

Office of the District Magistrate, Muzaffarnagar

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From : City Magistrate
Muzaffarnagar

To,

The Registrar
National Green Tribunal
Principal Bench
New Delhi.
E-mail : judicial-ngt@gov.in

Ref. No. : 677/O.A.No.326/Jogindra Kumar/2024 Dated : 09-9-2024


Sub.- Interim Report in Compliance to the direction issued by Hon'ble National Green Tribunal on 22.05.2024 in O.A. No. 326/2024 Jogindra Kumar Vs State of Uttar Pradesh & Ors.

Sir,

With reference to the subject mentioned above kindly find enclosed herewith the Interim Report in compliance of the order issued on 22.05.2024 by Hon'ble National Green Tribunal in O.A. No. 326/2024 Jogindra Kumar Vs State of Uttar Pradesh & Ors.

Encl. : As above.

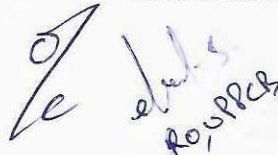
Yours faithfully


(Vikas Kashyap)
City Magistrate
Muzaffarnagar

Copy to :

1. District Magistrate, Muzaffarnagar for information.
2. Sh. A.K. Vidyarthi, Director (Scientist-F) & Divisional Head, WQM-II, Central Pollution Control Board, New Delhi.
3. Sh. A.K. Gupta, Addl. Director, Scientist E, Regional Office, MoEF&CC, Lucknow for information.
4. Smt. Reena Satawan, Scientist-E, Central Pollution Control Board, New Delhi for information.


City Magistrate
Muzaffarnagar


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e.l.s.
RO, PCCB

Interim Report in compliance to Hon'ble NGT Orders dated 22.05.2024 in OA No. 326/2024 in the matter of Jogindra Kumar Vs. State of Uttar Pradesh & Ors.

This report is in compliance to Hon'ble NGT orders dated 22.05.2024 in OA No. 326/2024 in the matter of Jogindra Kumar Vs. State of Uttar Pradesh & Ors.

1 HON'BLE NGT ORDERS: -

The Hon'ble NGT considered the matter on 10.09.2024. The verbatim of the relevant para of the order dated 22.05.2024 is reproduced below:

"8. Learned Counsel for the applicant has also submitted that report of the UPPCB does not reflect the complete picture in respect of dumping of fly ash by the roadside by the respondent no.4 and consequential injuries to the residents."

9. To ascertain the correct factual position, we form a Joint Committee comprising of the following:

- (i) Representative of the Member Secretary, CPCB;*
- (ii) RO, MoEF&CC, Lucknow, UP;*
- (iii) District Magistrate, Muzaffarnagar.*

District Magistrate, Muzaffarnagar will act as nodal agency for compliance and coordination.

"10. Joint Committee will visit the site, ascertain the truthfulness of the allegation, extent of dumping of fly ash at the public places and persons/ mill/industrial unit responsible for the same, guidelines/protocol on disposal of ash applied to sugar units, burn injuries, if any, received by the residents of the area from that dumped fly ash and submit the report before the Tribunal within eight weeks 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.

Copy of the Hon'ble NGT order dated 22.05.2024 is placed at **Annexure-1**.

2 ACTION TAKEN BY COMMITTEE

In compliance of Hon'ble NGT order dated 22.03.2024, Joint Committee comprising of Dr. A. K. Gupta, Scientist-'E', Ministry of Environment, Forest & Climate Change (MoEF&CC), Sh. Imran Ali, AEE, UPPCB, Sh. Vikas Kashyap, City Magistrate-Muzaffarnagar and Smt. Reena Satavan, Scientist 'E', CPCB; visited the site on 30.08.2024.

During visit on 30.8.2024 following actions were taken by committee:

1. Survey of surrounding areas of M/s Triveni Engineering & Industries Ltd. Sugar unit Khatauli, Muzaffarnagar

- 2. Visit to sites mentioned by Applicant in the application
- 3. Visit to site where burning accident took place
- 4. Interaction with the complainant and affected persons and villagers
- 5. Visit to ash generation, handling and disposal sites mentioned by M/s Triveni Engineering & Industries Ltd. Sugar unit Khatauli, Muzaffarnagar

1. Survey of surrounding areas of M/s Triveni Engineering & Industries Ltd. Sugar unit Khatauli, Muzaffarnagar



- i. The Committee visited the premises of M/s Triveni Engineering & Industries Ltd. Sugar unit Khatauli, Muzaffarnagar (Sugar Unit)

2. Visit to site mentioned by Applicant in the application

- o Committee visited the 03 nos. of sites as mentioned by the applicant in the original application where allegedly the sugar unit M/s Triveni Engineering & Industries Ltd. Sugar unit Khatauli, Muzaffarnagar dumped the fly ash. The details of the sites visited by the Committee are as follows:

a. Location no. 1: Khatauli Mirapur Road

- o Applicant has provided photographs of ash dumped at lat-29.2776, long-77.773983 and lat-29.277097, long-77.76989 and accordingly the Committee visited the corresponding sites.

	
<p>Pic 1. Ash dumping location (Khatauli Mirapur Road)</p>	<p>Pic 2. Khatauli- Mirapur Road</p>

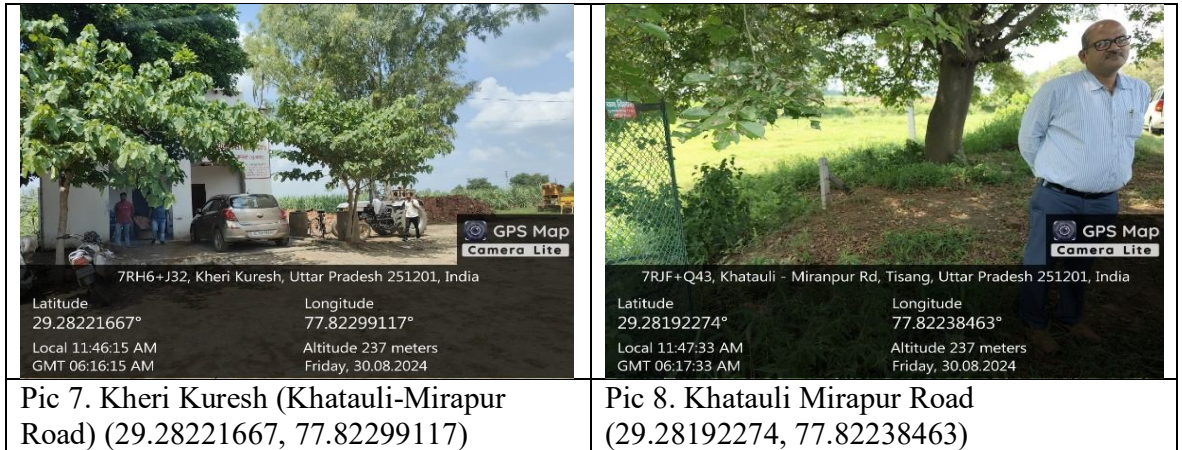
- o Apart from the above locations, Committee also visited the following locations on Khatauli-Mirapur Road:

Table 1: Locations on Khatauli-Mirapur Road

S.N.	Latitude	Longitude	Location Name
1.	29.27783887	77.77994537	Palri (Khatauli Mirapur Road)
2.	29.27971122	77.80339953	Bahsuma Khatauli Road
3.	29.27986037	77.806016	Khatauli Mirapur Road
4.	29.280912	77.81794704	Khatauli Mirapur Road
5.	29.28221667	77.82299117	Kheri Kuresh (Khatauli Mirapur Road)
6.	29.28192274	77.82238463	Khatauli Mirapur Road

- The stretch of about 9 kms on Khatauli Mirapur Road towards Mirapur was surveyed by the Committee.





3. Visit to site where burning accident took place

- i. Team visited the location Lat-29.29039324, long-77.76431903 which is between the village Ladpur and village Umarpur-Lisora, where the burning incident with Applicant Sh. Jogindra Kumar and Smt. Munesh Devi took place.
- ii. This site is along the Khatauli-Jansath Road, it is a roadside area between village Ladpur and village Umarpur-Lisora.



- iii. Apart from the above Committee also visited following locations along the Khatauli-Jansath Road:

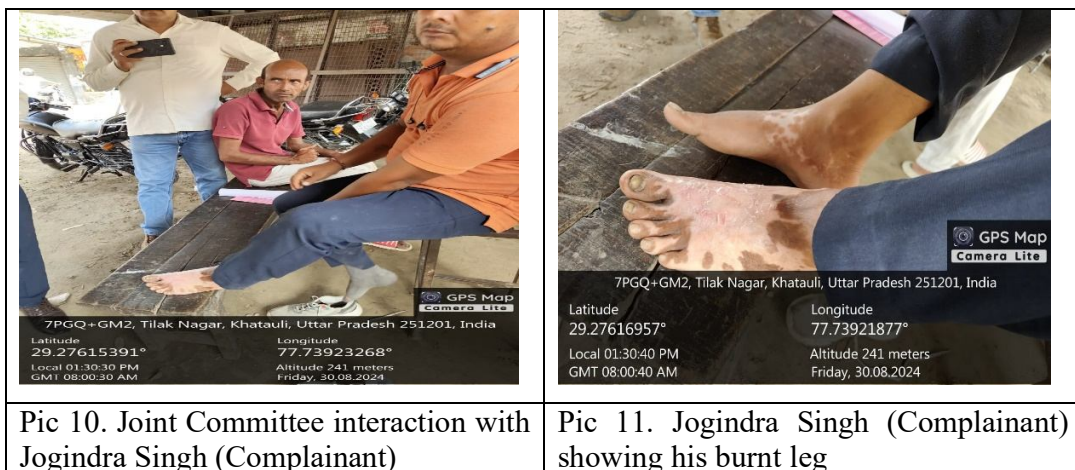
Table 2: Locations along the Khatauli-Jansath Road

S.N.	Latitude	Longitude	Location Name
1.	29.27920599	77.79811266	Rasulpur Kailaura
2.	29.29038297	77.76433087	Umarpur Lisora
3.	29.29018701	77.76407313	Upper Ganga Canal Road, Buwara Kalan

4.	29.28841394	77.76211308	Jansath Road, Ladpur (Burning of solid waste in small quantity was observed)
5.	29.28822341	77.761954	Jansath Road, Ladpur (No fly ash disposal observed)

4. Interaction with the complainant, affected persons and villagers

- i. Joint Committee has interacted with the complainant (Joginder Kumar S/o Sh. Sukhbir Singh) resident of Ladpur, Khatauli, Muzaffarnagar, to ascertain the truthfulness of the complaint/allegation.
- ii. On the day of visit, team interacted the complainant who runs a small food chaat cart adjacent to the boundary wall of sugar unit. As an ID proof, complainant presented his AADHAR card bearing no. 823788763891 before the joint team.
- iii. The team had detailed conversation with complainant regarding issues raised by him. During interaction, the complainant informed about the burning incident, which took place in the month of April, 2023 between the village Ladpur and village Umarpur Lisora and he showed burnt legs. The complainant has also submitted his statement about the burning incident. (Copy of statement dated 30.08.2024 is placed at Annexure – V). Photographs of the burnt leg of complainant were collected during interaction.



Pic 10. Joint Committee interaction with Jogindra Singh (Complainant)

Pic 11. Jogindra Singh (Complainant) showing his burnt leg

- iv. Another affected woman named Smt. Munesh W/o Madan, Village Ladpur, Khatauli, Muzaffarnagar was not present at home as informed by his younger son (Ajay Kumar). His younger son has confirmed about burn injury to his mother in

November, 2023 at Khatauli-Jansath Road between Ladpur village and Umarpur Lisora village.



Pic 12. Joint Committee interaction with younger son of victim Smt. Munesh Devi

- v. The applicant has submitted in his statement that he has not registered any FIR regarding the burn injury allegedly caused by ash from Sugar Mill and has also mentioned that he has not taken any medical treatment from hospital/primary health centre rather he took some local treatment from Gangdaspur.
- vi. On enquiry from local Police Station Khatauli it was informed by head police constable that no cases of burn injury to following persons has been reported in the station:
 - o i. Sh. Jogendra Kumar
 - o ii. Smt. Munesh Devi
 - o iii. Mr. Umang Tomar
- vii. On enquiry from Primary Health Centre, it was verbally informed by that above listed three persons has not taken any treatment for burn injuries as per their records.
- viii. Committee also interacted with the present and former Gram Pradhan of Ladpur Village Sh. Vipin Kumar and Sh. Mukesh Kumar regarding the dumping of fly ash generated from the sugar unit.

5. Ash handling and disposal by M/s Triveni Engineering & Industries Ltd. Sugar unit Khatauli, Muzaffarnagar

5.1 Sugar Unit

During the visit the unit was found non-operational due to closing of crushing season. During crushing season 2023-24, the crushing commenced on 27.10.2023 and closed on 10.05.2024. The sugar unit is having cane crushing capacity of 16000 Tonnes per day. The unit has obtained Consolidated Consent & Authorization issued by UPPCB dated 30.11.2023 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 with a validity upto 31.12.2024.

As per the consent the industry has installed 02 nos. of boilers facilitated with wet scrubber as Air Pollution Control Devices (APCDs) in sugar unit and the same was verified by the joint team.

5.2 Co-generation Unit

The unit is having a separate Consent to Operate (CTO) issued by UPPCB dated 17.12.2021 under Section-25/26 of the Water (Prevention & Control of Pollution) Act, 1974 and under Section-21/22 of the Air (Prevention & Control of Pollution) Act, 1981 with a validity upto 31.12.2024 having co-generation plant with production capacity of electricity generation of 45 MW. In co-generation plant 02 nos. of boilers facilitated with ESP as APCD.

5.3 Boiler details

The boiler details are tabulated below:

Table 3: Boiler details

S.N.	Boiler Capacity	Type of Fuel	APCD	Height of Stack	Remarks
1.	40 TPH (01 nos.)	Bagasse	Wet scrubber	40 meter combined stack height	Sugar unit
2.	65 TPH (01 nos.)	Bagasse	Wet scrubber		
3.	120 TPH (01 nos.)	Bagasse	ESP	74 meter stack height	co-generation plant
4.	120 TPH (01 nos.)	Bagasse	ESP	74 meter stack height	

5.4 Records of Ash generation, handling and disposal

The committee has collected following records from the unit:

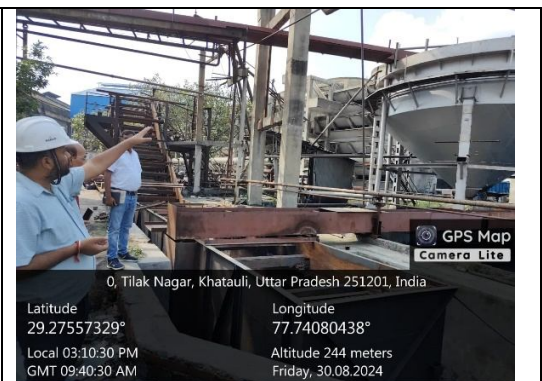
1. Cane crushed during crushing season 2023-24
2. Bagasse generated and consumed during crushing season 2023-24
3. Ash generated by the unit
4. Ash disposal records
5. Copy of agreements done with farmers and brick kiln owners
6. Copy of RT-8(C) for crushing season 2023-24
7. Logbooks of ash handling and transportation

5.5 Visit to Ash generation and disposal area of the Sugar Mill:

- To verify and assess the ash handling systems installed by the unit the team visited the cogeneration plant and boiler area of sugar plant.



Pic 13. Power plant of sugar industry



Pic 14. submerged belt conveyers

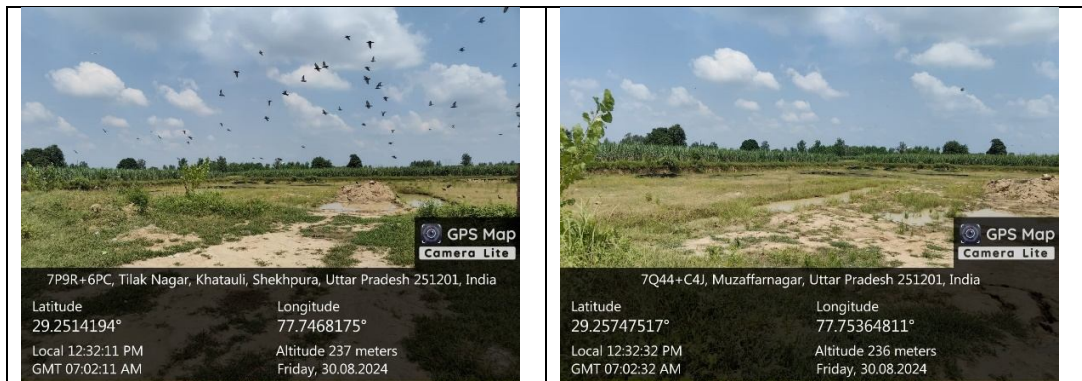
• Visit to the Ash disposal area

The team visited following ash disposal sites mentioned by the sugar unit:

- i. Village Shekhpura, Lat-29.2514194, Long-77.7468175- It was a low lying land used for making bricks.
- ii. Own land of sugar unit behind the ETP area (lat-29.28409337, long-77.74174805)
- iii. The details of other ash disposal sites visited by the committee are tabulated below:

Table 6: Ash disposal sites visited on 30.08.2024 as mentioned by the sugar industry

S.N.	Latitude	Longitude	Location Name
1.	29.2514194	77.7468175	Tilak Nagar, Khatauli, Shekhpura
2.	29.26750889	77.74144883	Tilak Nagar, Khatauli, Shekhpura
3.	29.26780861	77.74190642	Tilak Nagar, Khatauli, Shekhpura
4.	29.26990616	77.7427018	Phalawada Road, Tilak Nagar, Khatauli
5.	29.28409337	77.74174805	Sugar Mill Road, Tilak Nagar, Khatauli



Pic 15. Ash disposal at sugar mill road, tilaknagar, khatauli, Shekhpura





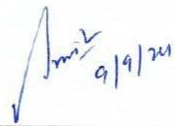
Stack of bricks sugar mill road, Tilak Nagar, Khatauli, Shekhpura)

3 CONCLUSION & RECOMMENDATIONS

In view of the above, the joint committee requests to Hon'ble Tribunal for consideration of the following:

Apart from physical verification team has collected all the relevant logbooks and records regarding ash generation, handling and disposal from the Sugar unit. Due to onset of monsoon and blocking of roads due to Kawad Yatra the site visit could only be possible on 30.8.2024. Data assessment and analysis is being done by committee and final report is under preparation.

In this regard, it is humbly requested that an extension of 10 days' time for submission of the final report may please be granted to the committee

		
Vikas Kashyap City Magistrate	Smt. Reena Satavan, Scientist 'E'	Dr. A. K. Gupta Scientist-'E'
Muzaffarnagar	Central Pollution Control Board (CPCB), New Delhi	Regional Office Ministry of Environment, Forest & Climate Change (MoEF&CC), Lucknow

Item No.19

Court No. 1

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

Original Application No.326/2024

Jogindra Kumar

Applicant

Versus

State of UP & Ors.

Respondent(s)

Date of hearing: 22.05.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Rahul Khurana, Mr. Hasil Jain, Mr. Shaim Hasan & Mr. Satish Kapoor, Advs. for Applicant

Respondent: Mr. Pradeep Misra & Mr. Daleep Dhyani, Advs. for UPPCB
Mr. Sourav Roy, Ms. Ruchir Ranjan Rai, Mr. Vasudev Singh & Mr. Atharva Kotwal, Advs. for R - 4

ORDER

1. In this original application, allegation of the applicant is that respondent no.4- a sugar mill at Village Khatauli, District Muzaffar Nagar, Uttar Pradesh is generating fly ash which it is dumping illegally on both sides of the road in violation of the norms which is resulting in the burn injuries to the local residents.

2. Tribunal on 22.03.2024 had issued notice to the respondents and had directed the respondent no.2-UPPCB to file a comprehensive report.

3. Report dated 17.05.2024 has been filed by the UPPCB stating as under:-

“

- *It is observed that all the fly ash generated from the unit is either taken by the farmers as per agreement and used by them for land filling on their own lands, for use in brick kilns or on industrial premises.*

- *The Officials of UPPCB also inspected the area where fly ash was dumped and found that few persons were burnt after they came in contact of fly ash. During survey, it was observed that the fly ash was properly leveled and the layer of soil was disposed to cover the fly ash. Further, the representative of the unit informed that the fly ash which is generated is given to the farmers as per the agreement executed and no fly ash is dumped on the land in question. No agreement has been done by anyone for the area in question.*
- *The above area is in between the highway and the agriculture land (Buffer zone), hence this land is a property of the government. During inspection it is informed by the local villagers of the area, that some unknown persons used to dump fly ash on this area few years back, but at present no one is disposing fly ash on area in question. Further, it was observed that fly ash upto depth of 1.5 meters from the ground level has been dumped previously which is now covered with soil and grass as shown in the photographs below”*

4. Counsel for the applicant had also referred to the table on page no. 39 of the report containing the information provided by the affected persons about dumping of fly ash at the roadside by the sugar mill.

5. Submission of Learned Counsel for the applicant is that respondent no.4 is the only sugar mill in the vicinity.

6. Learned Counsel for the applicant has also drawn the attention of this Tribunal to the annexure A-2, page 44 which contains the details of the fly ash distribution for the season 2023-2024 and has submitted that such a thick layer with the depth of 02 meter is formed in different pieces of land which includes a private playground also.

7. Response of the UPPCB in this regard is silent, though, details have been enclosed as annexure- 2.

8. Learned Counsel for the applicant has also submitted that report of the UPPCB does not reflect the complete picture in respect of dumping of

fly ash by the roadside by the respondent no.4 and consequential injuries to the residents.

9. To ascertain the correct factual position, we form a Joint Committee comprising of the following:

- (i) Representative of the Member Secretary, CPCB;
- (ii) RO, MoEF&CC, Lucknow, UP;
- (iii) District Magistrate, Muzaffarnagar.

District Magistrate, Muzaffarnagar will act as nodal agency for compliance and coordination.

10. Joint Committee will visit the site, ascertain the truthfulness of the allegation, extent of dumping of fly ash at the public places and persons/ mill/industrial unit responsible for the same, **guidelines/protocol on disposal of ash applied to sugar units**, burn injuries, if any, received by the residents of the area from that dumped fly ash and submit the report before the Tribunal within eight weeks 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.

11. It will be open to the respondent no.4 to file response within six weeks and to the applicant to file response to the report of the UPPCB within the same period.

12. List on 10.09.2024.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

May 22, 2024
Original Application No.326/2024
JG.

Dr. A. Senthil Vel, EM