

## REPORT

In respect of

**Inspection at Kashipur, Uttarakhand and Rampur, Uttar Pradesh in terms of the order dated 20.05.2019 passed in O.A. No.361/2017, Dr. Tanzeen Fatima v. Ministry of Environment and Forests & Climate Change & Ors, qua extraction of underground water by various industries situated in Kashipur and Rampur.**

Under the orders of National Green Tribunal dated 20.05.2019 I was required to oversee the inspection of the industries situated in Kashipur and Rampur Regions with reference to the pollution of river Kosi which is a tributary of river Ram Ganga which in turn is a tributary of river Ganga. The earlier report in respect of the inspection was submitted on 05.07.2019. The Hon'ble Tribunal after accepting the report submitted on 5.7.2019 vide order dated 23.07.2019 required the authorities to implement the suggestions/observations made. The matter was directed to be placed for further consideration before the Hon'ble Tribunal on 28.11.2019.

The Central Pollution Control Board before submitting its action taken report thought it fit to make physical verification of the measures which were reported to have been taken by the various industries and authorities. Accordingly Kashipur and Rampur were re-visited and inspected in my presence.

In the presence of the Member Secretary, Environment Protection Board, Uttarakhand, Central Ground Water Authority officers and the CPCB officers visited the various industries falling in Kashipur under the control and supervision of State authorities of Uttarakhand on 15 and 16 November 2019.



Rampur area ~~in~~ industries were inspected in the presence of Officers of Central Pollution Control Board, Central Ground Water Authority, and U.P. Pollution Control Board, Lucknow on 17.11.2019.

During inspection the Committee noted a serious issue in respect of extraction of underground water by the various industries, both in the areas of Kashipur, Uttarakhand and Rampur, Uttar Pradesh. I deem it fit and proper to bring the same to the notice of Hon. Tribunal, as the issue reflects seriously upon the non compliance of the provisions of the Environment Protection Act, 1986.

Central Ground Water Authority (hereinafter referred to 'Authority') has been constituted by the Central Government under the Environment Protection Act, 1986. The Authority in exercise of powers and functions under clause (v) of sub clause (II) of Section 3 accords 'no objection certificate' in the matter of extraction of underground water in favour of the industries.

The Authority also has the power to inspect the industries in whose favour such 'no objection certificate' has been granted for ensuring compliance of the conditions of the grant of such 'no objection certificate'. It also has power to revoke or withdraw the 'no objection certificate' so granted.

From the details which are being recorded hereinafter out of 8 industries situate in Kashipur except for one namely M/s Vishwakarma Paper and Board Ltd. no other industry has any valid subsisting 'no objection certificate' from the CGWA. These industries in Kashipur are drawing nearly <sup>22</sup>~~17~~000 cubic metres <sup>app</sup> of underground water every day. The details of the industries situate in Kashipur area which have been inspected are disclosed in the form of a chart as follows:

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S.No.	Name of the Industry & address	Status of NOC	Quantum of gw/m3day	Letters issued	Response received from firms
1	M/s IGL (Ethanol Plant) Bazpur Road, Kashipur, US Nagar, Application No.	Renewal pending with CGWA, New Delhi	5096	01/08/19 for compliance of NOC	Compliance of NOC on 19/08/19
2	M/s IGL (Chemical Plant) Bazpur Road, Kashipur, US Nagar, Application No.	Renewal pending with CGWA, New Delhi	3056	01/08/19 for compliance of NOC	Compliance of NOC on 19/08/19
3	2M/s Vishwakarma Papers & Boards Pvt. Ltd. Application No.21-4/882/UR/IND/2017-669 dated 17/04/19	NOC granted on 17/04/2018	4638.32	--	Compliance received on 02/07/2019
4	M/s Banwari Paper Mills Ltd. Application No.21-4/1072/UR/IND/2018	Applied for NOC which is under scrutiny	900	01/10/18, 04/06/19, 13/06/19, 01/07/19	24/06/2019 No response to queries dated 01/07/19
5	M/s Cheema Papers Limited, Application No.21-4/528/UR/IND/2017 dated 24/05/2017	Applied for fresh NOC which is under scrutiny	3440	Email sent on 13/06/19 as directed by NGT committee on 12/06/10	25/06/2019 22/07/2019
6	M/s Kashi Vishwanath Textiles Mills Pvt. Ltd. Application No.	Applied for fresh NOC which is under scrutiny	406	10/01/18 24/05/19 13/06/19 03/07/19	22/07/2019 & 06/08/2019
7	M/s Multiwal Pulp & Board Mills Pvt. Ltd., Application No.	Applied for NOC	3633.42	13/06/19, 23/09/19	Hard copy not yet received.
8	M/s Multiwal Duplex Pvt. Ltd., Application No.	Applied for NOC	448.91	09/06/19, 13/06/19, 23/09/19 & Notice on 08/11/2019	Hard copy not yet received. 22/07/2019 on document received

It is worthwhile to point out that industries at Item Nos.4,5,6,7 and 8 have only made applications for grant of 'no objection certificate' and are awaiting disposal of their applications. They have been issued 'consent to operate' by the Pollution department and are also extracting underground water. Similarly, M/s I.G.L. Distillery Unit and Chemical Plant are continuing to draw underground water on the pretext that their applications for renewal of no objection certificate is still pending disposal before CGWA.

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I may highlight that in para 8 of the order dated 23.07.2019 the Hon'ble Tribunal has already declared such extraction of underground water by the industrial units as illegal. For ready reference para 8 of the order dated 23.07.2019 is quoted hereinbelow:

*"Learned counsel appearing for M/s India Glycols Limited, however, tried to justify the illegal drawal of ground water without sanction even though the area is semi critical, on the ground that application for sanction was 'pending'. We do not find any merit in this submission. Delay in deciding renewal application could not be treated as a licence to draw the ground water. The unit could take remedy against such inaction. While regulatory authorities are required to act promptly but any inaction is not a ground for a citizen to take the law in his hands instead of approaching the concerned higher authority of the Court."*

So far as the industries situate in Uttar Pradesh are concerned, 3 industries were inspected namely:

- i) M/s Radico Khaitan Ltd.
- ii) M/s Rani<sup>a</sup> Sugar Ltd.
- iii) M/s Swati Menthol & Allied Chemicals Ltd.

*Radico Khaitan*  
Rampur Distillery unit had a 'no objection certificate' in its favour for drawal of 26000 cubic metres per day of underground water which expired on 2<sup>nd</sup> October 2018. They have continued to extract underground water even thereafter on the plea that their application for renewal<sup>dt 15.9.18</sup> is still pending with the CGWA.

*a*  
M/s Rani<sup>a</sup> Sugar Ltd. was granted 'no objection certificate' on 14.10.2016. An inspection was made by the CGWA on 30.04.2018 when the sugar plant of the unit was found to be non-operational and the

distillery had not been set up. An order for cancellation of the 'no objection certificate' was issued by the CGWA on 10 December 2018.

However, on 17.04.2019 permission was granted to run the distillery by the various departments of State of Uttar Pradesh. Similarly, permission to operate has also been granted by U.P. Pollution Control Board.

The unit is drawing underground water both in respect of the sugar unit as well as its distillery unit despite the order of cancellation of 'no objection certificate' by CGWA dated 10.12.2018 on the pretext that their application for reconsideration of the cancellation of 'no objection certificate' was pending before the CGWA.

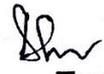
M/s Swati Menthol & Allied Chemicals Ltd. was admittedly extracting underground water to the tune of <sup>15.8</sup> cubic metres per day for its unit despite having neither applied for nor having been granted any permission or 'no objection certificate' by the CGWA.

It is surprising to note that large number of industries are said to be operating both in Kashipur and Rampur area which have been declared to be critical/semi-critical zone by the CGWA without any valid subsisting 'no objection certificate' from the CGWA. It is also surprising that the <sup>water</sup> underground <sup>authorities</sup> and pollution department both in the State of Uttarakhand and State of Uttar Pradesh are aware of the situation and yet for years together there has been complete inaction on their part to enforce rule of law in the matter of extraction of underground water.

The situation is seriously alarming and needs <sup>an</sup> immediate intervention by the Hon'ble National Green Tribunal so as to ensure that underground water is not extracted without a valid subsisting 'no objection certificate' from CGWA.

I was informed by the officers that the situation as in Rampur and Kashipur prevails throughout the State of Uttar Pradesh and State of Uttarakhand and more than thousands of industries are extracting underground water without any valid subsisting 'no objection certificate' from the CGWA as on date.

  
(Anita Roy)  
Member

  
(Arun Tandon)  
Chairman  
Monitoring Committee on Ganga Phase-1

Dated : 26.11.2019