

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH AT NEW DELHI

ORIGINAL APPLICATION NO. 269 OF 2024

IN THE MATTER OF:

SANAVVAR

.... .. APPLICANT

VERSUS

STATE OF U.P. & ORS.

..... RESPONDENTS

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NEW DELHI

DATED: 20.11.2024


(PRADEEP MISRA & DALEEP DHYANI)

Counsel for U.P. Pollution Control Board,
138, New Lawyers Chamber,
Supreme Court of India,
New Delhi-110001
(M.) 9810252518

Email: pradeepmisra@yahoo.com

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

Original Application No. 269 of 2024



IN THE MATTER OF:

Sanavvar

.... Applicant

Versus

State of Uttar Pradesh

.... Respondents

AFFIDAVIT ON BEHALF OF THE RESPONDENT NO.-3, UTTAR
PRADESH POLLUTION CONTROL BOARD, IN COMPLIANCE
TO THE ORDER DATED 17.10.2024 PASSED BY THE HON'BLE
NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW
DELHI.

I, Ankit Singh S/o Shri Ajit Singh, aged about 38 years, presently posted as Regional Officer, Uttar Pradesh Pollution Control Board (hereinafter UPPCB), Muzaffarnagar do hereby solemnly affirm and state on oath as under:

- I say that I am the Regional Officer of the Respondent in the present case and as such being conversant with the facts and circumstances of the present case, am competent to swear this affidavit.

PRERNA TYAGI
NOTARY
MUZAFFARNAGAR
19 NOV 2024

Ankit Singh

2. That present matter is about the huge air pollution being caused by the emission of poisonous industrial gases and black smoke by various industrial units involved in the present matter in question.
3. That vide its order dated 17.10.2024 this Hon'ble National Green Tribunal, Principal Bench, New Delhi (hereinafter Hon'ble Tribunal) has directed the UPPCB to verify the fact stated by the concerned industries in their replies and submit a report accordingly.
4. That in compliance to the order dated 17.10.2024 passed by this Hon'ble Tribunal. The detailed Status Report alongwith its respective annexure is being attached herewith as Annexure No.-R3/1.
5. That the Annexure annexed to the present accompanying Affidavit is true copy of their respective original.



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PRERNA TYAGI
NOTARY
MUZAFFARNAGAR

19 NOV 2024

NOTARY

6. That the present affidavit on behalf of the Uttar Pradesh Pollution Control Board is submitted before this Hon'ble Tribunal for kind perusal and consideration.

NOTARY

Debat S
DEPONENT

VERIFICATION:

Verified at Muzaffar Nagar on this the 19th day of November, 2024 that the contents of above affidavit are true and correct to my knowledge based on records and information received and believed to be true, no part of it is false and nothing material has been concealed therefrom.

NOTARY

NOTARY



sworn before me at Ankit Singh,
The deponent
is/are identified by Strt.
I have satisfied myself by examining the
deponent who understands the contents of
the affidavit which has been read out and
explained by me to the deponent Fee.....
Charged Rs.....
NOTARY DISTT MUZAFFARNAGAR

Debat S
DEPONENT

Identified by *[Signature]*

PRERNA TYAGI
NOTARY
MUZAFFARNAGAR

19 NOV 2024

STATUS REPORT IN COMPLIANCE TO HON'BLE NATIONAL GREEN TRIBUNAL (NGT) ORDER DATED 17.10.2024 IN ORIGINAL APPLICATION NO. 269/2024 IN THE MATTER OF SANAVVAR VS STATE OF UP

BACKGROUND

Hon'ble National Green Tribunal considered Suo Motto on basis of a letter petition dated 16.09.2023 sent by Sanavvar S/o Shamim, resident of village Sikheda, Muzaffarnagar, Muzaffarnagar. The complaint was regarding air pollution caused by emission of gases being emitted by certain industrial units. The industries included 05 paper industries, 08 Tyre Pyrolysis units, 01 Slaughter House and 01 Food Processing Unit.

Hon'ble Tribunal vide order dated 21.05.2024 constituted joint committee of CPCB, UPPCB and District Administration to inspect the industrial units mentioned in the complaint and submit detailed factual report . The Joint Committee inspected the industries and submitted the joint committee report dated 02.08.2024 to Hon'ble Tribunal. As per the joint committee report, out of 05 pulp and paper units, 03 units were found non- complying, 01 Slaughter House found non- complying which has been already closed down by the Board and 01 Food Processing Unit which was also found non- complying. Additionally, out of 08 listed Tyre Pyrolysis Plants in the O.A., 06 were found non-complying and remaining 02 were either closed/ partially closed. The detailed status of all the industrial units along with the action taken by Board against the non- compliant industrial units has been submitted by Regional Officer, UPPCB, Muzaffarnagar through its affidavit dated 14.09.2024.

HON'BLE NGT ORDER DATED 17.10.2024

Hon'ble NGT in its order dated 17.10.2024 directed that :-

“1. Replies have been filed by respondents 6,8,10 and 18. We are also informed that respondents 7 and 11 have also filed their replies yesterday but not in accordance with the Office Order which required that if any document is not filed by 03:00 P.M of last working day, it shall not be entertained by Tribunal in its proceedings.

2. Further, Shri Rahul Khurana, Ld. Amicus Curiae stated that he may be allowed to go through the replies, prepare a comparative chart and if necessary, to file an objection and also a status report after visiting the sites of concerned industries physically. He may do so within one month.

3. In the meantime, UP Pollution Control Board shall also verify the fact stated by the concerned industries in their replies and submit a report accordingly.

4. List on 21.11.2024."

Hon'ble Tribunal, after taking in cognizance the joint committee report submitted to Hon'ble Tribunal on 14.09.2024, Hon'ble Tribunal passed the above order.

In compliance of the above, out of total 08 units (including 01 Slaughter House, 01 Food Processing, 05 Pulp & Paper units and 01 does not exist), 05 units were found not compliant, out of which action has already been taken by UPPCB and action against 01 unit is under process. 02 units were found complying and remaining 01 unit does not exist. Apart from above, additionally 08 units were also mentioned which are tyre pyrolysis plants. As per the joint inspection report, 07 units were found non-complying out of which 02 units are closed in compliance of closure order issued by Board, action against 02 units is under process and remaining 03 units which were issued show cause notices were inspected for verification of replies submitted by the units and show cause notices were revoked with imposition of E.C. for no. of non-compliant days. The details of which is tabulated below :

Detailed compliance status of industries mentioned in the Hon'ble NGT order dated 21.05.2024

S.No.	Name of Unit	Action taken w.r.t. joint committee inspection	Operational Status	Latest Inspection of UPPCB w.r.t. directions (Show cause notice, E.C., Closure issued by UPPCB against the non compliant unit)	Status of the units after verification by UPPCB w.r.t to reply submitted (Partial Compliance/ Non -compliant/ complete compliance)	Present action taken against units found non-compliant	Remarks
1.	M/s Al-Noor Exports, 09 th KM, Village Shernagar, Jansath Road, Muzaffarnagar, Uttar Pradesh-251203	UPPCB already issued Closure Direction u/s 33A of Water Act dated 24.05.2024. Hence, unit is presently non-operational.	Closed due to closure direction dated 24.05.2024 issued by UPPCB	--	--	--	Closed due to closure direction dated 24.05.2024 issued by UPPCB
2.	M/s Gulshan Polyols Ltd., 09 th Km, Jansath Road, Muzaffarnagar, Uttar Pradesh-251001	Unit found non-complying w.r.t. discharge norms. Show cause notice issued under Water Act dated 05.04.2024. E.C. of Rs. 3.90 Lac imposed and recovered and SCN revoked.	Operational	20.06.2024	Compliant	--	--
3.	M/s Mahalaxmi Paper Mills, Muzaffarnagar, Uttar Pradesh-251203	Unit found non-complying w.r.t. discharge norms. Show cause notice dated 05.04.2024 issued. Recommendation for imposition of E.C. of Rs. 60,000/- and revoking of SCN sent to H.O. UPPCB.	Operational	27.07.2024	Compliant	--	--

4.	M/s Shakti Kraft and Tissues Pvt. Ltd., 9 th Km Jansath Road, Muzaffarnagar 251001 (formerly known as M/s Kishti Paper Mill)	Found complying during the joint inspection on dated 03.01.2024.	Operational	--	Compliant	--	--
5.	M/s KK Duplex & Paper Mills Pvt. Ltd., 08 th Km Jansath Road, Muzaffarnagar, Uttar Pradesh-251001	Found complying during the joint inspection on dated 09.01.2024.	Operational	--	Compliant	--	--
6.	M/s Orient Board & Paper Mills, 09 th Km, Jansath Road, Muzaffarnagar, Uttar Pradesh-251203	Unit found non-complying w.r.t. discharge norms. show cause notice dated 05.04.2024 issued under Water Act. E.C. of Rs. 60,000/- imposed and recovered and SCN revoked.	Operational	27.07.2024	Compliant	--	--
7.	M/s Disha Industries Pvt. Ltd., Muzaffarnagar	Unit found non-complying w.r.t. ZLD condition. Show cause notice dated 11.09.2024 issued with imposition of E.C. Further, action is under process.	Operational	29.10.2024	Compliant	--	--
8.	M/s Saras Paper Mill, Muzaffarnagar	--	--	--	--	--	Unit does not exist.

Compliance status of End-of-life tyres (ELTs) Pyrolysis Oil Units

Sr. No.	Name of the unit	Operational status	Date of Inspection by Joint Committee	Compliance status during joint committee visit	Action taken against the violating industry w.r.t. joint committee inspection	Action/Present status of violating industries after re-verification
1	M/s Shri Jee Reclaiming Mills Pvt. Ltd. Jansath Road, Muzaffarnagar	Non-operational	04.07.2024	Non-compliance	Unit found non-complying. Show cause notice dated 11.09.2024 issued under Air Act with imposition of E.C. of Rs. 6250/- per day till found compliant.	Action against the unit is under process.
2	M/s ASV Reclaiming LLP, Jansath Road, Muzaffarnagar	Operational	04.07.2024	Non-compliance	Unit found non-complying. Show cause notice dated 11.09.2024 issued under Air Act with imposition of E.C. of Rs. 6250/- per day till found compliant.	Verification carried out on 09.10.2024. E.C. of Rs. 5.50 Lac imposed along with revoking of show cause notice vide letter dated 19.11.2024.
3	M/s Shri Bankey Bihari Enterprises, Jansath Road, Muzaffarnagar	Non-operational	04.07.2024	Non-compliance	Unit found non-complying. Show cause notice dated 11.09.2024 issued under Air Act with imposition of E.C. of Rs. 6250/- per day till found compliant.	Verification carried out on 09.10.2024. E.C. of Rs. 6.0625 Lac imposed along with revoking of show cause notice vide letter dated 19.11.2024.
4	M/s Dev Enterprises, Jansath Road, Muzaffarnagar	Permanently closed	04.07.2024	Permanently closed	Permanently closed	Industry inspected on 28.10.2024. Unit Found permanently closed.

Sr. No.	Name of the unit	Operational status	Date of Inspection by Joint Committee	Compliance status during joint committee visit	Action taken against the violating industry w.r.t. joint committee inspection	Action/Present status of violating industries after re-verification
5	M/s Ram Ji Enterprises, Jansath Road, Muzaffarnagar	Operational	05.07.2024	Non-compliance	UPPCB had issued closure direction vide letter dated 11.01.2019 which is still effective.	Industry inspected on 28.10.2024. Unit found closed. Unit found non-compliant w.r.t. to recommendations of joint committee inspection. Closure order still effective.
6	M/s Vinayak Industries, Vill-Shernagar, Jansath Road, Muzaffarnagar	Operational	05.07.2024	Non-compliance	UPPCB issued show cause notice under Air Act dated 11.09.2024 with imposition of E.C. of Rs. 6250/- per day till compliance is done by the unit.	Industry found non-compliant during verification inspection of show cause notice. Hence, closure order dated 19.11.2024 issued by Board along with E.C. of Rs. 25,000/-.
7	M/s MMD Green Energy Solutions, 7th Km. Jansath Road, Muzaffarnagar	Operational	05.07.2024	Non-compliance	Unit found non-complying. Show cause notice dated 11.09.2024 issued under Air Act with imposition of E.C. of Rs. 6250/- per day till found compliant.	Verification carried out on 09.10.2024. E.C. of Rs. 5.6875 Lac imposed along with revoking of show cause notice vide letter dated 19.11.2024.
8	M/s ARG Rubber Processed Oil Industries, Jansath Road, Muzaffarnagar	Non-operational	05.07.2024	Self-closed	Unit found non-complying. Show cause notice dated 11.09.2024 issued under Air Act with imposition of E.C. of	Action against the unit is under process.

Sr. No.	Name of the unit	Operational status	Date of Inspection by Joint Committee	Compliance status during joint committee visit	Action taken against the violating industry w.r.t. joint committee inspection	Action/Present status of violating industries after re-verification
					Rs. 6250/- per day till found compliant.	

As per the directions of Hon'ble Tribunal, 04 units have submitted replies before the Hon'ble Tribunal. The latest status of units which have submitted their replies are as below :

Sr. No.	Name of the unit	Operational status	Date of Inspection by UPPCB	Compliance status		Remarks
				Water	Air	
1.	M/s Mahalaxmi Paper Mills, Muzaffarnagar, Uttar Pradesh-251203	Operational	07.11.2024	Industry found complying w.r.t. ZLD	At the time of inspection, stack monitoring being done by UPPCB. The Particulate Matter found within the prescribed limit. (Annexure-1)	
2.	M/s Shakti Kraft and Tissues Pvt. Ltd., 9th Km Jansath Road, Muzaffarnagar 251001 (formerly known as M/s Kishti Paper Mill)	Operational	06.11.2024	Industry found complying w.r.t. ZLD	At the time of inspection, stack monitoring being done by UPPCB. The Particulate Matter found within the prescribed limit. (Annexure-2)	
3.	M/s KK Duplex & Paper Mills Pvt. Ltd., 08 th Km Jansath Road, Muzaffarnagar, Uttar Pradesh-251001	Operational	04.11.2024	Industry found complying w.r.t. ZLD	At the time of inspection, stack monitoring being done by UPPCB. The Particulate Matter found within the prescribed limit. (Annexure-3)	

4.	M/s MMD Green Energy Solutions, 7th Km. Jansath Road, Muzaffarnagar	Non-Operational	05.07.2024	Complying	Complying	Verification carried out on 09.10.2024. E.C. of Rs. 5.6875 Lac imposed along with revoking of show cause notice vide letter dated 19.11.2024.
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In compliance of the order dated 17.10.2024 passed by Hon'ble Tribunal regarding inspection to be conducted by nominated Amicus Curie Shri Rahul Khurana Advocate, Shri Rahul Khurana has visited industries on 15.11.2024.

The above action taken report is put up for perusal and further action.

(Imraan Ali)
Environmental Engineer
UPPCB, Muzaffarnagar

(Ankit Singh)
Regional Officer
UPPCB, Muzaffarnagar



REGIONAL LABORATORY MuzaffarNagar
UTTAR PRADESH POLLUTION CONTROL BOARD
 Kamal Cinema Building,Railway Road, Muzaffarnagar

Stack Emission Test Report

Ref No.29006213/MuzaffarNagar/2024

Date: 19/11/2024

- 1- Name & Address of Industry: MAHALAXMI CRAFTS AND TISSUES PRIVATE LIMITED, 9TH, KM JANSATH ROAD, MUZAFFARNAGAR, 251001,MUZAFFAR NAGAR,251001
- 2- Sample Collected By: (1) Sarvesh Kumar; L.A. (2) Diwakar Dev Gahlaut; J.R.F.
- 3- Date of Monitoring: 07/11/2024
- 4- Source of Sampling: Stack
- 5- Stack attached to: Boiler
- 6- Stack Height: 35 Meters
- 7- Total No. of Boiler: 01
- 8- Capacity of Boiler: 18 TPH
- 9- Fuel used: RDF, Biomass
- 10- Quantity of Fuel used: 160 MTD
- 11- Flue Gas Velocity: 7.3 m/s
- 12- Air Pollution Control Device: Dry Scrubber, Reciprocating Grait, Bag Filter
- 13- Other remarks (if any): At the time of inspection industry found operational.
- 14- Further details of sample location and Test methods followed are appened overleaf:

Sr no.	Parameter	Unit	Result	Standards
1	Particulate Matter (PM)	mg/Nm ³	47.3	80(As per CAQM Direction No.62)
2	Oxide of Nitrogen (NO _x)	mg/Nm ³	32	300
3	Sulphur Dioxide (As SO ₂)	mg/Nm ³	21	600

Note: The results in the Test Report relate only to the items tested. The Report shall not be reproduced-except in Full, without the written permission of laboratory.

Analysed by-
[Sarvesh Kumar LA]

Authorised Signatory-

Ankit Singh (RO)

Ankit Singh
 Digitally signed
 by Ankit Singh
 Date: 2024.11.19
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 Regional Officer



REGIONAL LABORATORY MuzaffarNagar
UTTAR PRADESH POLLUTION CONTROL BOARD
 Kamal Cinema Building, Railway Road, Muzaffarnagar

Stack Emission Test Report

Ref No.29013100/MuzaffarNagar/2024

Date: 19/11/2024

- 1- **Name & Address of Industry:** SHAKTI KRAFTS AND TISSUES, 9th Km Jansath Road, Muzaffarnagar (U.P.), MUZAFFARNAGAR, 251001
- 2- **Sample Collected By:** (1) Sarvesh Kumar; LA (2) Diwakar Dev Gahlaut; J.R.F.
- 3- **Date of Monitoring:** 06/11/2024
- 4- **Source of Sampling:** Stack
- 5- **Stack attached to:** Boiler
- 6- **Stack Height:** 32 Meters
- 7- **Total No. of Boiler:** 01
- 8- **Capacity of Boiler:** 14 TPH
- 9- **Fuel used:** Bagasse
- 10- **Quantity of Fuel used:** 60 MTD
- 11- **Flue Gas Velocity:** 7.1 m/s
- 12- **Air Pollution Control Device:** Multy Cyclone Dust collector Wet Scrubber
- 13- **Other remarks (if any):** --
- 14- **Further details of sample location and Test methods followed are appened overleaf:**

Sr no.	Parameter	Unit	Result	Standards
1	Particulate Matter (PM)	mg/Nm ³	46.7	80(As per CAQM Direction No.62)
2	Oxide of Nitrogen (NO _x)	mg/Nm ³	18	300
3	Sulphur Dioxide (As SO ₂)	mg/Nm ³	12	600

Note: The results in the Test Report relate only to the items tested. The Report shall not be reproduced-except in Full, without the written permission of laboratory.

Analysed by-
[Sarvesh Kumar LA]

Authorised Signatory-

Ankit Singh (RO)

Ankit Singh
 Digitally signed
 by Ankit Singh
 Date: 2024.11.19
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 Regional Officer



REGIONAL LABORATORY MuzaffarNagar
UTTAR PRADESH POLLUTION CONTROL BOARD
 Kamal Cinema Building, Railway Road, Muzaffarnagar

Stack Emission Test Report

Ref No.29013111/MuzaffarNagar/2024

Date: 19/11/2024

- 1- **Name & Address of Industry:** K K DUPLEX AND PAPER MILLS PVT LTD, Khasra No. - 1048, 1088, 1089 And 1090, 8.5 Km, Jansath Road, Muzaffarnagar (U.P.), MUZAFFAR NAGAR, 251001
- 2- **Sample Collected By:** (1) Sarvesh Kumar; L.A (2) Diwakar Dev Gahlaut; J.R.F.
- 3- **Date of Monitoring:** 04/11/2024
- 4- **Source of Sampling:** Stack
- 5- **Stack attached to:** Boiler
- 6- **Stack Height:** 30 Meter
- 7- **Total No. of Boiler:** 01
- 8- **Capacity of Boiler:** 22 TPH
- 9- **Fuel used:** RDF/Plastic Waste/MSW
- 10- **Quantity of Fuel used:** 260 MTD
- 11- **Flue Gas Velocity:** 7.2 m/s
- 12- **Air Pollution Control Device:** SNCR followed by Bag Filter
- 13- **Other remarks (if any):** At the time of inspection industry found operational.
- 14- **Further details of sample location and Test methods followed are appended overleaf:**

Sr no.	Parameter	Unit	Result	Standards
1	Particulate Matter (PM)	mg/Nm ³	44.8	80(As per CAQM Direction No.62)
2	Oxide of Nitrogen (NO _x)	mg/Nm ³	38	300
3	Sulphur Dioxide (As SO ₂)	mg/Nm ³	19	600

Note: The results in the Test Report relate only to the items tested. The Report shall not be reproduced-except in Full, without the written permission of laboratory.

Analysed by-
[Sarvesh Kumar LA]

Authorised Signatory-

Ankit Singh (RO)

Ankit Singh
 Digitally signed
 by Ankit Singh
 Date:
 2024.11.19
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 Regional Officer

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OA No,269 of 2024 Sanavvar Vs state of UP

From: Pradeep Misra (pradeepmisra@yahoo.com)

To: kapilaik@yahoo.co.in; utkarsh.sharma7@gmail.com; abhinav.legal@gmail.com

Date: Wednesday, November 20, 2024 at 10:46 AM GMT+5:30

Sir,

Pease find attached the document

With Regards,

(PRADEEP MISRA)



Sanavvar Affi.pdf
1.8MB