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PART III

Notifications by High Court, Advertisement, Notices and Change of Name etc.

THE HON'BLE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

COMPANY PETITION NO. 29 OF 2008

IN THE MATTER OF :

Sections 425, 433, 434 and 439 of The Companies Act, 1956

IN THE MATTER OF :

M/s Excel, A-79, Naraina Industrial Area, Phase-I, New Delhi, through its Proprietor
Shri Atul Jain.

...Petitioner

M/s Axis Diagnostics & Biotech Limited. (Formerly M/s. ACE Diagnostics & Biotech
Limited), having its Regd. Office at Plot No. 66, Sector-18, Udyog Vihar, Gurgaon (Haryana),
through its Managing Director.

...Respondent

ADVERTISEMENT OF PETITION

Notice is hereby given that a petition for winding up of the above named respondent company by the Hon'ble
Punjab and Haryana High Court at Chandigarh was on the 26th Day of March, 2008, presented to the said Court by the
petitioner company i.e. M/s. Excel, A-79, Naraina Industrial Area, Phase I, New Delhi as a creditor, the said
petition lastly came up for hearing on the 21-11-08 and the said petition is directed to be heard before the court
on 13-01-2009.

Any creditor, contributory or other person desirous of supporting or opposing the making of an order on the said petition should send to the petitioner or his advocate notice of his intention signed by him or his advocate with his name and address, so as to reach the petitioner or his advocate not later than 5 days before the date fixed for the hearing of the petition, and appear at the hearing for the purpose in person or by his advocate. A copy of the petition will be furnished by the undersigned to any creditor or contributory on payment of the prescribed charges for the same.

Any affidavit intended to be used in opposition to the petition should be filed in court, and a copy served on the petitioner or his advocate, not less than 5 days before the date fixed for the hearing.

AMANKASHYAP,

Advocate,

Counsel for the Petitioner

House No. 1197, Sector 37-B, Chandigarh.

Place : Chandigarh

Dated : 24th December, 2008

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HARYANA STATE POLLUTION CONTROL BOARD

Notification

The 1st January, 2009

No. HSPCB/2009/Policy/100.— In exercise of the powers conferred by section 25/26 and section 33-A of the Water (Prevention & Control of Pollution) Act, 1974, section 21, 22 & section 31-A of Air (Prevention & Control of Pollution) Act, 1981 read with rule 22 of the Haryana (Prevention & Control of Water Pollution) Rules 1978 and rule 15 of the Haryana (Prevention & Control of Pollution) Rules, 1983 and rule 5 of the Hazardous Waste (Management & Handling) Rules, 1989 and in supersession of the Board's earlier notification No. HSPCB/98/24-13 dated 24th July, 1995 regarding simplification of Consent Procedures, the Haryana State Pollution Control Board in its 147th meeting held on 23.12.2008 has resolved vide resolution No. 147.119S, decided to lay down the following procedure for Consent Management for obtaining Consent to Establish/No objection Certificate (NOC) and Consent to operate under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981 and Hazardous Waste (Management & Handling) Rules, 1989 as amended from time to time for effective enforcement of Environmental Laws.

1. Procedure for grant of consent to establish (NOC)

Case I

The industrial units falling under Case-I category shall apply for consent to establish /No objection Certificate (NOC) directly in the Head office on the prescribed form alongwith requisite fee in duplicate and each paper has to be signed by the authorized signatory to avoid delay.

For all projects listed in category A or B in the Environment Impact Assessment (EIA) notification issued by the Ministry of Environment & Forests Govt. of India dated 14.9.2006, the issue of environmental clearance by the competent authority under the said notification shall be considered by HSPCB as deemed "consent to establish" required under the Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981 & Hazardous Waste (Management & Handling) Rules, 1989 subject to the fulfillment to two other requirements namely the payment of consent to establish/NOC fees as prescribed and submission of a performance bond signifying adherence to the prescribed standards under the Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981 & Hazardous Waste (Management & Handling) Rules, 1989 in the form of an unconditional bank

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ance to the extent of 0.5% of the specified project cost (Capital Investment which includes land, building & machinery) along with an undertaking by the applicant indicating his awareness of the prescribed standards and his commitment to comply with the same. The performance bond shall be refunded/retired at one-fifth of the value after one year of successful adherence to prescribed standards subsequent to the date of coming into production/operation of the project. The (NOC) No objection Certificate /consent to establish shall be provided within 10 days of the submission of the above documents along with the letter granting environmental clearance by the competent authority. For the Environment Impact Assessment (EIA) notification dated 14.9.2006 (Ministry of Environment & Forests, Government of India for category A projects & the State Level Environment Impact Assessment Authority (SEIAA) for projects in category B) at the headquarter level after approval of the Chairman.

II

The following projects which are not covered by the categorization specified in the Environment Impact Assessment (EIA) notification of 14.9.2006 but require regulation in view of discharge of polluting effluents & emissions, such units are required to adhere to two additional conditions i.e. submission of performance bond & additional bank guarantee to the extent of 0.5% of the specified project cost (Capital investment) along with an undertaking by the applicant indicating his awareness of the prescribed standards and his commitment to comply with the same) as indicated in the para above. Besides submitting following documents/fees etc.

- (i) Scheme for pollution control including ETP, APCM and Hazardous Waste Management, if applicable
- (ii) Site Plan/Layout Plan (Not applicable in case of industry located in approved industrial area).
- (iii) Project report
- (iv) Memorandum of Articles/Partnership Deed.
- (v) NOC fee
- (vi) Flow Chart and Manufacturing process

The projects that falls in Case-II category are as under: —

1. Manufacturing of Inorganic Chemicals (Acids, Alkali, Metallic Compound, HF, Zinc Sulphate, CFW, Indigo Blue, Zinc Silicate, Lime Pigments & Caustic Soda etc.)
2. Dyeing and Printing process of Cotton and Synthetic Textile Industry, garment units with washing process
3. Manufacturing of lubricating oil/grease and refining of waste oil.
4. Glue and Gelatine industries (using raw bones or animal material and basic manufacturing of detergents)
5. Foundries less than 5 tones/hour.
6. Cardboard mills (except cottage industries)
7. Surgical Cotton Industries
8. Stone crushers & pulverisers (except consent to establish in cases of notified crushing zones) & Screening plants.
9. Hot-mix plants.
10. Slaughter Houses.
11. Sugar Industry <5000 TCD cane crushing capacity.
12. Explosives industry.

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- 13. Industries involving electroplating, heat treatment involving cyanide baths, pickling & phosphating.
- 14. Plywood Industry
- 15. Forging /Rolling units
- 16. Mining activities < 5 hectares.
- 17. Brick Kilns
- 18. Fermentation Industries (Breweries & malt etc.)

The NOC/consent to establish shall be provided after examination at headquarters with the approval of the Chairman where the project cost is more than Rs.50 crores within one month of the submission of the above documents and within 15 days where the project cost is less than Rs 50 crores by the Regional Officer with the approval of the District Level Clearance Committee (DLCC) constituted under the Haryana Industrial Promotion Act, 2005. In case the meeting of the District Level Clearance Committee is not expected to be called within the period specified then the Regional Officer can obtain the approval of the Deputy Commissioner-cum-Chairman of the DLCC on file before issue of the No objection Certificate (NOC)/consent to establish and the decision should be ratified in the next meeting of the DLCC. The unit will submit application for Consent to establish in the office of GM,DIC and one copy in the office of Regional Officer, Haryana State Pollution Control Board.

Case-III

In case of projects that are not covered by the categorisation specified in the EIA notification dated 14.9.2006 & 18 industries listed above and which have a high water consumption in excess of 25 KL per day, the applicant shall provide a performance bond in the form of a unconditional bank guarantee of 0.1% of the project cost along with a waste water treatment & recycling usage plan (no other documentation required) and an undertaking for adherence to prescribed standards. The NOC/consent to establish shall be provided within 15 days of the submission of the above documents by the Regional Officer with the approval of the District Level Clearance Committee. In case the meeting of the District Level Clearance Committee is not expected to be called within the period specified then the Regional Officer can obtain the approval of the Deputy Commissioner—cum-Chairman of the DLCC on file before issue of the NOC/consent to establish and the decision could be ratified in the next meeting of the DLCC. The bank guarantee can be refunded/retired at one-half of the value after one year and full amount after two years of successful adherence to prescribed standards subsequent to the date of coming into production/operation of the project. The main emphasis shall be laid on treatment recycling/reuse of treated effluent.

Case IV

All projects other than that specified in Cases I, II & III above need not obtain NOC/consent to establish prior to commencement of the project/industry. However all such projects/industries shall be expected to adhere to the prescribed standards notified under the Water Act & the Air Act. In order to secure the compliance to standards and to launch proceedings in case of default on sampling/testing, directions shall be issued under section 33-A of the Water Act & section 31-A of the Air Act (enclosed at Annexure- A).

II. Procedure Regarding Grant of Consent to Operate.

The first consent to operate shall be issued in two parts :

- (i) Consent to operate for trial production.
- (ii) Consent to operate for regular production.

The industrial units shall apply for consent to operate for trial production to the concerned Regional Office of the Board on the prescribed Common Consent Form under the Water (Prevention & Control of Pollution) Act, 1974.

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under Prevention & Control of Pollution Act, 1981 respectively along with documents as per check list given at Annexure 'B'. In case the unit is covered under Hazardous Waste (Management & Handling) Rules, 1989, it shall simultaneously apply for the same.

Consent to operate for Trial Production:

The Regional Officer after verification shall issue Consent to Operate for a period upto 1 to 3 months for trial production depending on the stabilization time required for ETP/APCM installed for each category of industries. There shall be submission of analysis report for consent to operate for trial production as Pollution Control Measures need some time for stabilization.

Consent to operate for Regular Production:

The powers of grant of consent to operate are delegated to a District Level Committee headed by the Deputy Commissioner of the ADC to be specifically authorised by the Deputy Commissioner and consisting of the District Engineer, the General Manager, Distt Industries Centre (GM, DIC), the Divisional Forest Officer (DFO), Executive Engineer of the Water Supply & Sanitation Dept., Executive Engineer of the Power Distribution Utility (UHBVN or HVN as the case may be) Deputy G.M. HSIDC, XEN Irrigation incharge of Drainage, E.O HUDA and the Regional Officer as the Member Secretary for projects falling in case III & case II above upto a capital investment of Rs 50 Crores to be decided within 21 days. All cases relating to case I and other industries/projects having capital investment of more than Rs 50 Crores will be decided at the level of Head Quarters within one month.

After first consent, the new units are required to obtain consent to operate within the expiry period of first consent. All the units shall be granted by the Regional Officer/Head Office after thorough technical scrutiny. All the units are required to submit the consent application complete in all respect alongwith test report, Balance sheet duly certified by the C.A (As at depreciation value), affidavit of no change of process and consent fee etc. alongwith the checklist of documents. Cases return to the Regional Officer. The Regional Officer will forward the consent to operate cases of Case-I and case II more than Rs. 50 Crores complete in all respects within 7 days to the Head Office alongwith his recommendation.

Period of consent

		Category A	Category B	
			Min	Max
Case I	Units covered under EIA Notification	2 years (As defined in EIA notification)	2 years (As defined in EIA notification)	3 years (As defined in EIA notification)
Case II	18 categories of Industries defined above (except brick kilns)	2 years (Electroplating, stone crushers, Hot mix plants, Pulverisers, Screening plants, manufacturing of inorganic chemicals)	5 years (Other than units mentioned in case 2 Category A)	10 years (Other than units mentioned in case 2 Category A)
Case III	Units having 25 Kilo Litres or more Trade effluent discharge	—	5 years	10 years

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The unit will supply analysis report once in every year i.e. by 30th April. The unit shall apply for consent in the Regional Office by the date as mentioned in the following schedule:

Sr. No.	Category	Date
1.	Case I category of industries	1st February
2.	Case II, III & IV categories of industries	28th February

There will be no need to submit an analysis report for small boilers having capacity upto 2 tonnes per hour of steam generated where LDC/HSD/Gas is used as fuel provided the unit has minimum stack height of 10 meters. The Ambient Air Quality report is required only in the cases of large and medium units of Case I categories of industries or where there are specific complaint in case water is used for cooling purpose and being re-circulated completely there would be no requirement of test report. In case there is 25% or more increase in trade effluent discharge quantity from the corresponding figures of previous year, the unit is required to deposit fresh consent fee.

In case the industry is found to create conditions that generate any type of pollution in excess of the standards or if there is any objection/complaint from the surrounding community & if on verification, it is found that such objection has some substance even after grant of NOC/Consent by the Board, the Board shall be at liberty to revoke/withdraw the NOC/Consent to operate already issued & to take legal action under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986 as considered appropriate.

This notification shall not be used as a legal document against the Board in any litigation for any purpose.

This notification will come into force with immediate effect.

DR. A.S. CHAHAL
Chairman.

Annexure — 'A'

HARYANA STATE POLLUTION CONTROL BOARD

C-11, SECTOR—6, PANDEKULA

Ph. 2577870-73 E-mail: hspcb.pkt@sify.com

units under section 33-A of the Water (Prevention & Control of Pollution) Act, 1974 and section 31-A of the Air (Prevention & Control of Pollution) Act, 1981 regarding adherence to the prescribed standards laid down by the HSPCB from time to time under the provisions of the Water/Air Acts.

The following categories of industries are covered under consent management vide notification dated 24.7.1998. The matter was reviewed and re-examined in detail during Regional Officer's meeting held on 22.11.08 and 26.11.08. It is felt that below mentioned categories of industries have low pollution potential & require installation of ETP/APCM and subject to inspection by the officers/officials of the Board, but these units shall remain out of consent management. In case these units do not install required pollution control devices (ETP/APCM) stringent action such as suspension/closure shall be taken as per provisions of the environmental laws. This will apply to the following categories of units having effluent discharge less than 25 KI/day. In case the discharge of effluent is 25 KI/day or more then they are required to obtain consent to establish and consent to operate and come under consent management as per provisions mentioned in Case III.

1. Food Processing, Vanaspati & Oil refining process, solvent extraction plant, Vanaspati & Oil refining are required to provide multicyclone/wet scrubber and 100 feet stack.
2. Formulation of pharmaceuticals (not covered under EIA notification)
3. Manufacturing of tyres, rebes used for vehicles only, natural and synthetic rubber, Rubber reclaim etc.
4. Industries manufacturing Acetylene, Carbondioxide, etc.
5. Formulation of paint and varnish (above 5.00 lacs)
6. Food Processing, Milk Processing, Oil Processing units.
7. LPG Bottling Plant, Oxygen, Oxides of Nitrogen etc.
8. Any other industry having pollution potential & discharge effluent/air emissions in excess of the standards.

Wherefore, in view of above stated facts, the Board in exercise of powers conferred on it under section 33-A of the Water (Prevention & Control of Pollution) Act, 1974 and under section 31-A of the Air (Prevention & Control of Pollution) Act, 1981 direct all above mentioned categories of units to provide structurally adequate pollution control devices (effluent treatment plant/Air pollution control measures) and adhere to the prescribed standards laid down by the Board from time to time under the Water and Air Acts. These units are also directed to submit a copy of analysis report each year from any of recognized laboratories of the Board in respect of effluent/air emissions, as prescribed by the Regional officers of the Board. The Regional officers shall follow the policy in above categories of units laid down by the Board from time to time.

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Annexure 'B'

CHECK LIST FOR CONSENT APPLICATION

- (i) Name of unit
- (ii) Common consent form
- (iii) Index Site Plan
- (iv) Detailed layout plan of different processes showing position of stacks/points of waste water discharge
- (v) Certified copy of balance sheet
- (vi) Process flow chart
- (vii) Latest Analysis report testing fee (required at the time of consent to operate)
- (viii) Details of ETP/APCM existing and proposed
- (ix) Proof of authorized signatory
- (x) Consent fee
- (xi) Affidavit for no change in process for no trade effluent/no air emission (Wherever applicable)
- (xii) Sanction letter of sewer connection to be submitted in specific cases where there are complaints or objections raised by concerned department or the public.
- (xiii) Sanction letter from the Irrigation Department for discharging effluent in drain/river/water body (Applicable only in 17 and 19 category of industries discharging their effluent directly or indirectly into water bodies/river/canal systems).
- (xiv) Memorandum of Article/Partnership Deed of firm.

Notes:

- 1. All documents required in duplicate duly tagged in separate file cover.
- 2. Incomplete application will not be accepted.
- 3. Bank draft drawn in favour of 'Haryana State Pollution Control Board' payable at Chandigarh.
- 4. All the papers must be duly signed by Authorized Signatory.

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