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No.B-19004/WQM-II/CPCB/TPA/2019-20 8016

Date: 8.10.2021

To

District Magistrate,
Deputy Commissioner Office
South East District,
Old Gargi College Building,
Lajpat Nagar-IV,
New Delhi-110024

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 (CEIPs) 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, Uttar Pradesh, Bihar, Jharkhand, West Bengal, NCT Delhi and Haryana have been discharging effluent directly or indirectly into the river Ganga, Yamuna and their tributaries through drains, having 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 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 among others, 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 a 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 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 honor 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

AND WHEREAS, inspections of 2740 GPIs were carried out during October 2020-March 2021 by team of officials comprising of experts from Technical Institutions, State Pollution Control Boards (SPCBs), State Mission for Clean Ganga (SMCGs)/District Ganga Committees (DGCs) and inspection reports were made available to concerned SPCBs by technical institutes for necessary action; and

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

WHEREAS, CPCB issued directions dated 03.11.2020 under section 18(1)(b) to all concerned SPCBs to issue directions to remain closed to all self-closed units (including temporary closed & permanent closed) and to issue appropriate directions in case of non-compliance including show cause notices/closure directions within 30 days; and

WHEREAS, CPCB issued DO letters dated 28.12.2020 and 22.06.2021 to SPCBs and DO letter dated 11.01.2021 to Chief Secretaries of State of Uttarakhand, Haryana, Uttar Pradesh, Delhi and Bihar to ensure timely completion of actions and compliance of CPCB direction dated 03.11.2020; and

WHEREAS, Seven SPCBs namely; Uttarakhand PCB, Uttar Pradesh PCB, Haryana PCB, DPCC, Bihar PCB, Jharkhand PCB and West Bengal PCB issued closure directions under section 33(A) of the Water (Prevention & Control of Pollution) Act, 1974 to 581 GPIs which were found self-closed (245 Temporary closed and 237 Permanent Closed) and non complying (99) during annual inspection 2020-21; and

WHEREAS, Haryana PCB vide email dated 08.09.2021 & 20.09.2021 and DPCC vide email dated 20.09.2021 informed that, no closure/remain closed directions have been issued to 185 self-closed GPIs (temporary closed-02 and permanent closed-183); and


WHEREAS, one GPI is located in the jurisdiction of District Magistrate, South-East Delhi and list is enclosed at Annexure-I; and

WHEREAS, it has been observed that large number of industrial units of about 358 in 2017, 325 in 2018, 131 in 2019 and 581 in 2020 were found self-closed (temporary/permanent closed) during annual inspection. However, many of such self-closed units were reported to resume 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 shall be sealed immediately by the concerned District Magistrates till they are re-inspected by respective SPCBs to verify the functional status of ETP and compliance with norms; 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, following 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 South -East Delhi is hereby directed to ensure that GPIs located in the respective jurisdiction, which have been either found self-closed during annual inspection 2020-21 or issued closure directions under Section 33(A) of the Water (Prevention & Control of Pollution) Act, 1974 by concerned SPCBs (list at Annexure-I) be closed forthwith and ensure that these units do not operate till permission is granted by respective SPCBs to them. For this purpose, industries 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 self-closed industries 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 submitted by District Magistrate to CPCB within 30 days. District Magistrate shall acknowledge the receipt of the directions of CPCB immediately.


(TANMAY KUMAR)
CHAIRMAN

Copy to:

1. Director General, : for kind information please
National Mission for Clean Ganga (MoWR, RD & GR)
1st Floor, Major Dhyan Chand National Stadium
India Gate, New Delhi - 110002

2. Member Secretary,
Delhi Pollution Control Committee,
Government of N.C.T. Delhi
4th Floor, ISBT Building, Kashmere Gate,
Delhi-110006 : for kind information please
3. Joint Secretary (CP Division),
Ministry of Environment, Forests, & Climate Change,
Indira Paryavaran Bhawan, Jorbagh Road,
New Delhi - 110013 : for kind information please
4. Regional Director,
Regional Directorate
Central Pollution Control Board
BSNL Telephone Exchange, 2nd Floor, Sector 49 -C,
Chandigarh-160 047 : 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


(Prashant Gargava)
MEMBER SECRETARY

District wise Industry list (Temporary/Permanent Closed or Closure directions for Non-Compliance)

District- South East Delhi				
S.No	Industry Name	Sector	Compliance status	Action
1.	COSMO PLATERS PVT. LTD. T-31, OKHLA INDUSTRIAL AREA, PHASE-II, DELHI - 20	Others	Permanent Closed	Closed