

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: 22nd July, 2022

Subject: Prior Informed Consent (PIC) for import of 1759.5 kg (51 flasks) mercury from Peru to India by M/s KBNM Metals Pvt. Ltd.

The undersigned is directed to refer your application for seeking Prior Informed Consent (PIC) for import of 1725 kg (50 flasks) of mercury from Peru vide e-mail dated 11.06.2022 and 517.5 kg (15 flasks) from Argentina vide e-mail dated 04.05.2022.

2. It has been proposed to the import of 517.5 kg mercury from Peru instead of Argentina vide e-mail dated 10.06.2022.

3. The Ministry of Environment, Forest and Climate Change (MoEF&CC) is in receipt of the Form-A sent by National Focal Point (NFP), Peru for 34500 kg (1000 flasks) mercury vide letter dated 28th February, 2020.

4. MoEF&CC has provided the PICs for the export of total quantity of 17,940 kg (520 flasks) till date against the said Form-A of 34,500 kg to M/s KBNM Metals Pvt. Ltd.

5. The mercury from the present application is proposed to be used for M/s Shree Dhootapapeshwar Ltd. and M/s Shree Baidyanath Ayurved Bhawan Pvt. Ltd. Howrah for manufacture of Ayurveda medicines.

6. M/s Shree Dhootapapeshwar has obtained Consent to Operate (CTO) from Maharashtra Pollution Control Board (MPCB) for manufacturing Ayurvedic Medicines (Consent No.: MPCB/Raigad/Consent/2103000347, dated: 04.03.2021 and valid till 31.12.2030). The maximum allowable production of Ayurvedic medicines according to the CTO is 15.952 MT/M. The corresponding mercury usage for the maximum allowable quantity is approximately 8.77 MT/M (approx. 55%).

7. The maximum mercury usage according to the data of the past three years for M/s Shree Dhootapapeshwar Limited is 3002.4 kg (approx. 87 flasks) for production of 5250.05 kg Ayurvedic Products (FY 2020-21).

8. It may be noted that M/s Purple Products Pvt. Ltd. has already supplied 3957.5 kg (35 flasks) to Shree Dhootapapeshwar Limited and PIC for import of 310.5 (9 flasks) has been issued to M/s Purple Products Pvt. Ltd to be supplied to M/s Shree Dhootapapeshwar.

9. M/s Shree Baidyanath Ayurved Bhawan Pvt. Ltd., Howrah has been authorised to manufacture Ayurvedic medicines for the total maximum quantity of 2200 kg vide consent No.C004/04-PCB-HOW-64-2007, dated: 06.04.2022 and valid till 31.01.2027. M/s Shree Baidyanath, Howrah has given mercury request letter to the importer vide letter dated 21.03.2022. It has been noted that M/s Shree Dhootapapeshwar Limited has provided the mercury request letter to M/s KBNM Metals Pvt. Ltd. vide letter dated 09.06.2022.

10. The maximum annual consumption of mercury by M/s Shree Baidyanath Ayurved Bhawan Pvt. Ltd., Howrah as per the manufacturing data from the last three years is 309 kg (approx. 9 flasks). M/s Shree Baidyanath Ayurved Bhawan Pvt. Ltd., Howrah has sought

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for 517.5 kg (15 flasks) of mercury from both importers, i.e. M/s KBNM and M/s Purple Products.

11. The interim storage facility is M/s Arshiya Ltd. (Free Trade Warehousing Zone) at Panvel, Raigad Dist., Maharashtra, who has the consent from Maharashtra Pollution Control Board for storage of mercury vide letter dated 01.01.2021 and 18.03.2021 and valid till 31.01.2023. The applicant has submitted an Agreement between M/s KBNM Metals Private Limited and M/s Arshiya Logistics Services Limited, with commence date 14.07.2020 and valid for three years. M/s Arshiya Logistics Services is a unit holder in the Arshiya Free Trade & Warehousing Zone.

12. The Ministry has examined the application. **The National Focal Point of the Minamata Convention for India, Ministry of Environment, Forest and Climate Change hereby grants Prior Informed Consent (PIC) for import of mercury i.e. 1759.5 kg (51 flasks) by M/s KBNM Metals Pvt. Ltd. from Peru to be supplied to M/s Shree Dhootpapeshar Ltd. (43 flasks) and M/s Shree Baidyanath Ayurved Bhawan Pvt. Ltd. (8 flasks).**

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

- i. The consignment for import of mercury should not be contaminated with any other material or waste.
- ii. The import shall be only for the intended use as allowed under the Minamata Convention on Mercury.
- iii. 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.
- iv. The import shall be regularly monitored by the concerned SPCBs/PCCs and the Ministry shall be kept informed.
- v. 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'.
- vi. 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.
- vii. Importer shall be allowed for future imports only upon submission of statement regarding the supply/consumption/utilisation of imported mercury.
- viii. 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.
- ix. The importer shall collect the latest annual record (Schedule TA) regarding consumption of mercury as specified as submitted under Drug and Cosmetics Rules, 1945.
- x. The importer shall obtain an undertaking (*as enclosed*) duly filed by the ASU drug manufacturer for supply of mercury.
- xi. Importer shall furnish the quantity of mercury supplied to ASU drug manufacturers along with the above mentioned documents to MoEFCC and concerned State Pollution Control Board within 3 months of supply to the user.
- xii. Any non-compliance of these conditions by the importer will attract penal action under Environment (Protection) Act, 1986 including debarring future import permissions.

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14. 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.

N. Subrahmanyam
022/07/22

(N. Subrahmanyam)
Scientist D

E-mail: n.subrahmanyam@gov.in
Ph.20819269

To

M/s KBNM Metals Pvt. Ltd.
Plot No. Block 29,
No. 945/C-2, Industrial Area C,
Suaroad, Kangalwal PO,
Dhandari Kalan, Ludhiana – 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 storage, transport and consumption of mercury.*
5. The Member Secretary, West Bengal Pollution Control Board- *with a request to monitor the transport and consumption of mercury.*
6. M/s Shree Baidyanath Ayurved Bhawan pvt Ltd. Baidyanath Bhawan, 1, Gupta lane, Kolkata700006 ph: +91-3340208888. Email: drpradhan@baidyanath.com;
7. M/S Shree Dhootapapeshwar Limited Veer Savarkar Chowk, Panvel – 4102016 District.– Raigad, Tel : +91-2227452216, Email: Rvg@Sdlindia.Com

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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, Siddhaa, 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 Sate 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: