

Sub: OA No. 1042/2018 (Gram Seva Samiti Vs MoEF & Others) - Compliance of directions of Hon'ble NGT vide its order dated 29.03.2019 - Reg.

Hon'ble NGT issued directions to the Chief Secretary, Government of Haryana in its order dated 29.03.2019 in OA No. 1042/2018 in the matter of Gram Sewa Samiti Vs. Ministry of Environment and Forests & Others to consider initiating remedial action against erring officials and furnish a report to the Tribunal within one month by e-mail. The relevant portion of the order is reproduced as under:-

"...7. We find that in spite of the report showing serious violation of law, the Haryana State Pollution Control Board (State PCB) has failed to initiate any action for prosecution and assessment and recovery of compensation for the damage caused. This may show either negligence, collusion or incompetence of the State PCB. The State PCB may now forthwith take steps in this regard, apart from considering closing the unit till compliance of norms to protect public health of inhabitants and to uphold the rule of law failing which action may have to be initiated against the Chairman and Member Secretary of the State PCB for the failure already pointed out. Violation of environmental norms affects right to life and is criminal offence. Once such violation comes to light, it is duty of regulatory authorities to take stringent preventive and punitive action forthwith instead of shutting eyes on account of incompetence or collusion. Such violation should not be made profitable. Deterrent compensation must be recovered for restoring the damage.

"8. The Chief Secretary, Haryana may initiate remedial action against erring officials and furnish a report to this Tribunal within one month by e-mail at ngt.filing@gmail.com..."

In the light of the above observations, the case was examined thoroughly and the following facts have been observed.

- Hon'ble Tribunal, on 14.12.2018 while hearing the application against the alleged violation of environmental norms by M/s Piccadilly Agro Distillery Industries Ltd., Karnal, Haryana, constituted a Joint Committee with CPCB and HSPCB and directed them to look into the matter and submit a

report. The Committee accordingly visited the site 08.02.2019, took samples and inspected the manufacturing process of the unit and submitted its report to Hon'ble NGT on 21.02.2019, with specific recommendations with regard to Sugar Industrial Unit and Distillery Unit.

- RO, Yamunanagar issued a notice to the distillery unit on 15.02.2019 under Water and Air Acts and directed the unit, conveying the observations and deficiencies identified by the field officials of HSPCB and asking the unit to explain their position and to submit an action plan to control odour and spillage of leachate. Another show cause notice dated 22.02.2019 was again issued to the units of distillery and sugar mill, after the receipt of Joint Inspection Report of CPCB and HSPCB, asking 'why the unit may not be closed'.

- Reply from both the units was sent by the respondents on 05.03.2019 (after 11 days) to RO Yamunanagar informing the compliance status and actions initiated. RO, Yamunanagar, after examination of the same, forwarded his recommendations on 29.03.2019 to the Board, recommending closure of both the units.

- Chairman, HSPCB issued the closure orders on 01.04.2019 for both the units and the distillery was closed on 02.04.2019 by the Regional Officer of Yamunanagar and while the team went to implement the orders of the Board, the farmers (whose sugarcane produce were destined to that unit) protested and did not allow the team to implement the same. The matter was taken up with Deputy Commissioner of Karnal who appointed a Duty Magistrate for implementation of the orders and finally the sugar mill was sealed on 10.04.2019.

- Further, a team of experts was also constituted by the Board on 05.04.2019 involving expert from CSIR-NEERI, Representative from CPCB and Senior Scientist from HSPCB HO to assess the environmental damage caused by the unit. The team is expected to submit its final report in by 15.05.2019 and the Board shall recover the cost of environmental damage from the unit accordingly.

- The Board has sanctioned prosecution against both the units, under the provisions of Water and Air Acts in Environmental Court.

- Action has been initiated against the RO, Yamunanagar and field officials directing them to explain the reasons for the delay caused in processing the case between 05.03.2019 (receipt of reply from the unit for the Show Cause Notice) and 29.03.2019 (Recommendations of closure forwarded to Head Quarters) and officials guilty of the lapse shall be punished as per rules.

It is therefore requested that this report may kindly be taken on record in compliance of the directions passed by the Hon'ble NGT vide its order dated 29.03.2019.



(D.S. Dhési)

Chief Secretary, Govt. of Haryana

26.04.2019

To

The Registrar,
National Green Tribunal,
New Delhi.