

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

.....

**APPEAL NO. 131 OF 2015**

**IN THE MATTER OF:**

M/s. Shakti Fasteners  
Through its Partner  
Sh. Prakash Ahuja  
Plot No. 90, I.D. Colony  
Hissar Road, Distt. Rohtak  
Haryana



.....Appellant

Versus

Haryana State Pollution Control Board  
Through its Chairman  
C-11, Sector – 6, Panchkula,  
Haryana

....Respondent

**COUNSEL FOR APPELLANT:**

Mr. Shivesh P. Singh, Advocate

**COUNSEL FOR RESPONDENT:**

Mr. Anil Grover, AAG and Mr. Rahul Khurana for Respondent

**JUDGMENT**

**PRESENT:**

**Hon'ble Mr. Justice Swatanter Kumar (Chairperson)**

**Hon'ble Justice M.S. Nambiar (Judicial Member)**

**Hon'ble Dr. D.K. Agrawal (Expert Member)**

**Hon'ble Mr. B.S. Sajwan (Expert Member)**

**Reserved on: 4<sup>th</sup> November, 2015**

**Pronounced on: 10<sup>th</sup> December, 2015**

1. Whether the judgment is allowed to be published on the net?
2. Whether the judgment is allowed to be published in the NGT Reporter?

**JUSTICE SWATANTER KUMAR, (CHAIRPERSON)**

Challenge in the present appeal filed under Section 16 of the National Green Tribunal Act, 2010 (for short NGT ACT) is to the order of the closure dated 20<sup>th</sup> October, 2015 passed by the Haryana State Pollution Control Board (for short The Board).

2. The necessary facts are that the applicant is running pickling and drawing units of all types of Bright Bars since 1992 from 90 IDC Hisar Road, Rohtak (Haryana).

3. Consent to operate was granted by the Board vide its order dated 15<sup>th</sup> August, 2014 for a period of 2 years ending on 31<sup>st</sup> March, 2016. The appellant states that it often outsources the pickling work and does drawing/cutting work of bright bars which does not involve any chemical for the said purpose. In the pickling process Hydrochloric Acid is used for removing carbon from bars by dipping the said bars in it and then rinses the bar in water. The water used is re-used for dipping purposes and that water is treated by the ETP but no ETP is required for running of a unit for drawing and cutting alone. In January, 2015 the unit of the appellant was inspected by the Board and certain short comings and deficiencies were pointed out. As per the advice of the Board the appellant

upgraded the ETP by installing the Tube Steller, Air Diffuser/Blower etc. Thereafter, he informed the Board about the removal of the deficiencies. It is averred by the appellant that the Board officers visited the unit on a rainy day that is 5<sup>th</sup> August, 2015 for collecting samples. Construction of the road was completed around four months back, as a result of which the road level had got increased upto the height of one and a half feet which has resulted in the level of the final tank of the industry being lower in comparison with the outside sewer level. The analysis report dated 11<sup>th</sup> August, 2015 shows that the effluent is violative of prescribed parameters. Show Cause Notice dated 27<sup>th</sup> August, 2015 was issued to the industry to which it submitted a reply on 31<sup>st</sup> August, 2015 to the Regional Office, Bahadurgarh and also submitted reply on 3<sup>rd</sup> September, 2015 wherein it was categorically stated that the samples were collected from the sewerage man hole. The deficiencies which were removed by the applicant were brought to the notice of the Officers of the Respondent Board. However finding the reply to be unsatisfactory, in a mechanical manner, the Board passed the closure order dated 20<sup>th</sup> October, 2015 without affording fair opportunity to the appellant.

4. Thus the appellant has challenged the order dated 20<sup>th</sup> October, 2015 in the present appeal.

5. Upon notice we heard the Learned Counsel appearing for the parties. From the closure order it is evident that the Show Cause Notice dated 27<sup>th</sup> August, 2015 was issued, and it has been specifically mentioned that during inspection the ETP was found to be non-operational, and the effluent was being discharged directly into IDC Sewer. The analysis report showed violation of the prescribed parameters particularly in relation to the pH, COD, Oil and Grease, Iron and Zinc as all of them were found to be in excess of the prescribed parameters.

6. The arguments raised on behalf of the appellant that samples were collected from the manhole and because of heavy rain it was a sample not properly collected and therefore the Effluent Analysis Report should be rejected, is without any merit. It has been noticed that the ETP was found to be non-operational, during the inspection and the effluent was being discharged directly into IDC Sewer. The samples therefore were collected from the manhole. Furthermore, if there was rain it would result in the dilution of the

effluent and it would be in no way disadvantageous to the appellant. Interestingly, the appellant undertakes to dismantle the water polluting process, i.e., the process of acid pickling and further undertakes that it shall carryout only the process of drawing and cutting of bright bars and as such no discharge of the effluent can be done. This itself shows that the appellant industry was a polluting industry, whose ETP was found non-functional during inspection. In these circumstances we are unable to find any error, or otherwise, in the order passed by the Board as impugned in the present appeal. However, while dismissing this appeal we grant liberty to the appellant to rectify all defects, remove all deficiencies and become a compliant and non-polluting industry. Once it has installed all such Anti-Pollution Devices, it can apply to the respondent Board for 'Consent to Operate'. The Board may permit the industry to operate for the purpose of inspection and if it is found to be compliant and non-polluting then the industry can continue its operations. In the event, the inspection report and analysis report on that point of time is found to be adverse to the appellant, the unit is to be directed to be closed again by the Board.

7. The Appeal is accordingly disposed of with the above direction,  
however, without any order as to cost.

**Justice Swatanter Kumar**  
**Chairperson**

**Justice M.S. Nambiar,**  
**Judicial Member**

**Dr. D.K. Agrawal,**  
**Expert Member**

**Mr. B.S. Sajwan**  
**Expert Member**

New Delhi  
10<sup>th</sup> December, 2015



**NGT**