BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH, NEW DELHI

Original Application No. 463/2016

M/s Aman Metals Finishers Vs. Uttrakhand Environment Protection and Pollution control Board.

CORAM:

HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER

Applicant / Appellant : Mr. Pankaj Sharma, Adv **Present:**

Respondent No.1 :Mr. Mukesh Verma, Mr. Devesh Kumar

Agnihotri, Advs.

CGWA : Mr. B. V. Niren, Adv.

: Mr. Rajkumar, Adv with Ms. Niti **CPCB**

Choudhary (L.A)

Choudha Date and	Orders of the Tribunal
Remarks	11,8111.3
Item No.08	M/s Aman Metal Finishers is the applicant seeking
	direction to permit it to operate its unit on the basis of
November 02, 2016	provisional consent and authorization granted by
JG & НВ	Uttarakhand Environment Protection and Pollution
	Control Board vide order dated 24.06.2016. It relies on
1//	the order passed in Original Application No. 352 of 2016
1 3	dated 14.07.2016 in the case of Micro Turners Vs MoEF
1	& CC & Anr.
V 11/2	After hearing for some time regarding admission
1/3	we had ordered Notice to the Respondents who had
	entered appearance. They opposed the proceedings on
-20	the question of limitation. The Applicant has filed an
	Application, M.A. No. 853 of 2016 seeking condonation of
	delay of 56 days in filing the Application. We considered
	it on merit and allowed it on 2 nd September, 2016
	condoning the delay.
	Meanwhile, we had directed Pollution Control
	Board to conduct joint inspection of the unit by
	Uttrakhand and Central Pollution Control Board and to
	submit Report.
	Both the authorities after conducting joint
Item	inspection have filed the Repot which reveals that in

No.08

November 02, 2016 JG & HB terms of our Order, the Applicant's industry was allowed to operate at the optimum level. It also reveals that the Applicant's industry has not been granted any permission for drawing ground water but it is operating the borewell for which merely an Application has been submitted on 1st September, 2016.

The joint inspection reveals that the Applicant's industry is not compliant unit. It has several deficiencies. The Joint Inspection revealed very disturbing findings. They found the unit is providing with a capacity of ETP at 50 KLD and the total daily fresh water consumption is 20 KLD out of which 5 KLD is consumed for domestic purposes and remaining 15 KLD for industrial purposes.

The unit also discharging effluent through a pipeline through a collection tank which is damaged and is leaking without repair. Raw pollutant from the industry is leaking out of the pipeline in the ETP or itself. It has become a serious health hazard and impacted the environment.

Learned Counsel appearing for the Uttarakhand Environment Protection and Pollution Control Board and also Central Pollution Control Board made a categorical statement that their officers found the industry to be highly polluting industry. The industrial pollutant it is discharging are Cadmium, Zinc, Chromium, Nickel, Iron and Copper besides other pollutant. They are directly flowing out of the damaged pipeline into the environment. The Applicant's industry has taken no steps to either repair the leakage or other steps to prevent effluent being discharged into the open. The sample collected itself shows pH is only 9.5 whereas it

Item No.08 November 02, 2016 JG & HB should be 5.5 - 9.0 only. Thus, pH is also not within the prescribed norms.

In these circumstances, it is difficult to accept the plea of the industry that it may be granted one week's time to rectify the deficiencies for the reason that they were well aware of the leakage much before the joint inspection and till now have run the industry for over a period of two months. It shows the callous attitude and non sensitivity of the Applicant to the serious damage it is causing to the environment.

For the aforesaid reasons, we do not find any reason or grant to allow the Applicant's industry to run on the basis of the provisional consent granted to it. However, we give them one more opportunity and allow them to meet the deficiencies and apply fresh for appropriate orders by the Tribunal etc.

The Application needs to be saddled with cost. However, we are disposing of this Application with no order as to cost with a direction that it must immediately rectify the deficiencies and repair the leakage forthwith.

In view of the finding as called above, we direct that the industry shall not run and remain shut down till it removes all deficiencies and apply fresh for appropriate orders by the Tribunal with no order as to cost.

,JM
(Dr. Jawad Rahim)
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,EM
(Ranjan Chatterjee)