

# Supreme Court Judgment regarding ETPs/CETPs/STPs :

Writ Petition (C) No. 375 of 2012

GUJARAT POLLUTION CONTROL BOARD

## Background

- Petitioner: Paryavaran Suraksha Samiti and others
- Respondent: Union of India and others
- SC Bench headed by Chief Justice
- Date of Judgment : 22.02.2017
- Prayer : To ensure that no industry which requires **Consent to Operate** from the concerned Pollution Control Board is permitted to function unless it has a **Functional Effluent Treatment Plant**, which is capable to meet the prescribed norms for removing the pollutants from the effluent, before it is discharged.

Directions to Industry/GPCB		
Sr. No	Particulars	Action / Implementing Agency
1	Issue public notice to industries required to have ' <b>Consent to Operate</b> ' to have a primary ETP fully operational within 3 months from the date of judgment, i.e. by 22.05.2017. The ETP should be functional to the required capacity.	<b>GPCB:</b> 1. Advertisements published in major English and Gujarati newspapers 2. All ROs of GPCB to prepare inventory of industries having operational & non-operational ETP 3. Unit Head to verify the inventory data 4. HO to compile the data regularly

Directions to Industry/GPCB		
Sr. No	Particulars	Action / Implementing Agency
2	After 22.5.2017, GPCB to carry out inspection of industries to verify whether or not each such unit requiring ' <b>Consent to Operate</b> ' has a functional primary ETP of the required capacity	1. All ROs to do inspection of the industries as per the list 2. HO to compile data regularly
3	Industries not having a fully operational primary ETP of the required capacity by 22.05.2017 shall be shut down. Their electricity supply shall be disconnected by the Discom.	1. Unit Head, HO to issue closure to industry and inform the Discom to disconnect the electricity supply 2. HO to compile data regularly

Directions to Industry/GPCB		
Sr. No	Particulars	Action / Implementing Agency
4	Defaulter unit will have to seek fresh <b>Consent to Operate</b> from GPCB after installing a fully functional ETP of required capacity	<ol style="list-style-type: none"> <li>1. Defaulter unit required to submit application for fresh Consent to Operate after complying</li> <li>2. RO to verify and endorse</li> <li>3. HO shall revoke closure and issue fresh Consent to Operate upon compliance</li> <li>4. HO to compile data regularly</li> </ol>
5	GPCB to carry out inspections to ensure that visible results emerge at the earliest	<ol style="list-style-type: none"> <li>1. RO to carry out inspection</li> <li>2. HO to verify</li> <li>3. HO to compile data regularly</li> </ol>

Directions to Industry/GPCB		
Sr. No	Particulars	Action / Implementing Agency
6	Private individuals and organisations may address complaints to GPCB against unit in default. GPCB shall verify such complaint and take action as per law, in addition to discontinuation of industrial activity forthwith	<ol style="list-style-type: none"> <li>1. Special mechanism to be set up for redress of such complaints and maintaining data</li> <li>2. RO to investigate on priority</li> <li>3. HO to initiate action in addition to closure.</li> <li>4. HO to compile data regularly</li> </ol>

## Directions to Industry/GPCB

Sr. No	Particulars	Action / Implementing Agency
7	<p>1. Setting up of CETP shall be taken up as an urgent Mission.</p> <p>2. CETP under pipeline should be completed within timelines already postulated.</p> <p>3. New CETP of required capacity shall be set up within 3 years from 22.2.2017, i.e. by 22.02.2020</p> <p>4. Functional CETPs to augment and/or expand to meet the required capacity</p>	<p>1. State Government</p> <p>2. Industries &amp; Mines Department / GIDC</p> <p>3. Urban Development / Panchayat Department / Local Bodies</p> <p>4. CETP Operators / Industry Associations</p>

## Responsibilities

Sr. No	Particulars	Action / Implementing Agency
8	The directions regarding continuation of industrial activity only when the primary ETP is functional, and setting up of functional CETP within the timeline, shall be the responsibility of MS, GPCB to implement	MS, GPCB
9	Secretary of the Department of Environment, GoG shall be answerable in case of default	ACS (F&ED)
10	Secretary of the Department of Environment, GoG shall be responsible of monitoring the progress, and issuing directions to GPCB, as may be required, for implementation of the above directions	ACS (F&ED)

<b>Responsibilities</b>		
<b>Sr. No</b>	<b>Particulars</b>	<b>Action / Implementing Agency</b>
11	<p>GPCB and F&amp;ED shall be responsible for collecting and maintaining data in respect of directions contained in this judgment.</p> <p>The data shall be furnished to Central Ground Water Authority for evaluation</p> <p>CGWA shall furnish the same to NGT</p>	<ol style="list-style-type: none"> <li>1. GPCB</li> <li>2. ACS (F&amp;ED)</li> <li>3. CGWA</li> </ol>
12	<p>To supervise complaints of non-implementation of the directions, the NGT Benches will maintain running and numbered case files.</p> <p>These cases will be listed periodically.</p>	NGT

<b>Responsibilities</b>		
<b>Sr. No</b>	<b>Particulars</b>	<b>Action / Implementing Agency</b>
13	GPCB shall initiate civil or criminal action as per law against any defaulter	GPCB
14	Private individuals and organisations can approach NGT for appropriate orders by pointing out deficiencies in implementation of the above directions	Private Individual Organisations

## Responsibilities

Sr. No	Particulars	Action / Implementing Agency
15	The State Govt. to ensure that <b>online, real time, continuous monitoring system</b> to display emission levels is put on the portal of GPCB within 6 months of the date of judgment, i.e. by 22.08.2017	F&EF, GoG GPCB CETP Operators
16	The aforesaid directions shall not in any way dilute any timelines and directions of NGT.	

**Thank You**