

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI

O.A. NO. 79 OF 2023

IN THE MATTER OF:

HARI PRAKASH Versus Uttam Sugar Mill Libberhedi & Ors.

AND

IN THE MATTER OF:

M/s Air Liquide North India Pvt. Ltd.,
Unit -I, AIS IndustrialEstate,
JhabredaRoad Tehsil- Roorkee,
Distt. - Haridwar, Uttarakhand

...Respondent (Impleaded)

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Kamal Kumar Pandey
Advocate

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9312079439

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BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH,
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IN THE MATTER OF:

HARI PRAKASH

....Applicant

Versus

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Distt. - Haridwar, Uttarakhand

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**RESPONSE ON AFFIDAVIT ON BEHALF OF AIR LIQUIDE NORTH INDIA
PVT. LTD. ROORKEE IN PURSUANCE OF ORDER DATED 09.01.2024
PASSED BY THIS HON'BLE TRIBUNAL**

I, Benoit Louis Felix Renard, S/o Mr. Alain Renard, aged about 52 years,
Managing Director of Air Liquide North India Pvt. Ltd, having its
registered office at A-24/10, Mohan Cooperative Industrial Area,
Mathura Road, New Delhi-110044 on behalf of the noticed
respondent unit herein, being well aware of the facts and
circumstances of the case, I am competent to swear the present
affidavit and as such state and affirm that;



PRELIMINARY SUBMISSION

1. That, this Hon'ble Tribunal vide Order dated 09.01.2024 was pleased to implead the deponent unit as respondent and permit to file response in the view of report dated 17.03.2023 of the joint Committee constituted vide Order dated 10.02.2023 directing to file action taken report in respect of the discharge of untreated industrial effluent in Shila Khala (drain) which later joins river Kali in village- Ransura, district- Saharanpur, Uttar Pradesh.
2. That at the outset it is submitted and humbly stated that the deponent unit is a white category classified unit, engaged in production of Gaseous Nitrogen and Liquid Argon, Nitrogen & Oxygen and no liquid discharge is released in the drain or any other place outside the unit. Deponent unit is not named by the complainant/Applicant in his complaint and it has been wrongly named in the aforesaid report merely on the basis of it's proximity to the aforesaid drain and therefore it is prayed that this Hon'ble Tribunal may be pleased to exempt the



deponent unit in respect to the present drain. True copy of the Consent to Operate certificate dated 29.08.2023 categorizing the deponent unit as White category is annexed herewith as **ANNEXURE R-1 at (Page 09)**

3. That, consequent to the order of this Hon'ble Tribunal dated 10.02.2023, the inspection of the deponent was done by the joint Committee on 22.06.2023. The inspection report in specific observations recorded in (page 13) categorically states that, ***"h. No effluent generation observed during the manufacturing process., & i. No wastewater discharge outside unit premises observed during inspection."***

4. That the specific observation as reported (Page 12 & 68 to 70) on inspection report dated 22.06.2023 by the joint Committee clearly absolves the deponent unit of any contribution to the issue of pollution of drain before this Hon'ble Tribunal and are reproduced herein below for convenience;



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"4.1.6 M/s Air Liquide North India Pvt. Ltd., Unit -I, AIS Industrial Estate, Jhabreda road Tehsil- Roorkee, Distt. - Haridwar, Uttarakhand

a. Unit was found operational on the day of inspection dated 22.06.2023.

b. Unit doesn't have valid consent to operate. The consent was expired on 31.03.2023. However, unit has applied for renewal of consent on 21.02.2023.

c. Unit doesn't provided NOC from CGWA for ground water abstraction. Unit has 02 Borewells for fulfilling fresh water requirement.

d. Avg. fresh water consumption is calculated as 262 KLD (based on logbook data from 1st April to 21 June 2023)

e. Unit is engaged in the manufacturing of Gaseous nitrogen, Hydrogen gas, Liquid Argon, Liquid Nitrogen and Liquid Oxygen

f. Unit has installed RO plant having capacity 4.5 m3/hr and Cooling tower having re circulation rate of 1000



m3/hr to meet their process water and industrial cooling requirement.

g. Mostly water used in the cooling tower RO water used only in the manufacturing process (Water thermolysis) of Hydrogen gas. Reject of RO plant used in the gardening purposes.

h. No effluent generation observed during the manufacturing process.

i. No wastewater discharge outside unit premises observed during inspection

j. Unit shall obtain consent from UKPCB immediately."

5. That the joint Committee had made observation that, "*b. Unit doesn't have valid consent to operate. The consent was expired on 31.03.2023. However, unit has applied for renewal of consent on 21.02.2023."*

In this respect it is most humbly submitted that in accordance with the modified guidelines/directions of the CPCB dated 07.03.2016 which notified final list of white category



industries, deponent unit which is 'white category industry' was required one time consent to operate, which was under process and has been granted to it on 29.08.2023.

6. That in the aforesaid following deficient observations have been made by the joint Committee;

"c. Unit doesn't provided NOC from CGWA for ground water abstraction."

In this respect it is humbly submitted that aforesaid observation are wrong as the deponent on given date already has NOC (Page 209 ANNEXURE 6B) dated 11.02.2021 valid upto 10.02.2024 from CGWA for extraction of 352.50m³ ground water per day, which has been applied for renewal on 27.10.2023, Copy of application and payment receipt is annexed herewith as **ANNEXURE R-2 at (Page 10-11)** The Avg. fresh water consumption as reported is 262 KLD i.e. within the permissible limit.



7. That the joint Committee has directed that "*j. Unit shall obtain consent from UKPCB immediately.*". It is most humbly submitted that deponent company has the valid consent under 'White Category'.

8. That, accordingly the deponent unit is a fully complying unit with all necessary valid permissions and authorizations. There is no contribution to the pollution of the aforesaid drain by the deponent unit and this fact has been affirmed by the joint Committee during the inspection. The unit has been named in the report not due to contribution to the drain pollution but merely due to it's proximity to the aforesaid drain.

Accordingly, it is prayed that this Hon'ble Tribunal may be pleased to exempt the deponent unit deleting it's name from the list of respondents in the present case, for which the deponent unit shall be highly obliged and grateful.



DÉPONENT



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VERIFICATION:

Verified that the contents of the present affidavit paras 01 to 08 are true and correct to the best of my personal knowledge and based on records, nothing stated is false and nothing material has been concealed. Documents annexed along are true and correct copies.

Verified at New Delhi on this 4th day of March, 2024.



DEPONENT

Through



Kamal Kumar Pandey
Advocate

50, Lawyers Chamber,
Supreme Court of India,
9312079439

adv.kamal.kr.pandey@gmail.com



ATTESTED

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04 MAR 2024

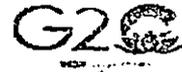
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REGIONAL OFFICE



UTTARAKHAND POLLUTION CONTROL BOARD

Irrigation Design Building Campus, Roorkee-247667 (Distt- Haridwar)



UKPCB/ROR/Con/A-113/2023/ 680

Date: 29.08.2023

Registered Post

To,

M/s Airliquide North India Pvt. Ltd.
AIS Industrial Area,
Vill-Lathardeva Hoon, Jhabrera Road,
Manglaur, Roorkee
Distt- Haridwar.

Consolidated Consent to Operate and Authorization hereinafter referred to as the CCA (Consolidated Consent & authorization) (Fresh/Renewal/Reapplication/Expansion/) under Section-25 of the "Water (Prevention & Control of Pollution) Act, 1974" and under Section-21 of the "Air (Prevention & Control of Pollution) Act, 1981" and Authorization under "Rule-6" of the "Hazardous Waste (Management, Handling and Trans boundary Movement) Rules, 2016" notified under "Environment (Protection) Act, 1986" as applicable (to be referred hereinafter as Water Act, Air Act and HW Rules respectively).

CAFF ID-8826	Application No-2300546
CCA (Renewal)	
Consent No. AWH- A-98	

Considering the recommendation & report submitted by inspecting officer CCA is hereby granted to M/s Airliquide North India Pvt. Ltd. located at AIS Industrial Area, Vill-Lathardeva Hoon, Jhabrera Road, Manglaur, Roorkee, Distt- Haridwar subject to the provisions of the Water Act, Air Act and HW Rules and the orders that may be made further and subject to following terms and conditions:-

1. This CCA is granted for a period One Time under White Category and valid for manufacturing of following products.

S.No.	Product	Quantity (Per Month)
1	Gaseous Nitrogen	1395 MT
2	Liquid Argon	128 MT
3	Liquid Nitrogen	1200 MT
4	Liquid Oxygen	3000 MT
	Process	Distilization
	Category	White

1. The Consent is granted under white category for the Manufacture of above Mentioned Products.
2. The consent is granted for Distilization process only no effluent shall be generated.
3. Domestic effluent shall ensure to disposed through Septic Tank/ Soak Pit
4. If any change in Product, Capacity, Process & Effluent, Unit has to obtained fresh consent as per water Act.

[Signature]
29/08/2023
Regional Officer

Copy to: Member Secretary, Uttarakhand Pollution Control Board, Dehradun for kind information.

Regional Officer



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01/09/2023

[Signature]

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Government of India
Ministry of Jal Shakti
Department of Water Resources, River Development and Ganga Rejuvenation
Central Ground Water Authority (CGWA)
Application for Issue of NOC to Abstract Ground Water (NOCAP)

Application for Renew of NOC Issued to Existing Industrial Projects Abstracting GroundWater
(Save As Draft Application For Renewal of NOC)

Application Number : 21-4/930/UT/IND/2017

Applied For Renewal : 1st

(Scanned copy of this page after signature and seal should be attached at "Application with Signature and Seal" in attachment section before submission of application)

Name of Industry:	AIR LIQUIDE NORTH INDIA PVT LTD. ROORKEE
Location Details of the Industrial Unit	
Address Line 1 :	AIR LIQUIDE NORTH INDIA PVT. LTD.
Address Line 2 :	AIS INDUSTRIAL ESTATE, LATHERDAVA HOON, JHABREDA ROAD
Address Line 3 :	MANGLAUR ROORKEE
State:	UTTARAKHAND
District:	HARIDWAR
Sub-District:	NARSAN
Village/Town:	Lathardeva Hoon
Net Ground Water(m3/day):	352.50
Area Type Category :	Safe

INDUSTRIAL USE- Self Declaration

I hereby certify that the data and information furnished above are true to the best of my knowledge and belief and I am aware that if any part of the data / information submitted is found to be false or misleading at any stage, the application will be rejected outright.

I hereby declare that all the mandatory documents prescribed in the application form have been uploaded and no blank /irrelevant documents have been uploaded. I am also aware that any false/ wrong submission /uploading of document will lead to rejection of my application without any notice.

It is to certify that no case related to ground water withdrawal/ contamination is pending against the industry/ project/ unit as on date. Any such case filed against the company/ project/ unit in respect of ground water withdrawal/ contamination during the pendency of this application shall be immediately brought to the notice of CGWA.

I hereby undertake that in case any environmental compensation/ penalty is imposed on the firm by any statutory authority, I shall comply with the decision of such authority.

मैं यह प्रमाणित करता हूँ कि ऊपर प्रस्तुत किये गये आँकड़े और जानकारी मेरे ज्ञान और विश्वास के अनुसार सही हैं और मुझे पता है कि यदि प्रस्तुत आँकड़े / सूचना का कोई भी भाग किसी भी स्तर पर गलत या धामक पाया जाता है, तो आवेदन बिना किसी पूर्व सूचना के निरस्त कर दिया जाएगा।

मैं इसके द्वारा घोषित करता हूँ कि आवेदन पत्र में निर्धारित सभी अनिवार्य दस्तावेजों को अपलोड किया गया है और कोई रिक्त / अप्रसंगिक दस्तावेज अपलोड नहीं किया गया है। मुझे यह भी पता है कि कोई भी गलत दस्तावेज अपलोड करने पर मेरे आवेदन को बिना किसी सूचना के निरस्त कर दिया जाएगा।

यह प्रमाणित करता हूँ कि उद्योग / परियोजना / इकाई के खिलाफ आज तक भूजल निकासी / प्रदूषण से संबंधित कोई भी मामला किसी भी न्यायालय में लंबित नहीं है। इस आवेदन की प्रक्रिया के दौरान भूजल निकासी / प्रदूषण के संबंध में कंपनी / परियोजना / इकाई के खिलाफ दायर किसी भी मामले को तुरंत के. भू. ज. प्राधिकरण के ध्यान में लाऊंगा।

मैं इस बात का वचन देता हूँ कि यदि किसी भी वैधानिक प्राधिकरण द्वारा फर्म पर कोई पर्यावरणीय क्षतिपूर्ति / जुर्माना लगाया जाता है, तो मैं प्राधिकरण के उस निर्णय का पालन करूंगा।

Date : 27/10/23

Place : Roorkhee

Associated User : alnirrkasu



Sagar
Name & Signature of the applicant
(With official seal)

* In case signed by any authorized signatory, the details of the signatory with the authorization shall be enclosed.

27/10/2023 11:33 AM

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