

Item No. 02

(Court No. 1)

**BEFORE THE NATIONAL GREEN TRIBUNAL
SPECIAL BENCH**

(By Video Conferencing)

Original Application No. 32/2021 (CZ)
(I.A. No.17/2021)

Jitender Bairagi

Applicant

Versus

Hostech Eco Management Pvt. Ltd.
(Indore) & Ors.

Respondent(s)

Date of hearing: 15.11.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

Applicant: Ms. Sara Chanda, Advocate

Respondent(s): Mr. Sachin K. Verma, Advocate for the State of Madhya Pradesh
Mr. Yadvendra Yadav, Advocate for CPCB
Ms. Parul Bhadoria, Advocate for MPPCB

ORDER

1. The present Original Application has been preferred against setting up of Common Bio Medical Waste Treatment Facility at Village Kaliyadeh, Tehsil Ghatiya, District Ujjain, MP, by Respondent M/s Hostech Eco Management Pvt. Ltd. According to the applicant, the Facility has been set up without adopting the procedure laid down and is against public interest in violation of siting and environmental norms. There is potential for discharge of poisonous chemical and gases to the detriment of human life as well as well as the Wildlife near the village. Dumping bio-medical waste in municipal dustbins, open spaces, water bodies etc. may lead to spread

of diseases. Emission from incinerators and open burning may lead to exposure to harmful gases which can cause cancer and respiratory diseases.

2. Vide order dated 07.06.2021, the Tribunal sought a factual and action taken report from a joint Committee of Central Pollution Control Board (CPCB) and State PCB.

3. In pursuance of above, report of the joint Committee with reference to its visit dated 20.07.2021 has been filed to the effect that the unit has necessary Consent to Establish and EC. During inspection, the unit was not operative but the unit is under obligation to comply with the following conditions:

“a. Ensure zero liquid discharge condition and no wastewater discharge outside the unit premises.

b. Separate arrangements should be made with covered shed for different categories of biomedical waste (blue, white, yellow and red) & hazardous waste in the unit.

c. Proper storage with covered shed should be arranged for Solid Waste and effective disposal must be ensured.

d. The raw material storage area in the unit may cause nuisance due to excessive odour, to prevent it, green belt should be developed around it.

e. Install PTZ cameras at ETP outlets, hazardous/solid waste storage sites and chimney of the unit and ensure its connectivity to the Board's Environmental Monitoring Centre. Another PTZ camera should also be installed in the operating room of the plant.

f. Install Continuous Emission Monitoring System in the unit and ensure its connectivity to the Board's Environmental Monitoring Center.

g. If the unit intends to use ground water for operation, it can be asked to obtain NOC from the Central Ground Water Board.

h. Surface drain network must be kept separate & unit shall ensure that under no circumstances drains/pipes carrying waste water shall be connected to the surface drain.

i. *The unit must obtain authorization from the Board under the Hazardous and Other Wastes (Management and Trans-boundary Movement) Rules, 2016.*”

4. Action taken report is as follows:

“1. Following procedure followed for establishment of M/s Hostech Eco Management Pvt. Ltd. Ujjain M.P.:

- Consent to Establishment was given by the MPPCB to the Unit under the Water (Prevention and Control of Pollution) Act 1974 and Air (Prevention and Control of Pollution) Act 1981 on dated 25.01.2012.*
- Public Hearing of the project Dt. 15/06/2018 conducted as per provisions of EIA Notification, 2006.*
- Environmental clearance has been obtained by the Unit from M. P. State Environment Impact Assessment Authority vide letter no. 2079/SEIAA 2019 dt. 29/01/2019.*
- No Objection Certificate was issued by Gram Panchayat Kaliyadeh, Janpad Panchayat Ghattiya, District Ujjain dt. 02/02/2012, 16/04/2021.*
- NOC of Forest Department has also been obtained vide letter no. 775 dated 09.03.2017.*
- Unit has applied for Consent to Operate & authorization and it is proposed to be commissioned after obtaining the same.*
- The Unit was not found in operation at the time of inspection. No Biomedical Waste was received by the Unit.*

2. Distance from Indore to M/s Hostech Eco Management Pvt. Ltd. (CBWTFs) is about 68 Km and the other CBWTF at Sehore is 168 Km & CBWTF Ratlam is 103 Km.

3. Distance of M/s Hostech Eco Management Pvt. Ltd. from Residential/Village area is about 600 m & CBWTF is surrounded by agriculture lands & Nearest residential farm is about 89.4 m. (As per the Guidelines of the Central Pollution Control Board, Dt. 21/12/2016 "A CBWTF can be located at a place reasonably far away from notified residential and sensitive areas and should have a buffer distance of preferably 500 m so that it shall have minimal impact on these areas. In case of non-availability of such a land, the buffer zone distance from the notified residential area may be reduced to less than 500 m by SPCB/PCC without referring the matter to CPCB by prescribing additional control measures such as (i) adoption of best available technologies (BAT) by the proponent of CBWTF; (ii) prescribing stringent standards for operation of the CBWTF by the SPCB/PCC; (iii) adoption of zero liquid discharge by the CBWTF and (iv) in case of any complaints from the public, then CBWTF should prove that the facility is not causing any adverse impact on environment and habitation in the vicinity.”)

4. The unit comes under the highly polluting category and environment clearance has been obtained by the unit for the site from M. P. State Environment Impact Assessment Authority under the Environment Protection Act 1986 along with no objection certificate

from various departments like forest department & village panchayat. Thus, the issue of site selection automatically concludes.

5. The unit has provided all the requisite pollution control measures as per the BMW guidelines. The unit was found not in operation during the inspection by the members of the committee and assessment of its impact on the surrounding water & air quality is only possible when the plant will be commissioned.

6. Further the unit will be directed to comply with the provisions of Water (Prevention and Control of Pollution) Act 1974, Air (Prevention and Control of Pollution) Act 1981, Biomedical Waste Management Rules 2016, Solid Waste Management Rules 2016, Construction and Demolition Waste Management Rules 2016, and Hazardous and Other Waste (Management and Trans-boundary Movement) Rules, 2016.

7. In view of the above the committee opines that the proposed CBWTF is complied all the previous formalities i.e. obtained CTE, EC, NOC from Village Panchayat and Forest Department. Moreover, the coverage area review report 2017 of MPPCB proposed a CBWTF in Ujjain. Therefore, CTO may be issued to M/s Hostech Eco Management Pvt. Ltd. provided that the coverage area of existing facility may not be overlap and bed strength in the area is above 10000.”

5. We have considered the matter. In view of the fact that requisite EC and Consent have been granted and the Facility is necessary, only question is ensuring that the Facility operates as per environmental norms. Prima facie, location of the Facility is not shown to be illegal. The State PCB must ensure compliance of conditions mentioned above and all other environmental norms and maintain vigil on regular basis. It must conduct inspection when the unit is functional. If any violation is found, action may be taken as per law. In case any grievance survives, it is open to the aggrieved party to take remedies in accordance with law.

The application is disposed of accordingly.

In view of order passed in the main application, IA No. 17/2021 also stands disposed of.

Adarsh Kumar Goel, CP

Sheo Kumar Singh, JM

Sudhir Agarwal, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

Dr. Arun Kumar Verma, EM

November 15, 2021
Original Application No. 32/2021 (CZ)
(I.A. No.17/2021)
DV