

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

(Original Application No. 1007 of 2019)

IN THE MATTER OF:

Priyanka Modern Sr. Secondary School

....Applicant

Versus

U.P.P.C.B & Ors.

...Respondents

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For Dhampur Sugar Mills Limited


Authorised Signatory
RESPONDENT NO.2

THROUGH



ANUBHAV ANAND ARON
(Advocate for the Respondent No.2)

A-901, Apex Golf Avenue, Sector -1,
Greater Noida (West), U.P. – 201 306

Mob: 9811764256

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Place: NEW DELHI

Date: 10/08/2021

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

(Original Application No. 1007 of 2019)

IN THE MATTER OF:

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**ADDITIONAL REPLY /SUBMISSIONS FILED ON BEHALF OF THE
RESPONDENT NO.2 i.e. M/S DHAMPUR SUGAR MILLS LTD**

MOST RESPECTFULL SHEWETH:

1. That the Applicant i.e. Priyanka Modern Sr. Secondary School has filed the captioned Original Application being O.A. No. 1007 of 2019 against the Respondent No.2 inter-alia praying to direct the Respondent Nos. 1 & 2 to shift the boiler of the Distillery Unit of the Respondent No.2 to some other place which have effective distance from the Applicant's School and also praying to stop the operation of the said boiler of the Respondent No.2 on the pretext that the pollution from the said boiler of the Respondent No.2 is affecting the health of the students of the Applicant School.
2. That on 30.07.2020, the Respondent No.2 has filed its Reply /Submissions before this Hon'ble Tribunal. That the contents of the said Reply /Submissions are not repeated herein for the sake of brevity and the same may be read as part & parcel of this present Additional Reply /submissions.

3. That, thereafter, the Respondent No.1 i.e. Uttar Pradesh Pollution Control Board (UPPCB) has issued a Show Cause Notice dated 22.06.2021 bearing No. H62604/C &/Air-97/21, thereby proposing to impose Environmental Compensation (EC) on the Respondent No.2. Copy of the Show Cause Notice dated 22.06.2021 bearing No. H62604/C &/Air-97/21 issued by the UPPCB along-with English Translated Copy is annexed as **Annexure: A**.

4. That the Respondent No.2 issued a Reply dated 05.07.2021 to the aforesaid Show Cause Notice dated 22.06.2021 issued by the Respondent No.1. That the Respondent No.2, vide the said Reply dated 05.07.2021, has provided a detailed explanation with respect to the allegations levied by the Applicant against the Respondent No.2 in its aforesaid Original Application being O.A. No. 1007 of 2019. That the Respondent No.2, vide the said Reply dated 05.07.2021, has also informed the Respondent No.1 regarding the present compliance status of the directions issued by the Respondent No.1 vide its Joint Inspection dated 14.01.2020. Copy of the Reply dated 05.07.2021 issued by the Respondent No.2 is annexed as **Annexure: B**.

5. That the present compliance status of the directions issued by the Respondent No.1 vide its Joint Inspection dated 14.01.2020 is as under:

- (i) Direction No.1: That the Respondent No.2 has always ensured operation and maintenance of the air pollution control systems in such a way so that the ambient air quality remains in accordance with the prescribed norms. That the RSPM parameters within the school campus of the Applicant and also within the industrial premises of the Respondent No.2 were above the prescribed norms due to the reasons as mentioned in the Reply /Submissions dated 30.07.2020 filed by the Respondent No.2
- (ii) Direction No.2: That the Respondent No.2 have already completed the following jobs as per the directions issued by the Respondent No.1
- (a) The Bagasse shed has been constructed. Photographs of the Bagasse Shed are collectively annexed as **Annexure: C (Colly)**;
 - (b) A green net of approximately 7 meter in height and approximately 200 meters in length towards the Applicant School (the fact which is also observed in the said Joint Inspection Report dated 14.01.2020) has been installed;
 - (c) Towards the other side, a precast wall has been constructed;
 - (d) The 3 numbers of automatic water sprinklers have already been installed and are operative;
 - (e) The one moist cloud/spray machine has been installed and is operative.

- (iii) Direction No.3: The Respondent No.2 has arranged for a three – layer net to cover the bagasse dropping points on the conveyor belt completely.
 - (iv) Direction No.4: The Respondent No.2 has started covering the vehicles carrying fuel (bagasse) in its industrial premises.
 - (v) Direction No.5: The Respondent No.2 has already installed 4 numbers of water sprinklers, including one automatic fog machine, which are functioning properly. That with the help of these water sprinklers total bagasse is getting water sprinkled properly.
 - (vi) Direction No.6: The Respondent No.2 has already done substantial plantation in order to develop dense green belt of trees towards the boundary wall of the Applicant School.
 - (vii) Direction No.7: The Respondent No.2 have ensured to operate the plant complying with all Pollution Control Norms. That there will be no adverse impact on the environment and public health in the surrounding area.
6. That the Respondent No.2, vide the said Reply dated 05.07.2021, has requested the Respondent No.1 to not to impose the proposed Environmental Compensation particularly in view of the explanations provided by the Respondent No.2 in its said Reply dated 05.07.2021 and also in view of the fact that the Respondent No.2 has already spent about Rs.3.91 Crores to further safeguard the environment.

PRAYER:

In the facts and circumstances as stated above, it is therefore, most respectfully prayed that this Hon'ble Tribunal may be graciously pleased to:

- 1) Dismiss the captioned Original Application being O.A. No. 1007 of 2019 titled as "*Priyanka Modern Sr. Secondary School vs. U.P.P.C.B & Ors.*" filed by the Applicant with exemplary cost;
- 2) Pass such other/further order(s) as this Hon'ble Tribunal may deem fit and proper in the facts & circumstances of the case.

For Dhampur Sugar Mills Limited


Authorised Signatory
RESPONDENT NO.2

THROUGH



ANUBHAV ANAND ARON
(Advocate for the Respondent No.2)
A-901, Apex Golf Avenue, Sector -1,
Greater Noida (West), U.P. – 201 306
Mob: 9811764256
Email: abhinav.legal@gmail.com

Place: NEW DELHI
Date: 10/8/2024

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

(Original Application No. 1007 of 2019)

IN THE MATTER OF:

Priyanka Modern Sr. Secondary School

....Applicant

Versus

U.P.P.C.B & Ors.

....Respondents

AFFIDAVIT

I, Somesh Rattan aged about 42 years S/o Sh. C.P. Agnihotri working as D.G.M. (Legal) with *M/s Dhampur Sugar Mills Ltd* having its Corporate Office at: 241, Okhla Industrial Estate, Phase – III, New Delhi – 110020 (the Respondent No.2 herein) do hereby solemnly state and affirm as under:

1. That I am working as D.G.M. (Legal) with *M/s Dhampur Sugar Mills Ltd* (the Respondent No.2 herein) and as such I am well conversant with the facts and circumstances of the present case and competent to swear the present Affidavit.

2. That the accompanying Additional Reply/ Submissions has been drafted by my Counsel under my instruction and the content of the same have not been repeated herewith for the sake of brevity and the same may kindly be read as part and parcel of the present Affidavit.

3. That I have read and understood the content of the accompanying Additional Reply/ Submissions and present Affidavit and the same are true and correct to my knowledge and nothing material has been concealed there from.

Somesh Rattan
I identify the Deponent who has signed in my presence

For Dhampur Sugar Mills Limited

Somesh Rattan
DEPONENT
Authorised Signatory

10 AUG 2021

VERIFICATION

Verified at Delhi on this _____ day of _____ 2021 that the contents of Para No. 1 to 3 of the above Affidavit are true and correct to my knowledge, and nothing material has been concealed there from.

For Dhampur Sugar Mills Limited

Somesh Rattan
DEPONENT
Authorised Signatory



CERTIFIED THAT THE DEPONENT
S/o, W/o, L/o
R/o
Age
Occupation
that
have been
true and correct to his knowledge

Somesh Rattan
C.P. Agnihotri
Anushkar Anand

35

(Oath Commissioner Delhi)

10 AUG 2021



उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड

UTTAR PRADESH POLLUTION CONTROL BOARD

संदर्भ संख्या-

M62604, सी-7/अपु-97/21

दिनांक 22.06.21

पंजीकृत

सेवा में,

उद्योग मैसर्स धामपुर शुगर मिल्स लिमिटेड (शुगर इकाई),
धामपुर, बिजनौर।

Prayanka

विषय:- उद्योग द्वारा वायु प्रदूषण नियंत्रण व्यवस्था मानकों के अनुरूप न रखे जाने एवं परिवेशीय वायु गुणता का मान निर्धारित मानकों से अधिक पाये जाने के दृष्टिगत उद्योग के विरुद्ध पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने हेतु नोटिस।

यह कि मैसर्स धामपुर शुगर मिल्स (शुगर यूनिट), धामपुर बिजनौर वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम 1981 की धारा 40 के अन्तर्गत एक कम्पनी है।

यह कि मैसर्स धामपुर शुगर मिल्स (शुगर यूनिट एवं आसवनी यूनिट) धामपुर, बिजनौर से सम्बंधित ओ0ए0 संख्या 1000/20019 प्रियंका मॉडर्न सिनियर सैकेण्ड्री स्कूल बनाम उ0प्र0 प्रदूषण नियंत्रण बोर्ड एवं अन्य में पूर्व पारित आदेश दिनांक 13.11.2019 द्वारा जारी निर्देशों के क्रम में उपजिलाधिकारी धामपुर बिजनौर, अपर मुख्य चिकित्सा अधिकारी बिजनौर की संयुक्त समिति द्वारा उक्त इकाईयों एवं स्कूल का संयुक्त निरीक्षण दिनांक 10.12.2019 को किया गया। उपरोक्त निरीक्षण को दृष्टिगत रखते हुए बोर्ड के पत्र संख्या एच 46779/सी-7/जल-70/2020 दिनांक 24.01.2020 द्वारा मैसर्स धामपुर शुगर मिल्स (शुगर यूनिट एवं आसवनी यूनिट) धामपुर, बिजनौर को मानकों के अनुरूप पर्यावरणीय परिवेशीय वायु गुणता रखे जाने हेतु वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम 1981 की धारा 31ए के अन्तर्गत निर्देश जारी किये गये।

यह कि माननीय अधिकरण द्वारा उक्त ओ0ए0 संख्या 1007/2019 में पारित आदेश दिनांक 04.08.2020 में बोर्ड द्वारा की गई कार्यवाही एवं समिति की रिपोर्ट का संज्ञान लेते हुए निम्न आदेश जारी किये गये-

"3. Learned counsel for the State PCB states that compliance of directions issued to the industrial unit is being monitored.

4. Let the State PCB ensure compliance of the directions issued to the industrial unit. The State PCB may also assess and recover compensation for violation of environmental norms, following due process of law.

5. Let further report in the matter be filed before the next date by email at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF."

यह कि माननीय अधिकरण द्वारा पारित उक्त आदेश दिनांक 04.08.2020 के अनुपालन में क्षेत्रीय कार्यालय उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड, मुरादाबाद द्वारा उद्योग का निरीक्षण एवं अनुश्रवण दिनांक 12.02.2021 को किया गया अद्यतन निरीक्षण दिनांक 09.06.2021 को किया गया।

यह कि उक्त निरीक्षण दिनांक 12.02.2021 एवं 09.06.2021 के दौरान प्रियंका मॉडर्न स्कूल, धामपुर शुगर मिल्स लिमिटेड शुगर एवं आसवानी इकाई के परिसर की परिवेशीय वायु गुणता का अनुश्रवण किया गया। अनुश्रवण रिपोर्ट के आधार पर परिवेशीय वायु गुणता में Particulate Matter-10 के संबंध में मान निम्नानुसार पाये गये-

.....2/-

S.N.	Location	Date of monitoring	PM ₁₀ (µg/m ³)	Date of Monitoring	PM ₁₀ (µg/m ³)	Date of Monitoring	PM ₁₀ (µg/m ³)
1	Priyanka modern School Campus	05.01.2020	197.96	12.02.2021	134.67	09-06-2021	91.98
2	Dhampur Sugar Mills Ltd., Dhampur, Administrative Building	05.01.2020	159.66	12.02.2021	168.84	09-06-2021	94.94
3	Dhampur Sugar Mills Ltd., Dhampur, Near DM Plant	05.01.2020	182.12	12.02.2021	180.38	09-06-2021	97.91
4	Dhampur Sugar Mills Ltd., Dhampur, Distillery ETP	05.01.2020	132.13	12.02.2021	143.9	09-06-2021	97.96
Standards (µg/m ³)			100		100		100

यह कि उद्योग द्वारा प्रेषित प्रमाणिक अभिलेखों द्वारा सूचित किया गया है कि वर्ष 2020 में शुगर इकाई का संचालन वर्ष 2019-20 में 06.11.2019 से 11.06.2020 तक तथा वर्ष 2020-21 में दिनांक 31.10.2020 से 30.05.2021 तक किया गया।

यह कि अनुश्रवण दिनांक 12.02.2021 एवं 09.06.2021 की आख्या से परिलक्षित है कि शुगर इकाई का संचालन 30.05.2021 से बन्द किया गया तथा अनुश्रवण दिनांक 09.06.2021 के दौरान शुगर इकाई संचालनरत न रहने पर प्रियंका मार्डन स्कूल, धामपुर शुगर मिल्स लिमिटेड शुगर एवं आसवानी इकाई के परिसर की परिवेशीय वायु गुणता में Particulate Matter-10 का मान निर्धारित मानक के अनुरूप पाया गया।

यह कि माननीय राष्ट्रीय हरित अधिकरण द्वारा ओ०ए० संख्या 1007/2019 में पारित आदेश दिनांक 04.08.2020 के अनुपालन हेतु मैसर्स धामपुर शुगर मिल्स लिमिटेड शुगर यूनिट धामपुर बिजनौर के विरुद्ध केन्द्रीय प्रदूषण नियंत्रण बोर्ड नई दिल्ली द्वारा जारी गाईड लाइन "Levying of Environmental Compensation against Defaulting Industries" के अनुसार शुगर इकाई का संचालन वर्ष 2020 में अनुश्रवण की दिनांक 05.01.2020 से 11.06.2020 तक दिवस 158 तथा दिनांक 31.10.2020 से 30.05.2021 तक दिवस 211 अर्थात् कुल उल्लंघन दिवस 369 हेतु पर्यावरणीय क्षतिपूर्ति निम्नानुसार आंकलित की जाती है-

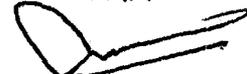
EC=PIxNxRxSxLF
 PI= 40 (Air Pollution)
 N= 369
 R=250
 S=1.5 (Large Unit)
 LF=1

EC= Rs. 55,35,000/- (Rs. Fifty-Five Lakh Thirty-Five Thousand Only)

उपरोक्त को दृष्टिगत रखते हुए सक्षम अधिकारी के अनुमोदनोपरान्त उद्योग मैसर्स धामपुर शुगर मिल्स शुगर यूनिट धामपुर बिजनौर के विरुद्ध रुपये 55,35,000/- की पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने हेतु नोटिस प्रेषित किया जाता है।

आपको निर्देशित किया जाता है कि उक्त निर्देशों के सम्बन्ध में अपना स्पष्टीकरण 15 दिन के अन्दर बोर्ड मुख्यालय प्रेषित करना सुनिश्चित करें। निर्धारित समयावधि में स्पष्टीकरण प्राप्त न होने अथवा संतोषजनक उत्तर प्राप्त न होने की दशा में उक्त निर्देशों की पुष्टी करते हुए उद्योग के विरुद्ध पर्यावरणीय अधिनियमों के अन्तर्गत कार्यवाही प्रारम्भ कर दी जायेगी, जिसका सम्पूर्ण उत्तरदायित्व स्वयं उद्योग एवं उद्योग स्वामी का होगा।

भवदीय



(अमित चन्द्रा)

मुख्य पर्यावरण अधिकारी, वृत्त-7

प्रतिलिपि: क्षेत्रीय अधिकारी उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड बिजनौर को इस निर्देश के साथ कि उक्त निर्देशों के क्रम उद्योग का निरीक्षण करते हुए ससमय निरीक्षण आख्या स्पष्ट संस्तुति सहित बोर्ड मुख्यालय प्रेषित करना सुनिश्चित करें।

मुख्य पर्यावरण अधिकारी, वृत्त-7

ENGLISH TRANSLATION

UTTAR PRADESH POLLUTION CONTROL BOARD

**Reference No.: H62604/C-7/Air-97/21
22.06.21**

Dated:

Registered

To,

Industry M/s Dhampur Sugar Mills Ltd (Sugar Unit)
Dhampur, Bijnor

Subject: Notice for imposing environmental compensation against the industry in view of the industry not keeping the air pollution control system in accordance with the standards and the ambient air quality being found to be more than the prescribed standards.

That M/s Dhampur Sugar Mills (Sugar Unit), Dhampur, Bijnor is a company under Section 40 of the Air (Prevention and Control of Pollution) Act, 1981.

That in sequence of the prior Order dated 13.11.2019 in O.A. No. 1000 /2019 Priyanka Modern Senior Secondary School vs. U.P. Pollution Control Board & Ors. in relation to M/s Dhampur Sugar Mills (Sugar Unit & Distillery Unit), the joint inspection of said units and school was conducted by the joint committee of Sub District Magistrate, Dhampur, Bijnor and Additional Chief Medical Officer. Keeping in view the above inspection, vide Board's Letter number H46779/C-7/Water-70/2020 dated 24/01/2020, directions have been

issued to M/s Dhampur Sugar Mills (Sugar Unit and Distillery Units), Dhampur, Bijnor under section 31A of the Air Pollution Act 1981 to keep the environmental ambient air quality as per the standards.

That the Hon'ble Tribunal, while taking cognizance of the actions taken by the Board and report of the committee, has issued below directions vide Order dated 04.08.2020 in said O.A. No. 1007/2019:

"3. Learned counsel for the State PCB states that compliance of directions issued to the industrial unit is being monitored.

4. Let the State PCB ensure compliance of the directions issued to the industrial unit. The State PCB may also assess and recover compensation for violation of environmental norms, following due process of law.

5. Let further report in the matter be filed before the next date by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR support PDF and not in the form of Image PDF"

That in compliance to the said Order dated 04.08.2020 passed by the Hon'ble Tribunal, the inspection and monitoring was conducted on 12.02.2021 and latest inspection was conducted on 09.06.2021 by the Regional Office, Uttar Pradesh Pollution Control Board, Moradabad.

That during the said inspections dated 12.02.2021 and 09.06.2021, the monitoring of the ambient air quality of the premises of Priyanka Modern School, Dhampur Sugar Mills Limited, Sugar and Distillery Units was conducted. On the basis of the monitoring report, the values in relation to Particulate Matter – 10 in ambient air quality were found as per the rules.

S.No.	Location	Date of Monitoring	PM ₁₀ (ug/m ³)	Date of Monitoring	PM ₁₀ (ug/m ³)	Date of Monitoring	PM ₁₀ (ug/m ³)
1.	Priyanka Modern School Campus	05.01.2020	197.96	12.02.2021	134.67	09.06.2021	91.98
2.	Dhampur Sugar Mills Ltd., Dhampur, Administrative Building	05.01.2020	159.66	12.02.2021	168.84	09.06.2021	94.94
3.	Dhampur Sugar Mills Ltd., Dhampur, Near DM Plant	05.01.2020	182.12	12.02.2021	180.38	09.06.2021	97.91
4.	Dhampur Sugar Mills Ltd., Dhampur, Distillery ETP	05.01.2020	132.13	12.02.2021	143.9	09.06.2021	97.96
Standards (ug/m ³)			100		100		100

That it has been informed by the authentic records issued by the industry that in the year 2020, the operation of the sugar unit was conducted in the year 2019-20 from 06/11/2019 to 11/06/2020 and in the year 2020-21 from the date 31/10/2020 to 30/05/2021.

That the reports of the monitoring dated 12.02.2021 and 09.06.2021 shows that the sugar unit has been closed since 30.05.2021 and due to the non-operation of the sugar unit during the monitoring dated 09.06.2021, the values in relation to Particulate Matter – 10 in ambient air quality of the premises of Priyanka Modern School, Dhampur Sugar Mills Limited, Sugar and Distillery Units were found according to the prescribed standards.

That in order to comply with the Order dated 04.08.2020 passed by the Hon'ble National Green Tribunal in O.A. No. 1007/2019, in accordance with the Guide Line "Levying of Environmental Compensation" issued by the Central Pollution Control Board, New Delhi, the Environmental Compensation against M/s Dhampur Sugar Mills Ltd. Sugar Unit Dhampur, Bijnor has been calculated as per the rules for operation year 2020 for the sugar unit for monitoring dated 05.01.2020 to 11.06.2020 158 days and dated 31.10.2020 to 30.05.2021 211 days i.e. total breach period of 369 days.

$$EC = PI \times N \times R \times S \times LF$$

$$PI = 40 \text{ (Air Pollution)}$$

N = 39

R = 250

S = 1.5 (Large Unit)

LF = 1

EC = Rs.55,35,000/- (Rs. Fifty-Five Lakh Thirty-Five Thousand Only)

In view of the above, after approval of the competent officer notice has been issued for levying of the Environmental Compensation of Rs.55,35,000/- against industry M/s Dhampur Sugar Mills, Sugar Unit, Dhampur, Bijnor.

You are directed to sent your clarification in relation to the aforesaid directions to the Board Headquarter within 15 days. In the event of non-receipt of clarification or satisfactory reply within the stipulated time period, actions confirming the above directions, will be initiated against the industry under Environmental Laws, whose entire responsibility will be of the industry and the owner of the industry itself.

Sincerely

Sd/-

(Amit Chandra)

Chief Environmental Officer, Circle – 7

Copy: Regional Officer, Uttar Pradesh Pollution Control Board, Bijnor with the instruction to inspect the industry in compliance of the above directions and to send a timely inspection report to the Board Headquarters with a clear recommendation

Chief Environmental Officer, Circle – 7

O/C

ANNEXURE: B

13

Dated 05/07/2021

The Chief Environmental Officer Circle 7

UP Pollution Control Board

TC 12-V, Vibhuti Khand

Gomti Nagar

Lucknow-226010

dhampur

Dhampur Sugar Mills Limited
Unit: Dhampur

Dhampur, N.Rly. Dist. Bijnor (U.P.)

Pin Code: 246761

Tel: 01344-220009

E-mail : dsmdhampur@dhampur.com

Webssite : www.dhampur.com

08-07-2021

Subject: Reply to Show Cause Notice dated 22.06.2021 in respect of proposed imposition of Environmental Compensation

Dear Sir,

Kindly refer to the Show Cause Notice (SCN) vide letter no.H62604/C &/Air-97/21 dated 22.06.2021.

The SCN has been issued in compliance of the Orders passed by the Hon'ble National Green Tribunal dated 104.08.2020 in OA no.1007/ 2019. It is mentioned that the Regional Officer, UPPCB, Moradabad conducted Inspection of Dhampur Sugar & Distillery Units on 12.02.2021 and 09.06.2021 and based on the emissions from the Boilers and the quality of Ambient Air it has been proposed to levy Environmental Compensation of Rs.55, 35,000/- for the period from 05.01.2020 to 11.06.2020 and from 31.10.2020 to 30.05.2021; a total of 369 days.

We would like to submit our explanation/ clarification as follows: -

1. That the Priyanka Modern Sr. Secondary School had filed the Application being O.A. No. 1007 of 2019 praying for directions to the Respondent UPPCB for directing the Dhampur Sugar Mills to shift the boiler of the Distillery Unit to some other place which has effective distance from the School and also praying to stop the operation of the said boiler on the pretext that the pollution from the said boiler and alleging that the said Boiler is affecting the health of the students of the School.
2. That this Hon'ble NGT, vide Order dated 13.11.2019, has directed the UPPCB and the District Magistrate to look into the matter and to take action in accordance with law. Further they were also directed to furnish a factual and action taken report in the said matter.



3. That in compliance to the aforesaid directions issued by Hon'ble NGT a Committee was constituted by the District Magistrate, District Bijnor vide Office Order No. 1128/D-5/Bijnor-2019 dated 18.11.2019 comprising of the below-mentioned three departmental members:
 - A) Chief Medical Officer, District Bijnor;
 - B) SDM – Dhampur, District Bijnor;
 - C) Regional Officer, U.P. Pollution Control Board, Bijnor.
4. That the unit was inspected by the said Committee on 10.12.2019 and thereafter, again inspected by the District Magistrate, Bijnor on 28.12.2019. That thereafter, on 19.06.2020, a Joint Inspection Report dated 14.01.2020 was filed Hon'ble NGT.
5. We would like to submit the as per observations it was confirmed our Sugar Unit was established in 1933 and the Distillery Unit was established in 1990 whereas the Priyanka Modern Senior Secondary School was established in 1994. It is evident that our Units were already operating when the School was planned to be established. Further the School expanded and added Medical and Research Centre in 2012 and Priyanka College of Professional Education established in 2014.
6. That, therefore, it was the School Management who took the decision to place their School and made further expansion adjacent to our industrial units.
7. That it was incumbent upon our Distillery Unit to achieve Zero Liquid Discharge and it was mandatory to instal Slop Boiler (Incinerator). We had installed a slop Boiler of steam generating capacity of 75 tons/hour with stack of 84 meters height with Bag Filter System.
8. That on perusal of the aforesaid Joint Inspection Report dated 14.01.2020 it is evident that the Air Pollution Control System (bag filter) was duly attached with the Slop Boiler and the said Air Pollution Control System was found operational at the time of the inspection of unit.
9. That the Slop Boiler was established after obtaining all required permissions/NOCs from UPPCB and the Director of Boilers.
10. That we took all precautions and steps for protection of environment and ensured that all norms are strictly followed. However, it has been observed that the Joint Inspection Report has erred in showing the Boundary Wall of the School at 100 Metres distance, the back gate of the School at about 125 metres distance and the building of the School about 135 metres from the Distillery Boiler whereas the



actual distances of Boiler is about 216.46 meters (about 710 Feet) from the boundary wall of the "Priyanka College of Medical Science and Research Centre".

11. That the actual distance was confirmed by the Hon'ble Court of Civil Judge (Sr Division) Bijnor in Suit No.347 of 2071 and recorded in its order dated 28.05.2019. A copy of the order dated 28.05.2019 is attached as **Annexure No.1**.
12. That a perusal of the said Joint Inspection Report dated 14.01.2020 shows that the we had, in order to control the emission of bagasse particles, had installed a green net of approximately 7 meters in height and approximately 200 meters in length towards the School and has also installed 3 numbers of water spray gun and one number of Cloud Machine for spraying water so as to control the spread of bagasse particles and water spray guns were found operational at the time of the inspection,
13. That it is emphasised and is also apparent from the Joint Inspection Report that, despite the fact that it is the School Management itself who has established its aforesaid school and Colleges adjacent to the distillery unit, the Sugar and Distillery Units have taken the necessary required steps so as to control the spread of bagasse particles.
14. That the Units have been granted regular Consents under Water & Air Act and the same are valid and renewed by UPPCB for the period up to 31.12.2021.
15. That the said Joint Inspection Report also contains the Health Examination Results of the students at the School and also of the villagers residing nearby the industrial units. That in this context it is emphasized that even as per Joint Inspection Report out of the total 3085 students, whose health check-up was conducted by Chief Medical Officer only 45 students were found facing health issues, which amounts to only 1.5% of the total students. That similarly out of the total 155 numbers of villagers, whose health check-up was conducted, only 6 villagers were found facing health issues, which amounts to only 3.9% of the total villagers whose health check-up was conducted.
16. That it is further submitted and emphasized that there would be several other reasons for such common diseases in the area and the same cannot be attributed to our Industrial Units. It would be appreciated that in the present-day World much larger number of people have so many diseases and the same are common even in the healthiest of the Areas where there exists no Industrial Unit.
17. That the aforesaid fact shows that there was no Air Pollution so as to cause health issues of the students and villagers and the Units are being made scapegoat to satisfy the whims of some political persons.



18. That had it been due to Air Pollution, the spread of alleged diseases would have been in much larger proportions including some affect on the workers and the residents of the Units but admittedly it is not the case.
19. That it is pertinent to mention here that as per the Letter dated 14.01.2020 issued by the CMO, District Bijnor (Page No.40 of the said Joint Inspection Report dated 14.01.2020), the aforesaid health check-ups of the students and nearby villagers were conducted on 06.01.2020 and 07.01.2020 i.e. during the extreme winter season. It is emphasized here that the health issues found in the said students and nearby villagers during the said health check-ups are common diseases /health issues, which generally occur during such extreme winter season. A copy of the print-out of the Article dated 23.01.2020 titled as "5 Common Winter Diseases With Symptoms and How To Prevent Them?" published on the web-site of SRL Diagnostics is annexed as **Annexure No. 2.**
20. That the said Joint Inspection Report dated 14.01.2020 contains two tables, namely, "*Table-1 – Stack Emission Monitoring Result*" and "*Table-2 – Ambient Air Quality Monitoring Result*". That in this context, it is submitted that the "*Table-1 – Stack Emission Monitoring Result*" shows that the SPM parameters of all the boilers installed at our unit including the Distillery Boiler, are within the prescribed norms and the "*Table-2 – Ambient Air Quality Monitoring Result*" shows that the SO_x and NO_x parameters within the school campus of and also within the industrial premises are within the prescribed norms. That, however, only the RSPM parameters within the school campus and within the industrial premises were above the prescribed norms.
21. That it is pertinent to point out and we emphasize that "*Table-2 – Ambient Air Quality Monitoring Result*" shows that the RSPM parameters within the school campus were much higher as compared to the RSPM parameters within our industrial premises. That the aforesaid fact regarding the RSPM parameters coupled with the fact that the SPM parameters of all the boilers installed at our unit, are within the prescribed norms contradicts the allegation that the air pollution within the school campus was due to our Units.
22. That the alleged pollution if at all it is there affecting the health of the students must have some other external factors. It is submitted that the quality of the Air in and around the said school or the premises of our Unit is primarily attributable to external factors as follows: -
 - a. A major and busy Railway Line (Howrah – Jammu Railway Line) is situated in close proximity on the west side of both the School as well as our units.



- b. That the State Highway No.49, which experiences heavy vehicular movement, is situated on the East side of both the School as well as our units.
- c. That the aforesaid State Highway No.49 is approximately 280 meters away from our unit whereas the School is situated just adjacent to the said State Highway No.49 and the main gate of the School opens at the said State Highway No.49.
- d. That it is due to the fact that the School is situated adjacent to the said State Highway No.49, the RSPM parameters within the school campus are much higher as compared to the RSPM parameters within our premises.
- e. That even in the aforesaid Joint Inspection Report dated 14.01.2020 it has been admitted that the heavy vehicular movement on the aforesaid State Highway No.49 as one of the reasons for high RSPM parameters.
- f. That it is pertinent to mention here that the Joint Inspection of our units and the School campus was conducted by the said Committee on 10.12.2019 i.e. during the winter season. It is submitted that it is a known fact that there is deterioration in the air quality in the whole of India particularly in the Northern India during the winter season and foggy conditions. That therefore, the climatic conditions prevailing on the date of inspection i.e. the winter season and foggy conditions has also played a major role in the RSPM parameter results. A copy of the print-out of the News Article dated 10.12.2019 titled as "Very Poor Air Quality in Delhi for 7th Day" published on the website of India Today is annexed as **Annexure No. 3**.

23. We would further like to submit the Compliance Status with respect to the directions as recommended by the Joint Committee in the said Joint Inspection Report dated 14.01.2020 and issued by UPPCB to us vide Notice dated 24.01.2020:

- a) That the Units has complied withal directions and has spent more than Rs. 3.91 Crores as per details of the orders placed, reproduced hereunder:

S.No.	P.O. Date	Vendor's Name	Particulars of Job	Cost of Job (Rs.)
1.	11.03.2020	Unique Construction, Kanth (Moradabad)	Shuttering for Columns in Foundation, Insert Plate Fabrication and Fixing Work etc	1,20,967.70
2.	12.03.2020	Creative Concrete, Bijnor	Boundary Wall fixing & Expansion, Dismantling excavation work of pre-cast wall.	6,28,215.00
3.	19.03.2020	Astone Metal	Design, Fabrication,	2,56,68,000.00

Praveen

		Arc, Ghaziabad	Construction of bagasse shed 110 M x 56 M of prefabricated steel and building wall and covered bagasse shed.	
4.	19.03.2020	Astone Metal Arc, Ghaziabad	Installation and erection of bagasse shed etc.	1,13,60,000.00
5.	29.04.2020	Clod Tech, New Delhi	Supply of fully automatic trolley mounted CTFC50 Fog machine	6,90,000.00
6.	18.05.2020	Kohinoor Safe India, Bijnor	Supply of materials for covering the bagasse/dust dropping points by three-layer PVC net and PVC Fiber net	4,91,700.00
7.	18.05.2020	Kohinoor Safe India, Bijnor	Job work of fabrication and construction of bagasse /dust dropping point by three-layer net	1,34,100.00
Total				3,90,92,982.00
[Three Crore Ninety Lakhs Ninety-Two Thousand Nine Hundred and Eighty-Two only]				

- b) Direction No.1: That our Units have always ensured operation and maintenance of the air pollution control systems in such a way so that the ambient air quality remains in accordance with the prescribed norms. That the RSPM parameters within the school campus and within our Units were above the prescribed norms due to the reasons as mentioned in the paragraphs here-in-above.
- c) Direction No.2: That we have already completed the following jobs as per directions: -
- i. The Bagasse shed has been constructed.
 - ii. A green net of approximately 7 meters in height and approximately 200 meters in length towards the School (the fact which is also observed in the said Joint Inspection Report dated 14.01.2020) has been installed
 - iii. That towards the other side, a precast wall has been constructed.
 - iv. That 3 numbers Automatic Water Sprinklers have already been installed and are operative.

Agrew

- v. That one Moist Cloud/Spray Machine has been installed and is operative.
- d) Direction No.3: That we have arranged for a three - layer net to cover the bagasse dropping points on the Conveyor Belt completely.
- e) Direction No.4: That we have already started covering the vehicles carrying fuel (bagasse) in our Units.
- f) Direction No.5: That we have already installed 4 numbers of water sprinklers including one automatic fog machine, which are functioning properly. That with the help of these water sprinklers total bagasse is getting water sprinkled properly.
- g) Direction No.6: That we had already taken up substantial plantation in order to develop dense green belt of trees towards the boundary wall of the said School.
- h) Direction No.7: That we have ensured to operate the Plant complying with all Pollution Control Norms. There will be no adverse impact on the environment and Public Health in the surrounding area.

24. It is submitted that we have regularly monitored the Emissions from the Boiler and the same are found to be within norms.

25. It is humbly submitted that the Environmental Compensation is imposed for compensating the affected parties and is not liable to be imposed on account of a motivated false complaint made due to certain extraneous reasons. We are confident that the explanations as submitted hereinabove will satisfy the Board that no Air Pollution has been caused by our Units and we further commit to maintain all additional Air pollution control devices installed as per directions.

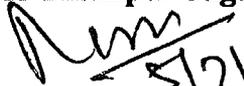
We would be extremely grateful if the Board decided not to impose the proposed Environmental Compensation particularly in view of the above explanations also the fact that complying with your directions, we have already spent about Rs.3.91 Crores to further safeguard the environment.

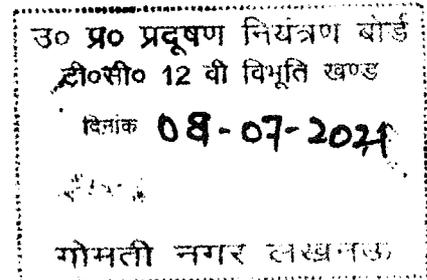
It is humbly submitted that we may kindly be allowed personal hearing in the matter.

Thanking You,

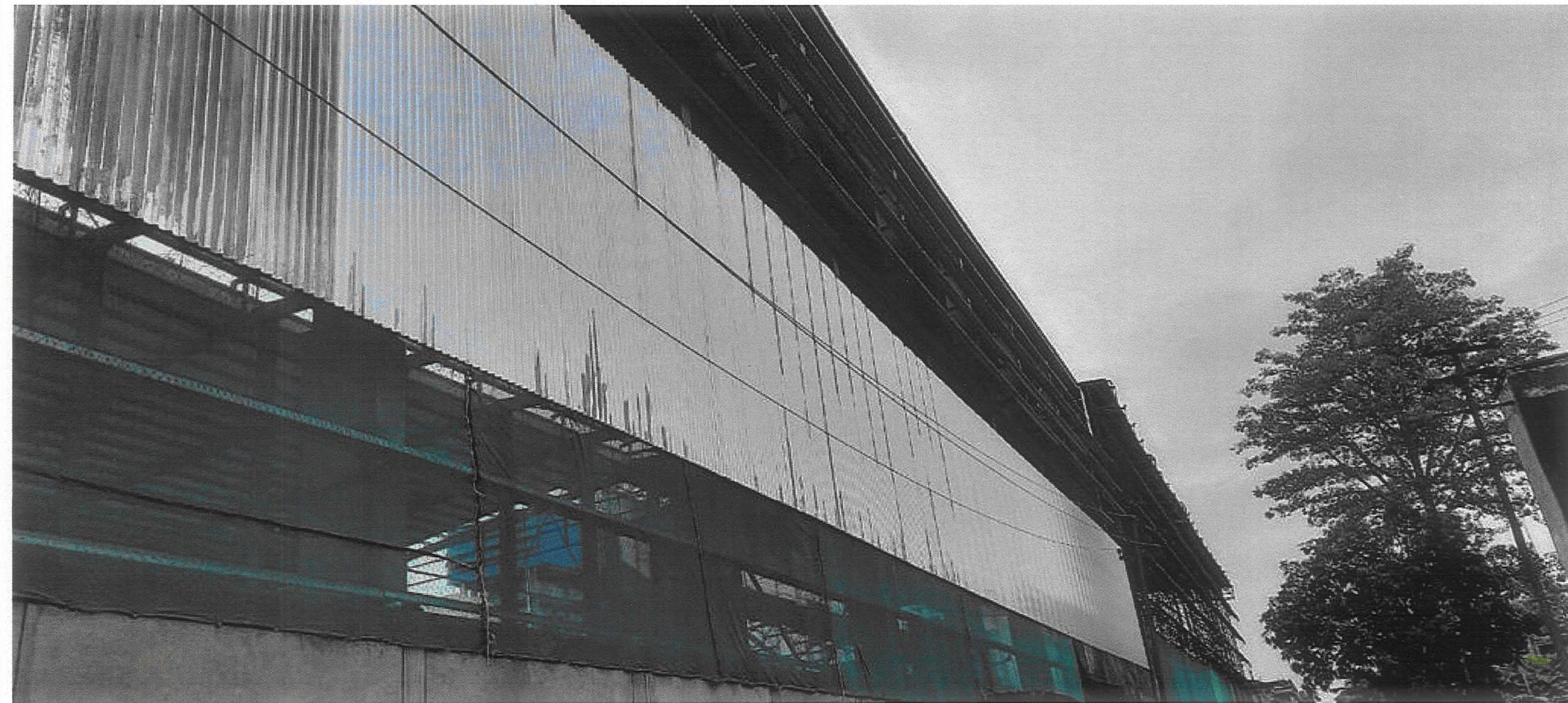
Yours faithfully

For Dhampur Sugar Mills Limited


5/7/21
(Authorised Signatory)



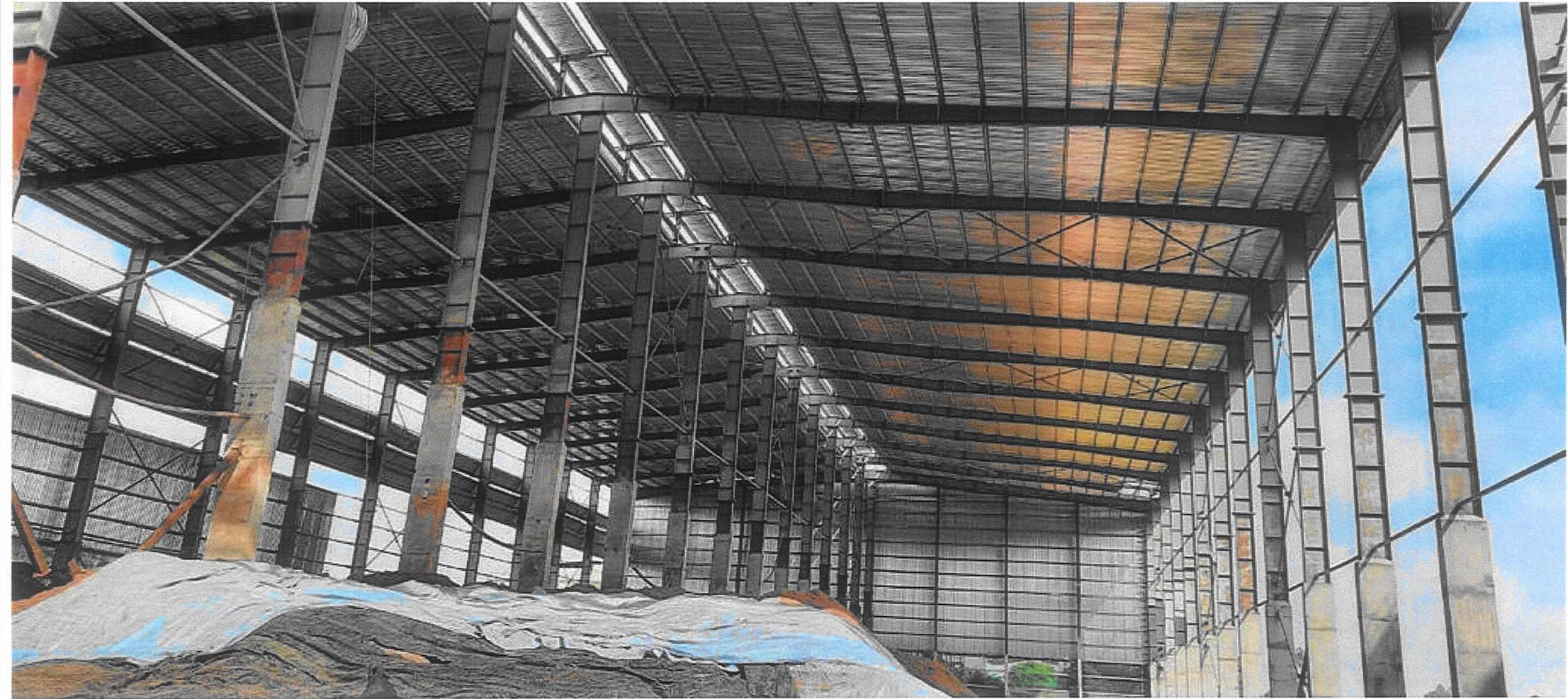
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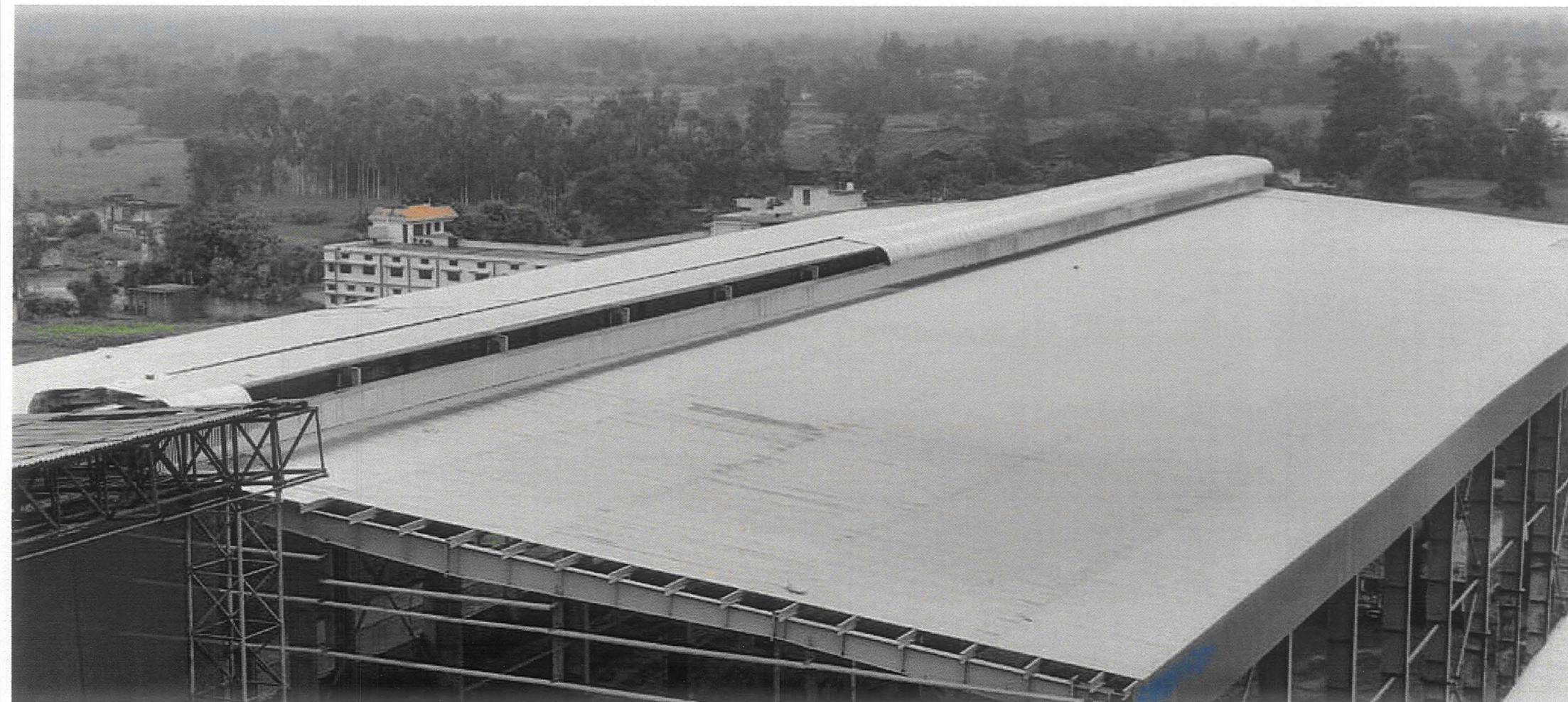


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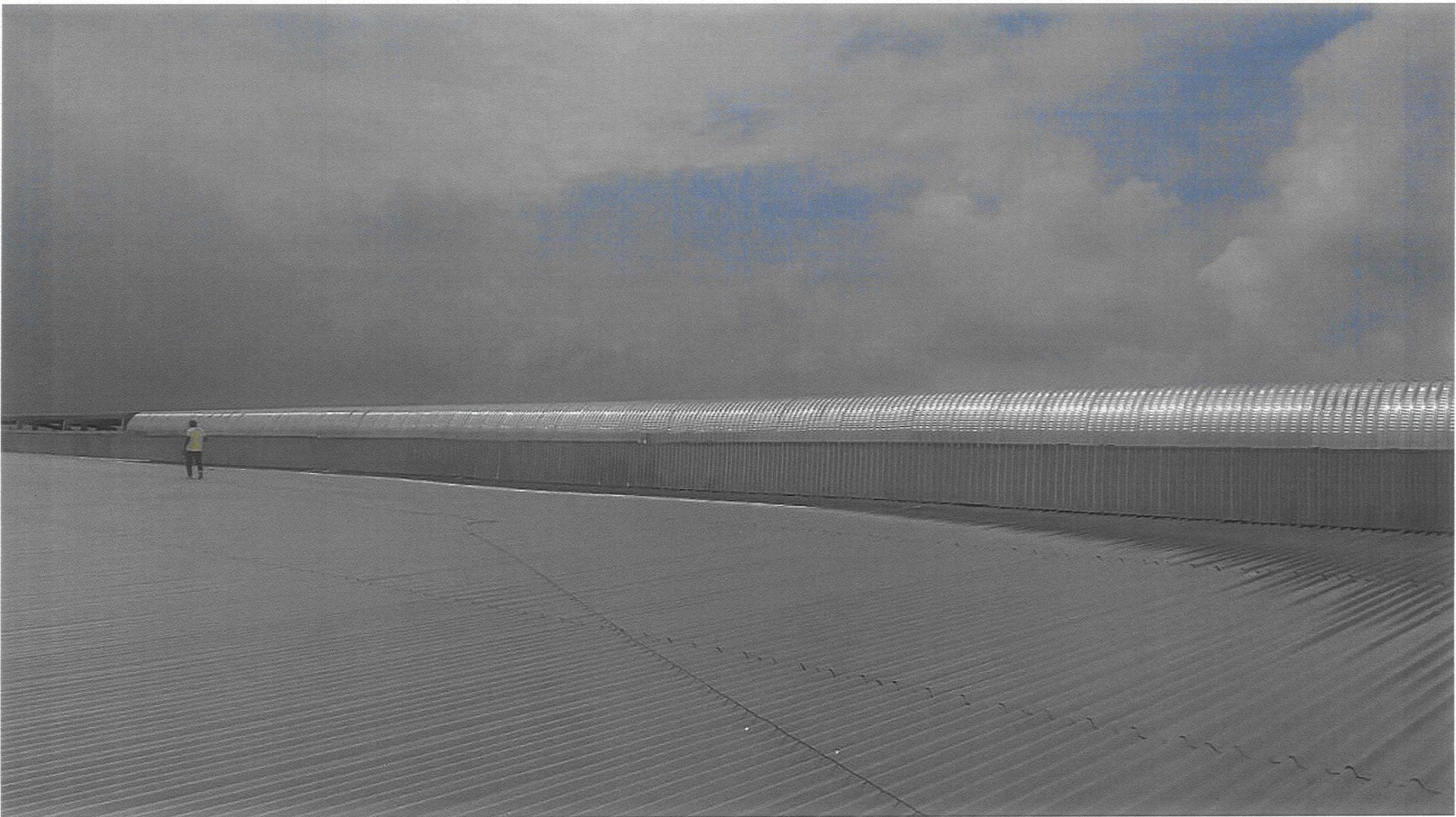


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Abhinav Anand <abhinav.legal@gmail.com>

Additional Reply /Submissions (O.A. No. 1007 of 2019) filed on behalf of Respondent No.2

1 message

Abhinav Anand <abhinav.legal@gmail.com>

Tue, Aug 10, 2021 at 4:09 PM

To: sharadadvocate22@gmail.com, pradeepmisra@yahoo.com

Sir,

Kindly find attached a copy of the Additional Reply /Submissions (along-with the documents) filed on behalf of M/s Dhampur Sugar Mills Ltd. (R-2) in O.A. No. 1007 of 2019 titled as "Priyanka Modern Sr. Secondary School vs. UPPCB & Ors."

Regards,

Anubhav Anand Aron
(Advocate)
Mob: 9811764256

**Additional Reply - DSM.pdf**

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