

By Speed Post

F. No. PJ-14011(12)/43/2021-WQM-II-HO-CPCB-HO 66/2

25.11.2022

To

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

**DIRECTION 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 15th December, 2014 in the matter of Krishan Kant Singh vs. M/s Hindustan CocaCola 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

Contd..

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 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 mentioned in its report dated 17.08.2021 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 direction 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, the data connectivity of the OCEMS was verified by CPCB and first date of data connectivity is observed as 14.08.2019; and

WHEREAS, in compliance to the recommendations of 4-member committee and as per the methodology for assessing penalty and environmental compensation, the environmental compensation has been calculated as **Rs. 4,25,000/- (Rupees Four Lacs, Twenty-Five Thousands only)** for the non-compliance period from **07.06.2019 to 13.08.2019**. The details of calculation are as under:

EC Calculation details*	From	To	N	PI	R	S	LF	Total Amount
	07.06.2019	13.08.2019	68	50	250	0.5	1	$EC = N \times PI \times R \times S \times L.F$ $EC = 68 \times 50 \times 250 \times 0.5 \times 1$ = Rs. 4,25,000/-

*EC calculations details: N= No. of days of violation; PI= Pollution Index of Industrial Sector; R= A factor in Rupees for EC; S= Scale of operation; LF= Location factor

AND WHEREAS, CPCB issued revocation directions under section 5 of Environment (Protection) Act, 1986 dated 18.05.2022 and Show Cause Notice under section 5 of Environment (Protection) Act, 1986 to show cause as to why environmental compensation of Rs. 4,25,000/- should not be levied for the non-compliance period (07.06.2019-13.08.2019) in compliance of CPCB direction; and

WHEREAS, the unit vide letter dated 13.06.2022 submitted its reply and stated that unit is facing huge financial crunch and unable to make payments to the milk producing units as well as to the employees of the unit and requested to waive-off the EC amount levied to the unit; and

WHEREAS, as per NGT order dated 22.05.2019 in Appeal No. 27/2019 with Appeal No. 35/2019 and dated 29.07.2019 in Appeal No. 22/2019, *CPCB may treat the impugned order as*

tentative and pass further appropriate order after permitting the affected parties to furnish their viewpoints; and

WHEREAS, a personal hearing was accorded to the unit on 02.08.2022 at 2:30 PM before the four-member committee and following was concluded:

- i. that the unit shall submit the relevant documents to claim about the non-operational days for the non-compliance period of (07.06.2019 to 13.08.2019) or the unit shall provide the evidence regarding OCEMS data transmission to CPCB server or the date of connectivity request placed on OCEMS portal during the period from 07.06.2019 to 13.08.2019 to claim the waive off of environmental compensation.
- ii. that the unit shall submit the evidence/documents for non-operational days within 15 days for the duration of non-compliance period (07.06.2019 to 13.08.2019) to claim the waiver of EC.

AND WHEREAS, CPCB issued minutes of the meeting to the unit on 08.09.2022 and a reminder e-mail to the unit on 25.10.2022 to submit the evidence/documents for non-operational days to claim the waiver of EC for the period of 07.06.2019 to 13.08.2019; and

WHEREAS, Unit fails to submit the evidence/documents for non-operational days to claim the waiver of EC; 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 Unit, **M/s Gangol Sahkari Dugdh Utpadak Sangh Ltd, Gangol Road, Partapur, Meerut (U.P.)** is directed to deposit the environmental compensation of **Rs. 4,25,000/- (Rupees Four Lacs, Twenty-Five Thousands only)** within 15 days to the Bank account of CPCB (A/c No. 532702050000164, Bank name: Union Bank of India, IP Extension Branch, Vikas Marg Extn., Delhi; IFSC: UBIN0553271) for the non-compliance period of 68 days from **07.06.2019 to 13.08.2019**.

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.

MTC
25/11/22
(TANMAY KUMAR)
CHAIRMAN

Copy to:

1. **Additional Secretary (CP Division)** For kind information please
Ministry of Environment, Forests
& Climate Change,
Indra Paryavaran Bhavan,
Jor Bagh Road, New Delhi - 110 003

2. **Member Secretary**
Uttar Pradesh Pollution Control Board,
Building No. TC-12 V, Vibhuti Khand
Gomti Nagar, Lucknow-226010
With request to ensure the
compliance
3. **District Magistrate,**
Lalkurti Bazaar, Police Lines,
Meerut, Uttar Pradesh 250001
For kind information please
4. **Regional Director**
Central Pollution Control Board,
Regional Directorate-North, Ground
Floor,
PICUP Bhawan, Vibhuti Khand,
Gomti Nagar, Lucknow, U.P.-226010
For kind information please
- ✓ 5. **Incharge, IT Division, CPCB**
For uploading on CPCBs website
6. **Master copy WQM-II, CPCB**
For record


(PRASHANT GARGAVA)
MEMBER SECRETARY

o/c