

Action Taken Report:

In the matter of O. A. 669 of 2018, Marvada Amrutlal Becharlal Vs. State of Gujarat - Ashapura Group of Companies, Kutch, order dated 27/05/2019.

Directions:

Para 11:

“In continuation of order dated 06.05.2019, we direct the GPCB to take further appropriate action in accordance with law in respect of the violation of the environment in the past as well as which are still continuing by way of closure of polluting activities, prosecution of the polluter and recovering compensation for the loss and furnish a further report within one month by email at judicial-ngt@gov.in”

Compliance:

1. The prosecution is filed in the court of Bhuj on 20/05/2019, Case No. 1696/2019. The case is listed on 06/07/2019.
2. The environment compensation imposed on industry of amount Rs. 97,50,000/-.
3. The closure direction u/s 33(A) of Water (Prevention and Control of Pollution) Act – 1974 with immediate effect issued on 11/06/2019.
4. The committee is formed in collaboration with State Level Environment Impact Assessment Authority (SEIAA) and Geology and Mining department to carry out the study for the disposal of the gypsum through back filling of the mines on 17/06/2019.

CALCULATION OF THE COMPENSATION TO BE RECOVERED

- In reference to Hon'ble NGT order in matter of OA No. 593/2017, the CPCB formed in-house committee and Report on methodology for assessing environmental compensation and action plan to utilize the fund is prepared by CPCB.
- As per the report the formula to calculate the compensation is as below;

$$EC = PI \times N \times R \times S \times LF$$

Where,

EC is Environmental Compensation in Rs.

PI = Pollution Index in industrial sector

N = Number of days of violation took place

R = A factor in Rupees for EC

S = Factor for scale of operation

LF = Location factor

- Considering above formula the environment compensation is calculated considering industry's status as on 31/05/2019 is as below;

PI	-	80	(Red category)
N	-	325	(From 10/07/2018 to as on 31/05/2019)
R	-	250	
S	-	1.5	(Large scale)
LF	-	1	(Population <1 Million)

$$\begin{aligned} \text{Environment Compensation (EC)} &= PI \times N \times R \times S \times LF \\ &= 80 \times 325 \times 250 \times 1.5 \times 1 \\ &= 97,50,000 \text{ (in Rupees)} \end{aligned}$$



GUJARAT POLLUTION CONTROL BOARD

PARYAVARAN BHAVAN

Sector-10-A, Gandhinagar 382 010

Phone : (079) 23222425

(079) 23232152

Fax : (079) 23232156

Website : www.gpcb.org

DIRECTION UNDER SECTION 33(A) OF THE WATER (PREVENTION AND CONTROL OF POLLUTION) ACT-1974 (HEREINAFTER REFERRED TO AS THE WATER ACT) AS AMENDED FROM TIME TO TIME.

WHEREAS you are having an industrial plant for manufacturing of Bleaching clay earth at Survey No. 167, Vill: Ler, near Bhujodi, Anjar-Bhuj Highway, Tal: Bhuj, Dist. Kutch.

AND WHEREAS the Gujarat Pollution Control Board has granted you consent under the provisions of the Water Act vide consent Order No. AWH- 93521 for operation of the industrial plant for the manufacture of above said products at the above site.

AND WHEREAS the Gujarat Pollution Control Board issued Closure Direction on 10/07/2018, on the basis of the compliance report of unit and compliance verification report the revocation was issued on trial with conditions on 27/08/2018. Thereafter, the trial was further extended vide order dated 10/12/2018 and 02/05/2019 with conditions mentioned in it.

AND WHEREAS, during the inspection of your industrial plant on 17/05/2019 under Section-23 of the Water Act by the officials of vigilance cell with reference to complaint and following was observed:

1. Huge quantity of gypsum stock was observed on survey no. 163 & 164 near industry.
2. Disposal of gypsum in small to huge quantities was observed on nearly 27 places, for filling up abandoned mines, levelling of land, strengthening of bund/slope of farm/structures, reclaiming lands of natural drains, low lying area, road sides etc.
3. The upstream of check dam of Sardar Jal Sanchay Yojna is also block due to dumping of gypsum.
4. At many locations fresh dumping of gypsum was observed.
5. During inspection samples from bore-well were collected and analysis report shows the presence of ammonical nitrogen.
6. During inspection ETP was in operation and samples of RO feed tank, filtrate / holding tank and evaporation pond were taken, the analysis report shows the acidic pH. This shows ETP is not operated efficiently.
7. Leakages were observed in Dryer 3, due to which fugitive emission was observed.
8. Dusting was observed on the pomegranate tree plantation in nearby farms.

AND WHEREAS, the GPCB had issued Directions u/s 33(A) for the curtailing the production up to 50% as the haphazard dumping of gypsum waste was observed and Notice of Direction u/s 31(A) was issued directing to take adequate measures to control fugitive emission.

AND WHEREAS, the unit has failed to comply with the directions issued time to time by the Board.

Clean Gujarat Green Gujarat

ISO-9001-2008 & ISO-14001 - 2004 Certified Organisation

UNDER THE CIRCUMSTANCES, I Smt. U. K. Upadhyay, Environmental Engineer of Gujarat Pollution Control Board is directed to re-implement the directions under Section –33(A) of the Water (Prevention and Control of Pollution) Act-1974 as under:

1. To prohibit you from manufacturing of above said products.
2. To close down the operation of your industrial plant on the above mentioned site with immediate effect.
3. To direct the concerned authority to stop supply of electricity and water.
4. To pay compensation with reference to Hon'ble NGT order dated 27/05/2019 of Rs. 97,50,000/- as the Environment damage / loss.
5. To submit the action taken report for the disposal of the gypsum till date. Further, submit the time bound action plan for disposing gypsum by sending to cement industry for co-processing.
6. To submit a comprehensive time bound action plan for restoration of ground water quality.
7. To carry out the detailed geo-hydrological study and submit the report.
8. Not to operate new plant without the permission of the Board.
9. To submit the time bound action plan including the area to be developed with complete details.
10. To submit the action taken report to control the fugitive emission.
11. If your plant runs on captive power plant or DG-Set, then you shall stop them also.
12. This order is issued with immediate effect from date of issue.

If the above directions are not complied, you are liable for prosecution under Section 41(2) of the Water (Prevention and Control of Pollution) Act-1974 which provides punishment with imprisonment for a term not less than one year and six months and may extend to six years and with fine.

**For and on behalf of
Gujarat Pollution Control Board**

**(Smt. U. K. Upadhyay)
Environmental Engineer
Date:**

NO: CCA-KUTCH-27(13)/GPCB ID:17774/

Issued to:

Ashapura Perfolay Ltd.
Survey No. 167,
Village: Ler, Nr. Bhujodi,
Anjar-Bhuj Highway,
Ta. Bhuj, Dist. Kutch



GPCB

To,

- 1) The Superintendent Engineer (SE)
Paschim Gujarat Vij Company Limited (PGVCL),
Circle Office, Nr. Bus Station,
Ta - Anjar, Dist - Kutch - 370110.....

I am directed to request you to disconnect supply of electricity with immediate effect from date of issue of this order to the industrial plant of Ashapura Perfoclay Ltd. located at Survey No. 167, Vill: Ler, Nr. Bhujodi, Anjar- Bhuj Highway, Ta. Bhuj, Dist. Kutch.

- 2) The Senior Manager,
Gujarat Water Infrastructure Ltd. (GWIL)
Nr. Municipal Tube-well No.4
Anjar-Bhuj State Highway,
Anjar, Kutch-370 110.....

I am directed to request you to disconnect supply of water with immediate effect from date of issue of this order to the industrial plant of Ashapura Perfoclay Ltd. located at Survey No. 167, Vill: Ler, Nr. Bhujodi, Anjar- Bhuj Highway, Ta. Bhuj, Dist. Kutch.

For and on behalf of
Gujarat Pollution Control Board


(Smt. U. K. Upadhyay)
Environmental Engineer

Outward No:509533,11/06/2019

Clean Gujarat Green Gujarat
ISO-9001-2008 & ISO-14001 - 2004 Certified Organisation

Page 3 of 3

By R.P.A.D.

No:-PC/CCA-KUTCH-27(13)/GPCB ID- 17774/5103/4

17 JUN 2019
Date:

To,
Shri S. M. Saiyad
Member Secretary
State Level Environment Impact-
Assessment Authority (SEIAA),
Paryavaran Bhavan,
Gandhinagar

To,
Shri Ketan Mavadiya
Geologist,
Geology and Mining Department,
Jilla Seva Sadan,
C-wing 1st Floor,
Collector Office,
Bhuj-Kachchh – 370001

Subject : Regarding Comprehensive report in reference to disposal of gypsum through back filling of mines.

Reference : 1. Hon'ble NGT order dated 27/05/2019 in matter of O.A. no. 669/2018.
2. Closure order issued vide order no. CCA-KUTCH-27(13)/GPCB ID 17774/509533, dated 11/06/2019

Sir,

With respect to above captioned subject and reference, the matter O.A. no. 669 of 2018, Marvada Amrutlal Becharlal Vs. State of Gujarat is pending before Hon'ble National Green Tribunal in respect to unit M/s. Ashapura Perfoclay located at Survey no. 167, Village: Ler, Near Bhujodi, Dist. Kutch. The gypsum waste generated was dumped haphazardly at various places from huge to small quantity. The unit is directed to dispose gypsum waste by sending to cement industry for co-processing. Considering the EC condition, the unit had represented before Hon'ble NGT for the disposal of gypsum through back filling of the mines.

Taking into consideration the Hon'ble NGT order dated 27/05/2019, it has been decided to carry out a comprehensive study of the feasibility of disposal of the gypsum waste through back filling of the mines in collaboration with State Level Environment Impact Assessment Authority (SEIAA) and Mining Department.

Hence, in this regard you are hereby requested to depute Officer for the Comprehensive Study Report so that necessary decision with reference to the report can be taken. Further it is to inform that next hearing date in Hon'ble NGT is 09/07/2019, and it is request to take this matter on urgent basis so that action taken report can be submitted accordingly.

This letter is issued with the permission of the competent authority.

For and Behalf of
Gujarat Pollution Control Board


(K. C. Mistry)
Member Secretary

Copy to;

1) Regional Officer,

Regional Office, Kutch (West).....

To take up the matter in collaboration with SEIAA and Mining Department and carry out the study in this regard. Submit the detailed report along with the conclusion.

o/c 