



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

SPEED POST

October 31, 2017

B-29016/04/06/IPC-1/ 13212  
To

M/s. Kostal Pharma Labs Pvt. Ltd.,  
(Formerly M/s. Moganti Pharma),  
Plot No.71 to 78, IDA, Peddapuram,  
East Godavari District-533437  
Andhra Pradesh

**Sub: Directions under Section 5 of the Environment (Protection) Act, 1986 regarding installation of on-line effluent and emission monitoring system**

WHEREAS, the Pharmaceutical 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, there is need to inculcate habit of self monitoring within the industries for complying with the prescribed standards and this can be achieved by the 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, 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 effluent monitoring system w.r.t. flow, pH, BOD, COD, TSS, Chromium (Cr), and Arsenic (As) parameters in Pharmaceutical industries;

WHEREAS, it was clarified that flow meter & web camera may be installed in case of Units with Zero liquid discharge (ZLD) by March 31, 2015 vide guidelines uploaded on website of CPCB dated November 7, 2014; and

WHEREAS, considering the requests/ representations received from industries/ industrial associations/ SPCBs / PCCs, an extension of time upto 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, a letter dated May 29, 2015 was issued by the Chairman CPCB to all the SPCBs/ PCCs informing that no further extension of time will be given after June 30, 2015 and withdrawal of consent to operate along with forfeiture of bank guarantee of non-complying Units will be the only option; and

WHEREAS, concerned SPCB/ PCC have issued directions under section 33A of the Water (Prevention & Control of Pollution) Act, 1974 and section 31A of the Air (Prevention & Control of Pollution) Act, 1981 to install the online monitoring system by June 30, 2015 and to submit bank guarantee of 100% of the cost of online emission & effluent monitoring system; and

WHEREAS, a show cause notice under section 5 of Environment (Protection) Act 1986 was issued to M/s. Kostal Pharma Labs Pvt. Ltd., AP (herein after referred to as the Unit) vide letter no. B-29016/04/06/IPC-1/6800 dated July 27, 2015 for installation of Online Monitoring device along with connectivity for submission of online 24x7 monitoring data to SPCBs/PCCs and CPCB; and

WHEREAS, the Unit informed through email dated August 10, 2016 that the installation of online monitoring system is completed; and

WHEREAS, a closure direction under section 5 of Environment (Protection) Act 1986 was issued to the Unit vide letter no. B-29016/04/06/IPC-I/203 dated March 28, 2017 on the basis of non connectivity of the online monitoring system to the CPCB, as per the verification report dated March 10, 2017 of IT division of the CPCB; and

WHEREAS, the Unit submitted a reply through email dated September 05, 2017 that the online data connectivity for Online effluent monitoring system has been provided to CPCB and requested to revoke the closure direction; and

WHEREAS, the connectivity of online data submitted by the Unit was verified by the IT division and compliance was observed on September 08, 2017 by CPCB; and

WHEREAS, the Unit has informed vide self certificate dated September 05, 2017 that the Unit has stopped all the operation w.e.f May 24, 2017 in compliance to the CPCB closure direction dated March 28, 2017; and

WHEREAS, the closure verification report from Andhra Pradesh Pollution Control Board submitted by Regional Directorate, Bangalore through email dated August 30, 2017 wherein it is mentioned that the Unit has not complied with the CPCB closure direction dated March 28, 2017 and operating the Unit without revocation of direction; and

WHEREAS, it is observed from the APPCB closure verification status report that the unit has not stopped the operation in response to issue of CPCB closure direction; and

WHEREAS, the Unit has submitted the false information through self certificate dated September 05, 2017 regarding close down of the plant operation for which action as per law shall be initiated separately; and

WHEREAS, CPCB constituted a Three-member committee vide office order dated 03.10.2017 having representative(s) from CPCB and MoEF&CC for examination and recommendation for revocation of the closure direction issued by CPCB; and

WHEREAS, the Three member committee in its meeting held on 25.10.2017 examined the compliance report submitted by the Unit and recommended that the Unit may be allowed to resume operation with condition that "Before commencement of operations, the Unit shall obtain valid consent to operate under the Water & Air Act(s) from Andhra Pradesh Pollution Control Board"; and

WHEREAS, the Ministry of Environment & Forests, Government of India, vide Notifications No. S. O. 157 (E) of 27.02.1996 and S. O. 730 (E) dated 10.07.2002, has delegated the powers vested under Section 5 of the Environment (Protection) Act, 1986 (29 of 1986) to the Chairman, Central Pollution Control Board, to issue directions to any industry or any local body or any other authority for violations of the standards and rules notified under the Environment (Protection) Rules, 1986 and amendment thereof.

NOW, THEREFORE, in exercise of powers vested to Chairman CPCB under Section 5 of the Environment (Protection) Act, 1986, and in view of compliance with relevant direction under reference, the direction issued under the Section 5 of the Environment (Protection) Act, 1986 to the Unit (M/s. Kostal Pharma Labs Pvt. Ltd., Andhra Pradesh) vide letter dated March 28, 2017 is hereby revoked with a condition that "Before commencement of operations, the Unit shall obtain valid consent to operate under the Water & Air Act(s) from Andhra Pradesh Pollution Control Board". In case of non-compliance by the Unit action as deemed fit under the provisions of Environment (P) Act, 1986 shall be taken.



(S. P. Singh Parihar)  
Chairman

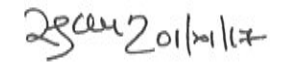
 1/11/17

Copy to:

1. The Chairman  
Andhra Pradesh Pollution Control Board  
Paryavaran Bhawan, Industrial Estate,  
Sanath Nagar, Hyderabad-500 038
2. The Chairman  
Southern Power Distribution Company of A.P. Ltd,  
D.NO:19-13-65/A Srinivasapuram,  
Tiruchanoor Road, Tripati-517503  
Chittoor A.P
3. The Advisor (CP Division)  
Ministry of Environment, Forests and Climate Change  
Prithvi Wing, 2nd Floor, Room No. 216, Indira  
Paryavaran Bhawan Aliganj, Jor Bagh Road, New Delhi - 110003
4. The Regional Director  
Central Pollution Control Board  
1st & 2nd Floors, Nisarga Bhavan, A-Block,  
Thimmaiah Main Road, 7th D Cross, Shivanagar, Opp.  
Pushpanjali Theatre, Bangalore -560 010
5. The Incharge, IT, CPCB
6. The Incharge, IPC-VI, CPCB

ORC

:With request to restore electricity  
supply of the Unit.

  
(A. Sudhakar)  
Member Secretary