

**BEFORE THE NATIONAL GREEN TRIBUNAL
(WESTERN ZONE) BENCH, PUNE**

**APPLICATION No.50/2015 (WZ)
(M.A. No. 192/2015)**

CORAM:

**Hon'ble Mr. Justice U.D. Salvi,
(Judicial Member)
Hon'ble Prof. (Dr.) P.C. Mishra,
(Expert Member)**

B E T W E E N:

**The Human & Animal Welfare
Association,** Through : Its President,
Mr. Ashutosh Rameshbhai Mishra,
Head and Registered Office,
H.No.931, Ground Floor,
Galli No.1-D, Ekta Vihar,
Mithapur Extension, Nr. Durga Builder,
New Delhi-110 044.

.....Applicant

A N D

- 1. Gujarat Pollution Control Board,
Paryavaran Bhavan,
Sector 10-A, Gandhinagar,
Gujarat-382 010**
- 2. Gujarat Industrial Development
Corporation,
Vanita Vishram Buildig,
2nd Floor, Athwagate, Surat City,
Gujarat-395 001**
- 3. Sachin Notified Area Authority,
Plot No.5719, Road No.06, Unnate
Building, GIDC, Sachion,
Dist. Surat, Gujarat-394230**

**4. Sachin Infra Environment Limited,
(SIEL)**

Plot No.P-2, Road No.02, GIDC.
Saching, Tal. Choryashi,
Distt. Surat, Gujarat-394230

5. Sankalp Dyg. & Plg. Mills Pvt. Ltd.,

Plot No.268, Road No.02, GIDC
Sachin, Tal;uka Chryashi,
Distt : Surat, Gujarat-394230

6. Hindustan Dyg. & Plg. Mills Pvt. Ltd.

Plot No.2411/1, Road NO.02, GIDC
Sachin, Taluka-Choryashi,
Distt : Gujarat-394230

7. Shree Sidhdheshwar Chemical,

Sachin, GIDC, Taluka : Choryashi,
District Surat, Gujarat-394 230

8. Kashish Silk Mill,

Sachin, GIDC, Taluka Choryasi,
Distt : Surat, Gujarat 394230

9. Nutan Dye Chemical,

Sachin, GIDC, Taluka Choryasi,
Distt : Surat, Gujarat 394230

10. Harish Chemical,

Sachin, GIDC, Taluka Choryasi,
Distt : Surat, Gujarat 394230

11. ESSPEE Industries,

Sachin, GIDC, Taluka Choryasi,
Distt : Surat, Gujarat 394230

12. Pushpanjali Dye and Print Mill

Sachin, GIDC, Taluka Choryasi,
Distt : Surat, Gujarat 394230

13. Vishwasprem Dye and Print Mills.

Sachin, GIDC, Taluka Choryasi,
Distt : Surat, Gujarat 394230

.....Respondents

Counsel for Applicants

Mr. Surendra Singh Hooda, Mr. Jitendra Singh, Adv.

Counsel for Respondent No.1 :

Mr. Viral Shah, Adv.

Counsel for Respondent No.2 :

Mr. Rutvij K. Bhatt, Adv. & Mr. Dhaval Nanavati, Adv.

Counsel for Respondent No.3, 4 :

Mr. Milind M. Mahajan, Adv.

Counsel for Respondent No.4-6, 10, 12 :

Mrs.Fawia M. Mesquita, Adv.

Counsel for Respondent No.7, 9&10 :

Mr. S.V. Abhang, Adv.

Reserved for judgment on: 29th August 2017
Pronounced on Dated : 6th September, 2017

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| 1. Whether the judgment is allowed to be published on the net ? | Yes. |
| 2. Whether the judgment is allowed to be Published in the NGT Reporter ? | Yes. |

Prof (Dr.) P.C. Mishra, Expert Member

JUDGMENT

1. The instant Application was filed by one Non-Governmental Organization, namely 'The Human & Animal Welfare Association' (in short "the association"), represented by its President Shri Ashutosh Rameshbhai Mishra, under Section 18(1) read with sections 14, 15, 16 and 71 of the National Green Tribunal Act, 2010. The Association is

registered under Central Societies Act, 1860 bearing registration No.S/466/2011/South Delhi. It is claimed by the Association that it is engaged in the field of Human Rights, corruption, foeticide, environmental issues and also working for upliftment of poor, needy and downtrodden people. The Application is directed against the Respondent No.4-Sachin Infra Environment Limited (in short 'SIEL') for violating the terms and conditions stipulated by the Gujarat Pollution Control Board (in short GPCB), the Respondent No.1 thereby directly contributing to surface and groundwater contamination, soil pollution, damage to flora and fauna etc. in Unn Khadi area situated at about 5.1 k.m. from Gujarat Industrial Development Corporation, Sachin (in short 'GIDC-Sachin'). In support of his allegations, the Applicant has annexed some 15 photographs with the Original Application which reveals the deteriorating condition of environment in the locality.

2. It is further contended by the Applicant that they made complaint before the GPCB on the poor performance of SIEL thereby making the people, animals, and plants of the locality vulnerable to pollution, and GPCB in turn made an inspection of the site jointly with the Applicant and collected 09 samples of untreated effluent discharged openly from various industries, the analysis of which reveals physical and chemical parameters exceeding the

prescribed limit. Even analysis of so called treated waste water from SIEL Combined Effluent Treatment Plant (in short SIEL-CETP), shows non-compliance of pollution norms. Due to such blatant non-compliance of pollution norms by SIEL, the Applicant has approached the Tribunal with the following prayers for our consideration :

(A) Pass an order/directions directing the respondent no.1 to 3 to ensure compliance of conditions of consent order no. AWH-65236, Dated:24/09/2014.

(B) Pass an order/directions directing the respondent no.1 to 3 to take punitive action against all the erring industrial units located in GIDC, Surat, Gujarat in general and respondent no. 5 and 6 in particular.

(C) Pass an order/directions directing the respondent no.1 to cancel the consent order no. AWH-65236, Dated: 24/09/2014 issued in favour of respondent no. 4 for non-compliance of the conditions of the consent order dated 24/09/2014.

(D) Pass an order/directions directing the respondent no.1 to 3 to impose costs on all the erring industrial units and respondent no.4 to raise sufficient money to implement general condition no.16 of the consent order dated 24/09/2014.

(E) Pass an order laying down strict guidelines to ensure accountability of the concerned statutory authorities under the laws enumerated in Schedule I to the National Green Tribunal Act, 2010 so that they

perform their duties under the said law in order to safeguard the environment from aforesaid deviations / non-compliances.

3. The Respondent No.4- Sachin Infra Environment Limited (SIEL) in their reply would state that it is a ISO 14001:2004 Certified Common Effluent Treatment Plant (in short 'CETP') for its 71 Dyeing and Printing Industries as Members in Gujarat Industrial Development Corporation- Sachin area which has been in operation since March 1998 with consent and authorisation from Respondent No.1- GPCB from time to time. It is further stated by them that the SIEL has the Underground Effluent Conveyance System (underground pipeline) of around 8.5 k.m. with two pumping stations and the pipeline is connected to all 71 Member-Industries for collection of waste water for treatment at CETP. The SIEL in its affidavit has vehemently denied the allegations of the Applicant as being false and malicious. They would further contend that the Application as filed is based on arbitrary observations of samples collected from outside the premises of SIEL, without their knowledge, from the pond at the foot of Air release Vent Pipe which is possibly a part of the surface water from other industries which are not connected to underground drainage system. The SIEL has annexed an Inspection Report of a Government Registered and approved Valuer

and Safety Consultant, D.H. Patel & Associates Private Ltd. who was engaged by them for an inspection and verification of working of his underground drainage system. Their report of 21st July 2014 reads as follows :

“There are total 71 numbers of members connected to Sachin Infra Environment Ltd to treat their industrial waste water.

We had inspected all connection of individual industries to check whether they are connected to main pipe line or not. Following are the observation during inspection.

- 1. Total number of connected unit is 57 on dated 24/04/2014 (Certificate is already issue)*
- 2. Total number of connected unit is 5 on dated 21/07/2014 (Details as per annexure attached).*
- 3. Total number of closed and not connected unit is 9 (Details as per annexure attached).”*

4. Thus, the Respondent No.4 has categorically denied that there was any discharge of untreated effluent in the open surface area or anywhere else as alleged by the Applicant by them or any one of their Member-Industries. Learned Sr. Counsel for Respondent No.4 would further submit during hearing that CETP is being continuously upgraded and presently maximum output is being achieved although during the year 2011 to 2015 the CETP outlet value for BOD were in the range of 300 to 400 mg. per ltr.

5. The GPCB in their affidavit have clearly stated that the norms prescribed by the Board are not being achieved by the SIEL and during the year 2011 to 2015 the CETPs outlet value were much beyond the permissible limit. In

their additional affidavit filed on 20th January 2016, the Board has stated that the inspection was conducted on 16th January 2016 in 16 Member Units of SIEL and none of the units were found to have been discharging effluents to open drain/nallas. They would further state that since there is no domestic sewerage system in the area, domestic sewage was found in open surface of GIDC. The Analysis Report of the final outlet of CETP collected on 16th January 2016 and placed by the Board reveals that the Respondent No.4 is yet to achieve the prescribed norms.

6. In order to get a clear picture on the performance of Respondent No.4-SIEL-CETP system and other cognate issues, as raised by the Applicant, we appointed Shri J.K. Vyas, Head of Centre for Environmental Education, Ahmedabad, a Retired Senior GPCB Official, to make an inspection of the site in question in GIDC Sachin and submit a report alongwith necessary documents, photographs etc. on the following aspects :

1. *To give number of dyeing and printing units in the cluster, and whether they are members of Respondent No.4.*
2. *The number of outlets of each of the industry/unit.*
3. *Whether each of such industry is internally connected to underground pipeline system for the purpose of effluent discharge which meets, at end, the common ETP for the purpose of the treatment of effluent.*
4. *Whether there are discharges of industrial effluent in open area, drain, nalla by the industrial units in the industrial area.*
5. *To analyse the available data and give separate opinion regarding functioning of each of the industrial unit, effluent-wise, efficiency-*

wise, the collection of effluents per unit to treatment of effluent per unit in the common ETP, if it is so connected, the capacity of common ETP to deal with the treatment of effluent.

7. We also directed GPCB to collect the samples of any discharge in the open area drain/nallas by the Industrial units in the GIDC-Sachin area and submit the analysis report of such samples. The GPCB was further directed vide our order dated 5th November, 2015 and also on 21st January 2016 during hearing of Review Application No.25/2015 to undertake the exercise to identify such other Industrial Units lying within the limits of GIDC-Sachin and discharging their effluent to open drains and surface, collect and analyse their outlet waste water samples and place a comprehensive report before the next date supported by Photographs.

8. The Court Commissioner filed a detailed report on waste water related issues in GIDC-Sachin during March 2016, in terms of our order dated 21st January 2016 which forms part of this judgment (**annexure-1**). The learned counsel for Applicant and Respondents were granted liberty to file their counters, if any, to the report of the Court Commissioner.

9. On 17th August, 2016 we heard the learned counsel for the Applicant on merit. He would submit that his core contention for approaching the Tribunal was for non-

compliance of consolidated consent and authorisation letter dated 24th September 2014 issued by GPCB, which is annexed to the Application, and the status report filed by Respondent No.4 as well as the report of the Court Commissioner clearly demonstrate that there is no compliance by the Respondent No.4; and, therefore, he would press for an appropriate order directing the Respondent No.4 to comply with the conditions stipulated in the consolidated consent and authorisation letter of GPCB within a given time frame and also imposing cost upon the Respondent.

10. On 29th November 2016, we also directed GPCB to file a detail affidavit of the total number of industries generating industrial effluent and its quantity, number of CETPs and its Members alongwith performance of CETPs during last one year, status of compliance of consent conditions of all such industries alongwith action taken by the Board in respect of non-compliant units.

11. The Gujarat Pollution Control Board in their additional affidavit filed on 23rd February 2017 provided in detail the number of Industrial Units in operation, the other units which are under grant of consent stage but not commissioned etc. after undertaking an inspection of 1161 units in the site including two CETPs namely Sachin Infra Environment Limited and Globe Enviro Care Limited (in

short “GECL”) to treat waste water of Textile Industries and Chemical Industries respectively. Out of 1161 Industrial Units GPCB found 34 Units discharging their waste water openly for which necessary closure order/directions/notice for show cause have been issued.

12. However, it is our considered view that the detailed report of the Court Commissioner takes care of all the issues raised by us to address the grievances of the Applicant. We, therefore, feel appropriate to proceed to consider the Court Commissioner’s report to assess the non-compliance of Respondent No.4 and other Industries.

13. We have perused the report of Court Commissioner alongwith the documents and photographs annexed to it. The observations and recommendations/suggestions are reproduced below :-

“5. Observations:

The concluding observations for both the phases of monitoring are as under;

- *There are 62 D&P units in GIDC Sachin-Surat. Their names locations and other details are as per **(Annexure A)**.*
- *All 62 units are the members of CETP, SIEL as shown in the **(Annexure)**.*
- *All D&P units are internally connected to the U/G drainage system of CETP for disposal of their trade waste **(Annexure A)**.*
- *As shown in the table at annexure all the units of D&P have single outlet for disposal of their trade waste **(Annexure A)**.*
- *After the stakeholders meeting various sites are visited, as observed during this visit from 1st to 3rd February, 2016 there is a flow/discharge of waste water were seen in areas like;*

- *The place opposite to M/s Harish Chemicals at Rajkamal Cross Road.*
- *Near M/s Vishwaprem Dying and printing unit. The analysis report of the sample of water flowing at this place collected during visit on 1st February, 2016 show that this waste water is contaminated.*
- *Near Government school behind village Gabheni and crematorium. The analysis report of the sample of water flowing at this place collected during visit on 1st February, 2016 shows that this waste water is contaminated.*
- *Waste water flowing in the storm water drain situated opposite to M/s R.D dying and Printing Mills Pvt. Ltd. The analysis report of the sample of water flowing at this place collected during visit on 2nd February, 2016 shows that this waste water is slightly acidic and also contaminated.*
- *The analysis report of the hand pump water sample collected during visit on 1st February, 2016 situated at village Gabhani near Crematorium indicates that the quality of water is unfit for the purpose of drinking, however the villagers informed during discussion that this hand pump water is not used by them for the purpose of drinking.*
The quality of raw water supplied to the industries by GIDC appears to be very good as seen from analysis report. (Annexure B colly).
- *There is no separate drainage network for collection, treatment and disposal of sewage in GIDC Sachin, the quantity of which is estimated at approximately 3.00 MLD as per the RO Surat of GPCB visit report dt.16/1/16. (Annexure O)*

The D&P units were visited to find out the facts of waste water disposal, of which some were found discharging waste water outside their premises in to the GIDC storm water drain the details of which were sent to GPCB for further action through mail dt. 5/12/2016 to GPCB. (Annexure D)

- *In addition to dying/printing (textiles) and chemical units, there are other industries within the estates involved in yarn dying, digital printing, water Jet dying, embroidery, power looms etc. who are not connected to any CETP and therefore may discharge its waste water in to the GIDC storm water drain.*
- *Housekeeping in most of the D&P units is required to be improved.*
- *Recordkeeping system for CC&A, membership of CETP, use of chemicals, industry profile on XGN is unsatisfactory.*

- *Most of the individual D&P units have provided a collection tank and screen as primary ETP. There is no proper and adequate nomenclature to the ETP system and at the places where flow meters are installed and places from where the waste water is sent to ETP.*
- *Use of flexible pipes observed at different places in the premises of the Units.*
- *Environment related matter is being looked after by non-technical persons.*
- *Flow meters have been provided by D&P units to record the flow of waste water in to CETP, this shall be linked to the SCADA system of CETP and also to GPCB-R.O/H.O. for monitoring.*
- *The system of raw water collection through tankers by the industries/units is unsafe as it is done through number of flexible pipes instead the fixed pipes lines.*
- *In many units there are holes in their compound walls creating a doubt of unauthorized waste water disposal all these holes are required to be plugged by them with immediate effect and GPCB to ensure this.*
- *It is felt that the problem of disposal of effluent in the estate may not be entirely due to the D&P units alone as SIEL has already established an underground drainage system for collection of effluent from their member units(i.e. D&P units) for further treatment in the CETP. There are chemical, digital printing, water jet dyeing, yarn dyeing, embroidery, plastic and some engineering units in this estate who generate trade and sewage and thus may discharge this effluent in the GIDC drain.*
- *The quality of treated effluent from SIEL and GECL are not achieving the norms decided by GPCB. **(Annexure B &Q)** hence both the CETP's are required to be upgraded at the earliest to achieve the GPCB norms.*
- *The quality of waste water discharge at Unn Khadi near village Gabheni indicates higher concentrations of SS,TDS, BOD and COD **(Annexure N)**.*
- *There is a lack of plantation within the units and also in the entire estate as a whole.*
- *The roads in the entire estate are in poor condition and so causes fugitive emission and air pollution to reduce dust emission and air pollution.*

6. Recommendations/Suggestions:

In order to address and resolve the issues related to the unauthorized disposal of effluent in GIDC Sachin and the pollution

in Unn Khadi following actions are required to be executed by various stakeholders at the earliest:

1. All the units in the GIDC Sachin shall drastically improve their housekeeping, create free space and carry out plantation as per GPCB norms.

(Action: All units)

2. All the pipelines within the individual units or CETP premises shall be fixed, in other words there shall be no flexible/loose/temporary connections. Dosing of chemicals/nutrients required for treatment in both the CETP's shall be done through metering pump mechanism only. All leakages/spillages within the industrial and CETP's premises shall be immediately plugged and in case of accidental leakages/spillages it shall be diverted to CETP collection tank for subsequent treatment.

(Action: All units and all CETP's)

3. All the dyeing and printing units and chemical units in the estate who are members of CETP SIEL and GECL respectively shall continue to be members of their respective CETP's. Rest of the units shall approach SIEL/GECL for membership.

(Action: All units)

4. GPCB shall intensify its monitoring and dedicate a team through its V O-Surat and R O-Surat individually to closely monitor units in GIDC Sachin during day and night hours. The facts about erring units be immediately reported to HO GPCB who shall take strictest possible actions against them forthwith. The team from H O Gandhinagar may also pay occasional visits to GIDC Sachin and take necessary actions based on the observations.

R O-Surat be adequately strengthened at the earliest in terms of man power to perform the duties assigned to them.

(Action-GPCB)

5. There shall be no movement of tankers within GIDC Sachin from any industry or for any industry or for any purposes receiving the effluent from member industries of GECL to CETP for further treatment from 6.00 pm to 7.00 am. Next morning. The day time movement of all tankers shall be only under GPS system attached

to GPCB and GECL server (Action: GECL and their members). 24 hrs. Security shall be established to regulate the movement of tankers.

(Action: All Industries/CETP's)

6. There are more than two gates in the entire estate and this makes difficult for the agencies i.e. CETP authorities and regulatory authorities to keep watch on unauthorized movement of tankers carrying untreated effluents with in and also from other industrial area nearby. It is therefore recommended that only one gate after discussion with SIEL, GECL, GPCB and GIDC shall be decided and declared for movement of tankers in GIDC Sachin.

(Action: SIEL, GECL, GPCB and GIDC)

7. All the industries/units are required to keep all legal records at their industrial sites so that these documents are easily available to the enforcing agencies during monitoring.

(Action: All units)

8. All the industries/units shall immediately nominate a duly qualified and experienced person in the field of environment to look after O&M of theirs EMS and all other activities related to environment and inform GPCB in this regard.

(Action: All units)

9. The system for collection of raw water by individual units at their locations through tankers to be made more safe and permeant by installation of a fixed piping system as at present this water is collected through flexible hose pipes which are always lying outside the industrial premises protruding through their compound wall.

(Action: All units)

10. SIEL and GECL shall form a team having representatives of GIDC, GPCB to regularly monitor the area (even during odd hours) and all vulnerable places to check unauthorized waste water disposal. GPCB shall take immediate actions against all the defaulters as per the provisions of the W.A.-74 in case of violation by any industry.

(Action: SIEL, GECL and Colortex CETP, GIDC and GPCB).

11. CCTV cameras shall be installed at all gates and other sensitive areas in consultation with GPCB with display facilities at GPCB RO & VO-Surat and Head office and also at all CETP's to keep close watch on the movement of unauthorized waste water disposal and report to GPCB about the erring units. GPCB shall take immediate actions the defaulters.

(Action: SIEL, GECL and Colortex CETP in consultation with GIDC and GPCB).

12. If a unit is attracting provisions of the Environment Audit, the concerned auditor during their visits shall report to GPCB for stern action about the violation regarding unauthorised waste water disposal by units.

(Action: concerned auditors, GPCB)

13. The individual Industries and CETP authorities have stated that it is possible to reuse the effluent from dying section of textiles into the printing section for blanket and screen washing, colored drums washing etc. up to 70% and some units have implemented this system. This system be replicated for all other units as well, as it will reduce the quantity of waste water generation and subsequently the load on CETP (SIEL).

(Action: All D&P units in consultation with GPCB, SIEL).

14. SIEL, GECL and Colortex shall strictly maintain the inlet norms fixed by GPCB for efficient running of the CETP/ETP and ensure that the quality of effluent after treatment from their CETP's/ETP is always as per the tolerance limit prescribed by GPCB. Both CETP's shall immediately get the approval from all enforcing agencies for upgradation of

(Action: SIEL, GECL and Colortex CETP).

15. SIEL, GECL and Colortex shall install online PH and TOC meter with SCADA system at the out let of their CETP/ETP for ensuring the quality of treated waste water as per GPCB norms and this shall be connected to GPCB server at RO Surat and HO Gandhinagar for online monitoring and subsequent corrective actions by GPCB.

(Action: SIEL, GECL Colortex ETP and GPCB).

16. SIEL, GECL shall ask all his member units to provide magnetic flow meters with recorder, to record the quantity to effluent reused and discharged by units in to CETP shall be monitored through GPRS and SCADA system at CETP.

(Action: SIEL, GECL and Colortex).

17. The units are required to provide within their industrial premises, sludge collection, storage and disposal system in accordance with the provision of H.W. (MHTM) Rules-2008 and subsequent amendment thereafter. Thus sludge from the individual industries be collected by SIEL and GECL both from their respective members and strictly handled as per the provisions of HWMH Rules-(2008) and subsequent amendment thereafter and sent to a TSDF site having valid CC&A of GPCB.

(Action: all units in GIDC Sachin, CETP's).

18. The over flow if any from the septic tank/soak pit system of the units shall be diverted to the U/G drainage system of SIEL.

(Action: all units in GIDC Sachin).

19. RO and VO Surat region, shall keep a close watch on all ZLD units who are not supposed to dispose of their waste water.

(Action: GPCB)

20. GECL may also consider to provide an underground drainage system for collection of the waste water from all their member units to CETP and until then, CETP shall use GPS, manifest as well as SCADA system with links to GPCB and CETP for its collection system of receiving effluent through tankers to ensure that there is no unauthorized disposal.

(Action: GECL, GPCB).

21. All the CETP's shall be strictly operated and maintained as per the guidelines developed by CPCB for management, operation and maintenance of CETP's.

(Action: SIEL, GECL).

22. All CETP's shall carry out performance evaluation of their CETPs from a recognized institute like IIT/NEERI etc. and submit the reports to GPCB for suitable actions. GPCB may issue time specific directions to CETPs if any in the matter.

(Action: SIEL, GECL and Colortex CETP and GPCB).

23. All other industries like digital printing, water jet dying, embroidery, plastic and some engineering units must provide adequate financial support and contribute for provision of a sound system for collection, treatment and safe disposal of sewage and trade waste from their units.

(All concerned units as stated above)

24. All units in GIDC Sachin shall handle their waste as per the Hazardous Waste (Management Handling and Trans boundary Movement)-Rules 2008 and subsequent amendments in this Rule thereafter.

(Action: All Units)

25. The permission given to the units for observing ZLD for their trade waste may be reviewed by GPCB, instead these units be directed to treat their trade waste and sewage as per CETP inlet norms and then discharge in to CETP: GECL for further treatment. This will minimize the possibility of unauthorized waste water disposal in this area.

(Action: All units having ZLD facility, GPCB).

26. All individual industries (D&P and chemical units) shall strengthen their primary effluent treatment system so as to meet CETP inlet norms prescribed in the EC dtd 22nd July 2013 by SEIAA (for the subsequent amendments made by GPCB in this regard) to CETP.

(Action: All units and CETP).

27. GIDC, SIEL, GECL and all other units in the estate shall go for massive plantation at all possible places.

(Action: All units and CETPs).

28. GIDC, through a separate STP/CETP shall arrange for collection, treatment and scientific disposal of sewage and trade effluent from all the units (others than D&P and chemical industries) i.e. digital printing, water jet dying, yarn dying, embroidery, plastic and some engineering units in this estate who generate trade and sewage and thus may discharge this effluent in the GIDC drain causing pollution.

(Action: GIDC in consultation with GPCB, concerned individual industries).

29. *Till the above arrangement is done, SIEL and GECL shall immediately explore in consultation with GPCB, to accommodate sewage generated from their member units for treatment in to CETP because the mails dtd 16/12/16 from both CETP's indicate that there is spare capacity available for this purpose for treatment of sewage in to their CETP's and as this will stop the unauthorized disposal of sewage on the surface and in to open drainage and will further help CETP's to achieve the quality of treated effluent from CETP's as per GPCB norms.*

(Action: SIEL and GECL in consultation with GIDC and GPCB)

30. *A health care until shall be established in the estate for regular health checkup and treatment of all workers and employers of the units in GIDC Sachin.*

(Action: SIEL and GECL and GIDC).

31. *All concerned i.e. all CETP', GIDC and individual industries are required to be regularly exposed to awareness, capacity building and training programs in the field of environmental pollution control to ensure better compliance for all the environmental pollution control laws and overall improvement in the environment.*

(Action: All individual industries, SIEL, GECL and Colortex CETP, GIDC and GPCB).

32. *It is gathered that SIEL, GECL and Colortex have set up a company i.e. Gabheni Eco Channel Private Limited to lay a pipeline for conveyance of the discharge of treated effluent of GIDC Sachin at Unn Khadi and proposal for laying a new pipeline from GIDC Sachin to Unn Khadi is submitted to GIDC Gandhinagar on 2nd July 2015 for consideration. Hon'ble NGT may issuer directions to GIDC and all other concerned department of the government to clear this proposal at the earliest after considering all issues related to environmental impacts and mitigation measures.*

(Action: GIDC and other related govt. departments).

33. *GPCB shall grant CTE/CC&A to the concerned units in GIDC Sachin only after ensuring its membership at respective CETPs.*

(Action: GPCB).

34. All industries, CETP operations in GIDC Sachin shall arrange for collection/segregation and safe disposal of municipal solid waste generated in their premises as per the provision of MSW Rules-2000 and its subsequent amendment thereafter.

(Action: All units and CETPs).

35. The sludge generated from CETPs and individual industries may be used after preprocessing for co-processing in Cement/Steel/Power Plants. It shall be explored to use this sludge as one of the raw material for manufacturing building materials.

(Action: All units and CETPs).

36. Finally it imperative for the industries, CETP operators and all others concerned in this matter to;

a) Raise their moral and commitment towards superior compliance for all environmental regulations,

b) Stay disciplined and avoid NIMBY (Not in My Back Yard) attitude,

c) Follow the system and NOT A ONE PERSONS POLICY,

Because we all; as citizens of India, are duty bound to provide our future generations a "pollution free environment."

Note:

The above recommendations do not include directions/conditions imposed through EC, CTE and CC&A or by any other means to individual industries and CETPs from time to time for environmental pollution and control by enforcing agencies. Needless to say these conditions/directions are required to be executed by them in Toto.

14. A careful reading of the observations of the Court Commissioner reveals that :

(a) In all 62 Dyeing and Printing units are internally connected to the underground drainage system of SIEL for disposal and further treatment in CETP.

- (b) Flow of coloured water was observed in storm water drain of GIDC-Sachin during the visit from 1st February to 3rd February 2016 and the characteristic of the waste water is acidic in nature.
- (c) The following Industrial Units were found discharging waste water outside their industrial premises in the storm water drain of GIDC-Sachin.
- 1) M/s. Sidhanta Creations Pvt. Ltd. at plot No. 263 to 266, GIDC Sachin.
 - 2) M/s. Sunrise D & P. Pvt. Ltd., plot No. 2412 to 2413 GIDC Sachin.
 - 3) M/s. Prafull Industries Pvt. Ltd., plot No. 507, GIDC, Sachin.
 - 4) M/s. Kirtida Silk Mills, Pot No.435, GIDC Sachin.
- (d) In addition to Dyeing/Printing (textile) and Chemical units, there are other industries within the GIDC-Sachin area involved in yarn, dyeing, digital printing, water jet dyeing, embroidery, power loom etc., not connected to any CETP pipeline, which are also likely to discharge waste water into the GIDC storm water drain.
- (e) The quality of treated effluent from outlet of SIEL-CETP and GECL-CETP does not meet the pollution norms as stipulated by GPCB etc.

15. On 29th August 2017, the Regional Officer, Pollution Control Board placed before us the result of analysis of samples collected on eight (8) different dates during January to July 2017 from inlet and outlets waste water of “CETP-SIEL and GECL-CETP In case of SIEL-CETP the average COD value of outlet waste water was

223.75 mg. per ltr. with a variation of 196 to 269 mg. per ltr. against a permissible value of 250 mg. per ltr. However, the average BOD was 36.12 with a variation from 40 to 54 mg. per ltr. against the permissible limit of 30 mg. per ltr. In case of GECL-CETP the COD average value was 221 mg. per ltr. (156-266 mg. per ltr.) and BOD was 30.86 (29-35 mg. per ltr.). Thus, although there has been significant improvement in the performance of CETPs compared to last five years, it requires further improvement to arrest any sudden increase in BOD/COD, may be due to shock load, through appropriate dilution of inlet waste water.

16. In order to address and resolve the issues related to unauthorised disposal of effluent in GIDC-Sachin and prevent pollution in Unn Khadi, the Court Commissioner has made 33 recommendations/suggestions to which respective parties have agreed to implement.

17. After hearing the parties and going through the pleadings as well as the report of the Court Commissioner, we are of the considered view that :

(a) as the Industrial units, which are Members of the CETP and connected to the underground pipeline systems, direct their waste water to CETPs, the

contamination of surface water, ground water and soil in the locality are due to other industrial units operating in GIDC-Sachin area which were/are not connected to any underground pipeline system.

(b) SIEL-CETP was non-compliant during the last five years due to the poor functioning of their CETPs thereby contributing to pollution in Unn Khadi area.

(c) the State Pollution Control Board has so far failed in discharging their statutory duties in regularly monitoring the activities of those industries in GIDC-Sachin area which are not connected with the CETPs and take action against the non-compliant units until the intervention by the Tribunal.

(d) the recommendations of the Court Commissioner are required to be implemented by the respective parties in order to ensure a contamination free and pollution-free environment in the locality for the present as well as future generation.

18. Establishment of CETP is a scheme introduced by the Government of India in 1991 in organised industrial areas to ensure industrial growth in an environmentally compatible manner. Usually SSI units find it difficult to have its own full-fledged Effluent Treatment Plant due to financial non-viability and low technical expertise. Initially

the scheme was meant to collect waste water from SSI Units for treatment whose plant and machinery are valued at less than 5 crores generating trade effluents of less than 25 KL/day. Subsequently, the scheme allowed SSI unit generating more than 25 KL/day and also, the medium and large scale units, subject to their meeting individual treatment standards. Therefore, closure of CETP is not a solution to abate the pollution, rather a strict vigilance and enforcement of regulation by the GPCB leading to improved performance by CETP and other industries will ensure compliance to pollution norms by such units. CETPs in Gujarat have undergone several improvements since intervention of Hon'ble High Court in the matter of **"Pravinbhai Jajbhai Patel Vrs. Mr. S.N. Shelat and Ors. in Spl. Civil Application No. 770 of 1995"** and its subsequent directions. The Hon'ble High Court had also directed that all the waste water generating Units in the industrial area, where CETP is located, become member of CETP and discharge their effluent after necessary treatment to Common Pipeline for treatment in CETP. Hon'ble Gujarat High Court, in the matter of **"Vapi Industrial Association Vrs. State of Gujarat, in Civil Application No.7780 of 1996, in Spl. Civil application No. 6926 of 1994"** directed the Units at Vapi which did not have

secondary treatment plant and were not members of CETP to close down by 13th March, 1997.

19. In order to ensure that industries operating in GIDC-Sachin area including the CETPs become compliant to pollution norms and thereby cause less harm to the environment, we invoke the principles of Sustainable Development, Polluters pay and the precautionary principles as mandated under Section 20 of the National Green Tribunal Act, 2010 and issue the following directions:

1) The Respondent No.4-SIEL-CETP, which was non-compliant for last 5 (five) years thereby discharging outlet waste water containing pollutants beyond the permissible limits in the environment and thus contributing to the contamination of Unn Khadi environment, shall pay an environmental compensation of Rs.20,00,000/- (Rs. Twenty lakhs) to be deposited with the State Pollution Control Board within two (2) months and the amount will be spent for restoration and restitution of the environment of the locality.

2. The GPCB shall initiate an appropriate action against the following four (4) industries, viz :

1) M/s. Sidhanta Creations Pvt. Ltd.

- 2) M/s. Sunrise D & P. Pvt. Ltd.,
- 3) M/s. Prafull Industries Pvt. Ltd.,
- 4) M/s. Kirtida Silk Mills.

found by the Court Commissioner discharging their waste water to open storm water drain, in accordance with law and action taken report be filed in the Registry of National Green Tribunal by the Pollution Control Board within three (3) months.

3. State Pollution Control Board shall initiate an appropriate action against the 34 industrial units identified by the Board in GIDC-Sachin area violating the disposal norms, in accordance with Law and shall ensure that no such industries are allowed to discharge their waste water to open drain or surface water or land not conforming to the disposal standard.

4. State Pollution Control Board is directed to take an appropriate action against all other Industrial Units in GIDC-Sachin, which do not have their secondary treatment plants and discharging their effluents containing pollutants beyond the prescribed unit, and are not members of the CEPTs, in order to compel them to apply to GIDC and/or CETP, as the case may be, for Membership of the existing

CETPs and get connected to such CETPs upon their Membership through underground pipeline. In case, it is not technically feasible to get the membership of the existing CETPs, the Pollution Control Board shall ensure that such industries establish their secondary treatment plants or get connected to new CETPs to be established for group/s of such industries in GIDC-Sachin within six months so as to ensure that no untreated effluent is discharged to the environment containing of pollutants in excess of the prescribed disposal standards. GIDC-Sachin is directed to co-operate GPCB in that regard. GIDC-Sachin and State Pollution Control Board shall file compliance report in the Registry before 15th March, 2018.

- 5.** In order to implement the recommendations of the Court Commissioner, we hereby constitute a Committee consisting of Member Secretary, State Pollution Control Board as Chairperson of the Committee, Sr. Environmental Engineer of Pollution Control Board as Member Convenor, Executive Chief Officer (Environment) of GIDC, one representative of the industries connected to CETPs to be nominated by Head of SEIL who

shall meet once in every two months, prepare action plan and monitor the implementation of the recommendations. The Pollution Control Board shall file a report in the Registry of National Green Tribunal to the extent of compliance. In any case, it is the responsibility of the State Pollution Control Board to ensure implementation of the recommendations within a period of one year and file compliance report in the Registry before 30th September 2018.

20. Litigation costs of Rs.50,000/- (Rs. Fifty thousand) shall be paid to the Applicant by the State Pollution Control Board within three (3) months from the amount of environmental compensation imposed as aforesaid.

21. With the above directions, the Original Application is partly allowed and disposed of alongwith M.A. No.192/2015.

....., **JM**
(Justice U.D. Salvi)

....., **EM**
(Prof (Dr.) P.C. Mishra)

Date : 6th September, 2017

ajp