



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

F. No. B-190019/NGRBA/CPCB/2018-19

1259

18 May, 2022

To,

M/s Gangol Sahkari Dugdh Utpadak Sangh Ltd.,  
Gangol Road, Partapur,  
Meerut (U.P.)

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

**WHEREAS**, the Ministry of Environment, Forest and Climate Change, Govt. of India, vide its notification S.O.157(E) dated 27.02.1996, has delegated the powers vested under Section 5 of the Environment (Protection) Act, 1986 (29 of 1986) to the Chairman, Central Pollution Control Board (CPCB), to issue directions 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**, there is need to inculcate habit of self-monitoring within the industries for complying with the prescribed standards and this can be achieved by methods like installing online effluent and emission monitoring devices; and

**WHEREAS**, for strengthening the monitoring and compliance through self-regulatory mechanism, online source emission and effluent monitoring systems need to be installed and operated by the industries on 'polluter pays principle'; and

**WHEREAS**, Hon'ble National Green Tribunal in its order dated 15<sup>th</sup> December, 2014 in the matter of Krishan Kant Singh vs. M/s Hindustan Coca Cola Beverages Pvt. Ltd., Mehendiganj, Rajatalab, Varanasi stated that "*It seems appropriate introduction of online monitoring system for the industries needs to be explored and if it is possible to provide for joint online monitoring system*"; and

**WHEREAS**, CPCB issued direction under Section 18 (1) (b) of Water (Prevention & Control of Pollution) Act, 1974 in February, 2014 to Ganga Basin State Pollution Control Boards (SPCBs)/Pollution Control Committee (PCC) for installation of online effluent monitoring systems w.r.t. pH, BOD, TSS, COD and flow parameters in Grossly Polluting Industries; and

**WHEREAS**, UPPCB identified 14 out of the 255 industrial units which were generating more than 100 KLD effluent in phase I segment B (Haridwar to d/s of Unnao) and these 14 units were subsequently inspected in compliance of NGT judgement dated 13th July, 2017 in the matter of O.A. No. 200/2014 which were found to be falling under the GPI category; and

**WHEREAS**, M/s Gangol Sahkari Dugdh Utpadak Sangh Ltd, Gangol Road, Partapur, Meerut (U.P.) (hereafter referred to as the 'Unit') was also identified as one of the industry

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, Delhi-110032

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found to be falling under the GPI category which is engaged in manufacturing of Pasteurized milk, ghee, and butter etc; and

**WHEREAS**, CPCB issued directions dated **18.12.2018** under section 5 of the Environment (Protection) Act, 1986 to the unit to install the OCEMS and connect with CPCB server within 3 months; and

**WHEREAS**, The Hon'ble National Green Tribunal (NGT), Principal Bench in the matter of O.A. No. 593/2017 (WP (CIVIL) No. 375/2012), Paryavaran Suraksha Samiti & Anr. Vs. Union of India & Ors. directed Central Pollution Control Board (CPCB) that "*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, cases to be considered for levying penalty are discharges in violation of consent conditions/ non-compliance with the directions, such as direction for closure due to non-installation of OCEMS/ non-adherence to the action plans submitted/ intentional avoidance of data submission or data manipulation by tampering OCEMS; and

**WHEREAS**, the unit has not installed OCEMS and as per the methodology for assessing penalty and environmental compensation, the environmental compensation to be levied to the unit is calculated as **Rs. 5,00,000 /- only (Five Lakhs only)** for the non-compliance period (18.03.2019 to 06.06.2019); and

**WHEREAS**, CPCB issued directions dated **14.06.2019** under section 5 of the Environment (Protection) Act, 1986 to the unit to comply with the following directions:

1. The unit shall close down all its manufacturing operations.
2. The unit shall deposit the environmental compensation of Rs. 5,00,000/- only within 15 days in CPCB.
3. The unit shall inform CPCB regarding the closure of manufacturing operations and shall not resume operation without the permission from CPCB.

**AND WHEREAS**, the unit submitted a reply vide letter dated 06.11.2020 received in CPCB, HO on 16.07.2021 which stated the following:

- 1) The unit has installed and commissioned online effluent monitoring system on 01.08.2019.
- 2) The unit has deposited **Rs. 5,00,000 /- only (Five Lakhs only)** in CPCB account of Union Bank of India, IP Extension Branch A/c No. 532702050000164 by RTGS from Corporation Bank Begum Bridge Branch on **04.07.2019** (UTR No- CPCB/PSIBR19185829877).
- 3) The unit has requested to revoke the closure directions dated 14.06.2019.

**AND WHEREAS**, IT division CPCB verified the OCEMS status and informed that the OCEMS data is being transmitted to CPCB server; and

**WHEREAS**, the case was put up in four-member committee meeting which was held on 20.09.2021 through video conferencing to examine the representation for revocation of closure direction and it was recommended by the 4-member committee "to **revoke the CPCB closure directions dated 14.06.2019 and EC amount may also be levied to unit from 07.06.2019 to initial date of data connectivity of OCEMS to CPCB server after due verification, from IT division, CPCB. After determining the non-compliance period w.r.t. CPCB direction dated 14.06.2019 the unit shall be directed to deposit the EC amount accordingly. The unit will ensure uninterrupted data connectivity of OCEMS to CPCB server**"; and

**WHEREAS**, IT division CPCB verified the first date of data connectivity which is 14.08.2019; and

**WHEREAS**, in compliance of above quoted Hon'ble NGT order, cases to be considered for levying penalty are discharges in violation of consent conditions/ non-compliance with the directions, such as direction for closure due to non-installation of OCEMS/ non-adherence to the action plans submitted/ intentional avoidance of data submission or data manipulation by tampering OCEMS; and

**WHEREAS**, as per environmental compensation policy framed in compliance of NGT order dated 31.08.2018 in O.A. No. 593/2017, the unit shall be levied to deposit environmental compensation for non-compliance of CPCB directions dated 14.06.2019. As per the 'Policy for levying environmental compensation (EC) for industries' issued vide office order F.No. B-400(S)/IPC-III/2019-20/1162 dated 04.09.2019, direction for closure or revocation and direction for imposition of EC to be dealt separately; and

**NOW, THEREFORE**, based on all material facts available with CPCB 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 is hereby directed to comply with the following directions:

- 1) The unit shall resume operations and shall treat their effluent to meet the effluent discharge standards as notified under Environment (Protection) Rules, 1986.
- 2) The unit shall inform CPCB regarding resumption of manufacturing operations.
- 3) The unit shall ensure uninterrupted data connectivity of OCEMS to CPCB server.

In case of non-compliance of the above directions, CPCB will be constrained to initiate appropriate action against the unit without giving any further notice in accordance with the provision of Environment (Protection) Act, 1986.

(NARESH PAL GANSHAR)  
CHAIRMAN

**Copy to:**

1. **Member Secretary** : with request to ensure the  
Uttar Pradesh Pollution Control Board, compliance  
Building No. TC-12 V, Vibhuti Khand  
Gomti Nagar, Lucknow-226010
2. **District Magistrate,** : with request to ensure the  
Lalkurti Bazaar, Police Lines, compliance  
Meerut, Uttar Pradesh 250001
3. **Regional Directorate,** : for kind information please  
Central Pollution Control Board,  
ZO (North), Ground Floor,  
PICUP Bhawan, Vibhuti Khand,  
Gomti Nagar, Lucknow, U.P.-226010
4. **Addl. Secretary (CP Division)** : for kind information please  
Ministry of Environment, Forests  
& Climate Change,  
Indra Paryavaran Bhavan,  
Jor Bagh Road, New Delhi - 110 003
- ✓ 5. **Incharge, IT Division, CPCB** : for uploading on CPCBs  
website
6. **Master copy WQM-II, CPCB**

  
(PRASHANT GARGAVA)  
MEMBER SECRETARY