

Indian Council for Envirolegal Action and Others

Vs

Union of India and Others

I.As. Nos. 2, 9 and 11 in Writ Petition (C) No. 1056 of 1990

(D. P. Wadhwa JJ)

09.01.1998

ORDER

1. In its interim report filed on 16-12-1997, the Central Pollution Control Board has pointed out the grossly unsatisfactory working of the Common Effluent Treatment Plants at Patancheru and Bollaram. It is also pointed out that there is a Common Effluent Treatment Plant in the same area at Jeedimetla also.

2. 72 industries are members of PETL at Patancheru. These industries send their effluents to the Patancheru plant for treatment. On or after 31-1-1998 the Patancheru Common Effluent Treatment Plant shall not accept effluents from its member industries or any other industry unless the effluents do not exceed the limits of various parameters as follows :

PH - between 6.5 and 8.5 SS - not to exceed 1000 mg/1 COD - not to exceed 20,000 mg/1 TDS - not to exceed 20,000 mg/1

3. All those member industries who discharge after 31-1-1998 effluents exceeding these parameters shall stop production until further orders.

4. The same directions will also apply to the CETP at Bollaram. 25 industries are members of the CETP at Bollaram and the above directions apply to them also.

5. In the Patancheru area, in addition to the 72 industries which are members of PETL, there are, according to the report of the Central Pollution Control Board, 42 unlisted industries. The Andhra Pradesh Pollution Control Board shall furnish a list of these industries indicating which of these industries are relevant to the question of water pollution. The report shall also indicate whether the effluent discharged by them meets the norms of safe discharge as prescribed by the Central Pollution Control Board and as set out at p. 34 of the present report dated 16-12-1997. In the case of those industries which, according to the Andhra Pradesh Pollution Control Board, do not discharge effluent falling within the safe parameters so laid down, the Andhra Pradesh Pollution Control Board shall take all steps permissible in law to make the industries comply with the prescribed norms. Such steps shall be taken forthwith.

6. In respect of the area covered by the Bollaram Common Effluent Treatment Plant the present report of the Central Pollution Control Board has pointed out that there are 91 industries in the said area which are not members of Bollaram Common Effluent Treatment Plant. Out of these at least 29 industries are relevant on the question of water pollution caused by their effluents. There may also be other industries which may be contributing to air pollution. The Andhra Pradesh Pollution

Control Board shall furnish a list of these 91 non-member industries indicating therein those industries which are causing water pollution. In respect of these industries also, the direction which we have given above to the Andhra Pradesh Pollution Control Board with respect to non-member industries in the Patancheru area will apply. The report of the Andhra Pradesh Pollution Control Board shall also include the steps taken by the Board to make these non-member industries comply with the safe standards of effluent discharge norms as set out at p. 34 of the report of the Central Pollution Control Board. The Andhra Pradesh Pollution Control Board shall submit a comprehensive report on or before 15-2-1998. The Andhra Pradesh Pollution Control Board shall also give a notice to all the polluting industries in the area of Patancheru and Bollaram informing them about the present pending litigation and also informing them that in case these industries do not comply with the norms for safe discharge of effluents or, in the case of member industries, with the norms prescribed by the Central Pollution Control Board for sending their effluent to the Common Effluent Treatment Plant on or before 31-1-1998, they are liable to be closed down.

7. In the report to be supplied by the Andhra Pradesh Pollution Control Board the said Board shall also indicate all those industries which are causing air pollution in the entire area and shall state the steps being taken by them for checking air pollution.

8. The Central Pollution Control Board report also points out that there is a Common Effluent Treatment Plant at Jeedimetla also. We do not have any particulars of the industries which are sending effluents to this plant at Jeedimetla nor do we have any information about the performance of the plant at Jeedimetla. The Central Pollution Control Board shall submit a report in connection with the functioning of this plant at Jeedimetla before the end of February 1998. In the meanwhile, no additional effluents from any industry in the area served by Patancheru and Bollaram Common Effluent Treatment Plants shall be accepted by CETL at Jeedimetla.

9. The Andhra Pradesh Pollution Control Board had in November 1997 issued notice to PETL at Patancheru to remove the sludge which is being dumped on the banks of the river and put it in secured landfills within 30 days from the date of the notice. Unfortunately no action was taken pursuant to the notice. PETL at Patancheru and the member industries of PETL at Patancheru shall comply with these directions on or before 31-1-1998. In case approval of the Andhra Pradesh Pollution Control Board is required for the site selected by PETL and its member industries for dumping of sludge, the Andhra Pradesh Pollution Control Board agrees to consider the request and grant either approval or intimate disapproval within a period of 8 days of the application being made to it.

10. The Andhra Pradesh Pollution Control Board had issued notice dated 15-11-1997 to CETL at Bollaram. The CETL at Bollaram and its member industries shall comply with the notice on or before 31-1-1998. The Andhra Pradesh Pollution Control Board shall inform the industries of the adjourned date of hearing so that any of the industries, if they wish to make a representation, may remain present on the next date of hearing. In view of the fact that learned counsel appearing for the Andhra Pradesh Pollution Control Board has not been able to assist the Court or give proper relevant information, it has become necessary for us to direct the Member Secretary of the Andhra Pradesh Pollution Control Board to remain present in Court on the next date of hearing with all relevant papers.

11. List the matter on 19-2-1998 for directions.

Court Masters