



BY SPEED POST

CP-11/1/2023-IPC-III-HO-CPCB-HO

February 22, 2023

To,

M/s Indian Potash Ltd, (Sugar Division),  
Unit- Siswa Bazar, Maharajganj,  
Uttar Pradesh-273164

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 Indian Potash Ltd, Sugar Division, Unit-Siswa Bazar, Maharajganj, Uttar Pradesh-273164 (*hereafter referred to as 'the Unit'*) is a sugar manufacturing unit; and

**WHEREAS**, the Unit was inspected by a Joint team of CPCB and UPPCB on 11.04.2019 under SMS alert Surveillance programme based on the SMS alert generated from online effluent/emission monitoring system and during the visit it was observed that the Unit was found to be by-passing the untreated effluent through two drains (BOD-323 mg/l and 857 mg/l) without treatment; and

**WHEREAS**, based on the non-compliance's found during the inspection by the Joint team of CPCB and UPPCB, a direction dated 15.05.2019 under section 5 of the Environment (Protection) Act, 1986, was issued to M/s Indian Potash Ltd, Sugar Division, Unit-Siswa Bazar, Maharajganj, UP to immediately close down all its manufacturing operations and not to restart manufacturing till it complies with CPCB's direction and obtain permission from CPCB before resuming operation. The direction was also forwarded to UPPCB for ensuring compliance of the direction and to Uttar Pradesh Power Corporation Limited (UPPCL) for disconnection of power supply of the Unit; and

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032  
Parivesh Bhawan, East Arjun Nagar, Delhi-110032

दूरभाष/Tel : 43102030, 22305792, वेबसाइट/Website : www.cpcb.nic.in

**WHEREAS**, the team of CPCB again visited the Unit on 16.11.2022 for verification of the CPCB's Closure direction dated 15.05.2019. The Unit was non-operational during inspection, however, it was observed from the RT-8C form submitted by the Unit that the Unit has operated in crushing season 2019-20, 2020-21 and 2021-22 despite closure direction from CPCB. During the visit it was observed that the washing /cleaning effluent is discharged directly through bypass drain and inspection team collected sample of the bypass drain and lab analysis result showed **BOD value as 173mg/l** (against standard of 30 mg/l) and **COD as 399 mg/l**. It clearly indicates that cleaning /washing effluent is being bypassed through drain without treatment; 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 environmental compensation (EC) on industrial Units. As per the Committee recommendations, one of the case to be considered for levying EC is "non-complying with the direction issued such as closure direction"; and

**WHEREAS**, the Unit has submitted its RT-8(c) form and it has been observed that the Unit has operated for 146 days in crushing season 2019-20; for 114 days in crushing season 2020-21 and 113 days in crushing season 2021-22, without seeking revocation from CPCB against closure dated 15.05.2019. The EC for the Crushing Season 2022-23 will be calculated separately after submission of RT-8c form for this season; 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 is calculated based on actual number of days of operation during crushing seasons till date of compliance of direction i.e. closing of manufacturing operation. Based on the formula derived by CPCB, the total environmental compensation amount is calculated as **Rs.1,11,90,000/- (One Crore Eleven Lakh Ninety Thousand only)** for the non-compliance period (29.11.2019 to 22.04.2020) in crushing season 2019-20, (26.11.2020 to 20.03.2021) in crushing season 2020-21, and (06.12.2021 to 28.03.2022) in crushing season 2021-22 and same shall be deposited by the Unit to CPCB. A separate notice of levying EC will be issued to the Unit if the Unit found to be operating in crushing season 2022-23 without seeking permission from CPCB, based on RT-8(C) form of the Crushing Season 2022-23; and

*OR*



**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

**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, **notice is served herewith to show cause why environmental compensation of Rs.1,11,90,000/- (One Crore Eleven Lakh Ninety Thousand only) should not be imposed on M/s Indian Potash Ltd, Sugar Division, Unit-Siswa Bazar, Maharajganj, Uttar Pradesh for violation of CPCB closure direction based on available record i.e. for running their manufacturing operation during crushing season 2019-20, 2020-21, and 2021-22 without seeking revocation from CPCB against closure direction dated 15.05.2019.**

You are hereby given an opportunity to file your objections (if any) to the above proposed direction within 15 days from the receipt of this notice, failing which it will be presumed that you have nothing to say and appropriate action, in accordance with the provisions of the Environment (Protection) Act, 1986, will be taken against the Unit without giving any further notice.

H<sup>2</sup> 212  
(TANMAY KUMAR) o/c  
CHAIRMAN

Copy to:

1. **The Member Secretary** : For information and  
Uttar Pradesh Pollution Control necessary action please.  
Board,  
Building No. TC-12V, Vibhuthi Khand,  
Gomti Nagar, Lucknow - 226 010  
Uttar Pradesh
2. **The Regional Director,** : For information and  
Regional Directorate Lucknow, necessary action please.  
Central Pollution Control Board  
PICUP Bhawan, Vibhuthi Khand, Gomti  
Nagar, Lucknow - 226010

नेपाल प्रदूषण नियंत्रण बोर्ड  
गोमती नगर, लखनऊ  
दिनांक 24/02/2023

o/c

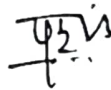
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3. **The Director (CP  
Division),**  
Ministry of Environment, Forest &  
Climate Change, Indra Paryavaran  
Bhavan, Jor Bagh Road, New Delhi -  
110 003

: For information please

4. The Divisional Head, IT Division,  
CPCB, Delhi

: To upload the direction at  
CPCB website

  
(PRASHANT GARGAVA) o/c  
MEMBER SECRETARY

o/c

o/c