

F.No. 13/13/2019-HSM
Government of India
Ministry of Environment, Forest and Climate Change
(HSM Division)

Indira Paryavaran Bhawan
Jor Bagh Road,
New Delhi- 110003.

Dated: 11th July, 2024

Subject: Prior Informed Consent (PIC) for import of 7,590 kg (220 flasks) mercury from Peru to India by M/s KBNM Metals Pvt. Ltd.

The undersigned is directed to refer to your following applications for seeking Prior Informed Consent (PIC) for import of total 7,590 kg (220 flasks) from Peru:

- i. Application dated 04.03.2024 for import of 4140 kg (120 flasks) to be supplied to M/s Shree Dhootapapeshwar for manufacture of Ayurvedic medicine/ traditional practice
 - ii. Application dated 21.03.2024 for import of 3450 kg (100 flasks) to be supplied to M/s Gurjar Chemicals Pvt. Ltd. for manufacture of mercury salts
2. NFP, Peru has provided Form A for 50,000 kg (~1449 flasks) mercury vide letter dated 06.06.2023 out of which MoEF&CC has issued two PICs for import of total 26,151 kg (758 flasks). 23,849 kg (~691 flasks) is available for grant of PIC from the said Form A.
3. M/s Shree Dhootapapeshwar has obtained Consent to Operate (CTO) from Maharashtra Pollution Control Board (MPCB) for manufacturing Ayurveda Medicines (Consent No.: MPCB/Raigad/Consent/2103000347, valid from a period from 01.01.2021 to 31.12.2030). The maximum allowable production quantity according to the CTO is 15.952 MT/month.
4. The maximum mercury usage according to the data of the past three years for M/s Shree Dhootapapeshwar Limited is 3530.7 kg (approx. 102 flasks) for production of 5,766.28 kg Ayurveda Products (FY 2021-22).
5. Ministry has issued PICs for import of total 5,244 kg (152 flasks) to be supplied to M/s Shree Dhootapapeshwar Limited. Further, 1207.5 kg (35 flasks) has been re-appropriated to M/s Shree Dhootapapeshwar Limited from the PICs given for other end-users.
6. M/s Shree Dhootapapeshwar Limited vide letter dated 21.02.2024 has requested the NFP, India to provide PIC to M/s KBNM Pvt. Ltd. for import of 4140 kg (120 flasks) of mercury to be supplied to M/s Shree Dhootapapeshwar.

N. Subrahmanyam

(स. सुब्रह्मण्यम)
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भारत सरकार, नई दिल्ली
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7. M/s Gurjar Chemical Pvt. Ltd. has obtained the consent order from Madhya Pradesh Pollution Control Board to manufacture the mercury salts (ammoniated mercuric chloride, mercuric acetate, mercuric chloride, mercuric iodide, mercuric nitrate, mercuric oxide, mercuric sulfate, mercuric sulphide, mercurous chloride and mercurous nitrate) and thiomersal vide Consent No. AWH - 102458, dated: 19.06.2022 and valid till 31.08.2027. The maximum allowable production quantity according to the CTO is 34,993 kg/year.

9. The maximum mercury usage according to the data of the past three years for M/s Gurjar Chemical Pvt. Ltd. is 29.834 tonnes (approx. 865 flasks) for production of 352.141 tonnes mercury salts (FY 2021-22).

10. Ministry has issued PICs for import of total 45,747 kg (1326 flasks) to be supplied to M/s Gurjar Chemical Pvt. Ltd.

11. Further, mercury request letter from M/s Gurjar Chemical Pvt. Ltd. to procure 3450 kg (100 flasks) of mercury from the importer (M/s KBNM Metals Pvt. Ltd) is available vide letter dated 19.03.2024.

12. Imported mercury is proposed to be stored at M/s KBNM Metals Pvt. Ltd., Ludhiana. M/s KBNM Metals Pvt Ltd. has obtained Consent for storage of mercury from Punjab Pollution Control Board vide Consent to Operate dated 25.10.2023 and valid till 30.06.2028.

13. The Ministry has examined the application. **Approval of the National Focal Point of the Minamata Convention for India, Ministry of Environment, Forest and Climate Change is hereby conveyed for grant of Prior Informed Consent (PIC) for import of mercury i.e., 7,590 kg (220 flasks) by M/s KBNM Metals Pvt. Ltd. to be supplied to M/s Shree Dhootapapeshwar Limited (4,140 kg / 120 flasks) and M/s Gurjar Chemical Pvt. Ltd. (3450 kg / 100 flasks).**

14. The following conditions are stipulated for compliance by the importer:

- i. The import shall be only for the intended use as allowed under the Minamata Convention on Mercury.
- ii. In case of any illegal imports, the consignment will have to be sent back to the exporting country and the importer shall bear the cost for the same.
- iii. The import shall be regularly monitored by the concerned SPCBs/PCCs and the Ministry shall be kept informed.
- iv. In case, the importer supplies it to other end user(s), if the end user in the present application does not take the full quantity, the importer shall provide the details of the end user(s) as prescribed in the Form 'X' before the mercury is supplied to the end user(s) who meet(s) all the conditions as laid out in Form 'X'.

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- v. Importer shall file returns to the Ministry and concerned SPCB/PCC for the quantity of mercury supplied to end user(s) within 6 months from the date of import or within 3 months from the date of supply to the end user. In case of non-supply of mercury to end user, the status of storage shall be submitted within 6 months from the date of import.
 - vi. Importer shall be allowed for future imports only upon submission of statement regarding the supply/consumption/utilisation of imported mercury.
 - vii. Mercury shall be supplied to the ASU drug manufacturers those who have either valid licence under the Drug and Cosmetic Rules, 1945 or Consent to Operate from concerned State Pollution Control Board.
 - viii. The importer shall collect the latest annual record (Schedule TA) regarding consumption of mercury as specified as submitted under Drug and Cosmetics Rules, 1945.
 - ix. The importer shall obtain an undertaking (as enclosed) duly filed by the ASU drug manufacturer for supply of mercury.
 - x. Importer shall furnish the quantity of mercury supplied to ASU drug manufacturers along with the above-mentioned documents to MoEF&CC and concerned State Pollution Control Board within 3 months of supply to the user.
 - xi. Any non-compliance of these conditions by the importer will attract penal action under Environment (Protection) Act, 1986 including debarring future import permissions.
15. The consent is valid for the above-mentioned consignment/quantities and can be used one time only. The approval is subject to the provision of information by Exporting Party as contained in Section C of Form A.

This issues with the approval of the Competent Authority.

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11/07/24

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To

M/s KBNM Metals Pvt. Ltd.
PLOT No. 29, NO. 945/C-2,
INDUSTRIAL AREA-C, SUA ROAD,
KANGANWAL, DHANDARI KALAN,
LUDIANA – 141014

Copy to:

1. The National Focal Point to Minamata Convention, Peru.
2. The Director General of Foreign Trade, Udyog Bhawan, New Delhi.
3. The Central Board of indirect Taxes & Customs, Dept. of Revenue.
4. The Member Secretary, Maharashtra Pollution Control Board-*with a request to monitor the transport and consumption of mercury.*
5. The Member Secretary, Punjab Pollution Control Board-*with a request to monitor the transport and storage of mercury.*
6. The Member Secretary, Madhya Pradesh State Pollution Control Board-*with a request to monitor the transport and consumption of mercury.*
7. M/s Dhootapapeshwar Limited
8. M/s Gurjar Chemical Pvt. Ltd.

N. Subrahmanyam
11/07/24
Scientist D

Undertaking for procuring mercury by ASU drug manufactures

I, Shri/Smt/Ms.....is the authorised representative of ASU drug manufacturing unit: M/s....., located at Village.....District..... State.....obtained valid licence from the authority:.....for manufacturing ASU drugs.....for the quantity ofkg/annum vide Order/letter dated 00/00/0000 and is valid till 00/00/0000 which require mercury ofkg/annum.

2. I undertake to procure mercury ofkg from trader/self and will be used for manufacturing ASU drugs.....only.

3. I hereby produce a copy of valid licence granted under Drug and Cosmetics Rules, 1945 as amended time to time and copy of Records submitted under the said rules for the past financial year (Schedule TA, etc. as applicable) to trader or seller, Ministry of Environment, Forest and Climate Change and concerned State Pollution Control Board or Pollution Control Committee.

4. I also undertake to furnish the returns and records regarding consumption of mercury procured, quantities Ayurveda, Siddha, Unani drugs manufactured and corresponding mercury consumption.

5. In the event of mercury use in unauthorised purposes, I will be liable for appropriate action under relevant statutes by the Government of India or State Government.

Enclosures:

- a. Valid licence under Drug and Cosmetics Rules, 1945/ Consent to Operate by State Pollution Control Board/Pollution Control Committee
- b. Records of raw materials used in Schedule TA for preceding financial year.
- c. Copy of invoice as provided by trader or seller.

Organisation:

GST No.

Address:

H.No./Plot No.

Village:

Tehsil/Mandal/Block:

District:

State:

Pin code:

Contact Number:

E-mail:

Signature:

Date: