

Before the Hon'ble National Green Tribunal Principal Bench**New Delhi**

OA No. 79 of 2023

In the Matter of

Hari Prakash

Applicant

Versus

Uttam Sugar Mill Libberhedi & Ors

Respondent

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Filed by**08.01.2024****New Delhi****FILED BY:-****RAHUL KHURANA****Advocate****Chamber No. 295, Lawyer Chamber Block II
Delhi High Court, New Delhi****M. 9811894060, 7838707338**

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Objections/written submissions to the Joint Committee report

1. The present Application was filed by the Applicant highlighting discharge of untreated industrial effluent in Shila Khala drain which later joins river Kali West in village Ransura District Saharanpur Uttar Pradesh.
2. The Hon'ble Tribunal was pleased to constitute a joint committee for verifying the factual position and which committee report was submitted primarily highlighting the presence of high BOD and COD at different at sample locations as shown at page no. 22-23 of the report.
3. The flow on the drain is shown to begin after receipt of discharge from Aroma Craft Paper Mill, Village- Noorpur, Roorkee, District-Haridwar where the BOD and COD levels are high as per the lab analysis report which suggest that that Aroma Craft Paper Mill is illegally discharging the untreated industrial effluents in the drain.

It is apposite to mention here that here that during inspection the unit was found to be discharging the effluents through underground pipeline and did not have valid Consent from PCB. Further the fact that the Shila khala drain at downstream of Aroma Craft Paper Mill was having the high BOD and COD levels gives rise to conclusion that the Unit is discharging the untreated waste water in the drain as shown at page no. 22-23 of the report.

4. That the Unit named Asahi India Glass Ltd is shown to be compliant in the Joint Committee report. The ultimate disposal point of the allegedly treated effluents is shown as "Landscape Irrigation" at page 64 of the report.

However the said fact is incorrect as the Applicant has collected photographs showing the disposal of the waste through concrete pipes and channels running for 10-15 metre underground and opening in the Shila Khala drain.



5. As per the report, the Uttam Sugar Mills was found to be operating without consent and found to be non compliant w.r.t suspected dilution.
6. Again from sample locations at Jhabrera Industrial Area, at Lakhnauta, at village Tikaula kalan, the flow was found to have high BOD and COD levels.
7. At mundet drain near the Uttaranchal Sugar Mill, the BOD, COD, and TSS levels were found to be on higher side.
8. The mundet drain near the Sagar paper Mill, unit and 2 and near Aadharshree Paper Mill were also found to be containing high BOD and COD levels.

The Applicant has taken photographs of the pipes discharging the untreated waste water in the Shila Khala drain from these industries.





9. Thus the drain at Stretch I was found to receive discharge from the industries located in Jabreda road Industrial area and sewage from nearby villages. The analysis results of the two samples collected from this stretch show pH-6.3 to 7.1, BOD539 to 983mg/l, COD-1195-2619mg/l, which indicates that the drain is carrying partially treated/untreated industrial effluent.

10. Further the drain at stretch II is shown to receive discharge from three pulp & paper mills namely M/s Uttaranchal Paper Mill, M/s Aaadharshree Pulp & Paper and Sagar Paper Mill- No 2 along with sewage from nearby villages. The analysis results of the four samples collected from Mundet drain in this stretch show pH-7.3 to 7.6, BOD-3 to 62mg/l, COD21 to 186mg/l, which indicates that the drain is carrying partially treated wastewater.

11. That the major objection to the finding of the Report is that the report has stated that the drain when reaches the Ransura, Siraska villages then it become evidently cleaner. In the submission of the Applicant the quality of water in the drain in the village Ransura and Siraska is equally bad as can be seen from the following photographs.



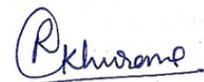
12. The observation made in the report regarding about animals not suffering from any disease is incorrect in the view of the Applicant as the said finding has been made without any actual inquiry from the villagers.

13. Therefore in light of the above submissions it is humbly pointed out that the industries above named are engaged in the discharge of the untreated waste water without treatment and such discharge happens in the night time.
14. That further the drain in the village Ransura, Siraska is highly polluted and source of disease and misery for the people of Ransura, Siraska etc .
15. Therefore it is humbly prayed that the remedial action be directed to be taken by the authorities so that the quality of the flow in the Shila Khala drain can get improved.

Dated 08.01.2024

Applicant

Through



Counsel

VAKALATNAMA

BEFORE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI
O.A. No. 79 of 2023

Hari Prakash In Applicant

Versus

Uttam Sugar Mill Libberhedi & Ors Respondents

KNOW ALL to whom these present shall come that I, Hari Prakash S/o
Pralhad Tyagi R/o Village Ransura PS Devband District Saharanpur. U.P.,
APPLICANT do hereby appoint

RAHUL KHURANA Adv & HASIL JAIN
Adv(D/2183/2008) (D/2880/2013)

295, Lawyers Chamber Block-II, Delhi High Court, A-174, 2nd
Floor, Defence Colony, New Delhi-110024

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(herein after called the advocate/s) to be my/our Advocate in the above-noted case authorised him:-

To act appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each court by me/us.

To sign file verify and present pleadings, appeals cross-objections or petitions for executive on review, revision, withdrawal, compromise or other petitions or affidavits of other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages.

To file and take back documents including original documents, to admit and/or deny the documents of opposite party.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.
To take execution proceedings.

To deposit, draw and receive money, cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.

To appoint and instruct any other Legal Practitioner, authorising him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the Power of Attorney on our behalf.

And I/we the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes.

And I/we undertake that I/we or my/our duly authorised agent would appear in the Court on all hearings and will inform the Advocates for appearance when the case is called.

And I/we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain himself.

And I/we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/we hereby agree that once the fee is paid, I/we will not be entitled for the refund of the same in any case whatsoever. If the case lasts for more than three years, the advocate shall be entitled for additional fee equivalent to half of the agreed fee for every addition three years, or part thereof.

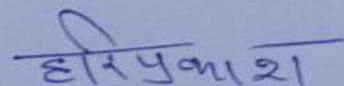
IN WITNESS WHEREOF I/we do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this

..... day of Jan 2024

Accepted subject to the terms of fees.



Advocate



Client