



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-11/18/2021-IPC-III-HO-CPCB-HO

May 18, 2022

To,

M/s Athani Sugars Ltd., Shahuwadi Unit
(Lease of Udaysingrao Gaikwad S.S.K. Ltd.,
Sonawade), 229, Sonawade,
Shahuwadi, Kolhapur,
Maharashtra - 416210

Directions (Show Cause Notice) 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-regulatory mechanism, 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 emission monitoring system w.r.t. Particulate Matter parameter & online effluent monitoring system w.r.t. pH, BOD, COD, TSS, Flow parameters in 17 categories of industries including Sugar; and

WHEREAS, M/s Athani Sugars Ltd., Shahuwadi Unit (Lease of Udaysingrao Gaikwad S.S.K. Ltd., Sonawade), 229, Sonawade, Shahuwadi, Kolhapur, Maharashtra - 416210 (hereafter referred to as 'the Unit') is a sugar manufacturing unit engaged in the production of sugar with a consented capacity of 2500 TCD; and

WHEREAS, the unit was inspected by a team of CPCB on 17.02.2021 as a surprise inspection of about 50 randomly selected industries, among 17 categories of highly polluting industries, as a special drive; and

WHEREAS, closure direction dated 19.04.2021 under section 5 of E(P) Act, 1986 was issued to the unit for observed non-compliances including illegal by-pass arrangement system found at the time of inspection; and

WHEREAS, the unit submitted the required compliances against closure direction dated 19.04.2021 progressively till 17.11.2021 and as per provisions of revocation rules, CPCB RD Pune was requested to carry out the inspection of the unit to verify the submitted compliances; and

WHEREAS, team of CPCB RD Pune visited the unit on 24.12.2021 for verification of the submitted compliances and the unit was operational without seeking revocation direction from CPCB and the analysis results of treated effluent are also not meeting the MPCB prescribed discharge standards for irrigation; 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 asses 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 penalty and environmental compensation (EC) on industrial units. As per the Committee recommendations one of the case to be considered for levying penalty is "non-complying with the direction issued such as closure direction"; 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

WHEREAS, a Direction (SCN) dated 23.02.2022 has been served to the unit to show cause why the environmental compensation should not be levied on the unit for observed violation of notwithstanding CPCBs closure direction dated 19.04.2021; and

WHEREAS, the unit vide its letter dated 25.03.2022 has submitted its reply against the direction dated 23.02.2022 and submitted that manufacturing operations were started because of pressure from farmers and local administration; and

WHEREAS, it is evident that the unit has started the manufacturing operations without seeking permission from CPCB and the reported reason submitted by the unit for violation of closure direction dated 19.04.2021 is found unsatisfactory; and

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

WHEREAS, the unit has submitted vide its letter dated 25.03.2022 that they have started manufacturing operations on 18.12.2021 and continued till 25.01.2022 (i.e. 38 days); and

NOW, THEREFORE, in view of the above observations and in exercise of the powers delegated to the Chairman, CPCB under section 5 of the Environment (Protection) Act, 1986, the following directions are issued for compliance to **M/s Athani Sugars Ltd.**, Shahuwadi Unit (Lease of Udaysingrao Gaikwad S.S.K. Ltd., Sonawade), 229, Sonawade, Shahuwadi, Kolhapur, Maharashtra.:

- i. The unit shall deposit environmental compensation of **Rs 7,60,000/- (Seven Lacs Sixty Thousand Only)** in CPCB account No. 532702050000164 (Bank name: Union Bank of India, I.P. Extn Branch, Vikas Marg Extn., Delhi; IFSC UBIN0553271) for observed non-compliance of 38 days.
- ii. Remove/dismantle all the flexible pipeline arrangement in the ETP, replace it with fixed pipelines, and submit the photographic/documentary evidences for the same.

- iii. Review the submitted Adequacy Assessment Report due to observed continuous non-compliance's and observed variation in design parameters considered v/s actual measured parameters during inspection.
- iv. The unit shall seek permission from CPCB before resumption of manufacturing operations and submit the complete compliance report along with supporting documents and photographic evidences.

In case of failure to comply with the said directions, necessary action shall be taken against the Unit without giving any further notice, in accordance with provisions of the Environment (Protection) Act, 1986.


 (NARESH PAL GANGWAR)
 CHAIRMAN o/c

Copy to:

1. **The Member Secretary** : For information please
 Maharashtra Pollution Control Board
 (MPCB)
 2nd, 3rd & 4th floor, Opp. Cine planet, Near
 Sion Circle, Sion (E),
Mumbai- 400 022
2. **The Regional Director,** : For information please
 Regional Directorate Pune,
 Central Pollution Control Board
 ROW House No. 1, Sanjivani Nisarg
 Balewadi Pune - 411045
3. **The Incharge** : For information please
 (CP Division)
 Ministry of Environment, Forest & Climate
 Change, Indra Paryavaran Bhavan, Jor Bagh
 Road, New Delhi - 110 003
- ✓ 4. The Divisional Head, IT Division, CPCB, : To upload the direction at CPCB
 Delhi website
5. The Divisional Head, IPC-III Division, CPCB : For record purpose.


 (B. VINOD BABU)
 MEMBER SECRETARY o/c