

(2001) 08 P&H CK 0016

In the Punjab And Haryana At Chandigarh

Case No : Amended Civil Writ Petition No. 17628 of 1996

Rajaram Corn Products (Punjab) Limited

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 29-08-2001

Acts Referred:

Constitution of India, 1950 — Article 226

Water (Prevention and Control of Pollution) Act, 1974 — Section 24, 25, 25(4), 26, 28

Citation : (2002) 1 RCR(Civil) 475

Hon'ble Judges : V.K. Jhanji, J

Bench : Single Bench

Advocate : Salil Sagar, for the Appellant; S.C. Sibal, Addl. AG, S.K. Bhanot, DAG and A.R. Takkar, for Pollution Control Board, for the Respondent

Final Decision : Dismissed

Judgement

V.K. Jhanji, J.—This order of mine shall dispose of Civil Writ Petitions No. 17628 of 1996 and 9791 of 1998.

2. In CWP No. 17628 of 1996, challenge is to order dated 23.11.1994 passed by the Punjab Pollution Control Board, Patiala whereby consent

to the petitioner industry to discharge its effluent has been refused as it failed to provide adequate treatment plant to treat its effluent to contain the

pollutants within the standards prescribed by the Board. Challenge is also to order dated 8.10.1996 dismissing the appeal by the Appellate

Authority against order dated 23.11.1994 whereby consent was refused to the petitioner.

3. In CWP No. 9791 of 1998, petitioner has challenged order dated 23.6.1998 whereby Punjab Pollution Control Board, in exercise of powers

conferred u/s 33-A of the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as 1974 Act) directed the petitioner and

other authorities to close down the petitioner's industrial unit and to disconnect electricity supply to the industry with immediate effect. It has also

been ordered that in case of non-compliance of the direction, the Managing Director/Director and other Officers/officials concerned of the Industry

shall be liable for action u/s 41 read with Section 47 of 1974 Act.

4. In brief, the facts are that the petitioner industry is engaged in the manufacture of maize starch including modified starches, destrine, liquid

glucose etc. During the manufacturing process, the industry generates effluents. Vide order dated 22.12.1975, Punjab Pollution Control Board

granted consent to the industry for discharging its effluent in public sewerage, as required u/s 25/26 of 1974 Act. Thereafter, on the application of

the petitioner, consent granted was renewed from time to time. The last consent granted to the petitioner was vide order dated 2.4.1990 for one

year i.e. valid upto 20.3.1991. According to the petitioner, it applied for renewal of the consent vide application dated 19.1.1991. Further,

according to it, respondent-Board asked for some clarifications which were supplied. The Board fixed 4th July, 1991 for giving personal hearing to

the petitioner but the petitioner company vide telegram dated 1.7.1991, requested that personal hearing may be given on 2.7.1991 at Chandigarh.

Petitioner has alleged that to its surprise, the Board raised certain points vide letter dated 7.8.1991 and the same were replied. According to the

petitioner, respondent-Board collected 6 samples at various stages from the industrial unit of the petitioner company and the said samples met

parameters prescribed by the Board, Petitioner has averred that it came to know that the respondent-Board allegedly collected some more

samples of trade effluents on 7.7.1992 and for first time forwarded analysis report of same samples to the petitioner vide letter dated 22.1.1993,

Petitioner has alleged that on February 19, 1993, it intimated to the respondent-Board that the alleged samples were never collected from the

industrial unit of the petitioner nor were they collected as per the provisions of 1974 Act. Petitioner has averred that no order whatsoever was

passed on the application filed by the petitioner for granting consent as required u/s 25/26 of 1974 Act. Therefore, it again submitted an application

for renewal of consent on 23.4.1994 for a further period of two years along with the consent fee. Petitioner has alleged that the respondent-Board

vide letter dated 26.10.1994, reiterated its earlier stand that the samples collected from the industrial unit of the petitioner company have not met the parameters. The Board also intimated to the petitioner that the same samples were collected in the presence of Ashok Kumar, Agent of the petitioner company who refused to accept and sign the notice and data sheet. Petitioner has alleged that it received letter dated 23.11.1994 from the Board refusing the consent. According to it, decision of the Board in refusing the consent is absolutely illegal and unwarranted. Further, according to the petitioner, it filed an appeal u/s 28 of 1974 Act before the Appellate Authority but the latter, without considering the submissions made by the petitioner company, vide order dated 8.10.1996, dismissed the appeal. As stated earlier, orders dated 23.11.1994 and 8.10.1996 are under challenge in C.W.P. No. 17628 of 1996.

5. Petitioner has further averred that on the basis of directions given in CWP No. 16130 of 1994 in which petitioner was not a party, respondent-

Board issued notice dated 12.11.1996 u/s 33-A of 1974 Act and thereafter vide order dated 20.3.1998 directed the petitioner company to close

down its industrial unit and also directed respondent No.3 to disconnect the electricity supply to the petitioner's unit. Petitioner challenged order

dated 20.3.1998 in CWP No. 4814 of 1998 and Division Bench of this Court vide order dated 7.5.1999 quashed order dated 20.3.1998 and

directed the respondent-Board to pass a fresh order after affording an opportunity of hearing to the petitioner and consider all the points raised by

the petitioner. In compliance with the order of the Division Bench, petitioner submitted its reply/objection before the respondent-Board. According

to it, the points raised in the petition were the same and similar as raised in C.W.P. No. 17628 of 1996 filed by the petitioner but the Punjab

Pollution Control Board, without waiting for the decision of the Court in C.W.P. No. 17628 of 1996, vide order dated 23.6.1998 by invoking the

powers u/s 33-A of 1974 Act, ordered the closure of the Industrial unit of the petitioner and disconnection of electricity supply to it with immediate

effect. According to the petitioner, the directions of the respondent in passing orders dated 23.6.1998 and 24.6.1998 whereby the Board had

directed respondent No. 3 to disconnect the electricity supply to the industrial unit of the petitioner with immediate effect as it had failed to comply

with directions given by the Board, are highly arbitrary, illegal and unsustainable in law. Further, according to the petitioners, orders dated

23.6.1998 and 24.6.1998 have been passed without considering the objections of the petitioner.

6. In both the Writ Petitions, petitioner is also challenging notification dated 21.12.1994 whereby Board has revised parameters regarding trade

effluent which is being discharged into public sewerage. Vide this notification, BOD fixed has been reduced from 350 mg/ltr to 30 mg/ltr. The

objection taken by the petitioner to the revised parameters is that a public sewerage in which the effluent is being discharged is falling in Patiala Ki

Rao Cho and it is the responsibility of Municipal Corporation to put a secondary treatment plant at the end because it is a legal obligation of the

Municipal Corporation, S.A.S. Nagar. According to the petitioner, it is absolutely unreasonable to fix BOD limit at 30 mg/ltr for the public

sewerage which does not have a secondary plant.

7. Punjab Pollution Control Board in its detailed written statement has not only denied the averments made by the petitioner regarding the samples

being not collected in accordance with the procedure laid down under the Water Act but also stated that refusal of consent was in accordance with

the provisions of the Act as the samples of effluent discharged by the petitioner collected by the officials of the Board were exceeding the

parameters fixed by the Board. Board has submitted that the petitioner Industry from the day one has been trying to interfere in the process of law

inasmuch as whenever an official of the Board visits the petitioner industry, no cooperation whatsoever is shown, rather attempt has always been

made to deny the visit or collection of sample. The Industry had gone to the extent of disowning the authority of person signing the sample

collected by the Board on behalf of the petitioner. It has further been submitted by the Board that because of the attitude of the petitioner, official

of the Board took along with its team an Executive Magistrate and police belonging to that area and collected sample on 16.9.1996. Rajinder

Kumar representative of the Industry who was present at the time of taking sample, refused to sign the data sheet. Report of the sample taken

showed that the BOD level of effluent of Industry was 4200 against the prescribed limit of 30 mg/ltr. The Board has denied allegation of the

petitioner that the consent u/s 25 of 1974 Act is deemed to have been made unconditionally on the expiry of four months. It has submitted that the petitioner had not submitted application complete in all respects for obtaining the consent u/s 24 of the Act and, therefore, there was no question of any deemed consent on the part of the Board. The Board has further submitted that the consent was refused because the Industry had failed to being down the effluent discharged by it in the public sewerage within the parameters laid down by the Board. In regard to the order/direction u/s 33-A of the Act, the Board has submitted that the same was passed in accordance with the provisions of the Act and petitioner cannot take any exception to it.

8. I have gone through the record and heard the learned counsel for the parties at length.

9. It is not in dispute that the last consent granted to the petitioner u/s 25/26 of the Act is dated 2.4.1990 and it was valid upto 20.3.1991 on certain conditions contained in the order. Petitioner applied for further extension of consent and the Board in order to see whether the petitioner was conforming to the parameters laid down, collected samples as provided u/s 25 of the Act on 7.7.1992 and 25.11.1993 and as per analysis report, trade effluent discharged by the petitioner was found in excess than the limit prescribed by the Board. Since the Industry failed to comply with the conditions laid down in the consent order dated 2.4.1990, further consent was refused vide order dated 23.11.1994 on the ground that the petitioner industry has failed to provide adequate treatment plant to treat its effluent to contain the pollutants within the standard prescribed by the Board amended upto date.

10. In appeal against order dated 23.11.1994, petitioner submitted before the Appellate Authority that though the effluents discharged by the petitioner were within the prescribed limit, yet the official of the Board had been harassing the petitioner unnecessarily. Petitioner alleged that the Board had not associated the industry in collecting samples on 7.7.1992 and 25.11.1993. Therefore, the results of said samples are not binding on the petitioner. Appellate Authority after considering the submissions made by counsel for the petitioner and the Board, found that despite repeated requests made by the Board, petitioner company has failed to carry out the

direction/persuasion of the Board for improving their effluent treatment facility and in fact the industry continued to adopt indifferent attitude by not cooperating with the Board officials deputed to collect samples despite registered notice issued to the industry. Appellate Authority also observed that during the hearing of the appeal, it had directed the Board to collect samples on 16.1.1996, 16.4.1996 and 3.5.1996 but the industry, deliberately did not cooperate with the officials of the Board for drawing of samples. All the three samples drawn and analysed in accordance with the order of the Appellate Authority were found beyond the prescribed tolerance limit. Appellate Authority thus came to the conclusion that the industry was bent upon adopting non-cooperating attitude. The Appellate Authority also did not find any merit in the contention of the petitioner that the officials of the Board had been harassing the petitioner. In fact, the Appellate Authority commented that despite non-cooperating attitude of the industry, the officials of the Board had been lenient towards it and had no reason for delaying the final action which amount to nothing but outright favoritism. The Appellate Authority thus was fully convinced that under the circumstances, refusal of renewal of consent was fully justified.

11. The contention of learned counsel for the petitioner that order dated 23.11.1994 passed by the Board and order dated 8.10.1996 passed by the Appellate Authority are arbitrary, is without any merit. It cannot be denied that it is within the competence of the Board to grant or refuse consent. The only requirement under Sub-section (4)(b) of Section 25 of the Act is that when the Board is to refuse consent, it must record reasons in writing. Therefore, the only statutory requirement is to state reasons in the order. From the order of the Board as well as Appellate Authority impugned in this petition, I find that the same were passed on the basis of the analysis report of the samples collected firstly by the Board and secondly at the direction of Appellate Authority. The Board and the Appellate Authority were of the opinion that the trade effluent discharged by the petitioner industry into public sewerage do not meet the parameters laid down by the Board. The reason stated in the order cannot be said to be unreasonable or extraneous or not germane to the purpose of the statute which is to prevent and control water pollution. The Board is a specialised Agency created under the Water Act and when on the basis of

analysis report, it opined that there is no requisite effluent treatment plant put up or tolerance limit are exceeded, the Court will not sit in appeal over its view or substitute its opinion in place of the decision of the Board. In this view of the matter, I find no valid ground to interfere with order dated 23.11.1994 of the Board refusing consent as also order dated 8.10.1996 of the Appellate Authority affirming the order of the Board.

12. In CWP No. 9791 of 1998, challenge is to order dated 23.6.1998 whereby Board had directed respondent No. 3 to disconnect the electricity connection of the Industry with immediate effect as it failed to comply with the directions given by the Board. Section 33-A gives power to the Board to give necessary direction in regard to closure of the Industry. Direction u/s 33-A includes the power to direct closure, prohibition, regulation of industry, operation, process or stoppage or regulation of supply of electricity, water or any other service. The direction dated 23.6.1998 came to be given by the Board because the Industry continued to discharge its trade effluent into public sewerage without obtaining consent of the Board u/s 25/26 of the Act and also failed to upgrade effluent treatment plant so as to meet the prescribed standards. Registered notice dated 12.1.1996 was issued to the petitioner proposing as to why direction be not given to the Industry to close down its operation with immediate effect or the direction be not given to the authority concerned to disconnect the electricity, water supply available to the industry with immediate effect. Petitioner was given 15 days time for filing objection if any against the proposed direction as per the provisions of the Act but the petitioner instead of filing objection on merit, took up an objection that it has already filed Civil Writ Petition No. 17628 of 1996 in the High Court challenging the order of the Board and the Appellate Authority refusing to grant consent to the petitioner industry. Petitioner also submitted that in the said writ petition, High Court had directed the Board not to take any penal action. It was then brought to the notice of the petitioner that in Civil Writ Petition No. 16130 of 1994 titled Satguru Parshad Sabharwal v. State of Punjab Division Bench of this Court had passed an order directing the Competent Authority to proceed against all the industries in five towns of the State of Punjab and to take appropriate action in accordance with the provisions of the Act. To enable the Board to make compliance of the

direction given by this Court, the stay orders passed in various writ petitions were vacated and the Board was directed to act in accordance with the direction given in order dated 20.10.1997. The Division Bench had also directed that in case Board finds that the Industry has failed to comply with the direction given by the Board, then it will not hesitate in ordering closure of the industry. Since the Board was duty bound to take action against the industries violating the provisions of Water Act with impunity and had not put up adequate effluent treatment plants and knowingly causing pollution by illegally operating its outlet (s) for discharging its trade effluents, the Board on finding that the effluent discharged by the petitioner industry was beyond the tolerance limits and its application for consent had been rejected, vide order dated 20.3.1998 directed the petitioner to close down its operations with immediate effect. In order to see that the Industry closes down its operations, Board had no option but to direct the authorities concerned to disconnect supply of electricity to the Industry with immediate effect. It is not in dispute that the petitioner challenged order dated 20.3.1998 by filing Civil Writ Petition No. 4814 of 1998. In the said writ petition, petitioner submitted that it was not a party in Civil Writ Petition No. 16130 of 1994 in which stay order passed in CWP No. 17628 of 1996 filed by the petitioner was vacated and so it is not binding upon it. The Division Bench, finding some merit in the contention of the petitioner, vide order dated 7.5.1998 quashed order dated 20.3.1998 and directed the Board to pass fresh order after considering all the objections of the petitioner. It is in pursuance of order dated 7.5.1998 that the petitioner raised objections but the objections of the petitioner were found to be without any merit as it continued to discharge its trade effluent beyond the tolerance limits. In these circumstances, the Board had no other option but to direct the petitioner vide order dated 23.6.1998 to close down its operations with immediate effect. In order to see that the Industry closes down its operations, the Board also directed the authorities concerned to disconnect the supply of electricity to the petitioner industry with immediate effect. The direction contained in order dated 23.6.1998 u/s 33-A of the Act directing the petitioner to close down its operation and order dated 24.6.1998 asking respondent No. 3 to disconnect electricity supply to the Industry was on the basis of the

material on record which indicated that the petitioner Industry was discharging effluent without proper treatment plant and was not meeting the parameters laid-down by the Board. The material taken into consideration by the Board disclosed that it had valid reason to take action against the petitioner for preventing it to discharge trade effluent in public sewerage which ultimately falls in Patiala Ki Rao Cho. Yet, in order to do complete justice between the parties and in order to find out in which river Patiala Ki Rao Cho ultimately falls, Shri S.K. Bhanot, DAG Punjab was asked to call Superintending Engineer, Drainage Circle, Patiala to ascertain this fact from him. The concerned Superintending Engineer, Drainage Circle, Patiala (Mr. M.L. Bansal) submitted his report dated 6.4.2001 which is to the following effect:-

It is submitted that Sh. Satish Bhanot, DAG Punjab conveyed on 5.2.2001 that Superintending Engineer, Drainage Circle, Patiala should appear in the Court of Hon"ble Mr. Justice V.K. Jhanji for Technical Consultation relating to the case of Raja Ram Com Products, .S.A.S. Nagar.

Accordingly, I, M.L. Bansal, Superintending Engineer, Drainage Circle, Patiala, peared in the Hon"ble Court today i.e. 6.1.2001 and replied to the technical quarries in respect of Patiala Ki Rao Naddi as asked by the Hon"ble Court. The Hon"ble Justice desired to submit the report in the matter to the Court which is as under: It is stated that Patiala Ki Rao Naddi passes on the outskirts of S.A.S. Nagar and out falls in Patiata Naddi which further out falls in River Ghaggar. This Naddi is a natural stream which carries the rain water storm. Appart from this, effluents from various source like towns/industries flow into the Naddi which normally continue to flow.

13. From the reading of the aforementioned report, it is clear that the petitioner is discharging its trade effluent in public sewerage which falls in Patiala Ki Rao Cho which in turn falls in Ghaggar river which is a fresh water body source for drinking water/supply.

14. Learned counsel for the petitioner next contended that the petitioner industry was discharging its trade effluent into public sewerage and the tolerance limit of BOD was 350/ltr but vide notification dated 2.4.1994, BOD stood reduced to 30 mg/ltr as the public sewerage, S.A.S. Nagar is falling into Patiala Ki Rao Cho and no secondary treatment plant has been put up by the Municipal Corporation, S.A.S. Nagar. Learned counsel

contended that notification dated 2.4.1994 is absolutely ultra vires the Board has no authority to revise the BOD limit qua the effluent discharged in

public sewerage. It is contended that it is the duty of Municipal Corporation to install treatment plant for which the petitioner cannot be made

responsible and if any direction is required to be given, it is to the Municipal Corporation to install secondary treatment plant so as to avoid

imposition of unreasonable conditions upon the petitioner industry.

15. In answer to this, learned counsel appearing on behalf of the Board submitted that the BOD standards are fixed/modified from time to time by

the Ministry of Environment and Forests keeping in view the public health, safety and with an object to provide clean and healthy environment to

the citizens. Learned counsel contended that vide notification dated 2.4.1994, the standard of BOD was revised with effect from 1.1.1994 and as

per the notification, BOD value of such discharge into the sewerage, whether the sewerage is not treated by way of secondary plant, was not to

exceed 30 mg/ltr and the Industry was given time till 30.6.1994 to make suitable amendments/modifications in the treatment plant so as to achieve

this standard but the petitioner industry has failed to provide adequate treatment plant to treat its effluent so as to contain the pollutants within the

standards prescribed by the Board. It is contended that the standard laid down vide notification dated 2.4.1994 is not arbitrary as contended by

learned counsel for the petitioner.

16. I find no merit in the contention of learned counsel for the petitioner that standards once fixed cannot be changed or modified by the

appropriate authority keeping in view the public health and safety. In law, the petitioner is duty bound to upgrade its treatment plant in such a

manner that prescribed standard of BOD as amended from time to time is achieved and implemented. Petitioner also cannot take shelter behind

the fact that the Municipal Corporation is not putting up appropriate treatment plant and, therefore, he can discharge effluent having BOD value

upto 350 mg/ltr against the prescribed BOD limit of 30 mg/ltr. The standard laid down vide notification dated 2.4.1994 was not only for the

petitioner industry but the same standard had been prescribed by the Board for all other industries and it was in accordance with the instructions of

Ministry of Environment and Forests which had duly considered the interest of

public health and safety with a few to provide clean and healthy environment to the citizens.

17. It also deserves to be mentioned at this stage that vide notification dated 19.8.1997, parameters in regard to starch industry i.e. the petitioner

industry have been revised and prescribed limit of BOD and suspended solids has been made stringent upto 30 mg/ltr if the recipient fresh water

body is a source for drinking water. As noticed earlier, the effluent discharged by the petitioner is in public sewerage which falls in Patiala Ki Rao

Cho which in turn falls in Patiala Ki Naddi and then in Ghaggar river which is a fresh water body source for drinking water/supply and thus the

petitioner Industry was required to maintain BOD 30 mg/ltr which, admittedly, it has failed to do so.

18. Yet, in order to determine whether treatment plant set up by the Industry is appropriate and adequate so as to maintain BOD within the

prescribed limit, the Board was asked to verify and submit status report regarding effluent treatment plant installed by the petitioner. A team of six

officials of the Board visited the petitioner industry on 23.7.1998. On behalf of the Industry, its managing Director, Works Manager, Production

Manager and Chemist were also present. After inspection, a detailed report signed by all the six officials of the Board who had visited the Industry,

has been submitted along with the site plan prepared and the photographs which they had taken at the time of their visit. The said Report reads as

under:-

As per the orders of the Hon"ble Punjab & Haryana High Court on 21.7.98 in connection with the CWP 9791 of 1998, the said unit was visited

by the officers of the Board to physically verify the status of the effluent treatment plant installed by the industry. The layout plan of the effluent

treatment plant has been procured from the industry (Placed at annexure-A). This layout has been verified at site and deviations have been marked

on the plan. The points of the sample collection have also been marked on this plan. It is worth mentioning here that the final outlet is nearly 400-

500 feet away from the outlet of ETP and the carrier channel from ETP to the final outlet is also partly underground.

During the visit the team observed that the effluent treatment plant is not in healthy state. This plant was conceived by the industry in 1987 and

designed to treat 150 cubic meter of waste water/day (Pl. refer industry letter No. 70/wp/1706 dt. 10.6.1987, placed at annexure-B). Presently

industry has admitted that it is discharging 260 cubic meter of waste water per day (which may actually be much more). It is clear from this that the

hydraulic loading on effluent treatment plant has increased which the plant is unable to treat. The waste water stream generated from the wet

section of the industry is connected to the primary settling tank (Pl. refer plate 1) from where it is pumped to the anaerobic filter 1. But there is a

bypass to divert the whole untreated trade effluent to the final outlet even before the trade effluent enters the primary settling tank (Pl. refer plate 2).

Similarly there are number of outlets connected with the drain carrying trade effluent to the final outlet (Pl. refer plate 3 & layout plan at annexure-

A). These outlets can be used either for dilution purpose or for discharging the highly polluted trade effluent without any treatment. When the trade

effluent enters the anaerobic filter, there are over flow pipes in each filter tank to short cut the up flow filtration process (Pl. refer plate 4). Further it

was observed that there is no provision to recirculate the activated sludge into the bioreactor to build the necessary concentration of mixed liquor

suspended solids (bacterial load) in the aerated lagoons (Pl. refer plate 5). Without this the whole purpose of providing activated sludge process is

defeated. Dosing tanks, the primary clarifier weir & other mechanical components of ETP are badly corroded (Pl. refer plate-6) and it appeared

that these components have not been used since long. Motor of one of the aerator was also missing at the time of visit (Pl. refer plate-7). The

sludge drying bed is also grossly inadequate.

It is also mentioned here that in the year 1996, trade effluent samples of the industry were collected by the Board and the analysis results are

reproduced below:

Date of Sample Collection.

Parameters	13.2.96	26.4.96	24.7.96	2.5.96	16.6.96	BOD (mg/l)	2425	1530	375
	4100	4200							

From the above results one can conclude that

either industry was operating at enhanced production capacity or increased its hydraulic loading due to excessive trade effluent, which its treatment

plant was unable to treat to the limits prescribed by the Board. Further it can also be concluded that present ETP installed at site is under capacity

to bring down the pollutants within the limits prescribed by the Board.

Industry has a water connection granted to it by PSIEC. In addition to this it has two tube-wells within its own premises (One tube-well was found

to be in abandoned condition at the time of visit) (Pl. refer plate No. 8) to cater the additional demand of fresh water. It is glaring that industry hid

this fact while handing over the layout plan to the Board officers during the visit.

It is further submitted that the Board has notified the industry specific standards vide its notification No. Gen/40/Admn/A-2/1/97 dated 19.8.97

(placed at annexure-C). Recording to this notification the industry is required to bring down the BOD to 100 mg/1. Further, as the industry is

discharging into public sewer without secondary treatment plant, therefore, it is required to treat its trade effluent so as to meet the limits of BOD of

30 ml/1. MD of the industry admitted during visit that industry's effluent treatment plant is not designed to achieve these parameters.

In the light of above the team is of the confirmed opinion that industry should repair & upgrade the existing ETP before it is allowed to operate its

manufacturing process so as to achieve the norms fixed by the Board for such discharges.

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EPs Paliana H.O. Patiala NO Chandigarh

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HO Paliana NO Chandigarh

Sd/-

Incharge

EPS, Paliana

19. From the reading of the aforementioned report, there is no doubt left in my mind that the effluent treatment plant set up by the Industry is not

designed to meet BOD limit of 30 mg/ltr. I am further of the view that the Board had given a number of opportunities over a span of more than 10

years to the petitioner Industry but its has failed to upgrade its treatment facilities to set up proper and adequate effluent treatment plant so as to

bring the pollutants within the limit prescribed as per law by the Board.

20. For the reasons recorded above, I am of the view that the directions contained in order dated 23.06.1998 being within the competence of the

Board and having not been shown to be erroneous or without any basis, are not liable to be interfered with.

21. In view of the above, there is no merit in both the writ petitions and the same are hereby dismissed with no order as to costs.