



BY REGISTERED AD

CP-11/87/2022-IPC-III-HO-CPCB-HO-4204

September 06, 2022

To

M/s Sahakar Maharashi Bhausahab Thorat
S.S.K Ltd. (Sugar Unit), Tal: Sangamner,
Distt: Ahmednagar, Maharashtra - 422606

Sub: Directions 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, considering the requests/ representations received from industries/ industrial associations/ SPCBs / PCCs, an extension of time up to June 30, 2015 for installation of online monitoring systems was granted vide direction dated March 02, 2015 under section 18 (1) (b) of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981; and

WHEREAS, in follow up to the directions issued to the SPCBs/PCCs, CPCB had issued show cause notices under section 5 of the Environment (Protection) Act, 1986 dated 24.07.2015 to 602 Sugar industries, including M/s Sahakarmaharshi Bhausahab Thorat S.S.K. Ltd; formerly known as Sangamner (Bhag) SSK Ltd., Amrutnagar Post, Tal Sangamner, Ahmednagar, Maharashtra (hereinafter referred to as 'the Unit'), as to why the Unit should not be closed down if the Unit has not complied fully with the direction issued w.r.t. installation of online emission & effluent monitoring system by June 30, 2015. It was further directed to submit documentary evidence regarding status of installation and connectivity of online emission & effluent monitoring system in the format given in annexure; and

WHEREAS, no reply as recorded was filed by the said Unit in response of the same; and

WHEREAS, in view of the above, CPCB issued direction dated 22.08.20216 to the Unit under section 5 of the Environment (Protection) Act, 1986 and directed not to resume its manufacturing operation till installation and commissioning of online 24x7 effluent monitoring system and data to SPCB and CPCB, and to

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submit compliance to CPCB within 15 days on the receipt of the closure direction; and

WHEREAS, the Unit has responded to the said closure direction vide letter dated 30.06.2017 and informed to have stopped all the manufacturing operation on 26.01.2017 and complied with the CPCBs direction regarding installation and commissioning of online continuous effluent monitoring system (OCEMS) and requested for revocation of closure direction issued under section 5 of E(P)Act, 1986 dated 22.08.2016; and

WHEREAS, it was observed that the Unit has deliberately failed to respond the CPCBs closure directions and resumed operations during crushing season 2016-17 without seeking permission from CPCB which is non-compliance of the closure direction issued by CPCB dated 22-08-2016 under Section 5 of the E(P) Act, 1986; and

WHEREAS, based on the compliance made by the Unit (M/s Sahakarmaharshi Bhausahab Thorat S.S.K. Ltd) and verification by IT Division of CPCB, the Unit was allowed to resume its manufacturing operations vide CPCBs revocation direction dated 07.08.2017 issued u/s 5 of E (P) Act, 1986. However, a separate clause was inserted in the revoke direction that action as per law shall be initiated separately; and

WHEREAS, it has been noticed that even after CPCB's closure directions the Unit has operated for 77 days during crushing season 2016-17 without obtaining revocation orders from CPCB; and

WHEREAS, The Hon'ble National Green Tribunal (NGT), Principal Bench in the matter of OA No. 593/2017 (WP (CIVIL) No. 375/2012, Paryavaran Suraksha Samiti & Anr. Vs. Union of India & Ors. directed Central Pollution Control Board (CPCB) that *"The 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."*

WHEREAS, in compliance of above quoted Hon'ble NGT order, a Committee was constituted by CPCB. As per the Committee recommendations one of the cases to be considered for levying environmental compensation is *'not complying with the directions issue, such as direction for closure due to non-installation of OCEMS, non-adherence to the action plans submitted etc.'*; and

WHEREAS, as per formula derived for levying environmental compensation by CPCB, the total environmental compensation amount was calculated Rs.23,10,000/- (Rupees Twenty three Lakhs & Ten Thousand Only) for the non-compliance period (11.11.2016 to 26.01.2017); and

WHEREAS, CPCB issued direction to the Unit [M/s Sahakarmaharshi Bhausahab Thorat S.S.K. Ltd.] under section 5 of the Environment (Protection) Act, 1986 vide letter no. B-818(S)/IPC-III/2018-19/18231 dated 18.03.2019 directing to deposit EC of Rs.23,10,000/- (Rupees twenty-three Lakhs & ten Thousand Only) to CPCB for non-compliance period (11.11.2016 to 26.01.2017); and

Dir. u/s 5 of E (P) Act, 1986 to M/s Sahakarmaharshi Bhausahab Thorat S. S. K. Ltd, Maharashtra



WHEREAS, an opportunity of personal hearing to the Unit was accorded by Member Secretary, CPCB on 18.09.2019 and it was resolved that EC amount may be reviewed considering the date of connectivity as verified by IT division of CPCB and in accordance with the CPCB policy on EC; and

WHEREAS, the Unit vide its letter dated 15.05.2020 submitted that they were connected with CPCB and MPCB server in that period of 11.11.2016 to 26.01.2017 for which EC has been imposed on the Unit by CPCB; and

WHEREAS, CPCB issued a letter dated 07.07.2021 to MPCB for providing the certified copies of OCEMS connectivity data of this Unit for the said period (26.11.2016 to 27.01.2017); and

WHEREAS, a letter dated 31.12.2021 was received from MPCB wherein it was certified by MPCB that the OCEMS was connected with MPCB server from 11.11.2016 to 26.01.2017 and also provided the true copies of connectivity data to CPCB. A visit report dated 23.10.2017 of MPCB officials, provided by MPCB, also reported that the Unit has installed & connected the OCEMS with CPCB/MPCB server during June, 2016; and

WHEREAS, considering reported compliance by the Unit including OCEMS connectivity data with MPCB server as certified by MPCB and its further review and endorsement by CPCB's IT division; CPCB in-line with the above cited policy; the amount of EC levied vide direction dated 18.03.2019 was examined & reviewed by CPCB and it was found that OCEMS of the Unit was found connected with CPCB/MPCB server during the period i.e. 11.11.2016 to 26.01.2017 (duration on which EC has been imposed by CPCB); and

NOW THEREFORE, in exercise of powers vested to Chairman CPCB under section 5 of the Environment (Protection) Act, 1986, the aforesaid direction dated 18.03.2019 issued under section 5 of E(P)Act, 1986 to the Unit [M/s Sahakarmaharshi Bhausaheb Thorat SSK Ltd. (Sugar Unit), Sangmner, Ahmednagar] regarding imposition of EC is hereby revoked.

M32-6/5/22
(TANMAY KUMAR)
CHAIRMAN

Copy to:

1. **The Member Secretary,**
Maharashtra Pollution Control Board,
2nd, 3rd & 4th floor, Opp. Cine planet,
Near Sion Circle, Sion (E),
Mumbai- 400 022

: For information please

2. **The Regional Director,**
Regional Directorate, (West),
Central Pollution Control Board,

: For information please

Dir. u/s 5 of E (P) Act, 1986 to M/s Sahakarmaharshi Bhausaheb Thorat S.
S. K. Ltd, Maharashtra



Survey No. 110, Dhankude Multi-Purpose Hall,
Baner Road, Baner, Pune - 411045

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4. The Divisional Head, IPC-III, CPCB, Delhi : For information please


(PRASHANT GARGAVA)
MEMBER SECRETARY