

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

Misc Application in Disposed of Cases No. 132/2024

In

Original Application No. 122/2024



IN THE MATTER OF:

Manoj Kumar

NOTARY

...Applicant

Versus

Shubh Chemicals & Organosys Pvt Ltd. & Ors.

...Respondents

AFFIDAVIT ON BEHALF OF THE RESPONDENT NO.-3, UTTAR
PRADESH POLLUTION CONTROL BOARD, IN COMPLIANCE
TO THE ORDER DATED 09.12.2024 PASSED BY THE HON'BLE
NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW
DELHI.

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

1. That in the official capacity mentioned above, I am acquainted with the facts and circumstances of the case and as such I am competent and authorized to swear this affidavit.
2. That the grievance in the present matter is about the Respondent No.-1, Shubh Chemicals & Organosys Pvt. Ltd., located at Khasara Nos. 1161 and 1162, just 1 km. away from the habitation area in Village-Dhansri, Tehsil-Jansath, District-Muzaffarnagar is engaged in the production of Sulphuric Acid.

PRERNA TYAGI
NOTARY
MUZAFFARNAGAR

11 FEB 2025

NOTARY

Signature

3. That vide its order dated 26.04.2024 this Hon'ble National Green Tribunal, Principal Bench, New Delhi (hereinafter referred to as Hon'ble Tribunal) by disposing the Original Application No. 122/2024 has directed the UPPCB to periodically inspect respondent no.1's Unit for verifying and ensuring compliance with environmental norms and all requisite safety measures by respondent no. 1. This Hon'ble Tribunal further directs the UPPCB to process in accordance with law expeditiously preferably within a period of two months regarding application of respondent for authorization under the Hazardous and other Wastes (Management & Transboundary Movement) Rules, 2016 is pending with UPPCB.

That further this Hon'ble Tribunal has also directed UPPCB that the realized amount of environmental compensation from the unit be utilized by UPPCB within four months for restoration, protection and improvement of environment in the vicinity of the respondent no. 1's Unit by preparing requisite action plan in consultation with District Environment Committee with direction to file Action Taken Report regarding utilization of the Environmental Compensation within six months.

5. That in compliance to the above directions passed by this Hon'ble Tribunal in Original Application No. 122/2024, the UPPCB has filed the report. After considering the said report this Hon'ble Tribunal has passed the following directions:

...2. *Learned counsel for UPPCB has also submitted that the amount of Rs. 5,10,000/- has been deposited with UPPCB and UPPCB has also prepared an action plan for utilization of the amount and has written letters to Forest Department for afforestation by utilization of the EC amount and he seeks 4 weeks' time to file further compliance report regarding utilization of the environmental compensation.*

PRERNA TYAGI
NOTARY
MUZAFFARNAGAR
11 FEB 2025

detal's
NOTARY



3. Further compliance report be filed by UPPCB at least one week before the next date of hearing fixed....

6. That in compliance to the above direction passed by this Hon'ble Tribunal in the captioned matter, an action taken report along with its respective annexure is being filed and marked as Annexure R3/1.

7. That the Annexure annexed to the present accompanying Affidavit is true copy of their respective original.

8. 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.

Subil S.
DEPONENT

VERIFICATION:

Verified at MUZAFFARNAGAR on this the 01st day of February, 2025 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.

Subil S.
DEPONENT

PRERNA TYAGI
NOTARY
MUZAFFARNAGAR

F-11 FEB 2025

Subscribed before me at.....
Ankit Singh & Ajit Singh.
The deponent.....
are identified by.....
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 ANKIT SINGH MUZAFFARNAGAR

Identified by

Annexure-R3/1

Action taken report in compliance to the direction dated 09.12.2024 issued in Misc. Application 132/2024 in O.A. No. 122/2024 Manoj Kumar Vs Shubh Chemical.

BACKGROUND

An original application no. 122/2024 was submitted in Hon'ble National Green Tribunal New Delhi mainly related to Air Pollution caused by operation of M/s Shubh Chemical & Organosys engaged in production of Sulphuric Acid and also regarding leakage of poisonous gases in and around the agriculture fields located near the industry. Hon'ble NGT considered the above O.A. and constituted a joint committee of CPCB, UPPCB and District Administration on 07.02.2024. The joint committee inspected the above industry and submitted the joint report to Hon'ble NGT on 04.04.2024. Hon'ble Tribunal after considering the joint report and various deficiencies mentioned by the joint committee in the report, issued direction on 05.04.2024 with the direction to submit compliance report.

UPPCB after verifying the compliance status, filed the verification report on 25.04.2024 to Hon'ble NGT. Hon'ble NGT after considering the verification report disposed off the above O.A. with specific directions.

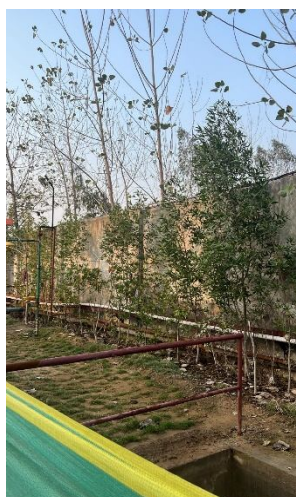
Direction issued by Hon'ble NGT on 09.12.2024 in Misc. Application 132/2024 in O.A. No. 122/2024 Manoj Kumar Vs Shubh Chemical :

".....2. Learned counsel for UPPCB has also submitted that the amount of Rs. 5,10,000/- has been deposited with UPPCB and UPPCB has also prepared an action plan for utilization of the amount and has written letters to Forest Department for afforestation by utilization of the EC amount and he seeks 4 weeks' time to file further compliance report regarding utilization of the environmental compensation.

3. Further compliance report be filed by UPPCB at least one week before the next date of hearing fixed.

4. List on 05.02.2025 for further hearing."

- i. In reference to the Hon'ble NGT direction, action plan was prepared by UPPCB for utilization of E.C. of Rs. 5.10 Lacs consisting of plantation of several trees in and around the industry premises which can effectively reduce the air pollution caused by the industry. The unit also procured additional land of area 3.0 Bigha for plantation of additional trees. The map regarding proposed plantation in and around the industry was submitted to Hon'ble NGT.
- ii. In response to Regional Officer letter dated 06.12.2024, D.F.O. Muzaffarnagar has also submitted details of trees effective for control of pollution, which is annexed as **Annexure-1**.
- iii. In compliance to the Hon'ble NGT directions, information provided by DFO, Muzaffarnagar and action plan submitted by UPPCB for usage of Environmental Compensation of Rs. 5.10 Lac realized by UPPCB, Regional Officer, UPPCB, Muzaffarnagar in coordination with NGO and the industry's representative carried out the work of planting saplings/trees in line of the action plan submitted by UPPCB.
- iv. Approximately 700 plants have been planted along the boundary of the industry. Apart from that additional 3 Bigha of land was also purchased by the unit in which additional plants were planted.
- v. The present status of plantation being done is depicted in the pictures shown below and details of plants, category of plants and no. of plants used is annexed as **Annexure-2**.





- vi. The procurement of trees and labour was provided by the NGO which has submitted the bill of expenses beared by NGO, which has been used for the plantation. Regional Officer, UPPCB, Muzaffarnagar vide letter dated 31.01.2025 has forwarded the bill to Head Office, UPPCB, Lucknow for release of Environmental Compensation of Rs. 5.10 Lacs submitted by the industry in compliance to the directions issued by Hon'ble NGT. The environmental compensation amount of Rs. 5.10 Lac shall be provided to the NGO as soon as amount is released from H.O. UPPCB, Lucknow. Letter is enclosed as **Annexure-3**.

The above report is put up for perusal and necessary action.

(Kunwar Santosh Kumar)

Ass. Env. Engineer

(Ankit Singh)

Regional Officer

कार्यालय प्रभागीय निदेशक, सामाजिक वानिकी प्रभाग मुजफ्फरनगर।
पत्रांक- १५७१ /१५-१ दिनांक, मुजफ्फरनगर, १९- 01.2025 ।

सेवा में,

अंकित सिंह
क्षेत्रीय अधिकारी प्रदुषण
नियंत्रण बोर्ड मुजफ्फरनगर।

विषय:- माननीय एनजीटी द्वारा पारित आदेश के अनुपालन में बोर्ड द्वारा अधिरोपित की गई पर्यावरण क्षतिपूर्ति को पर्यावरण संरक्षण एवं सुधार कार्यों में व्यय किए जाने के संबंध में।

संदर्भ- आपके पत्रांक 1104 / ओए नं. 122 / मनोज कुमार / 2024 दिनांक 06.12.2024 ।

उपरोक्त सन्दर्भित पत्र में वांछित सूचना - ऐसी प्रजातियों का वर्णन जो वायु प्रदुषण को नियंत्रित करने में सहयोगी सिद्ध हो सकती हैं, का वर्णन इस प्रकार है-

क्षेत्रफल	पौधों की संख्या	प्रजाती का नाम	अनुमानित लागत
3 बीघे क्षेत्रफल (0.2 हेक्टेयर)।	मियांवांकी पद्यति द्वारा 350 पौधे प्रति 100 वर्ग मीटर पौधे लगाए जा सकते हैं। तथा सामान्य वृक्षारोपण में 320-400 पौधे लगाए जा सकते हैं।	कदंब (नीलामार्किया कदंब), मोलश्री (मिमुसोप्स एलेन्जी), कंजी (होलोप्टेलिया इंटीग्रिफोलिया), गुटेल (ट्रेविया न्यूडिफ्लोरा), चिलबिल (होलारेना प्यूबेसेंस)। सफेद बबूल (बबूल ल्यूकोप्लोइया); सिरिस (अल्बिजिया लेबेक); नीम (अज़ार्डिराक्टा इंडिका); कचनार (बोहिनिया वेरिगाटा); पलास (ब्यूटिया मोनोस्पेर्मा); लिम्बु (साइट्रस लिमोन); शीशम (डेलबर्गिया सिस्सू); बरगद (फ़िकस बेंगालेंसिस); पाकड (फ़िकस बेंजामिना); पीपल (फ़िकस रिलिजियोसा); आम (मैंगिफेरा इंडिका); आदि।	मियांवांकी पद्यति- अनुमानित व्यय रूपए 2,90,092 रूपये 0.01 हेक्टेयर अनुसूचित दरें कार्यलय मुख्य वन संरक्षक के पत्रांक 179/36-2 दिनांक 03.03.2020 के अनुसार। सामान्य वृक्षारोपण- अनुमानित व्यय रूपए 220,970 (0.19 हेक्टेयर, 2 वर्षों के अनुरक्षण सहित) कार्यलय मुख्य वन संरक्षक के पत्रांक 78/15-1 दिनांक 29.09.2023 अनुसार। (रूपए 1163000, 1600 पेड प्रति हेक्टेयर)

भवदीय,

(कन्हैया पटेल)
प्रभागीय निदेशक
सामाजिक वानिकी प्रभाग

Annexure-2**Details of Plantation Done**

Total Number of Trees Planted : 682

Date of Plantation : 20.01.2025

Species Planted

Gulmohar : 170 Nos.

Caksariya : 150 Nos.

Bottle Brush : 170 Nos.

Tun : 190 Nos.

Kono Korpus : 02 Nos.



उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड, मुजफ्फरनगर

U.P. POLLUTION CONTROL BOARD, MUZAFFARNAGAR

6-बी, नई मण्डी, मुजफ्फरनगर-251001 (उ०प्र०)



संदर्भ सं०
Ref. No.

1360/OA-122/मनोज कुमार/09.12.2024/25

दिनांक
Dated

31-01-2025

सेवा में,

विधि अधिकारी-प्रथम
उ०प्र० प्रदूषण नियंत्रण बोर्ड,
लखनऊ।

महत्वपूर्ण / एन०जी०टी० प्रकरण

विषय- मा० राष्ट्रीय हरित अधिकरण नई दिल्ली में योजित मिसलेनियस एप्लीकेशन नं० 132/2024 (ओ०ए० संख्या 122/2024) मनोज कुमार बनाम शुभ कैमिकल में पारित आदेश दिनांक 09.12.2024 के सम्बन्ध में।

महोदय,

कृपया उपरोक्त विषयक का संदर्भ ग्रहण करने का कष्ट करें। मा० राष्ट्रीय हरित अधिकरण नई दिल्ली में योजित मिसलेनियस एप्लीकेशन नं० 132/2024 (ओ०ए० संख्या 122/2024) मनोज कुमार बनाम शुभ कैमिकल में पारित आदेश दिनांक 09.12.2024 के सुसंगत अंश निम्नवत् हैं :-

".....2. *Learned counsel for UPPCB has also submitted that the amount of Rs. 5,10,000/- has been deposited with UPPCB and UPPCB has also prepared an action plan for utilization of the amount and has written letters to Forest Department for afforestation by utilization of the EC amount and he seeks 4 weeks' time to file further compliance report regarding utilization of the environmental compensation.*

3. *Further compliance report be filed by UPPCB at least one week before the next date of hearing fixed.*

4. *List on 05.02.2025 for further hearing."*

मा० एन०जी०टी० द्वारा पारित उक्त आदेशों के अनुपालन हेतु उद्योग मै० शुभ कैमिकल एण्ड ऑर्गेनोसिस, ग्राम ढांसरी, जानसठ रोड, मुजफ्फरनगर द्वारा उद्योग परिसर एवं स्वयं की क्रय की गयी भूमि पर कुल 682 पौधों का रोपण मै० विजय फाउण्डेशन, ग्राम सीमली, मुजफ्फरनगर के माध्यम से करा दिया गया है, जिसके सापेक्ष कुल रूपये 5,10,000/- पूर्ण रूप से व्यय कर लिया गया है। मै० विजय फाउण्डेशन द्वारा अपने पत्र दिनांक 31.01.2025 के माध्यम से पौधारोपण का बीजक प्रस्तुत किया गया है, जिसकी छायाप्रति पत्र के साथ संलग्न है। सन्दर्भित उद्योग द्वारा राज्य बोर्ड से अधिरोपित पर्यावरणीय क्षतिपूर्ति को राज्य बोर्ड के खाते में पूर्व में ही जमा कराया जा चुका है। मै० विजय फाउण्डेशन को पौधारोपण के सापेक्ष रूपये 5,10,000/- का भुगतान राज्य बोर्ड द्वारा किया जाना है।

अतः आपसे अनुरोध है कि कृपया मै० विजय फाउण्डेशन को भुगतान किये जाने हेतु रूपये 5,10,000/- की धनराशि इस कार्यालय को उपलब्ध कराये जाने हेतु अग्रिम आवश्यक कार्यवाही करने का कष्ट करें, ताकि सम्बन्धित को नियमानुसार भुगतान किया जा सके।

संलग्नक-उपरोक्तानुसार।

भवदीय,

(अंकित सिंह)

(अंकित सिंह)

क्षेत्रीय अधिकारी

प्रतिलिपि- मुख्य पर्यावरण अधिकारी (वृत्त-3), उ०प्र० प्रदूषण नियंत्रण बोर्ड, लखनऊ को सूचनार्थ प्रेषित।

(अंकित सिंह)

क्षेत्रीय अधिकारी

VIJAY FOUNDATION

AFFORESTATION & LANDSCAPES

Date: 31.01.2025

To
The Regional Officer
Uttar Pradesh Pollution Control Board
Muzaffarnagar, Uttar Pradesh

Subject: Submission of Details Regarding Plantation Work at Shubh Chemicals & Organosys Private Limited

Respected Sir

We are pleased to inform you that in compliance with environmental norms and as part of our commitment to sustainability, Shubh Chemicals & Organosys Private Limited has undertaken a plantation drive in its premises. The plantation work has been carried out in accordance with the guidelines provided by the Uttar Pradesh Pollution Control Board (UPPCB) to enhance green cover and improve the ecological balance in the area.

The details of the plantation work are as follows:

- 1.Total Number of Trees Planted: 682
- 2.Date of Plantation: 20.01.2025
- 3.Species Planted:
 - o GULMOHAR- 170 QUANTITIES
 - o CAKSARIYA- 150 QUANTITIES
 - o BOTTLE BRUSH-170 QUANTITIES
 - o TUN - 190 QUANTITIES
 - o KONO KORPUS- 02 QUANTITIES
- 4.Location within Premises: Premises of SHUBH CHEMICALS & ORGANOSYS PRIVATE LIMITED
- 5.Environmental Benefits Expected: Improvement in air quality, soil stabilization, biodiversity enhancement, and overall aesthetic improvement of the surroundings.
- 6.Cost Involved: INR 5,10,000

We request you to kindly acknowledge the same and let us know if any further documentation or site inspection is required.

Thank you for your time and consideration. We look forward to your continued guidance and support.

Yours sincerely,

NITIN CHAUDHARY
FOUNDER


VIJAY
FOUNDATION

VIJAY FOUNDATION

Mob.: 8077870789

E-MAIL : vijay.foundation2020@gmail.com