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Annex 1

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, HOSHIAPUR

Punjab Pollution Control Board, Vatavaran Bhawan, Nabha Road, Patiala through its Assistant Environmental Engineer Sh. Sukhwant Singh, Regional Office, B18-A, Focal Point, Hoshiarpur through Sh. Kulraj Rai, Senior Law Officer, Zonal Office, Focal Point, Jalandhar

--Complainant

Versus

1. M/s Indian Sucrose Ltd., Vill. Chak Alah Bakash, Tehsil Mukerian, Distt. Hoshiarpur (through accused no. 2 to 5).
2. Sh. Kunal Yadav, Managing Director of M/s Indian Sucrose Ltd., Vill. Chak Alah Bakash, Tehsil Mukerian, Distt. Hoshiarpur.
3. Sh. Ved Parkash Gupta, Vice President of M/s Indian Sucrose Ltd., Vill. Chak Alah Bakash, Tehsil Mukerian, Distt. Hoshiarpur.
4. Sh. Geoffrey Frederick Francis, Director of M/s Indian Sucrose Ltd., Vill. Chak Alah Bakash, Tehsil Mukerian, Distt. Hoshiarpur.
5. Sh. Rajinder Dhir, Assistant Manager Legal of M/s Indian Sucrose Ltd., Vill. Chak Alah Bakash, Tehsil Mukerian, Distt. Hoshiarpur.

--Accused

Criminal complaint under sections 25/26/33-A of the Water (Prevention and Control of Pollution) Act, 1974 read with sections 43/44/47 of the said Act, 1974 & under section 15 / 16 of Environment (protection ) Act 1986.

Sir,

Most respectfully, it is submitted as under:

- 1) That the complainant Board was constituted on 30.05.1979 under section 4(1) of the Water (Prevention and Control of Pollution) Act, 1974 (herein after described as the Act) and the Board is deemed to be State Board for the Prevention and Control of Air Pollution as

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constituted under section 5(1) of the Air (Prevention & Control of Pollution) Act, 1981 (Prevention and Control of Pollution) Act, 1981.

The Board, thus, have paramount duty for the Prevention and Control of Water Pollution, maintaining or restoring the wholesomeness of water, preservation of the quality of air and control of water pollution in the territory under i.e. State of Punjab.

- 2) That the Punjab Pollution Control Board is having its Head office/Regional officers on the address mentioned above for achieving the objectives of the above mentioned Acts. The Board is a body corporate with the name aforesaid having perpetual succession and common seal with the power to sue and be sued in its own name.
- 3) That in exercise of the powers conferred on the Board, it has delegated its powers to sign, verify and file the complaint to Environmental Engineer and its Assistant Environmental Engineer (vide resolution dated 30.09.1985. copy is enclosed as Annexure C1). However "No court shall take cognizance of any offence under this Act except on complaint made by
- a) A Board or any officer authorized in this behalf by it; or
  - b) Any Person who has given notice of not less than sixty days, in the manner prescribed, of the alleged offence and of his intention to make a complaint, to the Board or officer authorized as aforesaid and no court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act. (Copy of the resolution dated 30.09.1985 & its notification is enclosed as Annexure C-1 & C-2).

- 4) That M/s Indian Sucrose Ltd., Vill. Chak Alah Bakash, Tehsil Mukerian, Distt. Hoshiarpur is a large scale existing unit and is engaged in manufacturing of sugar by processing sugar cane. The consent granted under Water (Prevention & Control of Pollution) Act, 1974 vide No. CTO/W/Renewal/HSP/2016/4039437 dated 07.10.2016 valid upto 31.03.2020 to industry was amended for cane crushing upto 5000 TCD with discharge of treated waste water upto 1000 KI/day with special condition not to increase its installed capacity beyond 5000 TCD without obtaining Environmental Clearance from MoEF and complying with notification issued by CPCB, New Delhi vide No. GSR 35(E) dated 14.01.2016 for sugar mills. The consent granted under Air (Prevention & Control of Pollution) Act, 1981 vide No. R15HSPCTO/2588818 dated 07.10.2015 valid upto 31.03.2017 was also amended as in case of consent granted under Water (Prevention & Control of Pollution) Act, 1974 (Annexure -C-3 & C-4). The accused No. 2 to 4 are namely- Accused no. 2 Sh. Kunal Yadav, Managing Director; Accused no. 3 Sh. Ved Parkash Gupta, Vice President; Accused no. 4 Sh. Geoffery Frederick Francis, Director and accused no. 5 Sh. Rajnish Dhir, A.G.M. (HR & Legal). Accused no. 2 Sh. Kunal Yadav is Managing Director of accused no. 1 and accused no. 3 Sh. Ved Parkash Gupta is Vice President of the accused no. 1. The other accused No. 4 Sh. Geoffery Frederick Francis and accused no. 5 Sh. Rajnish Dhir, A.G.M. (HR & Legal) are the responsible persons for accused no. 1 i.e. M/s Indian Sucrose Ltd., Vill. Chak Alah Bakash, Tehsil Mukerian, Distt. Hoshiarpur. All accused are

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supervising, managing, controlling the affairs of the company i.e. accused no. 1 from time to time. Thus, they all are liable for the offences committed by the accused no. 1.

- 5) That the complainant Board had provided personal hearing to the accused industry i.e. M/s Indian Sucrose Ltd., Vill. Chak Alah Bakash, Tehsil Mukerian, Distt. Hoshiarpur on 23.08.2016 before the Chairman of the Board. Sh. G.S. Majithia, Chief Environmental Engineer and Sh. Sandeep Behl, Senior Environmental Engineer were present on behalf of the Zonal Office, Jalandhar & Sh. Ved Parkash Gupta, Vice President of the industry i.e. accused no.1 was present, where in it was decided that the industry shall not do the sugar cane crushing more than 5000 TCD without obtaining Environment Clearance and industry shall apply to the complainant Board within 15 days. Further, the Regional Office, Hoshiarpur shall monitor and ensure that the accused industry shall not be allowed to crush cane more than allowed capacity, (Copy of the personal hearing is enclosed as Annexure C-5). However, despite of the directions of the Competent Authority, the accused had increased its capacity which were earlier allowed by the complainant Board. Thus, all the accused have violated the provisions of Water (Prevention & Control of Pollution) Act, 1974, which punishable u/s 43/44/47 of the said Act. Moreover, the accused have failed to get the Environment Clearance from the Competent Authority, which was main condition of the amended consent granted by the Board under the Water (Prevention & Control of Pollution) Act, 1974. Therefore, accused are continuously

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and intentionally violating the conditions of the consent granted by the Board. Thus, they all are liable for offences committed by the accused no.1.

6) That M/s Indian Sucrose Ltd., Vill. Chak Alah Bakash, Tehsil Mukerian, Distt. Hoshiarpur was visited by Smt. Pooja Sharma, Assistant Environmental Engineer on 20.02.2017 and Sh. Ved Parkash Gupta, Vice President was contacted at site. The observations made during visit are as under:-

- 1) The ETP installed by the industry was in operation and the treated effluent was being discharged onto land for plantation. The online meters were in operation and reading was observed COD = 90.6, BOD 6.34, TSS = 120, pH = 7.10. The EMF reading at outlet of ETP was observed 654855.4 m<sup>3</sup>, flow rate 40.9 m<sup>3</sup>/hr.
- 2) The STP installed for treatment of domestic effluent was also in operation. The treated effluent was being discharged onto land for plantation.
- 3) The industry has installed wet scrubber as APCD with bagasse fired boilers and same was in operation during visit.
- 4) No new construction has been carried out for the expansion of unit at site.
- 5) The representative informed that 40 Megawatt turbine will be installed near the store room. The boiler of capacity 200 Ton (100 +100) will be installed near the baggase storage area.

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- 6) The representative informed that, the effluent generated from the expansion of unit will be treated in the existing ETP of capacity 3000 KLD.
- 7) The representative of the industry Sh. Ved Parkash Gupta informed that the machinery installed in the existing building has already been upgraded/ modified for crushing capacity 7500 TPD since 2015.
- 8) The record of cane crushed is being given by the industry to the Cane Commissioner and Excise Department on regular basis. The copy of the record regarding cane crushed by this industry from 25.11.2016 to 07.01.2017 is enclosed herewith as per which the industry has crushed cane more than 5000 TPD in violation to the direction of the Board and BIA notification 2006 (Anneuxre C-6).

Thus, from above, it is clear that accused no.1 is violating the provisions of law by operating the unit at higher capacity without getting the Environment Clearance from the Competent Authority as directed by the Punjab Pollution Control Board,

7. That keeping in view of the above circumstances and relevant record of the Regional Office, Hoshiarpur, the Competent Authority has accorded the sanction for prosecution against the accused no. 1 to 5 i.e. accused no. 2 Sh. Kunal Yadav, Managing Director, accused no. 3 Sh. Ved Parkash Gupta, Vice President, accused no. 4 Sh. Geoffery Frederick Francis, Director and accused no. 5 Sh. Rajnish Dhir, A.G.M. (HR & Legal) as they all are responsible persons for violation of provisions of law, which is punishable under the Water (Prevention

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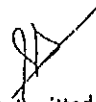
& Control of Pollution) Act, 1974 read with section 43/44/47 of said  
Act 1974 and under section 15/16 of the Environment (Protection)  
Act, 1986.

It is therefore prayed that all the accused be summoned in the interest of  
justice and administration of M/s Indian Sucrose Ltd., Vill. Chak Alah Bakash,  
Tehsil Mukerian, Dist. Hoshiarpur be restrained to further increase its capacity as  
they have failed to get the Environment Clearance from Punjab Pollution Control  
Board and environmental clearance as well as the accused i.e. responsible persons  
be punished in accordance with law for violation of provision of Water (Prevention  
& Control of Pollution) Act 1974 and Environment (Protection) Act, 1986, please.


Further, the application under section 319 of Cr. P. C for including the  
additional accused shall be filed later on.

DA/ List of witnesses is attached  
and additional list of witnesses  
shall be produced later on.

Place: Hoshiarpur  
Date:

  
Submitted by

(Sukhwant Singh)  
Assistant Environmental Engineer  
Through

  
(Kulraj Rai)  
Sr. Law officer  
Zonal Office, Jalandhar

(8)

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, HOSHIARPUR

Punjab Pollution Control Board, Vatavaran Bhawan, Nabha Road, Patiala through its Assistant Environmental Engineer Mrs. Pooja Sharma, Regional Office, E18-A, Focal Point, Hoshiarpur through Sh. Kulraj Rai, Senior Law Officer, Zonal Office, Focal Point, Jalandhar

--Complainant

Versus

1. M/s Indian Sucrose Ltd., Vill. Chak Alah Bakash, Tehsil Mukerian, Distt. Hoshiarpur.
2. Sh. Kunal Yadav, Managing Director of M/s Indian Sucrose Ltd., Vill. Chak Alah Bakash, Tehsil Mukerian, Distt. Hoshiarpur.
3. Sh. Ved Parkash Gupta, Vice President of M/s Indian Sucrose Ltd., Vill. Chak Alah Bakash, Tehsil Mukerian, Distt. Hoshiarpur.
4. Sh. Geoffery Frederick Francis, Director of M/s Indian Sucrose Ltd., Vill. Chak Alah Bakash, Tehsil Mukerian, Distt. Hoshiarpur.
5. Sh. Rajinder Dhir, Assistant Manager Legal of M/s Indian Sucrose Ltd., Vill. Chak Alah Bakash, Tehsil Mukerian, Distt. Hoshiarpur.

-- Accused

List of Witnesses

- M. S. Sudehwant Singh Meets To prove complainant*
1. Mrs. Pooja Sharma (ABB) To prove the complaint & record *unproven*  
(Regional office, Hoshiarpur)
  2. Sh. G.S. Majithia (CEB) To prove the personal hearing dated  
(Focal Point, Jalandhar) 23.08.2016
  3. Br. Sandeep Behl (SBB) To prove the personal hearing dated  
(Zonal office, Jalandhar) 23.08.2016
  4. Assistant/Record Keeper To prove record  
(Regional office, Hoshiarpur)
  5. Assistant/Record Keeper To prove record  
(Zonal office, Jalandhar)

Additional List of Witnesses shall

be produced later on.

Place: Hoshiarpur

Date:

*(Signature)*  
Submitted by

(Pooja Sharma)  
Assistant Environmental Engineer  
Through

(Kulraj Rai)  
Sr. Law officer  
Zonal Office, Jalandhar

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IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, HOSHIAPUR

Punjab Pollution Control Board, Vatavaran Bhawan, Nabha Road, Patiala through  
its Assistant Environmental Engineer Mrs. <sup>Sukhwant Singh</sup> ~~Pooja Sharma~~, Regional Office, E18-A,  
Focal Point, Hoshiarpur through Sh. Kulraj Rai, Senior Law Officer, Zonal Office,  
Focal Point, Jalandhar

--Complainant

Versus

1. M/s Indian Sucrose Ltd., Vill. Chak Alah Bakash, Tehsil Mukerian, Distt. Hoshiarpur.
2. Sh. Kunal Yadav, Managing Director of M/s Indian Sucrose Ltd., Vill. Chak Alah Bakash, Tehsil Mukerian, Distt. Hoshiarpur.
3. Sh. Ved Parkash Gupta, Vice President of M/s Indian Sucrose Ltd., Vill. Chak Alah Bakash, Tehsil Mukerian, Distt. Hoshiarpur.
4. Sh. Geoffery Frederick Francis, Director of M/s Indian Sucrose Ltd., Vill. Chak Alah Bakash, Tehsil Mukerian, Distt. Hoshiarpur.
5. Sh. Rajinder Dhir, Assistant Manager Legal of M/s Indian Sucrose Ltd., Vill. Chak Alah Bakash, Tehsil Mukerian, Distt. Hoshiarpur.

-- Accused

List of Documents:

- 1) Copy of the Resolution dated 30.09.1985 and its notification Annexure - C-1 & C-2
2. Copy of the consent granted dated Annexure - C-3
3. Copy of the amended consent Annexure - C-4
4. Copy of the personal hearing dated 23.08.2016 Annexure - C-5
5. Copy of the visit report dated 20.02.2017 Annexure - C-6

Place: Hoshiarpur

Date:

*Sukhwant Singh*  
Submitted by  
Er. *Sukhwant Singh*  
(~~Pooja Sharma~~)  
Assistant Environmental Engineer  
Through  
(Kulraj Rai)  
Sr. Law officer  
Zonal Office, Jalandhar

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, HOSHIAPUR

Punjab Pollution Control Board, Vatavaran Bhawan, Nabha Road, Patiala through its Assistant Environmental Engineer Mrs. ~~Pragna Sharma~~ Regional Office, E18-A, Focal Point, Hoshiarpur through Sh. Kulraj Rai, Senior Law Officer, Zonal Office, Focal Point, Jalandhar

--Complainant

Versus

1. M/s Indian Sucrose Ltd., Vill. Chak Alah Bakash, Tehsil Mukerian, Distt. Hoshiarpur.
2. Sh. Kunal Yadav, Managing Director of M/s Indian Sucrose Ltd., Vill. Chak Alah Bakash, Tehsil Mukerian, Distt. Hoshiarpur.
3. Sh. Ved Parkash Gupta, Vice President of M/s Indian Sucrose Ltd., Vill. Chak Alah Bakash, Tehsil Mukerian, Distt. Hoshiarpur.
4. Sh. Geoffery Frederick Francis, Director of M/s Indian Sucrose Ltd., Vill. Chak Alah Bakash, Tehsil Mukerian, Distt. Hoshiarpur.
5. Sh. Rajinder Dhir, Assistant Manager Legal of M/s Indian Sucrose Ltd., Vill. Chak Alah Bakash, Tehsil Mukerian, Distt. Hoshiarpur.

-- Accused

Application for the exemption of personal hearing.

Sir,

It is respectfully submitted as under:

- 1) That the undersigned complainant is a busy official of the Board as I used to remain busy in the field work. Due to which I cannot attend each and every hearing due to the business and I undertake to attend the court as and when desired my presence in the interest of justice and administration.

It is therefore prayed that my presence may be considered through Sh. Kulraj Rai, Senior Law Officer, Zonal Office, Jalandhar.

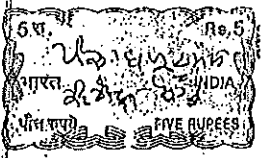
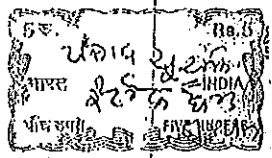
Thanking you,

Place: Hoshiarpur  
Date:

Submitted by  
*Pragna Sharma*  
Pragna Sharma

Assistant Environmental Engineer  
Through

(Kulraj Rai)  
Sr. Law officer  
Zonal Office, Jalandhar

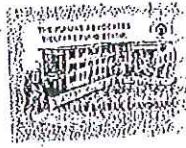
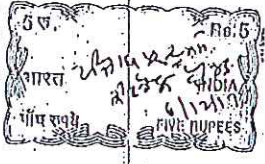




# POWER OF ATTORNEY VAKALATNAMA

Sr. No. 21866 (1)

Assistant Secretary  
District Bar Association  
Jalandhar



IN THE COURT OF Chief Judicial Magistrate Hoshiarpur

In re: Punjab Pollution Control Board Plaintiff / Appellant / Petitioner / Complainant

VERSUS

M/s Indian Sugar Ltd. Hoshiarpur Defendant / Respondent / Accused

Know all to whom these presents shall come that I / We the undersigned appoint

Sri Kishan Rai Senior Advocate / Sr Advocate  
Advocate at Hoshiarpur for

(herein after called the advocate/s) to be my/our Advocate in the above noted case authorize him:-

1. To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/us.
2. To sign, file, verify and present pleadings, appeals, cross-objections or petitions for executions review revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subject to payment of fees for each stage.
3. To file and take back documents, to admit and/or deny the documents of opposite Party.
4. To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.
5. To take execution proceedings.
6. To deposit, draw and receive monthly cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.
7. To appoint and instruct any other Legal Practitioner authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on our behalf.
8. And I/We the undersigned do hereby agree to rectify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes.
9. And I/We undertake that I/We or my/our duly authorized agent would appear in Court on all hearings and will inform the Advocate for appearance when the case is called.
10. And I/We the undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case.
11. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain for himself.
12. And I/We the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee so paid is only for the above case and above Court. I/We hereby agree that once fee is paid, I/We will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more than 3 years the original fee shall be paid again by me/us.

IN WITNESS WHEREOF I/We do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this 6 day of June 2017

Kishan Rai  
(Kishan Rai) Sr Advocate / Sr



Enr. No. 21866/2017  
M. No. 987/2017  
Advocate  
Accepted subject to the terms of the fees etc.  
Published for the welfare of the Members of District Bar Association of Jalandhar.

531 Reserve Bank Enclave  
Phase 8, Jalandhar

[Signature]  
(Signature of thumb Impression)  
Er. Sukhmeet Singh (A.C.)

*Annexure B* (12)

**OFFICERS AUTHORISED FOR TAKING COGNIZANCE OF OFFENCES  
NOTIFICATION**

S.O. 394(E).-In exercise of the powers conferred under clause (a) of section 19 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby authorises the officers and authorities listed in column (2) of the Table hereinafter for the purpose of the said section with the jurisdiction mentioned against each of them in column (3) of that Table:

**TABLE**

Serial No	Officer	Jurisdiction
(1)	(2)	(3)
1.	Any Director, Joint Secretary, Adviser or Additional Secretary to the Government of India in the Department of Environment, Forests and Wildlife,	Whole of India
2.	The Chairman or Member-Secretary of the Central Pollution Control Board constituted under section 3 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974).	Whole of India
3.	The Government of the State (represented by the Secretary to the State Government incharge) of environment.	Whole of State
4.	The Chairman or Member-Secretary of the State Pollution Control Board constituted under section 4 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) or a State Pollution Control Board constituted under section 5 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981).	Whole of State
5.	Collector.	Whole of Revenue District
6.	Zonal Officers of the Central Pollution Control Board who have been delegated powers under sections 20, 21, 23 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) and section 24 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981).	Area as laid down by the Central Board.

Inferred by Notification S.O. 624(E), dated 3.9.1976.  
 Inserted by Notifications O.S.N. 567(E), dated 1.9.2006.

*Approved to the Secy. Govt.  
 Ym.  
 Sr. Law Officer  
 P.P. Ch.*