

IN THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 539/2019
(I.A. NO. 149/2021 & 376/2020)

IN THE MATTER OF –

ADIL ANSARI

.....APPLICANT

VERSUS

DHAMPUR SUGAR MILLS LTD. ASMOLI & ORS.

.....RESPONDENT


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Respondent No.9

Filed by

Through



GIGI.C. GEORGE
ADVOCATE

STANDING COUNSEL (UOI)
NATIONAL GREEN TRIBUNAL
Email: gigicgeorge.adv42@yahoo.in
M-9810625315

New Delhi

Dated 01.04.2025

(For R-9)

IN THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 539/2019

(I.A. NO. 149/2021 & 376/2020)

IN THE MATTER OF -

ADIL ANSARI

.....APPLICANT

VERSUS

DHAMPUR SUGAR MILLS LTD. ASMOLI & ORS.

.....RESPONDENT

REPLY ON BEHALF OF CENTRAL GROUND WATER
AUTHORITY (R-9)

SWORN & VERIFIED MOST RESPECTFULLY SHOWETH:-
BEFORE ME

21.3.25
Ganesh Prasad
Advocate & Notary
C 15, Indra Nagar, Lko
Reg. No. 30/79/2001

I, S. G. Bhartariya, aged about 54 years, working as Regional Director, Uttar Pradesh in Ministry of Jal Shakti, Water Resources, River Development and Ganga Rejuvenation, having office at Central Ground Water Board, Bhujal Bhawan Sector -B, Sitapur Road Yojna, Ram Ram Bank Chauraha Lucknow do hereby solemnly affirm and state on oath as under on behalf of Respondent No.9 i.e. Central Ground Water Authority (CGWA) hereinafter referred to as Answering Respondent.

Sgt.

payment of compensation and pass such orders as may be necessary."

4. In view of the above, it is most respectfully submitted that the Hon'ble Tribunal vide para 157 of order dated 01.09.2021 issued following directions to the authorities:

i.) All the Units must ensure continuous running of Effluents Treatment Plants (ETPs) even during the non-crushing season for the adequate maintenance of required bio-mass so that the ETP is able to take the load/shock when it receives the pollution load/effluent at the start of the crushing season.

ii.) All the Units in question must provide for separate Energy Meter for entire ETP setup including its accessory units with data logging facility which shall be inspected by UPPCB and CPCB from time to time.

iii.) UPPCB must ensure Interlocking of Pollution Control Devices with production processes (one way but not vice-versa) so as to ensure that whenever ETPs/PCDs are intentionally closed, the production also comes to halt.

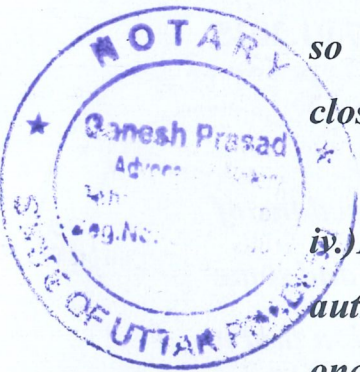
iv.) Regular inspections should be carried out by the statutory authorities in both halves of the crushing season and also at least once in non-crushing season.

SWORN & VERIFIED
BEFORE ME

[Signature]
31.3.25

Ganesh Prasad
Advocate & Notary
C 15, Indira Nagar, Lko
Reg. No. 30/79/2001

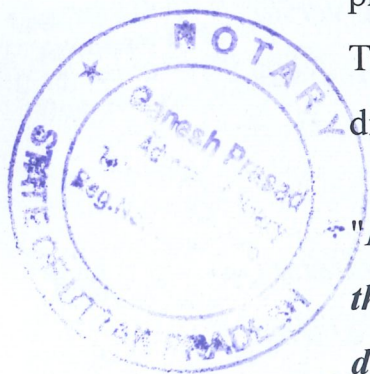
[Signature]



2. That I am well versed with the facts of the case in my official capacity on the basis of documents and records available in the department, as such I am competent to swear the present reply affidavit.

3. That the present Original Application was filed by the applicant against Dhampur Sugar Mills Ltd., alleging violation of Environmental Laws. The Hon'ble NGT, passed order dated **01.09.2021** in **(I.A.No.376/2020)** in **OA 539/2019** wherein Hon'ble tribunal dispose the OA and imposed an exemplary environmental compensation of **Rs. 20 Crores** (i.e. Rs. 5 crore/each on four units of Dhampur Sugar Mills) and cost of litigation upon the Respondent No. 1 to 3. The order of Hon'ble Tribunal was challenged by appellants before Hon'ble Supreme Court of India and filed Civil Appeal No. **5975/2021**, titled as M/s Dhampur Bio Organics Limited & ors. Vs. Adil Ansari & ors. with prayer to set aside the final order dated 01.09.2021 of Hon'ble Tribunal. The Hon'ble Supreme Court vide order dtd **07.01.2025** disposed the Civil Appeal with following directions:

"It is evident from the above that there are certain directions of the National Green Tribunal which have been complied and some directions are not yet complied with. We are of the opinion that it would be appropriate if we direct the Tribunal to monitor the compliances and ensure that its judgment dated 01.09.2021 is fully implemented. After ensuring implicit compliances of the directions, the Tribunal may revisit the directions with respect to



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BEFORE ME

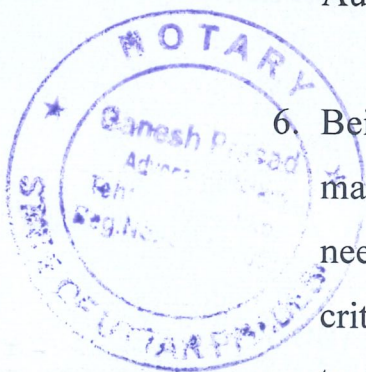
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Ganesh Prasad
Advocate & Notary
C-15, Indira Nagar, Lucknow
Reg. No. 30/79/2001

Saji

v.) *Since the Asmoli Unit falls in the critical zone with respect to ground water withdrawal, an assessment of water recharge needs to be carried out by CGWA or UPGWD before issuance of NOC."*

5. In pursuance to the directions of Hon'ble Tribunal issued vide para 157 (v) wherein CGWA or UPGWD was directed to carry out *an assessment of water recharge with respect to ground water withdrawal before issuance of NOC to Asmoli Unit*. In this regard it is most respectfully submitted that vide **notification No. 1320/LXII-I-2019-10 gw-2014** dated **13.11.2019** Ground Water management and regulation in the State of Uttar Pradesh, is being carried by Uttar Pradesh Ground Water Management and Regulatory Authority and Central Ground Water Authority **w.e.f. 01.10.2020** stopped accepting NOC applications and list of pending applications with CGWA was sent to the Uttar Pradesh Ground Water Department (UPGWD). Hence, thereafter, the Uttar Pradesh State Ground Water Management and Regulatory Authority Started NOC Issuance Process.

6. Being the central agency, CGWA directed the UPGWD through mail dated **26.03.2025** to carry out an assessment of water recharge needs before issuance of NOC to the Asmoli Unit which fall in the critical Zone with respect of Ground Water withdrawal and directed to forward compliance report to this office and Hon'ble NGT as well. Compliance report of UPGWD is still awaited.



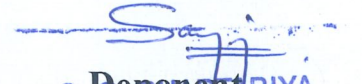
SWORN & VERIFIED
BEFORE ME

31.3.25

Ganesh Prasad
Advocate & Notary
C 15, Indira Nagar, Lko
Reg. No. 30/79/200

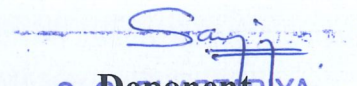
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7. That the present counter affidavit may kindly be taken on record and into consideration and the Hon'ble Tribunal may pass appropriate order(s), direction(s) as deemed fit and proper under the facts and circumstances of the present case


S. Deponent
 Regional Director
 Central Ground Water Board, N.R.
 Ministry of Jal Shakti
 Govt. of India
 Lucknow-226021

Verification

Verified at Lucknow on 31st March , 2025 that the contents of the above affidavit is true and correct to the best of my knowledge and belief, nothing material has been concealed there from.


S. Deponent
 Regional Director
 Central Ground Water Board, N.R.
 Ministry of Jal Shakti
 Govt. of India
 Lucknow-226021

Filed by

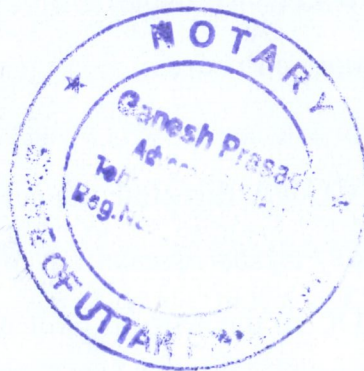
Through

GIGI.C.GEORGE
ADVOCATE

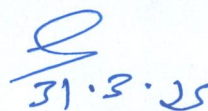
STANDING COUNSEL (UOI)
NATIONAL GREEN TRIBUNAL
 Email: gigicgeorge.adv42@yahoo.in
 M-9810625315

(For R-9)

New Delhi
 Dated



SWORN & VERIFIED
BEFORE MF


 31.3.25
Ganesh Prasad
 Advocate & Netary
 C 15, Indra Nagar, Lko.
 Reg. No. 30/79/2u01

1270

6.

Original Application No.539/2019 titled as Adil Ansari vs. Dhampu Sugar Mills Ltd. & Ors.

Me CGWA Legalcell <cgwa-legalcell@gov.in>
Wed, 26 Mar 2025 2:01:00 PM +0530

To "upgwdin" <upgwd.in@gmail.com>

Cc "Sunil Kumar Ambast" <chmn-cgwb@nic.in>, "T B N Singh" <mcgwa-cgwb@gov.in>, "S G Bhartariya" <rdnr-cgwb@nic.in>, "Bhushan Ramkrishna Lamsoge" <rdcgwa-cgwb@nic.in>, "VIKAS RANJAN" <vikasranjan-cgwb@gov.in>, "VINOD KUMAR DHAUNDIYAL" <vk.dhaundiyaal-cgwb@gov.in>

Sir,

Civil Appeal No. 5975/2021, titled as M/S DHAMPUR BIO ORGANICS LIMITED & ORS. Vs. ADIL ANSARI & ORS. Respondent(s) was filed before Hon'ble Supreme Court of India, wherein Hon'ble Court vide Order dated 07.01.2025 disposed of the Civil Appeal with following directions :

"It is evident from the above that there are certain directions of the National Green Tribunal which have been complied and some directions are not yet complied with. We are of the opinion that it would be appropriate if we direct the Tribunal to monitor the compliances and ensure that its judgment dated 01.09.2021 is fully implemented. After ensuring implicit compliances of the directions, the Tribunal may revisit the directions with respect to payment of compensation and pass such orders as may be necessary."

On the perusal of the Order dated 01.09.2021, Hon'ble Tribunal vide para 157 issued following directions to the authorities:

i.) All the Units must ensure continuous running of ETPs even during the non-crushing season for the adequate maintenance of required bio-mass so that the ETP is able to take the load/shock when it receives the pollutionload/effluent at the start of the crushing season.

ii.) All the Units in question must provide for separate Energy Meter for entire ETP setup including its accessory units with data logging facility which shall be inspected by UPPCB and CPCB from time to time.

iii.) UPPCB must ensure Interlocking of Pollution Control Devices with production processes (one way but not vice-versa) so as to ensure that whenever ETPs/PCDs are intentionally closed, the production also comes to halt.

iv.) Regular inspections should be carried out by the statutory authorities in both halves of the crushing season and also at least once in non-crushing season.

v.) Since the Asmoli Unit falls in the critical zone with respect to ground water withdrawal, an assessment of water recharge needs to be carried out by CGWA or UPGWB before issuance of NOC."

Hon'ble Tribunal vide Sl. No. 5 of the order, directed CGWA/UPGWD to carry out an assessment of water recharge needs before issuance of NOC in the Asmoli Unit which fall in the critical Zone with respect of Ground Water withdrawal.

Since, Groundwater management and development in the State of UP is being regulated and control by the UPGWD, it is hereby directed to ensure the compliance of the direction of Hon'ble NGT.

Action Taken Report in the matter may also be provided to this office.

सस्नेह/Regards

O/o सदस्य सचिव Member Secretary,

1271

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केंद्रीय भूजल प्राधिकरण(लीगल सेल)/ Central Ground Water Authority (**Legal Cell**)
जल शक्ति मंत्रालय, भारत सरकार /Ministry of Jal Shakti, Govt. of India
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NGT Order dtd 01.09.2021.pdf
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