

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 152 of 2022**

IN THE MATTER OF:

Ghanshyam Singh Pasi

Applicant

Vs.

State of U.P. & Ors.

Respondents

Index

S. No.	Particulars	Page No.
1.	Additional Report of Central Pollution Control Board (CPCB) in compliance to Hon'ble NGT orders dated 04.10.2023 & 23.01.2024 in OA No. 152/2022. Ghanshyam Singh Pasi Vs. State of U.P. & Ors.	
2.	Annexure-I: A copy of the Hon'ble NGT orders dated 04.10.2023 & 23.01.2024.	

Ajit Kumar Vidyarthi

(A.K. Vidyarthi)

Scientist F

Central Pollution Control Board

Delhi-110032

Dated: 03.04.2024

Place: Delhi

679

ADDITIONAL REPORT

**IN COMPLIANCE TO
HON'BLE NATIONAL GREEN TRIBUNAL ORDER
DATED 04.10.2023**

**IN THE MATTER OF
GHANSHYAM SINGH PASI**

Vs

STATE OF U.P. & ORS.

[ORIGINAL APPLICATION NO. 152/2022]

Date of inspection: 12th January 2024

**Submitted By
CPCB, Delhi**

Inspection report in compliance to Hon'ble National Green Tribunal order dated 04.10.2023 in Original Application No. 152/2022 in the matter of Ghanshyam Singh Pasi vs State of U.P. & Ors.

1. Background

1.1 Hon'ble National Green Tribunal (NGT) order dated 29.04.2022

In compliance of Hon'ble NGT order dated 29.04.2022, inspection of M/s Radico Khaitan was carried out by Joint Committee comprising of officials from Central Pollution Control Board (CPCB), Uttar Pradesh Pollution Control Board (UPPCB) and District Administration, Rampur on 12.07.2022 for verification of the complaint. The detailed inspection report of the above mentioned inspection was filed vide e-mail dated 09.09.2022.

1.2 Compliance Report of Hon'ble High Court of Delhi order dated 07.12.2022 in W.P.(C) 13212/2022 & CM Appl. 30644/2022 in the matter of Radico Khaitan Ltd. Vs Union of India & Ors.

In compliance of the Hon'ble High Court of Delhi order dated 07.12.2022, in the matter of Radico Khaitan Ltd. Vs Union of India & Ors. [W.P.(C) 13212/2022 & CM APPL. 39978/2022], team of officials from CPCB carried out visit to the industrial unit of M/s Radico Khaitan Ltd. on 17.04.2023. The inspection report of the same along with the point wise compliance status of the impugned order of Hon'ble NGT dated 29.04.2022 as on 17.04.2023 was filed by CPCB vide e-mail dated 21.07.2023.

Further, vide Hon'ble NGT order dated 04.10.2023 in the matter of Ghanshyam Singh Pasi vs State of U.P. & Ors. (Original Application No. 152/2022) directed the following (Annexure-1)

"11. In the report it has been mentioned that the location was unapproachable and therefore correctness of the averments made by the applicant in this regard cannot be said to be verified. In the report no reason was mentioned as to why the location was unapproachable and what further action was required to be taken to verify the correctness of the averments made by the applicant.

12. In its report the CPCB has taken note of the plantation carried out by respondent no. 4 and mentioned that out of 39 acres, unit has developed green belt inside the premises in 6.78 acre of land, which is approx. 17.38% of total land area. In addition, the unit has also developed green belt in approx. 6.49 acres outside the industrial premises. Even though, CPCB has mentioned that the unit has total green belt area of 1.2 acres and the details of the land have been given in report but the details regarding nature, extent, density and species of trees and other vegetation planted in the green belt have not been mentioned.

...14. CPCB is directed to look into the averments regarding discharge of effluent through pipeline in composting area; permissibility of rain water harvesting in composting area; stoppage of discharge of waste water in piezometric well; utilization of treated STP water for horticulture and other activities; and generation and disposal of fly ash by the project proponent and submit its additional report within two months 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.”

In compliance to the Hon’ble NGT order dated 04.10.2023 in the matter of Ghanshyam Singh Pasi vs State of U.P. & Ors. (Original Application No. 152/2022, wherein it was directed that an additional report may be submitted by CPCB on the following points:

- Discharge of effluent through pipeline in composting area
- Permissibility of rain water harvesting in composting area
- Stoppage of discharge of waste water in piezometric well
- Utilization of treated STP water for horticulture and other activities
- Generation and disposal of fly ash

In this regard, a team of officials from CPCB carried out visit to the industrial unit of M/s Radico Khaitan Ltd. on 12.01.2024. The team verified all the locations as directed by Hon’ble NGT in its above mentioned order.

2. Compliance status of the order of Hon’ble NGT dated 04.10.2023

2.1 In the report it has been mentioned that the location was unapproachable and thereafter correctness of the averments made by the applicants in this regard cannot be said to be verified. In the report no reason was mentioned as to why the location was un- approachable and what further action was required to be taken to verify the correctness of the averments made by the applicant.

During the earlier inspection carried out by CPCB team on 17.04.2023, the team along with the complainant visited the said drain (Lat. – 28.77633; Long – 79.04598) which is located approximately 200 meters away (aerial distance) from the unit (Hitachi bio-compost site) near Tashka village. The said location was unapproachable in the sense that the site was covered with bushes, grass and water hyacinth. However, wastewater sample was collected from the culvert by CPCB team using bucket and laboratory analysis result showed pH – 7.3, Total solids- 3688 mg/l, COD- 1027 mg/l, BOD- 506 mg/l and TSS- 667 mg/l. The report of said inspection has been filed in 21.07.2023 (Photograph no. 1) In compliance to NGT order dated 04.10.2023, CPCB team revisited the drain (Lat. – 28.77633; Long – 79.04598) on 12.01.2024 and the location was found clear from any kind of vegetation i.e. no water hyacinth and bushes were observed on the surface of the drain.

Also, no pipeline discharging effluent was observed below the culvert as mentioned by the complainant in his hand written note dated 17.04.2023. As per physical observation, no coloured effluent was observed in the drain. (Photograph no. 2)



Pic 1: Location of drain as observed on 17.04.2023



Pic 2: Location of drain as observed on 12.01.2024

2.2 In its report, the CPCB has taken note of the plantation carried out by respondent no. 4 and mentioned that out of 39 acres, unit has developed green belt inside the premises in 6.78 acre of land, which is approx. 17.38% of total land area. In addition, the unit has also developed green belt in approximately 6.49 acres' area outside the industrial premises. Even though, CPCB has mentioned that the unit has total green belt area of 13.3 Acres and the details of the land have been given in report but the details regarding nature, extent, density and species of the trees and other vegetation planted in the green belt have not been mentioned.

As per the consent provided by UPPCB to the unit dated 19.09.2022 “the unit shall develop green belt in minimum 33% area of industrial premises, however the consent does not mention any guideline regarding nature, extent, density and species of the trees and other vegetation to be planted in the green belt.

The unit has developed green belt inside the unit premises, outside the unit’s main gate, in the ETP area, outside the boundary wall of industry premises and in the Atal Park which is located outside the industrial premises. The unit has also developed green belt at Hitachi bio-compost site and Ajeetpur bio-compost site. At Hitachi bio-compost site, the unit is following Miyawaki technique for tree plantation.

The unit representative informed that the unit has total industrial area of around 39 acres, in which grain based plant, molasses and bottling plant has been commissioned. The unit has developed green belt inside the premises in 6.78 acre of land, which is approximately 17.38% of total land area, however due to lack of space inside the premises, in addition to the above, the unit has also developed green belt outside the industrial premises in approximately 6.49 acres. As per the information provided, the unit has total green belt area of 13.2 Acres

The total extent (area) of vegetation/plantation in and around the unit is approx. 13.27 acres (53069 m²), wherein the area inside the premises of unit is approx. 6.78 acres and

that outside the premises are 6.49 acres. Area under plantation is approx. ~17% of the total area of the unit. It was observed that sign boards mentioning that the green belt “planted and maintained by M/s Radico Khaitan Ltd., Rampur” were placed near the green belt outside the premises of the unit. Pic no. 6 also depicted the same.

Species composition used for green belt development consists of mixed type vegetation, mostly of deciduous nature. The population of trees comprise of mainly ornamental, fruiting trees, timber species, and other forest vegetation (including weeds) & grasses.

The density of plantation, outside the premises, is maintained with inter-plant distance of 01 to 03 m. Miyawaki method of plantation is used inside the premises with a density of 03 plants on 01 m x 01 m area. As informed by unit, total number of trees (inside and outside premises) is approx. 16,000, which makes the average density as 03 plants per meter square of the planted area. The details of the total green area and species have been listed in the following table.

Table 1; Total green area and species

S. No.	Description of Area	Length (M)	Width (M)	Area (Sq. M)	Species	Density		
1	Atal Park to New Roadways (Left Side)	1400	3	4200	Neem, Peepul, kadam, Banyan, Mulberry, Teak, Sahajan, Kaner, Frycus, Alastonia, Bolltebrush, Mehndi, Bamboo, Indian Gooseberry, Pilkhan, croton Eucalyptus, Hibiscus, Bougainvillea, Arikapam, Guava, Kadipatta, Night Jasmine, Burflower, Mango Royal Poinciana (Gulmohar), Amaltash, Lagerestonia, Champa, Peach, Naspate, Litchi, Red gulmour, Ashok, Conorpus, Mogra, Inermi, Kamni, Ticoma, Fycus Panda, Chandni, Drasena Pam, Golden Duranta, Red Iresin, Bamboo, Phoenix Pam, Tun, Pusha selection no 1 grass, Madhu malti, Bogan Villia, Clorodandrum Splendes, Vernonia and other forest vegetation and grass.	01 to 03 meter as per plant species		
2	Atal Park to New Roadways (Right Side)	1400	3	4200				
Total in (Sq. Mtr)				8400				
Total in (Acre)				2.10				
Attached to premises								
3	Atal Park to GSP (Left Side towards plant)	950	6	5700				
4	End of GSP Plant to Nainital Road (Left Side)	1100	3.5	3850				
5	Atal Park to Nainital Road (Right Side)	2000	4	8000				
Total in (Sq. Mtr)				17550				
Total in (Acre)				4.39				
In Premises								
6	Main Gate to Security Office	240	4	960				
7	Admin Block	50	6	300				
8	Colony Area (Officers)	225	25	5625				
9	Colony Area (Staff)	125	25	3125				
10	RKTC Lawn	95	45	4275				
11	MRP Area	785	5	3925				
12	GSP Main Road from RDL (Left Side)	180	3	540				
13	GSP Main Road from RDL (Right Side)	84	3	252				

S. No.	Description of Area	Length (M)	Width (M)	Area (Sq. M)	Species	Density
14	GSP (Near CO2)	35	3	105		
15	Printing (Side 1)	60	2	120		
16	Printing (Front)	30	3	90		
17	Dense Foresting, Miyawaki Forest & Plantation Area at KF	312.09	25	7802	Neem, Amrood, Peppul, Bargad, Naspate, Shatoot, Shajan, Kaner, Lemon Grass, Sagon, ukliptis, Gudhal, Bottle brush, arika pam, Jamun, Sudershan lili, Rahibs pam, Calendra, Pilkhan, Kachnar, Shisam, Goolar, Siras, bakan and forest grass.	03 plants in 01 mtr * 01 Mtr
Total in (Sq. Mtr)				27119		
Total in (Acre)				6.78		
Grand Total Green Belt (Sq. Mtr)				53069		
Grand Total Green Belt (Acre)				13.27		



Pic 3 & 4 : Green belt developed at M/s Radico Khaitan (near effluent treatment plant)



Pic. 5: Green belt developed at Ajitpur

Pic-6: Road side green belt aof M/s

site	Radico Khaitan Ltd.
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2.3 CPCB is directed to look into the averments regarding discharge of effluent through pipeline in composting area; Permissibility of rain water harvesting in composting area; stoppage of discharge of waste water in piezometric well; Utilization of treated STP water for horticulture; and other activities; and generation and disposal of fly ash by the project proponent.

a) Discharge of effluent through pipeline in composting area

The unit has two sites for bio-compost process. The unit is having 05 numbers aero tiller machines for spraying, mixing, turning of bio-compost material. The unit has installed 02 web cameras each for bio-compost yard 1 and 2.

The total area available at both Bio-compost yard site is 58.88 Acres. Out of 58 acres, 25 acres of land is covered where five cycles of bio-compost per annum can be carried out. The remaining 33 acres of land is open/uncovered where four cycles of bio-compost per annum can be carried out.

CPCB team visited the bio-compost yards located at Hitachi and Ajeetpur site and the following observations were made:

- i. Bio-composting activity was being carried out including spraying of concentrated spent wash and aero tilling as per SOP.
- ii. 54 wind rows were observed at Ajeetpur site whereas 80 windrows were observed at Hitachi site.
- iii. Ready bio-compost was seen to be stored in covered shed and bagging of bio-compost was taking place.
- iv. The shed in which bio-composting was being carried out was under repair at Ajeetpur site and all the covered shed at Hitachi site was found dismantled for repair purpose.
- v. No discharge of effluent through any pipeline in bio-compost area was observed by the team.



Pic-7: Bio-compost site



Pic-8: Bagging of ready Bio-compost

b) Stoppage of discharge of waste water in piezometric well

CPCB team visited the site where piezometric wells are installed. The team observed that the unit has total 08 nos. of Piezometric well located at Ajeetpur site (04) and Hitachi bio-compost site (04).

It was observed that, the piezometric well pipes are fixed at about 1.0 Mtr height from ground level. All the piezometric wells were covered and were surrounded by 1.5 X 1.5 meter RCC work done. As informed, the depth of the piezometric wells is about 80 to 100 ft. This has been done in order to avoid the possibility of discharge of waste water into piezometric wells.

In compliance to Hon'ble NGT order dated 04.10.2023, to verify the quality of groundwater in piezometric wells samples were collected from the same locations where the COD values were found during the visit carried out on 17.4.23.

The analysis results of the ground water samples collected from piezometric wells on 12.01.24 are given below:

Table 2: Characteristics of Ground water samples

S.No.	Locations	pH	TDS, (mg/l)	COD, (mg/l)	Colour, (Hazen)
BIS IS 10500:2012 (Permissible limit in absence of alternative source)		6.5-8.5	2000	-	15
1.	Piezometer no.1, Ajeetpur bio-compost yard	8.0	736	11	BDL

2.	Piezometer no.2, Ajeetpur bio-compost yard	7.9	770	09	BDL
3.	Piezometer no.3, Ajeetpur, bio-compost yard	8.0	602	07	BDL
4.	Piezometer no.4, Ajeetpur bio-compost yard	7.8	604	07	BDL
5.	Piezometer no.2, Hitachi bio-compost yard	7.8	604	06	BDL

Above tabulated analysis results of ground water samples collected from piezometric wells located in both Bio-compositing sites of M/s Radico Khaitan Ltd showed low COD values (6-11mg/l).



Pic-9 & 10: Piezometric wells no.2 and 03 located at Ajeetpur site



Pic-11: Leachate collection pit

c) *Permissibility of rain water harvesting in composting area*

Earlier the unit had 02nos. of water collection pits at Ajeetpur site and 08 nos. of water collection pits at Hitachi site. The rain water coming from the roof of polysheds fixed in bio-composting yard at the height of about 20 feet channelized through separate pipelines fitted at poly sheds directly going into the pits meant for ground water recharge. The unit representative informed that the practice was discontinued due to noticeable improvement in the groundwater level in the said area which at present is less than 3.0 meters from the ground level. Leachate collection pits were observed by the team in bio-composting area surrounded by garland drain.

CPCB team visited the bio-compost yard located at Hitachi and Ajeetpur site and it was observed that all the pits and pipelines constructed for collecting rain water were dismantled. **(Pic-8)**



Pic-12 Dismantled rainwater harvesting pits

d) *Utilization of treated STP water for horticulture; and other activities*

The unit has installed a Sewage Treatment Plant (STP) of capacity 120 KLD for treatment of sewage generated from the households present inside the factory premises. The STP was found operational during inspection.

The unit has installed flow meters (with totalizer) at inlet and outlet of STP. The sewage treatment scheme consists of holding tank-cum- pump sump, Biological treatment (activated sludge process), settling tank, holding tank cum chlorination tank, Pressure Sand Filter (PSF) and Activated Carbon Filter (ACF). STP receives wastewater from overflow of 06 nos. of septic tanks, from the industry guest house and other utility areas within unit premises. The unit has installed electromagnetic flow meter at the inlet and out of STP.

Flow meter readings at the inlet & outlet of STP:

At inlet of STP: totalized reading was 200065.74 m³ flow rate of 0.00 m³/h

At outlet of STP: totalized reading was 202081.04 m³ flow rate of 0.00m³/h

During visit it was observed that the treated water from the STP was being used in horticulture. As informed by unit representative, about 27% of the treated wastewater from STP is used for horticulture activities in the green belt area developed inside, outside and near boundary wall of the unit and the rest 73 % of the STP treated water is discharged into Rampur municipal drain.

The team collected the data of STP for the duration of 1.12.2022 to 11.01.2024. The details are mentioned below;

Month	Days	STP Inlet (m ³)	STP outlet (m ³)	Treated water used in Gardening (m ³)	Treated water discharge to Drain (m ³)
Dec, 2022	31	2991	2984	871	2113
Jan, 2023	11	1093	1088	273	815
Total		4084	4072	1144	2928
Average (m³/day)		97.23	96.9	27.2 (27%)	69.7 (73%)

As per the consent, the daily quantity of treated domestic sewage discharge is 120 KLD and the treated sewage to be used in gardening as far as possible. The data indicates that STP is receiving about 97.23 m³/day of average sewage against the consented capacity of 120 KLD.

Samples were collected from the collection tank (inlet) and outlet of STP and analysis results are presented below:

Table 2:
Analysis results of samples collected from STP

Sr. No.	Sample Location	pH	COD (mg/l)	BOD (mg/l)	NO ₃ -N (mg/l)
1.	STP Inlet	7.0	107	31	6.8
2.	STP Outlet	7.1	93	13	10.1
Standards mentioned in CCA issued by UPPCB on 19.09.2022		5.5 – 9.0	-	30	-

As

per the results the STP was found complying w.r.t. notified norms.

e) Generation and disposal of fly ash by the project proponent

- As per CTO dated-19.09.2022 issued to unit, the details of boilers are as below:

No.	Capacity	Type of fuel
1	30 TPH	Rice Husk, wood chips
2	26 TPH (non-operational)	Bio gas
3	65 TPH	Rice husk, coal, wood

		chips
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Specific Condition No 10 in the CTO dated-19.09.2022:

Fly ash shall be stored separately as per CPCB guidelines so that it should not adversely affect the air quality, becoming air borne by wind or water regime during rainy season by flowing along with storm water. Direct exposure of workers to fly ash & dust shall be avoided.

Rice husk as well as coal are used as fuel in boilers with monthly consumption of rice husk & coal as 6033 MT, the ash generated from boilers are collected in ESPs and stored in respective ash silos, the stored ash from silos are wetted and transported in covered trolleys for use in landfills / bio composting sites and the ash stored in silo are provided to local farmers (on request basis) for agricultural purposes. Fly ash was found stored on agricultural land near to the Hitachi bio-compositing site for use in agriculture purpose.

The team collected the data of Ash generation and Disposal for the duration of 1.12.2022 to 11.01.2024. The details are mentioned below;

Month	Fuel Consumption (Rice/ Coal) MT	Ash Generation (MT)	Ash Generation in Land filling (MT)	Ash used in Agriculture (MT)	Ash used in Bio-composting (MT)
Dec, 2023	6033	1025.61	766.87	133.33	125.41
11 Jan, 2024	2336	397.15	290.43	59.57	47.15

During the visit to bio-composting sites of the unit, temporary ash storage was observed at for mixing with final bio-compost. As informed by unit representative that ash equivalent to approx. 12% (by weight) of ready compost is mixed in the final compost.

As per MoEF&CC gazetted notification dated 31st December, 2021, ash generated from coal, lignite based thermal power plant can be used in *agriculture in a controlled manner based on soil testing*'. However, the unit did not provide information on such controlled manner use in agriculture based on soil testing.

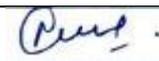
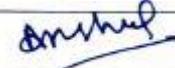


Pic 13: Sealed samples collected from the unit

3. Suggestive Measures

1. The unit shall adopt roof top rain water harvesting/recharge in its premises.
2. The unit shall undertake necessary protection measures to ensure prevention of ground water pollution.
3. The leachate collected in garland drain shall be utilized in bio-composting or treated through MEE.
4. The unit shall use ash for filling of low lying areas with prior permission of the State Pollution Control Board for approved projects.
5. The unit shall use fly ash on agriculture land in a controlled manner based on soil testing.
6. The unit shall consult a reputed agricultural institute to examine the benefit of blending ash in the ready compost and to seek advice about the information / instruction about soil testing required, which may be printed on the packaging of compost due to this blending.
7. The unit shall keep monthly records of ash generation and utilisation of ash in different avenues/uses permitted under Ash Notification 31.12.2021 with details of quantity of ash utilised in different avenues/uses with particulars of the land/fields where ash is applied for filling low lying area and agriculture purpose so that it can be verified by enforcement agency.
8. The transportation of ash should be done in wetted condition in vehicles covered with tarpaulin of suitable thickness.
9. The unit should ensure proper storage of ash within plant and at bio-compost sites to prevent air borne by wind / mixing with storm water.

4. Signature of the inspecting officials

S.No.	Name of the Officials	Signature
1.	Mrs. Reena Satavan, Sc. 'E', CPCB Delhi	
2.	Sh. Gaurav Gehlot, Sc. 'C' CPCB, Delhi	
3.	Ms. Anshul Kumari, RA-III, CPCB Delhi	
4.	Mrs. Shraddha Lonarkar Moses RA-III, CPCB Delhi	

Item No.1

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 152/2022

Ghanshyam Singh Pasi

Applicant

Versus

State of U.P. & Ors.

Respondents

Date of hearing: 04.10.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None.

Respondents: Mr. Gi.Gi. C. George, Advocate for State of U.P.
Mr. Pradeep Misra, Advocate for UPCCB (through VC).
Mr. Sanjeev Ralli, Senior Advocate with Mr. Shantanu Chaturvedi and Ms. Vanita Bhargava, Advocates for Project Proponent- M/s. Radico Khaitan Ltd.
Mr. Balendur Shekhar, Advocate for CPCB.

Application is registered based on a complaint received by Email

ORDER

1. The grievances in the present application are *inter alia* regarding causing of environmental pollution by Radico Khaitan Ltd., Rampur by release of toxic gases/emissions/fly-ash and discharge of industrial effluent in drain and also regarding the accident which occurred in the above said industrial establishment on 08.03.2021.
2. Vide order dated **29.04.2022**, this Tribunal constituted a Joint Committee and directed the same to submit Factual and Action Taken Report within two months.

3. In compliance of above order, The Joint Committee inspected the unit of the Project Proponent on **12.07.2022** and report of the Joint Committee was also filed vide email dated **09.09.2022**.

4. The Project Proponent- M/s. Radico Khaitan Ltd. filed W.P (c) 13212/2022 titled Radico Khaitan Ltd. Vs. Union of India and others before Hon'ble High Court of Delhi. Vide order dated **12.09.2022**, Hon'ble High Court of Delhi stayed order dated 29.04.2022 passed by this Tribunal.

5. Stay of order dated **29.04.2022** was extended by Hon'ble High Court of Delhi vide order dated **07.12.2022** till **09.05.2023** with direction to UPPCB to *“verify the genuineness of the said complaint, as also, the bona fides of the complainant, and file a report in respect of the same, by the next date of hearing”*.

6. Respondent no. 4 filed an application for clarification of order dated 07.12.2022 on the ground that said order being misused by respondent no. 2-CPCB to conduct a fresh inspection of the industrial unit of respondent no. 4 which was dismissed by Hon'ble Delhi High Court with the observation that the order dated 07.12.2022 does not require any clarification. The above said case was subsequently adjourned by Hon'ble Delhi High Court vide order dated 09.05.2023 to 10.11.2023.

7. This Tribunal vide order dated 26.04.2023 directed CPCB to file copy of its report submitted in terms of order dated 07.12.2022 passed by Hon'ble Delhi High Court and the Project Proponent was directed to file its response in tabular format regarding compliance with EC/CTE/CTO conditions imposed for abatement of environmental

pollution and treatment and discharge of effluents from its industrial unit in question.

8. In compliance thereof report has been filed by CPCB vide email dated 21.07.2023.

9. With respect to the objection of the respondent no. 4-Project Proponent as to the complaint being anonymous, CPCB has mentioned in its report that CPCB team met the complainant and interacted with him with regard to his grievances and has thereby verified his identity and bonafides.

10. In its report CPCB has also mentioned the Environmental violations by the respondent no. 4-Project Proponent as mentioned in detail therein and CPCB has also made recommendations in respect thereof.

11. In its report the CPCB has noticed that the complainant also mentioned about a drain and informed that the drain near Hitachi bio-compost site (at village Tashka) receives effluent from M/s Radico Khaitan Ltd., Rampur through an underground pipeline. The CPCB team along with the complainant visited the said drain (Lat. – 28.77633; Long – 79.04598) which is located approximately 200 meters away (aerial distance) from the unit (Hitachi bio-compost site) near Tashka village. In the report it has been mentioned that the location was unapproachable and therefore correctness of the averments made by the applicant in this regard cannot be said to be verified. In the report no reason was mentioned as to why the location was un-approachable and what further action was required to be taken to verify the correctness of the averments made by the applicant.

12. In its report the CPCB has taken note of the plantation carried out by respondent no. 4 and mentioned that out of 39 acres, unit has developed green belt inside the premises in 6.78 acre of land, which is approximately 17.38% of total land area. In addition, the unit has also developed green belt in approximately 6.49 acres area outside the industrial premises. Even though, CPCB has mentioned that the unit has total green belt area of 13.2 Acres and the details of the land have been given in report but the details regarding nature, extent, density and species of trees and other vegetation planted in the green belt have not been mentioned.

13. We also find that in its report the CPCB has not looked into the aspects of permissibility of Rain Water Harvesting in composting area; discharge of waste water in piezo-metric-well; utilization of treated STP water for horticulture and other activities; and generation and disposal of fly ash by the Project Proponent.

14. CPCB is directed to look into the averments regarding discharge of effluent through pipeline in composting area; permissibility of Rain Water Harvesting in composting area; stoppage of discharge of waste water in piezo-metric-well; utilization of treated STP water for horticulture and other activities; and generation and disposal of fly ash by the Project Proponent and submit its additional report within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

15. It may be observed here that as per the above said report waste water sample was collected from the culvert by CPCB team and laboratory analysis result showed pH – 7.3, Total solids- 3688 mg/l, COD- 1027 mg/l, BOD- 506 mg/l and TSS- 667 mg/l. As per the information provided by Regional Officer, Moradabad of Uttar Pradesh

Pollution Control Board (UPPCB), the drain is entering Rampur city from Bilaspur gate, which is about four kilometer in the upstream of the sampling location. The drain carries sewage from Bilaspur gate colony, Pahari gate colony, Bamroha and other surrounding colonies and as informed by UPPCB, there is no industrial discharge in the drain. The drain was found covered with surface vegetation at many places and subsurface flow was observed at these places. As per analysis result, the pH value (7.3) was found in the neutral range i.e. 6.5 – 8.5, which does not match with the claim of discharge of chemical acidic effluent by M/s Radico Khaitan Ltd. in drain as mentioned in the complaint. As per physical observation during visit, no sense of odour and colour, which are typical characteristics of the effluent from the Distillery unit was felt by the team and no pipeline was visible to the team near the culvert. However, the other physicochemical characteristics i.e. BOD (506 mg/L) and COD (1027 mg/L) in the sample collected from the drain do not match with the typical characteristics of sewage (values are on higher side), and indicate discharge from trade/industrial activities alongwith sewage. The ground water at Hitachi bio-composting site (Piezometer no. 02) and Ajeetpur bio-composting site (Piezometer- 02, 03, 04 and Hand-pump) were found contaminated in terms of COD.

16. It is also pertinent to observed that as per the CPCB report monitoring result of ambient air quality monitoring carried out near Chairman Guest house of unit (Upwind side – 500 metres from stack), concentration of NO₂, SO₂ and PM₁₀ was found as 41.83 µg/m³, 04 µg/m³ and 263.33 µg/m³ respectively against notified national ambient air quality standard of 80 µg/m³, 80 µg/m³ and 100 µg/m³ as notified vide Gazette dated 18.11.2009 under the Air (Prevention and Control of Pollution) Act, 1981. As per the monitoring result of ambient air quality monitoring carried out near staff guest house of unit (Downwind side –

700 metres from stack), concentration of NO₂, SO₂ and PM₁₀ was found to be 38.83 µg/m³ , 08 µg/m³ and 297 µg/m³ respectively against the notified standard of 80 µg/m³ , 80 µg/m³ and 100 µg/m³ as notified vide Gazette dated 18.11.2009 under Air (Prevention and Control of Pollution) Act, 1981. The UPPCB is directed to monitor the air quality within the premises of the Project Proponent and surrounding area and inventories the source of pollution and take remedial measures.

17. The CPCB has recommended that UPPCB may carry out the inventorization of the pollution source of the drains and groundwater and take measures for control of pollution. The CPCB has also recommended that UPPCB may carry out air ambient quality monitoring and prepare air quality management plan for the Industrial Area at Rampur, Uttar Pradesh.

18. In view of the above referred observations and recommendations UPPCB is directed to inventories the pollution of the drains and take measures for control of pollution. UPPCB is directed to file action taken report regarding compliance with recommendations made by CPCB within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

19. In compliance of order dated 26.04.2023 affidavit has been filed by the Project Proponent- Radico Khaitan Ltd vide email dated 03.10.2023.

20. We have also gone through the affidavit filed by the Project Proponent and we find that along with its affidavit the Project Proponent has attached copy of compliance report sent to UPPCB and has not filed any independent compliance status report in tabular format giving requisite details. In the affidavit there is no mention of CSR/CER activities carried out by the Project Proponent.

21. Learned counsel for the Project Proponent seeks time to file additional affidavit for compliance with respect to the above mentioned aspects.

22. Additional affidavit be filed within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF specifically mentioning compliance status with respect to the abovementioned aspects as well as the recommendations made by the CPCB in its report with requisite details.

23. List for further consideration on 23.01.2024.

24. A copy of this order be sent to the Member Secretary, UPPCB and the Member Secretary, CPCB by email for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

October 04th, 2023
ag

Item No.1

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 152/2022

Ghanshyam Singh Pasi

Applicant

Versus

State of U.P. & Ors.

Respondents

Date of hearing: 23.01.2024

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None for the applicant.

Respondents: Mr. Gi.Gi. C. George Advocate for State of U.P.
(Through VC)
Mr. Daleep Dhyani Advocate for UPPCB. (Through VC)
Mr. Balendu Shekhar and Ms. Tanisha Samantha
Advocates for CPCB.
Mr. Sanjeev Ralli, Senior Advocate with Ms. Vanita
Bhargava, Ms. Nikitha Shenoy and Mr. Shubham
Yadav, Advocates for Radica Khaitan.
Mr. Amrit Rai Tomar, AGM (Environment).

Application is registered based on a complaint received by Email

ORDER

1. In compliance of order dated 04.10.2023 reports have been filed by UPPCB vide email dated 16.01.2024 and by CPCB vide email dated 19.01.2024.
2. Additional affidavit has also been filed by the Project Proponent- M/s Radico Khaitan Ltd vide email dated 22.01.2024.

3. Learned Counsel for the Project Proponent- M/s Radico Khaitan Ltd. seeks time to file additional reply on its behalf regarding its compliance with consent conditions with all requisite details.

4. Additional reply by Project Proponent- M/s Radico Khaitan Ltd be filed within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

5. List on 04.04.2024 for further consideration.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

January 23rd 2024
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