directions within 20 days from the date of issuance of this direction.

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

13.12.11
(TANMAY KUMAR)
CHAIRMAN

Copy to:

1. **Member Secretary** : for information please
Uttar Pradesh Pollution Control Board,
Building No. TC-12V, Vibhuti Khand,
Gomti Nagar, Lucknow -- 226 010
2. **Additional Secretary (CP Division)** : for information please
Ministry of Environment, Forest &
Climate Change, Prithvi Block, Indira
Paryavaran Bhawan, Jorbagh Road,
New Delhi -- 110 003
3. **Director General** : for information please
National Mission for Clean Ganga,
Ministry of Jal Shakti
(Department of Water Resources, River
Development & Ganga Rejuvenation),
Government of India, 1st Floor, Major
Dhyan Chand National Stadium India
Gate, New Delhi -- 110002
4. **Regional Director** : for verification of the compliance
Central Pollution Control Board,
PICUP Bhawan, Ground Floor,
Vibhuti Khand, Gomti Nagar,
Lucknow -- 226 010,
5. The In-charge IT Division, CPCB Delhi : with request to upload on CPCB
server
6. Master/Guard file, WQM-II, CPCB Delhi

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(BHARAT KUMAR SHARMA)
MEMBER SECRETARY