

## **OFFICE OF THE MONITORING COMMITTEE**

Constituted by the Hon'ble National Green Tribunal in Original Application no.138 and 139 of 2016, OA No.916/2018 (earlier OA No.101 of 2014) OA No.606 of 2018 and OA No.1040 of 2018

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To

The Worthy Registrar,  
National Green Tribunal,  
Faridkot House, Copernicus Marg, Near India Gate,  
New Delhi, Delhi 110001

No.CEC/2019/97  
Dated: 16-5-2019

**Subject: Report on compliance of order dated 28.2.2019 in Original Application No.1040/2018 (I.A. No.11/2019) in the matter of Sushil Kumar Vs. State of Punjab and others (Chadha Sugar Industries Pvt. Ltd., Kiri Afgana, District Gurdaspur)**

Sir,

It is submitted that in compliance of the aforesaid orders passed in Original Application No. **1040/2018 (I.A. No.11/2019) in the matter of Sushil Kumar Vs. State of Punjab and others (Chadha Sugar Industries Pvt. Ltd., Kiri Afgana, District Gurdaspur)**, a report of the Monitoring Committee, constituted under the order of the Hon'ble Tribunal in OA No.916 of 2018 in the matter of Sobha Singh Vs. State of Punjab, is sent to your good office.

It is further submitted that the industry vide its letter dated 20.4.2019 has submitted record of proceedings dated 12.4.2019 of the Hon'ble Supreme Court of India wherein the Hon'ble Supreme Court of India has stayed the proceedings in O.A. No.1040 of 2018 pending before National Green Tribunal,

Principal Bench, New Delhi. The order dated 12.4.2019 of Hon'ble Supreme Court of India is reproduced as under: -

***"In the meantime, there shall be stay of proceedings in Original Application No.1040 of 2018 pending before National Green Tribunal, Principal Bench, New Delhi."***

However, as per directions of the Hon'ble Tribunal, as mentioned in para 6 of the order dated 28.2.2019 in OA No.1040 of 2018 in the matter of Sushil Kumar vs. State of Punjab & others, the Monitoring Committee has submitted its recommendations at Point No.6.0, Page No.16-19 of the report but these recommendations may be kept pending till the stay is got vacated by the State Government/Punjab Pollution Control Board for which the Monitoring Committee has requested vide its letter No.CEC/2019/55, dated 15.4.2019 and reminder issued vide No. CEC/2019/78, dated 30.4.2019 to get-vacate the stay orders of the Hon'ble Supreme Court of India in the matter.

Submitted for further action please.



**( Justice Pritam Pal )**  
Former Judge,  
Punjab & Haryana High Court  
Chairman  
Executive Committee

**REPORT**  
**ON**  
**COMPLIANCE OF ORDER**  
**DATED 28.02.2019**  
**IN**  
**ORIGINAL APPLICATION NO 1040/2018**  
**(I.A. NO.11/2019)**  
**IN THE MATTER**  
**OF**  
**SUSHIL KUMAR VS. STATE OF PUNJAB**  
**& OTHERS.**

**(M/S CHADHA SUGAR & INDUSTRIES**  
**PVT. LTD., VILAGE KIRI AFGANA,**  
**TEHSIL BATALA, DISTT. GURDASPUR)**

Submitted by:  
**Monitoring Committee**  
**Constituted by**  
**Hon'ble National Green Tribunal**

9<sup>th</sup> May, 2019

**Report on Compliance of Order dated 28.2.2019 in Original Application no. 1040/2018 (I.A. No.11/2019) in the matter of Sushil Kumar v/s State Of Punjab & Others- M/s Chadha sugar & Industries Pvt. Ltd., Village-Kiri Afgana, Tehsil-Batala, District-Gurdaspur).**

**1.0 Background:**

The Hon'ble National Green Tribunal vide its order dated 28.2.2019 in Original Application no. 1040/2018 (I.A. No.11/2019) in the matter of Sushil Kumar v/s State Of Punjab & Others- M/s Chadha sugar & Industries Pvt. Ltd., Village Kiri Afgana, Tehsil Batala, Distt. Gurdaspur) has passed order in the matter. The paras no 5,6 and 7 of the order are reproduced as under:

**Para 5:** *"Having regard to the above findings in the report, we are of the view that the monitoring committee constituted under orders of this tribunal in Shobha Singh (supra), ought to look into the present matter also which has direct bearing on the said matter also and about adequacy of safeguards adopted to prevent and save the aquatic life, adequacy of compensation which has been sort from the polluting unit in question on principles laid down by the Hon'ble Supreme Court that compensation in such cases has to be deterrent to discourage any polluter from indulging in such activities and also should be adequate to restore the damage caused to the Environment."*

**Para 6:** *"The Committee may also consider report dated 30.1.2019 filed by CPCB before the Tribunal in the matter and to recommend as to whether the industry should be allowed to operate and if so, subject to what safeguards and on precautionary principles, including taking of performance guarantee of suitable amount undertaking to ensure that such mishap is not repeated. The parties are liberty to give their view point to the Committee." within two weeks.*

**Para 7:** *"The monitoring committee may furnish its report in the matter separately within three months by email at: [ngt.filing@gmail.com](mailto:ngt.filing@gmail.com)*

**2.0 Action of the Monitoring Committee:**

In Para No 6 and 7 of the order dated 28.2.2019, it has been mentioned that the parties are at the liberty to give their view point to the Committee within two weeks and Monitoring Committee has been directed to furnish its report in the matter separately within three months.

In light of the order of the Hon'ble Tribunal, Sh. Sushil Kumar, the complainant in the case, was given an opportunity of personal hearing before

the Monitoring Committee headed by Justice Pritam Pal, former Judge, Punjab and Haryana High Court on 10.4.2019.

Sh. Sushil Kumar appeared before the Monitoring Committee and submitted its statement dated 10.4.2019. The statement of Sh. Sushil Kumar is reproduced as under: -

*"It is submitted that I had been awarded contract for fishing from River Beas in the jurisdiction of river Beas both banks including Dhussi and Dhaya Bunds from Shah Nehar to Shri Hargobindpur and its tributaries excluding the portion 1.6 Km upstream and 2.00 KM downstream from Shah Nehar Barrage and notified portion of Gurdaspur District from 15 August, 2017 to 14 August, 2018. The Department of Fisheries has issued me license for fish catching from these areas from 15 August, 2017 to 14 August, 2018, copy of the same shall be submitted by me within 4 days.*

*The amount of contract was approximately Rs.20.00 lac plus 5% security charges. This amount was paid on quarterly basis and now Rs.2.00 lac is yet to be paid by me to the Fisheries Department.*

*From time to time, during fishing, it was observed by me that the Chadha Sugar Mill, Kiri Afgana was discharging its industrial effluent into Kanuwan Swamp Drain. On 6.4.2018, I had made complaint to the Deputy Director, Fisheries Department, District Gurdaspur regarding discharge of acidic effluent by the Chadha Sugar Mill, Kiri Afgana due to which fish killing happened and there was a loss of about 40 percent of fish catching.*

*Normally, during February to June, 5 to 10 quintal per day fishing is carried out. For fishing, fish catcher from Uttar Pradesh and Bihar States are engaged. The record of the fish catching is maintained on daily basis by me and I am submitting copy of the record running in 3 pages maintained*

*Case*

for the period from April to June, which was submitted to Deputy Director, Fisheries Department, Hoshiarpur.

On 16.5.2018, the industry was again found discharging its effluent alongwith molasses in the drain leading to Kahnuwan Swamp Drain further leading to river Beas. After this incident, no fish catching was done and even the State Government has banned fishing from the river. As such, I had to suffer financial loss.

During hearing, I have shown the video through my mobile phone No.99152-23497 showing the discharge of industrial effluent alongwith molasses into Kahnuwan Swamp Drain leading to river Beas. The CD of the same has already been submitted to the Hon'ble NGT, New Delhi. Now, I shall also submit CD of the same to the Hon'ble Executive Committee within 4 days."

Shri Sushil Kumar, the complainant, has submitted USB Drive **(enclosed as per Annexure-1)** showing the disc molasses into Kahnuwan Swamp drain leading to river Beas. The Monitoring Committee has seen the video clips sent by him. The video shows that the industry is discharging its effluent into Kanuwan Swamp Drain further leading to river Beas. The persons shown in the video are also giving their statement about the indiscriminate discharge of industrial effluent of M/s Chadha Sugar Mills Ltd., Village-Kiri Afgana, Tehsil-Batala, District-Gurdaspur.

Thereafter, the industry namely M/s Chadha Sugar & Industries Pvt. Ltd., Village-Kiri Afgana, Tehsil-Batala, District-Gurdaspur was also given an opportunity of personal hearing before the Monitoring Committee headed by Justice Pritam Pal former Judge Punjab & Haryana High Court on 15.4.2019. However, the authorized signatory of M/s Chadha Sugars & Industries Pvt. Ltd., Village Kiri Afgana, Tehsil-Batala, District-Gurdaspur submitted letter dated 15.04.2019 alongwith letter dated 15.04.2019 of Sh. Nikhil Jain, Advocate on Record claiming that the stay order in the matter has been made

by Hon'ble Supreme Court of India on 12.04.2019 and in view of this, the matter was adjourned to 22.04.2019 to supply the copy of the proceeding dated 12.04.2019 of Hon'ble Supreme Court of India and to take further course of action.

The industry vide its letter dated 20.4.2019 has submitted 'Record of Proceedings' dated 12.4.2019 of Hon'ble Supreme Court of India, which are reproduced as under: -

***"In the meantime, there shall be stay of proceedings in Original Application No.1040 of 2018 pending before National Green Tribunal, Principal Bench, New Delhi."***

The copy of record of proceedings of Hon'ble Supreme Court of India is annexed as per **Annexure-2**.

### **3.0 Efforts to vacate stay order**

The Principal Secretary to Government of Punjab, Department of Science Technology & Environment has been requested vide Monitoring Committee letter No. CEC/2019/55, dated 15.4.2019 (**Annexure-3**) to ask the concerned department to pursue the matter in the Hon'ble Supreme Court of India and get the stay order vacated. He has also been reminded vide monitoring committee letter No. CEC/2019/78, dated 30.4.2019 (**Annexure-4**) to intimate as to whether the concerned department has pursued the matter in the Hon'ble Supreme Court of India to get vacate the stay order in the matter so that requisite report, as desired by the Hon'ble NGT may be submitted before 15.5.2019.

As per Para 6 of order dated 28/02/2019, the Committee has also been directed to consider report dated 30.1.2019 filed by CPCB before Hon'ble Tribunal in above connected matter and recommend whether the industry should be allowed to operate, and if so, subject to what safeguards on precautionary principle including taking of performance guarantee of suitable amount undertaking to ensure that such mishap is not repeated. Therefore, the monitoring committee has adopted following course of actions.

### **4.0 Consideration of report dated 30.01.2019 of CPCB**

In compliance to the order dated 28/02/2019 of Hon'ble National Green Tribunal, New Delhi in O.A. No. 1040 of 2018 in the matter of Sushil Kumar

V/s State of Punjab & Others, the monitoring Committee has perused the report dated 30/01/2019 submitted by CPCB before the Hon'ble National Green Tribunal, New Delhi. The contents of the report are mentioned as under:

The major issue/concerns of the applicant raised, in his application that the M/s Chadha Sugar & Industries, Village-Kiri Afgana, Tehsil-Batala, District-Gurdaspur had released molasses/acidic water into River Beas, through a rivulet Kahnuwan Swamp Drain running adjacent to the industry, which has led to the death of huge quantity of fish & aquatic life & has affected the flora & fauna of the river, causing irreparable damage.

#### **4.1 Visit to the industry by PPCB Team on 16.5.2018:**

Based on the investigation carried out by PPCB after the incident, the contents of the report are mentioned as under:-

After the telephonic information, the Officers of PPCB immediately reached the site on 16/05/2018 and it was observed that the industry was not in operation due to off season and large amount of molasses stored in 2 no. open brick lined lagoons got self-ignited due to exothermic reaction, which resulted an unstoppable over flow of molasses from both the tanks into adjoining area inside the premises of the industry and some part of it flowed into Kahnuwan Swamp drain and ultimately into River Beas. The temperature of the molasses was very high and it was not possible to stop the flow at that stage manually or mechanically. Over a period of time, the molasses cooled down and in the morning on 17/05/2018 machinery was deployed on war footing scale to stop the flow of molasses into the Kahnuwan swamp drain. The flow/spillage of molasses into the Kahnuwan swamp drain was controlled around 2 PM. Therefore, due to spillage of molasses into Kahnuwan Swamp Drain and further into River Beas, the fishes in the River Beas died. Moreover, the discharge of molasses resulted in the depletion of the dissolved oxygen levels in the River, and the reported D.O. value was 0.0 mg/l as per the records of PPCB, at Harike Barrage where rivers Sutlej and Beas meet approximately 100 KM downstream of the industry, indicating complete depletion of dissolved oxygen.

Samples of the surface water of Kahnuwan swamp drain and River Beas were collected by PPCB and were analysed for the required parameters.

#### **4.1.1 Conclusion by PPCB Team:**

It was observed that there was clear cut negligence on the part of the industry for mishandling of the situation by not providing the required safety arrangements as required under the provisions of the Factories Act, 1948 for the storage of excessive molasses in the 2 no. brick lined lagoons.

#### **4.2 Visit to the Industry by CPCB Team on 22.5.2018 and 23.5.2018:**

Based on the news article and other media on the molasses discharge incidence into River Beas and killing of aquatic species, a team of CPCB also made a visit to the site on 22/05/2018 and 23/05/2018 and the report of the CPCB is as under:-

- i) The Sugar Mill had excess production of sugar due to the surplus crop production in the crushing season, which also resulted in excess generation of Molasses.
- ii) The unit had not sufficient storage facility for the molasses (one MS tank of 7000 KL capacity was available and another MS tank of same capacity was completed only in May, 2018).
- iii) The industry tried to provide temporary arrangement by storing the molasses in the open lagoon/storage tank of 13000 KL capacity (brick lined with polythene sheet), which was meant for storing treated effluent from sugar Mill ETP during no demand period.
- iv) The industry did not provide the required storage facility for the molasses generated from the Sugar Mill and had mismanaged the excess molasses by storing it in open lagoons/tanks without safeguards and approval of concerned authorities and which resulted in the incident.

#### **4.3 Joint inspection by PPCB and CPCB teams on 5.6.2018:**

A joint inspections was carried out by CPCB & PPCB as per order of National Green Tribunal, New Delhi in the O.A. No. 344 & 345 on 04/06/2018 & 05/06/2018 and the findings of the joint monitoring committee are reproduced as under:-

- i. The analysis results of the River Beas indicated that all the three samples were complying with the River Water Quality Criteria w.r.t. the parameters namely pH, DO, BOD & F.Coli.
- ii. The analysis results of the drain samples collected adjacent to M/s Chadha Sugars Ltd, Batala is complying to the inland surface water discharge standards prescribed under Environment (Protection) Rules, 1986.
- iii. Analysis results indicated that the impact of the discharge of molasses in the River seems to be diluted and might have been washed out or diluted due to release of fresh water from the dams located on the U/s of River Sutlej as well as U/s River Beas as it is evident from the analysis results that the D.O. levels in the River Sutlej at Harike Barrage whereas D.O. levels in the River Sutlej were in the range of 4-9 mg/l.
- iv. D.O. content in Kahnuwan Swamp drain was observed as 5.6 mg/l. The analysis results of other physico-chemical parameters (such as pH, BOD, COD etc) do not indicate contamination due to discharge of industrial effluent in River Beas on the day of sampling.
- v. The lower values of inorganic salts such as Chlorides, Sulphates, Nitrates, which are associated with the characteristics of Molasses generated in Sugar production, which might be due to washing out of molasses and no impact on the River Water quality w.r.t water quality criteria parameters was observed on the date of visit.

##### **4.3.1 Action taken by PPCB:**

Based on the observation of the joint inspection carried out by the CPCB & PPCB, the action taken by the PPCB in mentioned as under:-

- i. Directions were issued to the industry by PPCB vide Board's letter no. 1436 dated 17/05/2018 under the provisions of section 33-A of the Water (Prevention & Control of Pollution), Act, 1974.
  - For sealing of plant and machinery of Sugar Mill.
  - For encashing of Bank Guarantee of Rs. 25.00 Lacs.
  - To revoke the consent to operate issued to the industry.
- ii. The machinery of M/s Chadha Sugar & Industries Ltd, Batala was sealed.
- iii. The Bank Guarantee of Rs. 25.00 Lacs out of Rs. 35.00 Lacs was encashed vide DD No. 989779 dated 21/05/2018
- iv. The consent was revoked vide PPCB letter no. 1440 dated 17/05/2018.
- v. The industry M/s Chadha Sugar & Industries Ltd, Batala was given hearing before the Chairman of the Board on 24/05/2018. After hearing, the important decisions taken during the hearing are mentioned as under:
  - The Mill shall undertake an endowment programme of Rs. 5.00 crore (five crore) to be deposited with Punjab Pollution Control Board as environmental compensation for causing degradation of ecology of Beas river due to spillage of its molasses in the river, on the basis of polluter pays principle.
  - This money shall be utilized for conservation and restoration of ecology of river Beas including rejuvenation of aquatic life. An Action Plan in this regard shall be prepared by Department of Forest, Department of Wild life, Department of Water Resources, PPCB, PAU Ludhiana and GADVASU Ludhiana.
  - A criminal complaint under section 44 read with 47 of the Water (Prevention & Control of Pollution) Act, 1974 has been filed against the industrial unit and persons responsible in the Court of Chief Judicial Magistrate, Gurdaspur.
  - A committee consisting of representative of Director of Factories, State Excise & Taxation Commissioner and Chairman, PPCB shall be constituted to suggest further

safeguards required in the mill with a view to ensure that such incidents do not re-occur in future.

- The Mill shall not store molasses in tanks other than the mild steel tanks with cooling arrangements, recirculation, proper venting, arrangement of adding anti foam/Biocide which shall be of sufficient capacity and location as per IS : 5521-1980 code of the environmentally sound storage of Molasses.
- The Mill will obtain necessary approval from the Department of Excise and Taxation for Generation, Storage & Sale of molasses as per East Punjab Molasses (Control Act), 1948 and the industry shall take necessary approval from the Director of Factories for the compliance of the provisions of Factories Act, 1948.

#### **4.3.2 Action taken by CPCB:**

CPCB has also issued directions u/s 18 (1) (b) of Water (Prevention & Control of Pollution), Act, 1974 and Air (Prevention & Control of Pollution), Act, 1981 on 25/05/2018, wherein PPCB had been directed for ensuring compliance and to take action against the defaulting unit.

#### **4.3.3 Action taken by Fishing Development Board:**

- After the molasses release incident, Forest and Wildlife Department vide their letter no. 4286 dated 15/10/2018 has banned the fishing in 185 Kms of Beas River Stretch for 2-3 years.
- As per the request of Forest and Wildlife Departments, Rs17.80 lac fish seed produced at Fish Seed Farms of the department at Kapurthala, Hoshiarpur, Gurdaspur and Amritsar was provided for stocking.

#### **4.4 Compliance on directions of PPCB:**

- The Consent to operate under Water (Prevention & Control of Pollution), Act, 1974 was granted the PPCB on 07/12/2018 valid upto 30/04/2019.

- The PPCB has filed prosecution against the Mill and the responsible persons under section 44 read with 47 of the Water (Prevention & Control of Pollution), Act, 1974 in the Hon'ble Court of Chief Judicial Magistrate, Gurdaspur and the case is fixed for hearing on 24/04/2019.
- The industry has submitted total amount of Rs. 2.00 Crore (Rs. 1.00 Crore vide R.No. 78/4726 dated 25/06/2018, Rs. 25.00 Lac vide R.No. 15/4821 dated 25/09/2018, Rs. 25.00 Lac vide R.No. 32/4821 dated 30/10/2018, Rs. 25.00 Lac vide R.No. 09/5120 dated 26/11/2018 & Rs. 25.00 Lac vide R.No. 39/5120 dated 25/12/2018) in light of the decision of the hearing before the competent authority of the Board an endowment programme as environmental compensation for causing degradation of ecology of Beas river due to spillage of its molasses in the river.
- The analysis reports of locations fixed by the Board for monitoring of water quality of River Beas are found complying with the River Water Quality Criteria w.r.t pH, COD, BOD & F.Coli. parameters.
- The PPCB has constituted Expert Committee for evaluations of action plans for conservation and restoration of ecology of River Beas including rejuvenation of aquatic life in River Beas. The Committee has finalized the action plans submitted by the PCCF, GADVASU and PAU.

#### **4.5 Recommendations of Safeguard Committee constituted by PPCB:**

- i. The industry if operates at allowed capacity of 4500 TCD it requires to provide 6 no. steel storage tanks of 4000 m<sup>3</sup> capacity each for the storage of molasses. The industry presently has 02 no. steel tanks for the storage of molasses. The sugar mill needs to provide 4 no. additional steel tanks of 4000 m<sup>3</sup> capacity for the storage of molasses before the start of next crushing season 2018-19.
- ii. The design, specifications, safety measures and location of steel tanks for the storage of molasses in the industry should be strictly as per Bureau of Indian Standards IS: 5521 - 1980.

- iii. The ETPs of all the 05 no. Industries, Irrigation area, Bio-composting areas is situated on, one of the corner at the backside of industry which is adjoining to the drain, there is no proper boundary wall for this area. In case of an accident or any spillages it may find its way into drain leading to river Beas. So the industry needs to provide a impervious retaining wall all around the ETP area on 02 open sides duly designed and approved by the Department of Irrigation engaged in designing of Dams Authority, Punjab and industry shall construct the retaining wall before the start of next crushing season 2018-19.
- iv. As the 05 no. sister concern units are operating in a cluster adjoining to Kahnuwan Swamp Drain leading to River Beas has been notified vide notification no. 34/13/2017-FT-5/1052756/1 dated 29/08/2017 as BCR (Beas River Conservation Reserve) by the Department of Forest & Wildlife, Punjab. The area of industry is now Environmentally sensitive zone, so the industry shall prepare an onsite emergency plan and offsite emergency plan to mitigate with any accident/incident in the industry which can affect the water quality of River Beas and get it approved from Department of Factories as required under The Factories Act, 1948 and also from Department of Forest & Wildlife, Punjab under the Beas River Conservation Reserve.
- v. The industry shall comply with all the conditions of Environmental Clearance granted to the industry by MoEF vide No. J-11011/8/2010-IA II (I) dated 25/4/2011 and shall not exceed the cane crushing capacity of 4500 TCD for which it has obtained EC from MoEF. The Deputy Commissioner, Gurdaspur and the MD, Sugarfed shall ensure that the industry do not crush the cane in excess of 4500 TCD as allowed by MoEF, Govt. of India while granting Environmental Clearance to the industry.
- vi. The industry shall regularly do monitoring of critical parameters such as temperature in and around the molasses storage steel tanks and shall install facilities for conveyance of warning signals

so that in case of any mishap the message is conveyed to the Plant Head of the industry and respective departments such as Department of Forests & Wildlife, Punjab, Department of Irrigation, Punjab, Punjab Pollution Control Board, Excise and Taxation Department, Department of Factories, Sugarfed and District Administration and Department of Forests & Wildlife will be the Nodal Agency for sounding alert among all the concerned Departments so that preventive measures are taken immediately.

- vii. The industry shall dismantle kacha/Brick lined storages pits and lagoons available in the common ETP area under the control of 05 no. sister concerned units of M/s Chadha Sugar & Industries (P) Ltd, Village- Kiri Afgana, Tehsil- Batala, District- Gurdaspur before the start of next crushing season i.e. 2018-19.
- viii. The industry shall obtain permission from the National Federation of Cooperative Sugar Factories Ltd (NFCSF) regarding the installed capacity of plant & machinery and the cane crushing capacity of the industry before the start of next crushing season 2018-19.
- ix. The Excise and Taxation Commissioner, Punjab shall implement and enforce the various provisions of the East Punjab Molasses (Control) Act, 1948 in the sugar mill for the storage and sale of molasses before the start of next crushing season 2018 -19.
- x. The Department of Excise & Taxation, Punjab shall direct the industry to operate the Molasses Based Distillery on regular basis from the next crushing season 2018-19. As the industry has also established a 30 KLPD molasses based distillery (MBD) adjoining to the Sugar Mills, where it can utilize 147 TPD of molasses. Therefore, if the Molasses Based Distillery is operated regularly by the industry during the cane crushing season, the max. quantity of molasses generated by the sugar mill can be utilized by the MBD industry.
- xi. The Food Safety Commissioner, Punjab, Department of Health & Family Welfare, Punjab shall ensure that the industry complies with the Food Safety and Standards (Licensing & Registration of

Food Business) Regulation, 2011 and order dated 13/01/2017 w.r.t. license requirement for Molasses – a sugar industry by-product with regard to storage and sale of Molasses.

- xii. The industry shall get the amended layout plan of the industry including the ETP zone prepared and submitted to Department of Factories as required under section 6 of the Factories Act 1948. The competent authority under the Factories Act 1948 will approve the plan after proper verification before the start of next crushing season 2018-19.
- xiii. The industry shall install Real-time Surface Water Quality Monitoring station for the monitoring of various parameters of surface water 24x7 at the confluence point of Kahnuwan Swamp Drain with the River Beas within 03-months period and will connect it with website of CPCB, PPCB, Department of Forests & Wildlife and Department of Irrigation.

**5.0 Visit to the Industry by the present Monitoring Committee on 30.3.2019:**

The Monitoring Committee consisting of the following members has visited the industry on 30.03.2019.

**a) Members of the Monitoring Committee:**

1. Justice Pritam Pal, Chairman Executive Committee.
2. Sh. S.C. Aggarwal, IAS (Retd.), Former Chief Secretary Punjab, Senior Member.
3. Dr. Babu Ram, Former Member Secretary, Punjab Pollution Control Board, Patiala, member.
4. Sant Balbir Singh Seechewal, Member
5. Sh. J. Chandra Babu, Member

**b) Other officers of the State Government:-**

1. Sh. Gurinder Singh Majitha, Chief Environmental Engineer, Punjab Pollution Control Board, Jalandhar.
2. Sh. Harbir Singh, Senior Environmental Engineer, Punjab Pollution Control Board, Amritsar.

3. Sh. Rajinder Tanwar, ETO, Excise and Taxation Officer, Amritsar.
4. Sh. Ishu Sanghar, ADF, Deptt of Factories Chandigarh.
5. Sh. Rajesh Mahajan, DFO, Wildlife.
6. Sh. Wilbert Samson, DFO, Gurdaspur.
7. Sh. Tajinder Pal Singh Sandhu, PCS, Additional Deputy Commissioner (General), Gurdaspur.
8. Sh. Balbir Singh, PCS, Sub Divisional Magistrate, Batala.

### 5.1 Observations of Monitoring Committee:

1) There are five industries in the same complex:

a) **M/s Chadha Sugar & industries (P) Ltd:**

The industry is a sugar mill unit engaged in the process of manufacturing of sugar @ 450 TPD and has consented crushing capacity @ 4500 TCD having discharge of 820 m<sup>3</sup>/day. The industry has installed ETP based on ASP technology and the treated effluent is discharged onto land for irrigation in an area of 10 acres.

b) **M/s Chadha Sugars Industries (P) Ltd (GBD):**

The industry is a grain based distillery of 30 KLD capacity and having 93 m<sup>3</sup>/day effluent generation. The effluent is fed into decanter which is further treated in biogas plant and then in evaporator. After concentrating, the same is mixed with wet cake and sold in the market as for cattle feed.

c) **M/s Chadha Sugar & Industries (MBD):**

The industry is a molasses based distillery of 30 KLD capacity and having 67m<sup>3</sup>/day effluent generation. The effluent is fed into decanter which is further treated in biogas plant and then in evaporator. After concentrating, the same is mixed with wet cake and sold in the market as for cattle feed.

d) **M/s A.B. Grains Sprints (P) Ltd:**

The industry is a distillery unit of capacity 120 KLD based on grain based technology and having 650m<sup>3</sup>/day effluent generation. About 390m<sup>3</sup>/day effluent is reused in the process and remaining 260m<sup>3</sup>/day effluent is discharged onto land for plantation in an area

of 5.5 acres after the treatment through ETP consisting of two stage aeration system.

- e) **M/s Adie Broswon Breweries (P) Ltd:-**The industry is engaged in manufacturing of Beer of capacity 5,00,000 hectoliter Per annum. The discharge from the industry is about 700 m<sup>3</sup>/day, which is treated in an ETP and the treated effluent is discharged on to land for plantation in an area of 8.5 acre.

All these industries were in operation during the day of visit.

- 2) For the storage of molasses, the industry has provided two molasses storage tanks of capacity of 7500 MT and 6500 MT. Third storage tank of capacity 8000 MT is under construction. The industry needs to provide one additional molasses storage tank of capacity 8000 MT keeping in view any increase in the molasses during peak season of Sugar Mill operation or non-utility of molasses in the molasses based distillery.
- 3) The industry has constructed two brick lined lagoons of capacity 13000m<sup>3</sup> and 5000m<sup>3</sup> in effluent treatment plant area. These lagoons have been filled with charred molasses (remains of burnt molasses).The industry needs to remove the charred molasses immediately and dispose of the same in scientific manner.
- 4) On two sides of these five industries Kahnuwan Swamp drain and plantation area exist, therefore, brick walls of adequate height are required to be provided on both the sides so as to protect the environment.
- 5) The spent wash from molasses based distillery is used for manufacturing of bio-compost using spent wash and press mud. The industry needs to take necessary precautionary measures during rainy days to ensure that no spent wash or leakages or rainwater mixed with spent wash may enter into plantation area or into Kahnuwan Swamp drain.

#### **6.0 Recommendations of the monitoring committee:**

- i. The treated effluent of all the industries except molasses based distillery, whose spent wash is utilized for manufacturing of bio compost, is utilized for plantation in an area of 24 acres, developed within the premises of the group of industries. The treated effluent shall be disposed off in plantation area in a scientific manner as per

- the technology available for such discharges and it shall ensure no stagnation of effluent is caused in area of the industry.
- ii. The spent wash from molasses based distillery is used for manufacturing of bio-compost using spent wash and press mud. The industry should take necessary precautionary measures during rainy days to ensure that no spent wash or leakages or rainwater mixed with spent wash may enter into plantation area or into Kahnuwan Swamp drain in any case.
  - iii. The monitoring committee is of the view that for safety and precautionary measures to ensure that no such incident occur in future, the industry must provide additional storage capacity of molasses as suggested by the committee.
  - iv. The design, specifications, safety measures and location of steel tanks for the storage of molasses in the industry should be strictly as per Bureau of Indian Standards IS: 5521 – 1980.
  - v. As earlier recommended by the safeguard committee in its recommendation no. 3, the monitoring committee also recommended that the industry needs to provide **(a)** an impervious retaining wall all around the ETP of the 05 no. industries **(b)** Irrigation area **(c)** Bio Compost area. The impervious retaining walls of 3 m height above ground level shall be built toward two open sides of the industry. This retaining wall must be completed by the industry within 06 months.
  - vi. In order to prevent the spillage or any leakage or overflow of effluent or any liquid, the industry shall provide a garland drain all around the common ETP area inside the retaining wall.
  - vii. The industry has two brick line lagoons in Effluent treatment plant area. These lagoons have been filled with charred molasses (remains of burnt molasses). The industry should remove the charred molasses immediately and dispose of the same in scientific manner.
  - viii. The industry shall prepare an onsite emergency plan and offsite emergency plan to mitigate with any accident/incident in the industry which can affect the water quality of River Beas and the

same be got approved from concerned Department i.e. Department of Factories and Deputy Commissioner, Gurdaspur.

- ix. The industry must comply all the conditions of Environmental clearance granted to the industry by MOEF vide No. J-11011/8/2010-IA II (I) dated 25/4/2011 and shall not exceed the cane crushing capacity of 4500 TCD for which it has obtained EC from MOEF. The D.C. Gurdaspur and the MD, Sugarfed shall ensure that the industry do not crush the cane in excess of 4500 TCD as allowed by MOEF, Govt. of India while granting Environmental Clearance to the industry.
- x. In order to maintain the temperature in an around the molasses storage tank to the desired level, the industry shall install such mechanism which may give signal in case of any mishap or emergency so that suitable precautionary measures can be taken immediately. This mechanism must have its connectivity with the Deputy Commissioner, Gurdaspur, Factories Department, PPCB, Excise & Taxation, Irrigation Department and Department of Fisheries. This facility for the industry as well as for the other departments shall be provided by the industry.
- xi. Regarding existence of the open storage pits and lagoons available in common ETP area, though the industry has claimed that these lagoons have been provided for storage of fresh water but these were misused by the industry by storing molasses in these tanks/lagoons. Therefore, the Committee recommends that the industry shall give bank guarantee amounting to Rs.50 lakh to PPCB to ensure that these tanks/lagoons are not used for storage of molasses and in case the molasses is found stored in these lagoons/tanks, PPCB shall encash the bank guarantee accordingly.
- xii. In order to ensure that the industry should not operate beyond 4500 TCD, it shall obtain permission from the National Federation of Cooperative Sugar Factories Ltd (NFCSF) regarding the installed capacity of plant & machinery every year. In case, the capacity exceed

4500 TCD, PPCB shall issue necessary directions u/s 33-A of the Water (Prevention & Control of Pollution), Act, 1974 to the industry.

- xiii. The industry shall operate its Molasses Based Distillery on regular basis of 30 TPD capacity, so as to ensure that the whole of molasses generated by the sugar mill can be utilized by the MBD industry within the complex itself before the start of next crushing season.
- xiv. In order to ensure the good water quality of Kahnuwan Swamp Drain and River Beas, the industry shall install Real-time Surface Water Quality Monitoring station for the monitoring of various parameters of surface water 24x7 at the confluence point of Kahnuwan Swamp Drain with the River Beas within 06-months period and will connect it with website of CPCB, PPCB, Department of Forests & Wildlife and Department of Irrigation.
- xv. During the visit to the industry by the Monitoring Committee on 30.3.2019, the residents of nearby villages made complaint regarding their discharge of effluent by the industry in odd hours into Kahnuwan Swamp Drain leading to river Beas. The Committee has desired that the mobile number of the officers of PPCB of the area be given local residents so that in case the industry discharges its effluent into the said drain, they may give their message to the concerned officer and PPCB shall take immediate action against the industry to stop its discharge into the said drain leading to river Beas.
- xvi. The industry has already been allowed to operate by Punjab Pollution Control Board by de-sealing its plants and machinery as decided by the Chairman of the Board in the personal hearing given to the industry on 28.11.2018. The consent under Water Act, 1974 has also been granted by Punjab Pollution Control Board which was valid upto 30.4.2019.
- xvii. The industry shall submit performance guarantee amounting to rupees one crore as an assurance to comply with the recommendations of Monitoring Committee as mentioned above so as to ensure that such mishap is not repeated in future.

The industry namely M/s Chadha Sugar & Industries Pvt. Ltd., Village Kiri Afgana, Tehsil-Batala, District-Gurdaspur was also given an opportunity of personal hearing before the Monitoring Committee headed by Justice Pritam Pal former Judge Punjab & Haryana High Court on 15.4.2019. However, the authorized signatory of M/s Chadha Sugars & Industries Pvt. Ltd., Village Kiri Afgana, Tehsil-Batala, District-Gurdaspur submitted letter dated 15.04.2019 alongwith letter dated 15.04.2019 of Sh. Nikhil Jain, Advocate on Record claiming that the stay order in the matter has been made by Hon'ble Supreme Court of India on 12.04.2019 and in view of this, the matter was adjourned to 22.04.2019 to supply the copy of the proceeding dated 12.04.2019 of Hon'ble Supreme Court of India and to take further course of action.

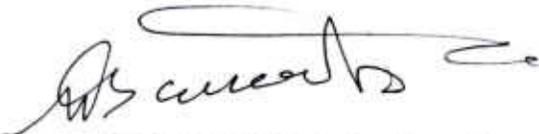
The industry vide its letter dated 20.4.2019 has submitted 'Record of Proceedings' dated 12.4.2019 of Hon'ble Supreme Court of India, which are reproduced as under:-

***"In the meantime, there shall be stay of proceedings in Original Application No.1040 of 2018 pending before National Green Tribunal, Principal Bench, New Delhi."***

In order to vacate the stay orders from the Hon'ble Supreme Court of India, the Principal Secretary to Govt. of Punjab, Department of Science and technology and Environment has been requested by the monitoring committee vide letter no. CEC/2019/55 dated 15/04/2019 (**enclosed as per Annexure-3**). He has also been reminded by the monitoring committee vide letter no. CEC/2019/78 dated 30/04/2019. Now the monitoring committee has received a letter dated 30/04/2019 (copy enclosed as per **Annexure-4**) from the Environmental Engineer, Punjab Pollution control Board, Regional Office, Batala stating that his office has not received the copy of above Civil Appeal and as such, as and when the appeal is received in the office of PPCB, the said department shall take action accordingly.

It is submitted that the recommendations made by the monitoring committee at (i) to (xvii) are quite essential and imperative for the safety of the industry, maintaining the quality of river water, protection of environment and to ensure that no such mishap is repeated are required to be implemented by it.

However, these recommendations may be kept pending till the stay is got vacated by the Principal Secretary to Government of Punjab, Department of Science Technology & Environment, Punjab or Punjab Pollution Control Board or any other Department from the Hon'ble Supreme Court of India in the matter.



(Sant Balbir Singh Seechewal )



( Dr. Babu Ram )



( J.Chandra Babu )



( S.C. Agrawal )



( Justice Pritam Pal )  
Former Judge,  
Punjab & Haryana High  
Court  
now as Chairman of the  
Monitoring Committee

Annexure-2

CHADHA SUGARS AND INDUSTRIES PVT. LTD.



**REGD. OFFICE :**

Vill.: Kiri Afgana, Tehsil Batala,  
Distt. Gurdaspur,-142527(Punjab)  
Phones: 01872-500506, 5006507

**CORPORATE OFFICE**

709-711, 7th Floor, Gate No.4, Ambience Mall  
Ambience Island, NH-8, Gurgaon (Haryana) - 122002  
Phones: (0124) 4750900, Fax : (0124) 4665713

Executive Committee – OA 916/2018

National Green Tribunal,

Tower 5, 4<sup>th</sup> Floor,

April 20, 2019

Forest Complex ,

Sector – 68,

Mohali ( Pb)

Sir,

**Subject: Request to defer persona hearing scheduled on 15/04/2019 in OA 1040/2018 Sushil Kumar Vs State of Punjab.**

**Ref: Our letter dated 15/04/2019 to you in response to your letter CEC/2018/48 dated 08/4/2019**

Further to our above letter we are enclosing herewith the copy of Supreme Court order dated 12/04/2019 in respect of Civil Appeal No 3396/2019, allowing stay of the proceedings in Original Application No 1040 of 2018 pending before Hon'ble National Green Tribunal , Principal Branch , New Delhi.

The above Order Copy ( Certified ) was not available ,when our captioned letter was submitted to you.

For Chadha Sugars & Industries Pvt Ltd.

Authorised Signatory

Encl: as above ( 2 sheets)

ITEM NO.33

COURT NO.5

SECTION XVII

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

764024

Civil Appeal No. 3396/2019

M/S CHADHA SUGAR MILLS PRIVATE LIMITED  
THROUGH DIRECTOR

Appellant(s)

VERSUS

SUSHIL KUMAR & ORS.

Respondent(s)

(With IA No.56397/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT)

Date : 12-04-2019 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN  
HON'BLE MR. JUSTICE VINEET SARAN

For Appellant(s)

Mr. Mukul Rohatgi, Sr. Adv.  
Mr. Gopal Jain, Sr. Adv.  
Mr. Sangram S. Saron, Adv.  
Mr. Harshit Sethi, Adv.  
Mr. Nikhil Jain, AOR

Certified to be true copy

*[Signature]*  
Assistant Registrar (Judl.)

..... 16/4/2019

SUPREME COURT OF INDIA

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

Issue notice.

In the meantime, there shall be stay of proceedings in  
Original Application No. 1040 of 2018 pending before  
National Green Tribunal, Principal Bench, New Delhi.

*[Signature]*  
(NIDHI AHUJA)  
COURT MASTER (SH)

*[Signature]*  
(RENU DIWAN)  
ASSISTANT REGISTRAR

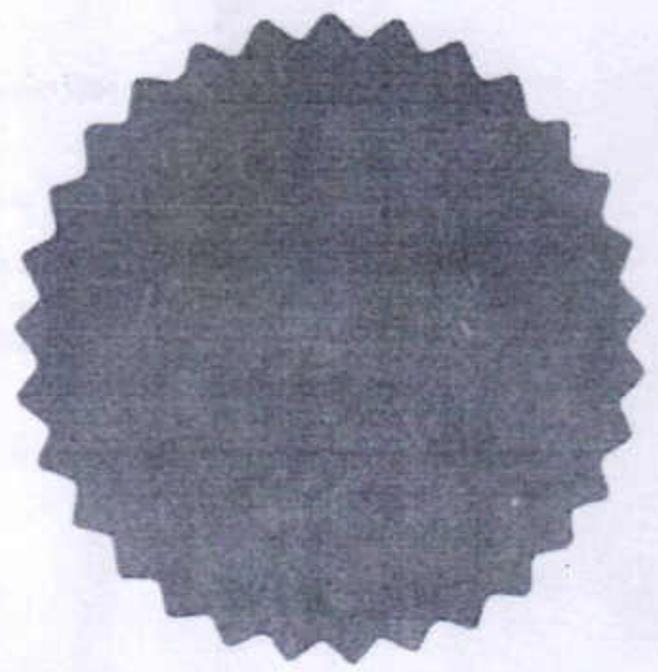
Signature valid



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INDUSTRIES PVT. LTD.

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10885  
16  
16/04/19  
... is received  
... to the applicant

SEALED IN MY PRESENCE

Annexure - 3

**OFFICE OF THE EXECUTIVE COMMITTEE**

Constituted by the Hon'ble National Green Tribunal in Original Application no.138 and 139 of 2016, OA No.916/2018 (earlier OA No.101 of 2014) OA No.606 of 2018 and OA No.1040 of 2018

(Official Address: Tower No.5, 4<sup>th</sup> Floor, Forest Complex, Sector 68, SAS Nagar) Tel. No. 0172-2298091

Email: sutlejbeasriver@gmail.com

No. CEC/2019/55

Dated: 15.04.2019

To

The Principal Secretary to Govt. of Punjab,  
Department of Science, Technology & Environment,  
Mini Secretariat, Sector-9,  
Chandigarh.

**Subject: OA no. 1040 of 2018 (IA no. 11/2019) – Sushil Kumar V/s State of Punjab & Others- M/s Chadha Sugar & Industries Pvt. Ltd., Village Kiri Afgana, Tehsil Batala, Distt. Gurdaspur.**

It is submitted that the Hon'ble National Green Tribunal vide order dated 28.02.2019 in the matter of OA no. 1040 of 20018 (IA no. 11/2019) – Sushil Kumar V/s State of Punjab & Others has assigned the duties to the monitoring committee constituted under order dated 28.02.2019 in the matter of Sobha Singh V/s State of Punjab & Others to look into the present matter also which has direct bearing on the said matter also and about adequacy of safeguard adopted to prevent and save aquatic life.

In para no. 6 of the said order, it has been mentioned that a committee may also consider report dated 30.01.2019 filed by CPCB before the Tribunal in the above connected matter and recommend whether the industry should be allowed to operate and if so subject to what safeguard on precautionary principle including taking of performance guarantee of suitable amount undertaking to ensure

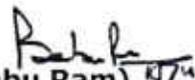
that such mishap is not repeated. The parties are at liberty to give their view point to the committee within two weeks.

Accordingly, the Managing Director of M/s Chadha Sugar & Industries Pvt. Ltd., Village Kiri Afgana, Tehsil Batala, Distt. Gurdaspur was given an opportunity of personal hearing before the Hon'ble Justice Pritam Pal former Judge Punjab & Haryana High Court and Chairman, Executive Committee on 15.04.2019 at 11:00 am in his office Room at 4<sup>th</sup> floor, Tower No. 5, Forest Complex, Sector-68, Mohali.

However, the authorized signatory of M/s Chadha Sugars & Industries Pvt. Ltd., Village Kiri Afgana, Tehsil Batala, Distt. Gurdaspur has submitted letter dated 15.04.2019 alongwith letter dated 15.04.2019 (copy enclosed) of Sh. Nikhil Jain, Advocate on Record claiming that the stay order in the matter has been made by Hon'ble Supreme Court of India on 12.04.2019 and in view of this, the matter has been adjourned to 22.04.2019 to supply the copy of the proceeding dated 12.04.2019 of Hon'ble Supreme Court of India and to take further course of action.

In view of the above, it is requested that the concerned department may be asked to pursue the matter in the Hon'ble Supreme Court of India and get the stay order vacated.

DA/ as above

  
(Dr. Babu Ram) 15/4/2019  
Member, Monitoring Committee

Endst. No. CEC/2019/56

Date \_\_\_\_\_

A copy of above is forwarded to the Chairman, Punjab Pollution Control Board, Head Office, Vatavaran Bhawan, Nabha Road, Patiala for information and necessary action.

  
(Dr. Babu Ram) 10/7/2019  
Member, Monitoring Committee

# CHADHA SUGARS AND INDUSTRIES PVT. LTD.



**REGD. OFFICE :**  
Vill.: Kiri Afgana, Tehsil Batala,  
Distt. Gurdaspur,-142527(Punjab)  
Phones: 01872-500506, 5006507

**CORPORATE OFFICE**  
709-711, 7th Floor, Gate No.4, Ambience Mall  
Ambience Island, NH-8, Gurgaon (Haryana) - 122002  
Phones: (0124) 4750900, Fax : (0124) 4665713

Dated:15/04/2019

To

The Executive Committee,  
Constituted by the Hon'ble NGT in OA 916/2018,  
OA 606/2018 and OA 1040/2018  
Tower No.5, 4<sup>th</sup> Floor, Forest Complex,  
Sector 68, SAS Nagar, Punjab

Subject: Request to defer personal hearing scheduled on 15.04.2019 in OA 1040/2018 Sushil Kumar v. State of Punjab in view of Stay Order dated 12.04.2019 passed by Hon'ble the Supreme Court in Civil Appeal No. 3396/2019

Sir(s),

This is in response to your letter No. CEC/2019/48 dated 08.04.2019 granting an opportunity of personal hearing to the undersigned. It is most respectfully submitted that the undersigned filed Civil Appeal No. 3396/2019 before Hon'ble the Supreme Court assailing the order dated 28.02.2018 of Hon'ble the National Green Tribunal passed in Original Application No. 1040 of 2018 titled as Sushil Kumar versus State of Punjab and Others. In terms of order dated 12.04.2019, the Hon'ble the Supreme Court has stayed the order of the Hon'ble Tribunal.

Copy of the order dated 12.04.2019 passed by Hon'ble the Supreme Court is not yet available with the undersigned, though the same has been applied for and will be supplied at the earliest. Copy of the case status on the website of Hon'ble the Supreme Court is appended.

In view of the aforesaid stay order, it is requested that the opportunity of personal hearing scheduled on 15.04.2019 may kindly be deferred/kept in abeyance.

  
Authorised Signatory  
Chadha Sugars and Industries Pvt. Ltd.  
Village Kiri Afgana, Tehsil Batala,  
District Gurdaspur, Punjab.

# NIKHIL JAIN

ADVOCATE ON RECORD  
SUPREME COURT

OFFICE: 717C, 1<sup>st</sup> Floor, Chandu Lal Building,  
PAHARGANJ, RAMNAGAR,  
NEW DELHI 110 055  
Ph: 23537581  
Mobile: 9810693363

RESIDENCE: TOWER NO.6, FLAT NO. 1101,  
SUPREME TOWERS, SECTOR-99, NOIDA-201301  
U.P.  
Ph: 0120-4300464

Dated: 15<sup>th</sup> April, 2019

To

The Managing Director,  
Chadha Sugars and Industries Pvt. Ltd.,  
Village KiriAfgana, Tehsil Batala,  
District Gurdaspur, Punjab

Subject: Order of Notice and Stay in M/s Chadha Sugar Mills Pvt Ltd v.  
Sushil Kumar and others, Civil Appeal No. 3396/2019 in Hon'ble  
the Supreme Court

Sir,

The undersigned Advocate on Record filed the aforesaid case in  
Hon'ble the Supreme Court as instructed assailing the order(s) of  
Hon'ble the National Green Tribunal.

The said case was listed for hearing on 12.04.2019 as Item No. 33  
in Court No. 5 before a Bench of Hon'ble Mr. Justice R. F. Nariman and  
Hon'ble Mr. Justice Vineet Saran.

The Hon'ble Supreme Court in terms of order dated 12.04.2019  
has issued notice in the aforesaid case and ordered stay. Certified copy  
of the order has been applied for and will be provided soon. This is for  
your information.

  
NIKHIL JAIN

Case Type	Number	Year	
CIVIL APPEAL	3396	2019	Submit

Diary No.- 12098 - 2019

M/S CHADHA SUGAR MILLS PRIVATE LIMITED THROUGH DIRECTOR vs. SUSHIL KUMAR

**Case Details**

Diary No.	12098/2019 Filed on 02-04-2019 11:55 AM [SECTION: XVII]	<b>PENDING</b>
Case No.	C.A. No. 003396 - / 2019 Registered on 03-04-2019 (Verified On 04-04-2019)	
Present/Last Listed On	12-04-2019 [HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN and HON'BLE MR. JUSTICE VINEET SARAN] [CL.NO. : 33]	
Status/Stage	Pending - (Motion Hearing) [FRESH (FOR ADMISSION) - CIVIL CASES] Notice Stay (In the meantime)-Ord dt:12-04-2019	
Category	1503-Appeal Against Orders Of Statutory Bodies : Tribunals	
Act		
Petitioner(s)	1 M/S CHADHA SUGAR MILLS PRIVATE LIMITED THROUGH DIRECTOR THROUGH DIRECTOR VILLAGE KIRI AFGANA , DISTRICT: GURDASPUR ,GURDASPUR PUNJAB	
Respondent(s)	1 SUSHIL KUMAR S/DW/Thru:- JATINDER KUMAR MOHALLA MALLAN DHARAMPURA, WARD NO. 12 , DISTRICT: GURDASPUR ,GURDASPUR PUNJAB 2 THE STATE OF PUNJAB SECRETARY DEPARTMENT OF FISHERIES AND NATURAL RESOURCES, PUNJAB SECRETARY CIVIL SECRETARIAT, SECTOR- 9, CHANDIGARH , DISTRICT: CHANDIGARH , PUNJAB 3 PUNJAB POLLUTION CONTROL BOARD THROUGH DIRECTOR THROUGH DIRECTOR VATAVARAN BHAWAN, NABHA ROAD, PATIALA ,PATIALA , PUNJAB 4 PUNJAB FISHERIES STATE DEVELOPMENT BOARD DIRECTOR DIRECTOR LIVESTOCK COMPLEX, SECTOR-68, SAS NAGAR ,SAS NAGAR , PUNJAB 5 FISHERIES DEPARTMENT DEPUTY DIRECTOR DEPUTY DIRECTOR HOSHIARPUR ,HOSHIARPUR , PUNJAB	
Pet. Advocate(s)	NIKHIL JAIN	
Resp. Advocate(s)		
W/Section		

**Indexing**

**Earlier Court Details**

**Tagged Matters**

**Listing Dates**

**Interlocutory Application / Documents**

**Court Fees**

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**Defects**

**Judgement/Orders**

**Mention Memo**

**Restoration Details**

**DropNote**

**Appearance**

**Office Report**

**Similarities**

**Caveat**

Annexure-4

## OFFICE OF THE EXECUTIVE COMMITTEE

Constituted by the Hon'ble National Green Tribunal in Original Application no.138 and 139 of 2016, OA No.916/2018 (earlier OA No.101 of 2014) OA No.606 of 2018 and OA No.1040 of 2018

(Official Address: Tower No.5, 4<sup>th</sup> Floor, Forest Complex,  
Sector 68, SAS Nagar) Tel. No. 0172-2298091  
Email: sutlejbeasriver@gmail.com

No. CEC/2019/78

Dated: 30.04.2019

To

The Principal Secretary to Govt. of Punjab,  
Department of Science, Technology & Environment,  
Mini Secretariat, Sector-9,  
Chandigarh.

**Subject:** OA no. 1040 of 2018 (IA no. 11/2019) – Sushil Kumar V/s State of Punjab & Others- M/s Chadha Sugar & Industries Pvt. Ltd., Village Kiri Afgana, Tehsil Batala, Distt. Gurdaspur.

**Ref:** This office letter No. CEC/2019/55, 15.4.2019.

It is submitted that as earlier informed vide this office letter No. CEC/2019/55, 15.4.2019 that the Hon'ble National Green Tribunal vide order dated 28.02.2019 in the matter of OA no. 1040 of 2018 (IA No. 11/2019) – Sushil Kumar V/s State of Punjab & Others has assigned the duties to the monitoring committee constituted under order dated 28.02.2019 in the matter of Sobha Singh V/s State of Punjab & Others to look into the present matter also which has direct bearing on the said matter also and about adequacy of safeguard adopted to prevent and save aquatic life.

Accordingly, the Managing Director of M/s Chadha Sugar & Industries Pvt. Ltd., Village Kiri Afgana, Tehsil Batala, Distt. Gurdaspur was given an opportunity of personal hearing before the Hon'ble Justice Pritam Pal former Judge Punjab & Haryana High Court and Chairman, Executive Committee on 15.04.2019 at 11:00 am in his office Room at 4<sup>th</sup> floor, Tower No. 5,

Forest Complex, Sector-68, Mohali. However, on the day of hearing, the authorized signatory of the industry submitted letter dated 15.4.2019 alongwith letter dated 15.4.2019 of Sh. Nikhil Jain, Advocate-on-Record claiming that the stay order in the matter has been made by the Hon'ble Supreme Court of India on 12.4.2019. Also the Industry vide its letter dated 20.4.2019 (copy enclosed) has submitted the original record of proceedings dated 12.4.2019 of the Hon'ble Supreme Court of India which are reproduced as under: -

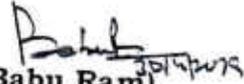
***"In the meantime, there shall be stay of proceedings in Original Application No.1040 of 2018 pending before National Green Tribunal, Principal Bench, New Delhi."***

This office has already requested to your good office vide above referred letter to ask the concerned department to pursue the matter in the Hon'ble Supreme Court of India and get the stay order vacated.

Since the Hon'ble NGT has directed the Monitoring Committee vide its orders dated 28.2.2019 to furnish its report within three months i.e. well before 31.5.2019, therefore, it is once again requested to intimate as to whether the concerned department has pursued the matter in the Hon'ble Supreme Court of India to get vacate the stay order in the matter so that requisite report, as desired by the Hon'ble NGT may be submitted before 15.5.2019.

DA/ as above

1

  
(Dr. Babu Ram)

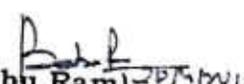
Member, Monitoring Committee

Endst. No. CEC/2019/79

Date : 30.4.2019

A copy of above is forwarded to the Chairman, Punjab Pollution Control Board, Head Office, Vatavaran Bhawan, Nabha Road, Patiala for information and necessary action.

2

  
(Dr. Babu Ram)

Member, Monitoring Committee

**Annexure-5**



**PUNJAB POLLUTION CONTROL BOARD**

Regional Office, Plot No. 66, Focal Point, Near- Little Paragon Modern School,  
Aliwal Road, Batala, District-Gurdaspur

Tele Fax:- 01871-226033

Website:- www.ppcb.gov.in

email:- ppcbatala@gmail.com

No. 1258

Date 30/07/2019

To

Dr. Babu Ram (Member),  
Office of Executive Committee (NGT),  
Tower No. 05, 4<sup>th</sup> Floor, Forest Complex,  
Sector-68, SAS Nagar, Mohali (Punjab).

**Sub:- Original Application No. 1040 of 2018 (IA No. 11/2019)- Sushil Kumar V/s State of Punjab & Others- M/s Chadha Sugar Industries (P) Ltd, Village-Kiri Afgana, Tehsil-Batala, District-Gurdaspur.**

**Ref:- Your Office letter no. CEC/2019/55 dated 15/04/2019.**

In regard to above, it is intimated that this office has not received any copy of Civil Appeal No. 3396 of 2019 titled as M/s Chadha Sugar Mills (P) Ltd V/... Sushil Kumar Others filed by M/s Chadha Sugar Mills (P) Ltd before the Hon'ble Supreme Court of India. However, as per order dated 12/04/2019 passed by the Hon'ble Court, (as taken online) stay has been granted to the industry by the Hon'ble Court. Order's passed by the Hon'ble Court are reproduced as under (**Copy Enclosed**):-

***"In the meantime, there shall be stay of proceedings in Original Application No. 1040 of 2018 pending before National Green Tribunal, Principal Bench, New Delhi."***

As and when, this office will receive copy of the above said Civil Appeal, reply will be prepared accordingly, so as to het the stay vacated.

This is for your kind information & further necessary action please.

**DA/ As Above.**

*[Handwritten Signature]*