

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 801/2018

Jasmeet Singh

Applicant(s)

Versus

State of Himachal Pradesh

Respondent(s)

Date of hearing: 14.01.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER
HON'BLE MR. SIDDHANTA DAS, EXPERT MEMBER**

ORDER

1. The issue for consideration is pollution of River Balad in Baddi industrial area in District Solan on account of leakage of Common Effluent Treatment Plant (CETP).
2. Vide order dated 01.03.2019, the Tribunal considered the report furnished by a joint Committee comprising the representatives of HPPCB and the District Magistrate, Solan showing serious deficiencies in the working of the CETP. The Tribunal required the CETP operator to deposit a performance guarantee in the sum of Rs. 25 lakhs and also directed the State PCB to take further remedial actions and to recover compensation from the defaulters.
3. The matter was again considered on 27.09.2019 in the light of report furnished by the State PCB and a further status report was required

to be furnished. The observations of this Tribunal in the said order are:

“3. The compliance report furnished by the State PCB mentions certain steps taken as well as proposal for additional pipelines to increase connectivity of effluent generating units to the CETP. The report further mentions that the STP under construction was to be completed by June, 2019.

4. We find it necessary to require latest status report in the matter from a joint Committee comprising the CPCB, Himachal Pradesh State PCB and the District Magistrate, Solan. The Committee may specifically examine the performance status of discharge of effluents by industries not connected to the CETP and progress of increase of connectivity of the effluent generating units to the CETP instead of tankers and progress of corrective measures to bring down the high TDS levels on account of discharge of effluents by textile units. The Committee may also ascertain the efficacy of the CETP and enforcement of the ‘Polluter Pays’ principle for recovery of compensation from the defaulting units. Such report may be furnished within one month by email at judicial-ngt@gov.in. The nodal agency for compliance, coordination and sending the report to this Tribunal will be the Himachal Pradesh State PCB.”

4. Accordingly, further report dated 16.11.2019 has been filed by the State PCB. The Committee visited the CETP, collected effluent samples from the outlet and observed:

“2.0 Inspection of CETP Baddi

i) The CETP is designed to treat five different categories of effluent as tabulated under

Sr. No.	Category	Sector of Industry	No of Units	Consented effluent quantity (in MLD)
1.	I	Food, Paper and Textile	89	15.55
2.	II	Soap & Detergent	112	2.0
3.	III	Pharmaceutical	213	2.9
4.	IV	Dyeing	4*	2.0
5.	V	Electroplating, Metal surface finishing	31	0.042
Total			449	22.492
				Say 23.00

- ii) It was observed that at an average of 17 mld effluent is treated by the CETP, comprising equalization tank, primary settler, aeration tank, reaction tank, secondary and tertiary clarifier. The treatment process for each stream is appended with the report (**Annexure IV**).
- iii) It was noticed that effluent of category IV is not reaching to its designated equalization tank. M/s Baddi Infrastructure Ltd., has informed that the dedicated pipe network to carry the effluent of category IV is blocked. The effluent of category IV is therefore being discharged through pipe network of Category I.
- iv) **It is also observed that the CETP is designed to treat category V effluent by mixing with category IV effluent to optimize the chemical consumption and to achieve effective treatment. Since, the effluent of category IV has been mixed with category-I, in the pipe network itself before reaching CETP, which has resulted in formation of a new complex effluent for which the CETP was not designed. Therefore, it could not able to deliver the desired results w.r.t. treatment and thus, effluents was in non-conformity with the standards, as per the monitoring results of HPPCB (Annexure-V). Besides, the effluent of category V remained effectively untreated throughout the CETP process.**
- v) The performance of CETP is being regularly monitored by HPPCB. The monitoring data (Annexure-V) indicate that the performance of the CETP is far from satisfactory for having not met the discharged standards. The data reveal that effluent quality does not conform the standards of Chloride (limit of 1100 mg/1 max.), Total dissolved Solids (TDS) (LIMIT OF 2100 MG/1 Mmax.) and Biochemical Oxygen Demand (BOD) (limit of 30 mg/ 1 max.).
- vi) The CETP has provided online continuous effluent monitoring system for pH, Total Suspended Solids (TDS), Chemical Oxygen Demand (COD) and Total Organic Content (TOC) and data so recorded are linked with the server of HPPCB and CPCB.

While collecting the sample from the final outlet of tertiary clarifier and discharge point at River Sirsa, difference in colour of effluent was observed. The sample collected from the discharge point was lighter in colour than that of outlet of tertiary clarifier; giving rise to possibility of dilution. (Photograph: Plate-I)

- vii) **The Committee also recorded that the Textile Units, which are generating the effluent of Category IV, were earlier operating their own effluent treatment plants**

prior to commencement of CETP and found it viable to operate due to their scale of production.

- vii) *The designed treatment criteria of CETP are to treat effluent, stream-wise, following segregation at source, effluent of Category-I is mixed with Category-IV, resulted in alternation of criteria, hence treated effluent.*
- ix) *For increasing the connectivity, the CETP has proposed of laying conveyance (pipeline) for a total length of 5.8 kms. The status is as under.*

Sr No.	Location	Stretch in meters	Status of permission obtained	Remarks
1.	Zydus Cadilla to Legacy Food on Baddi Barotiwala road	1655	Permission granted by HPPWD	Work has been awarded by M/s Baddi Infrastructure Ltd vide letter dated 27-09-2019. (Annexure-VI)
2.	Maplur-Baddi electrical substation upto Bhud near Maxtar Bio Genics Company	2250	Permission not granted by NHAI	
3.	Bhud to Lehi	1900	Permission granted by HPWD	
Total		5805		

To safeguard the interest of environment from being deteriorated further and having understanding of pollution problem, its cause and remedial measures, the Committee recommends following:

- i) ***Textile industries (SI. No.1 to 5, Table 1) engaged in dyeing-process generating effluent of Category-IV, as mentioned above for the purpose of designing and operating CETP, should stop its operations with immediate effect, until and unless the dedicated conduits supposed to carry the said effluent, is brought to back functional.***
- ii) *These units shall resume operation of their ETP to impart effective treatment on effluent of Category-IV so as to meet*

the standards and shall pump treated effluent to the pipe network designated to carry effluent of Category-I for further treatment at CETP.

iii) **These units shall resume operations only upon satisfactory performance of ETP which was brought back to functional and shall be monitored once in a month by HPCB.**

iv) M/s Baddi Infrastructure including Ltd. is to ensure proper maintenance of CETP and its infrastructure including pipe network designed to receive effluents from member industrial units. M/s Baddi Infrastructure Ltd. has to ensure operation of CETP as per the defined protocol and in accordance to standard operating practice which is in place. In case, any variation (beyond the designed criteria) of effluent quality is noticed by CETP the same shall be brought to the knowledge of SPCB, in writing. The SPCB shall acknowledge the communications and shall act to identify the cause for taking all necessary steps for taking all necessary steps to eliminate/minimize such variation.

v) **M/s Baddi Infrastructure Ltd. has to install activated carbon, pressure sand filters and ozonizer before the treated effluent is discharged. This refers the Detailed Project Report of CETP-Baddi, which finds mentioned of the system but has not been provided by M/s Baddi Infrastructure Limited.**

Reference is made on the observations recorded by the Committee constituted by Hon'ble Tribunal in O.A. No.916/2018 in the matter of Sobha Singh and Others v/s State of Punjab and Others, wherein the Committee recommended that Rs.1.0 crore to be levied on CETP-Baddi as Environmental Compensation for untreated effluent discharged into River Sirsa. The CETP discharged, joining the river, has failed to meet Bio-assay Test (Toxicity on fish: 0% survival with 100% effluent for 96 hours). This would have caused impact on water and land (soil) environment, plants and vegetation, aquatic life and human health all along downstream of CETP-Baddi.

Thus, Committee also recommends the following:-

vi) Environmental compensation (EC) to be levied to CETP-Baddi (M/s Baddi Infrastructure Ltd) for not having done effluent treatment upto the standards and to those Textile Industries (dyeing units) responsible for making CETP defunct. The EC would be proportionate as under.

a) CETP-Baddi has to pay environmental Compensation to the tune of Rs.1.91 Crores for non-compliance of discharged standards, estimated based on violation recorded by HPPCB over last one and half year [19.10.2017 -01.11.2019] (**Annexure VII**) including compensation to the tune of Rs.87.9 Lakh imposed by HSPCB dated 15.10.2019 over one year [20.11.2018 to 09.09.2019] (**annexure VIII**).

b) Textile Industries (dyeing units) are to pay establishment cost of CETP and cost of pipe network which was brought to state of irreparable.

vii) HPPCB is to review the notification, dated 17.03.2018 wherein Total Suspended Solids (TSS), Oil & Grease and pH have been notified TDS, BOD, Chloride and Sulphide may also be considered for inclusion in the notification as these have critical bearing on operation and performance of CETP designed to impart effective treatment. HPPCB may undertake similar exercise as done in case of notification, dated 29.06.2019 for CETP Paonta Sahib, wherein eight parameters including those referred here, have been considered. Such notification may be issued in consultation with CPCB.

viii) **For optimal performance of CETP-Baddi, HPPCB is to ensure regulating and monitoring mechanism be in place by asking all member units (falling under red category) of CETP to install online continuous effluent monitoring system. The data so recorded shall be made available on SPCB and CPCB server for effective control.”**

5. In view of the above, let the necessary steps be taken by the State PCB in coordination with other stakeholders to ensure that deficiencies pointed out are remedied at the earliest by preparing and executing an action plan. Further status report as on 31.03.2020 may be filed before the next date by email at judicial-ngt@gov.in.

List for further consideration on 20.04.2020.

A copy of this order be sent to State PCB by email.

Adarsh Kumar Goel, CP

S.P Wangdi, JM

Dr. Nagin Nanda, EM

Siddhanta Das, EM

January 14, 2020
Original Application No. 801/2018
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