

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

**O. A. No. 248 of 2023**

**IN THE MATTER OF:**

VARUN GULATI ...APPLICANT

Versus

STATE OF U.P & ORS. ....RESPONDENTS

**OBJECTIONS ON BEHALF OF THE APPLICANT  
TO THE JOINT COMMITTEE REPORT DATED  
02.01.2024**

**(FOR INDEX:- Kindly See Inside)**

**New Delhi  
Dated.....02.2024**

**Filed BY**

*S.A. Zaidi*  
**S.A. ZAIDI & MANSI CHAHAL**  
ADVOCATE

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

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6.		

New Delhi  
Dated.....02.2024

Filed BY

*Shanif*  
**S.A ZAIDI & MANSI CHAHAL**  
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**BEFORE THE NATIONAL GREEN TRIBUNAL  
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**O. A. No. 248 of 2023**

**IN THE MATTER OF:**

VARUN GULATI ...APPLICANT

Versus

STATE OF U.P & ORS. ....RESPONDENTS

**OBJECTIONS ON BEHALF OF THE APPLICANT  
TO THE COMPLIANCE REPORT FILED BY UPPCB  
DATED 02.01.2024**

**MOST RESPECTFULLY SHOWETH:**

1. That the above captioned matter is pending for adjudication before this Honourable Tribunal.

2. That the Honourable Tribunal on 16.10.2023 directed the UPPCB to submit a detailed action taken report. The relevant portion is produced herein as below:-

*"Learned Counsel for the State PCB submits that though in terms of the direction of the Tribunal dated 17.07.2023, a report has been filed late in the evening on 13.10.2023 but the said report is*

*not satisfactory. Therefore, a detailed action taken report will be filed within a period of two weeks"*

**3.** That accordingly, in compliance of the above, the UPPCB submitted a compliance report dated 02.01.2024 before this Honourable Tribunal.

**4.** That it is humbly submitted that the compliance report filed by the UPPCB is lacking the material particulars. The report is a totally false and a vague report which is prepared with the ulterior motives and the true facts have been concealed thereof in the report from the Honourable Tribunal.

Hence, the applicant raises certain objections to the compliance report submitted by UPPCB dated 02.01.2024.

**5.** That the objections are as follows:-

a) That it is humbly submitted that the applicant mentioned in the petition that apart from the

Respondent No 6-24 dyeing factories, there are about 500 dying factories more in Arya Nagar & Roop Nagar, and about 100 dying factories more in Tronica City of Loni area in Ghaziabad which are operating in violation of the environmental norms. Neither any inspection, nor any action has been taken on those units by the UPPCB, till date, and they are regularly violating the environmental norms. Furthermore, the Honourable Tribunal in its order dated 13.04.2023, directed that the joint committee will verify the number of industries in operation, but contrary to it, the Joint committee & UPPCB has inspected just 15 industries in all the 3 areas out of 500 units. The list of all dying industries operational in Arya Nagar & Roop Nagar and Tronica city in Loni is already given on the website of the UP Pollution control board which states that as of

today, around 500-600 dying industries are operating in the above mentioned areas.

b) That the UPPCB in its report submitted that as per the latest inspection of the CETP on 05.12.2023, 12.12.2023 & 21.12.2023, the sample collected from outlet of the CETP, the parameters were conforming with the prescribed norms. However, contrary to that, the latest photos taken by the applicant of the CETP on 05.01.2024, the effluent generated from the CETP outlet shows that the effluent discharged from the CETP into the drain is totally untreated & toxic. The current photographs of CETP shows that the CETP is totally non-complying and the quantum of damage being caused to the environment by directly discharging the untreated effluent into the Jawli drain.

Furthermore, it is humbly submitted that there is no CETP in Roop Nagar & Arya Nagar

resulting that all the 500 dying units of Roop Nagar & Arya Nagar discharge their contaminated untreated effluent either in the open area, green belts or into the storm water drain i.e. Indrapuri drain which goes and emerges in Holy River Yamuna.

**The Photographs of the CETP taken by applicant on 05.01.2024 are annexed herewith and marked as ANNEXURE A/1.**

c) That it is humbly submitted that the Honourable Tribunal previously also, on 08.08.2019 in identical O.A No. 317/2015 titled as Rashid Ali Warsi vs. UPSIDC Ltd & Ors, directed the UPPCB & concerned authorities to ensure that the CETP in Tronica City is fully functional and stabilized and no pollution is caused. But contrary to this, the UPPCB in its compliance report states that on 12.09.2023, 18.09.2023, 07.10.2023, 16.10.2023, 01.11.2023, 08.11.2023, 16.11.2023 &

23.11.2023, the operation of the CETP was not found proper and the parameters were found not conforming with the prescribed norms. This shows the clear violation of the NGT order dated 08.08.2019 passed in O.A No. 317/2015 titled as Rashid Ali Warsi vs. UPSIDC Ltd & Ors.

**The True Copy of the Honourable Tribunal order dated 08.08.2019 passed in O.A No. 317/2015 titled as Rashid Ali Warsi vs. UPSIDC Ltd & Ors is annexed herewith and marked as ANNEXURE A/2.**

d) That the compliance report of UPPCB has nowhere disclosed the details of ETP installed by the units. However, even if there is ETP installed in the units, the units does not make the ETP operational, resulting that the entire untreated effluent is discharged either onto the open areas/ land or into the storm water drain. The photographs taken by the applicant on 05.01.2024 clearly depicts the terrible situation

wherein the toxic and untreated effluent is being discharged directly without any treatment.

**The latest Photographs dated 05.01.2024 of Roop Nagar, Aryan Nagar & Tronica City showing untreated effluent being discharged in open areas & into drains are annexed herewith and marked as ANNEXURE A/3.**

e) That previously also, the UPPCB inspected around 45 dying units in Roop Nagar & Arya Nagar back in year 2022, whereby the units were found non – complying and approximately 4.50 Crore compensation was imposed on violating dying units but the environment compensation has not been recovered by the UPPCB till date. This shows that the dying units operational in Roop nagar & Arya Nagar are mostly non- complying all the time.

**The True Copy of the RTI Reply given by UPPCB dated 01.07.2022 showing the EC imposed on 44 dying units in Roop Nagar and Arya Nagar are annexed herewith and marked as ANNEXURE A/4.**

f) That the UPPCB has misled this Honourable Tribunal by concealing the true and actual facts about the polluting dying units and by filing a false & incomplete report before this Honourable Tribunal.

6. Without prejudice and in addition to the aforesaid submissions, it is humbly submitted that the respondent units are still non-compliant and are acting in flagrant violations of the environmental norms. The illegal dying units are still a potential source of adverse impact on the environment as they are continuously discharging the dyeing toxic effluent into the drains in open.

7. That the above objections raised by the applicant against the report filed by the UPPCB shows that the compliance report is nothing but a totally false , incomplete and frivolous report, which is prepared with the ulterior motives. The report has also concealed important facts from this Honourable Tribunal.

**8. PRAYER**

In view of the aforesaid facts and circumstances it is prayed that this Honourable Tribunal may graciously be pleased to:-

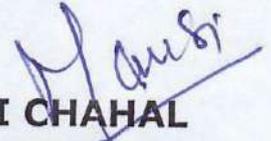
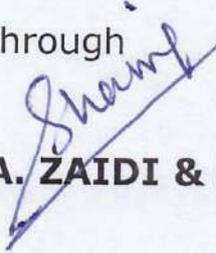
1. Nullify and reject the compliance report dated 02.01.2024 filed by the UPPCB.
2. Constitute a new inspection Committee comprising a representative of NMCG to be a part of Joint Committee.
3. Direct the Joint Committee to file a fresh action taken report and to inspect all the

units in operation in Arya Nagar, Roop  
Nagar and Tronica City.

Applicant

New Delhi  
Dated.....02.2024

Through



**S.A. ZAIDI & MANSI CHAHAL  
ADVOCATES**

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
O.A. No. 248 OF 2023**

**IN THE MATTER OF:**

VARUN GULATI .....APPLICANT

VERSUS

STATE OF UTTAR PRADESH & ORS. ...RESPONDENTS

**AFFIDAVIT**

I Varun Gulati S/o Late Shri R.P. Gulati R/o A/66, 1<sup>st</sup> Floor, Ganesh Nagar, Tilak Nagar, New Delhi, do hereby solemnly affirm and declare as under:-

1. That i am the applicant in the above noted case therefore, i am fully conversant with the facts of the case i am competent to sign and swear this affidavit.
  
2. That the accompanying objection/reply has been drafted by my counsel and the same has been read over and explain to me and i say and declare that the same are true and correct.

3. That the content of accompanying Original Application be read as part and parcel of this affidavit as the same are not repeated herewith for the sake of brevity.

*[Handwritten Signature]*  
DEPONENT



**VERIFICATION**

Verified at Delhi on this - 4 DEC 2023 day of ....., 2023

that the contents of my above Affidavit are true and correct to my knowledge and nothing material has been concealed there from.

ATTESTED  
*[Handwritten Signature]*  
NOTARY  
DELHI (INDIA)

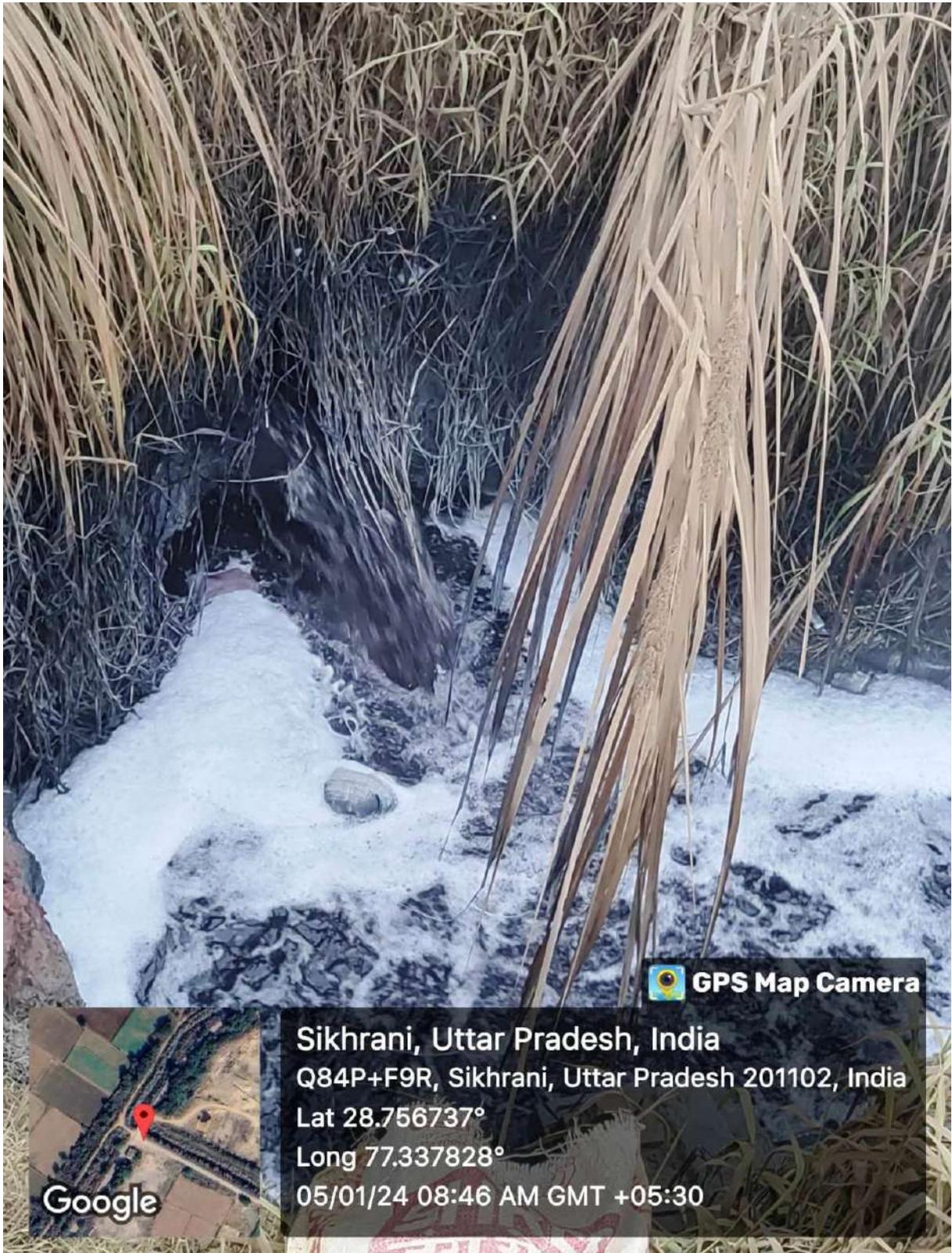
*[Handwritten Signature]*  
DEPONENT

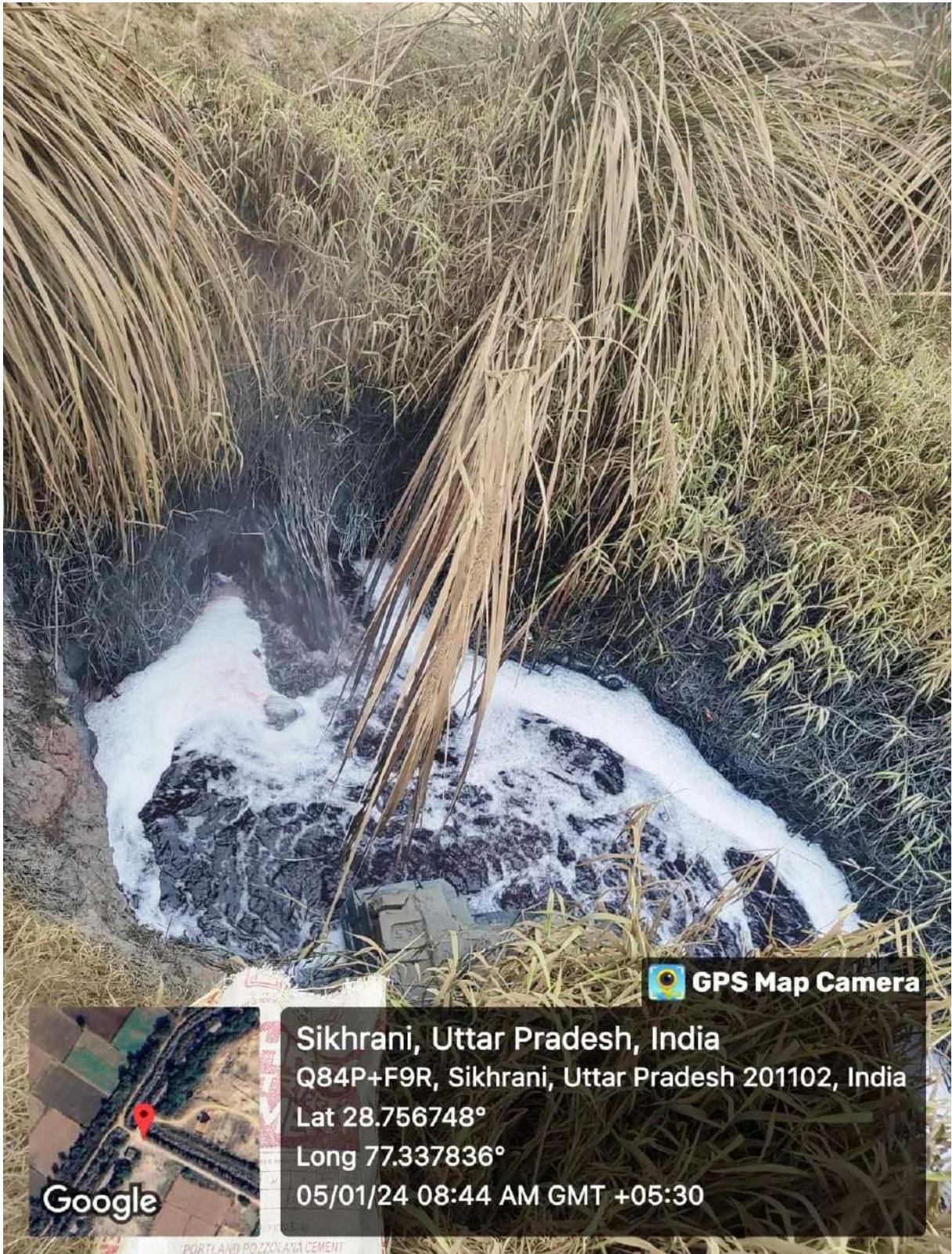
- 4 DEC 2023

**ANNEXURE A/1**

PHOTOGRAPHS OF THE CETP TAKEN ON 05.01.2024







Item No. 01

Court No. 1

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

Original Application No. 317/2015

Rashid Ali Warsi

Applicant(s)

Versus

UPSIDC Ltd. Ors.

Respondent(s)

(Report filed in O.A. No. 317/2015)

Date of hearing: 08.08.2019

**CORAM:** HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

For Applicant(s): Mr. Rashid Ali Warsi, in person

For Respondent (s): Mr. Rajesh Raina, Mr. G.D. Sharma, B.P. Kureel,  
Advocates for UPSIIDC  
Mr. Rajkumar, Advocate for CPCB  
Mr. Pradeep Misra and Mr. Daleep Dhyani,  
Advocates for UPPCB**ORDER**

1. Remedial measures against discharge of untreated effluents by textile units using hazardous chemicals in Loni area, Ghaziabad, Uttar Pradesh is the question for consideration.
2. Vide order dated 13.11.2018, this Tribunal noted that the Common Effluent Treatment Plant (CETP) set up by the Uttar Pradesh State Industrial Development Corporation Ltd (UPSIDC) was not functioning properly. Its management was handed over to Special Purpose Vehicle (SPV), Tronica City Association. The conveyance

system was not rectified. BOD and O&G exceeded the prescribed standards. On account of chocking of drainage system, effluents were overflowing into the drain resulting in water logging. Hazardous waste was being stored unscientifically and damage was being caused to the Jawali irrigation canal meeting Hindon River. Hindon River is tributary of Yamuna, which meets Ganga.

3. Accordingly, this Tribunal on consideration of the inspection report of the Committee, directed remedial measures to be taken by concerned authorities, to be overseen by the Committee appointed by this Tribunal in *O.A No. 231/2014, Doaba Paryavaran Samiti v. State of U.P & Ors.* headed by Justice S.U Khan, former Judge of Allahabad High Court.
4. The Oversight/Monitoring Committee furnished its report by email dated 31.01.2019. It mentioned the non-cooperative attitude of the concerned officers of the UPSIDC and the UPPCB. The result was that the hazardous waste continued to be stored unscientifically in closed bags and there was non-compliance of the orders of this Tribunal. BOD exceeded the prescribed parameters. Conveyance system was not properly maintained which was required to be done by CETP Association/UPSIDC.
5. Vide order dated 04.04.2019, this Tribunal directed the Chief Secretary, Uttar Pradesh to look into the report and furnish an action taken report.
6. Accordingly, report dated 06.08.2019 has been handed over during the hearing today on behalf of the Department of Environment, Uttar

Pradesh to the effect that remedial measures have been taken and responsibility of erring officers of the Uttar Pradesh Pollution Control Board (UPPCB) and the Uttar Pradesh State Industrial Development Corporation Ltd (UPSIDC) fixed who will now be proceeded against by the concerned departments. 28 units which were operating at 50% capacity have been closed as the Common Effluent Treatment Plant (CETP) did not have the capacity to sustain the pollution caused by the said units. A new CETP of 6 MLD capacity has now been constructed and conditional Consent to Operate has been given. There is proposal to revoke the closure in due course after improvement of the situation. The system has been operationalized and third-party verification is in process. OCEMS has been installed. The new CETP is under stabilization.

7. In view of above report, no further order is necessary at this stage except to direct that further action may be taken in accordance with law after ensuring that the CETP is fully functional and stabilized and no pollution is caused.

The application is disposed of.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

755

22

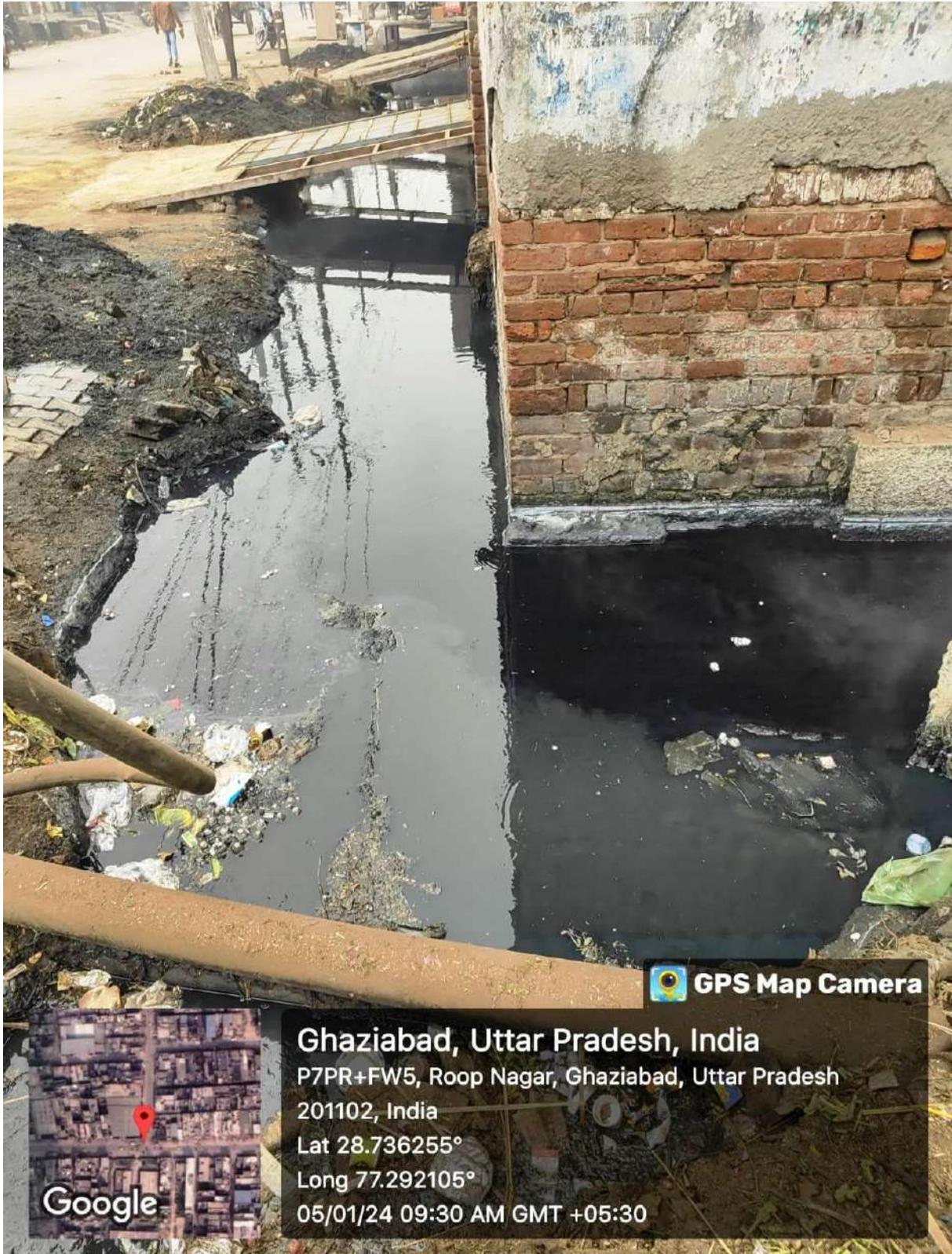
Dr. Nagin Nanda, EM

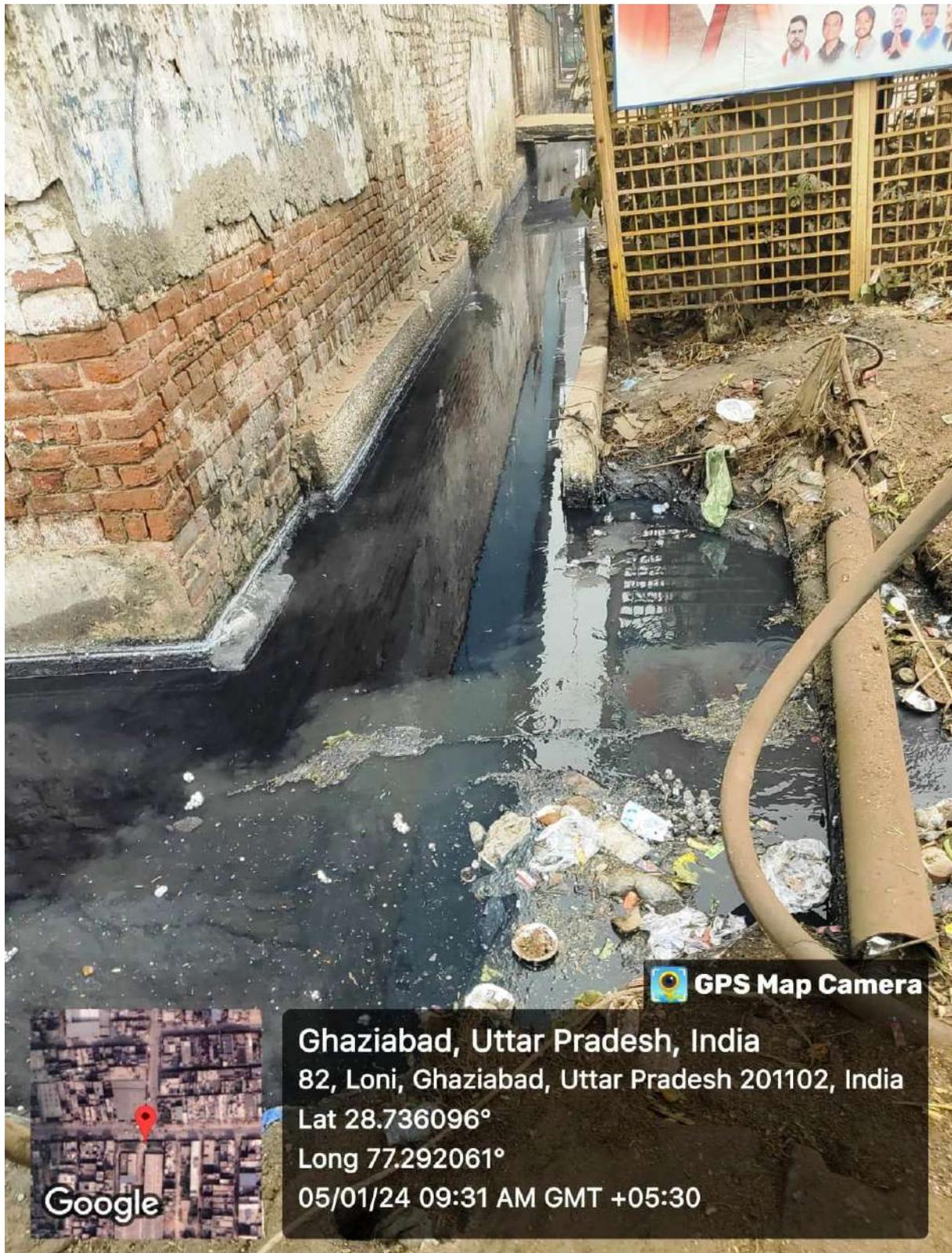
August 08, 2019  
Original Application No. 317/2015  
DV

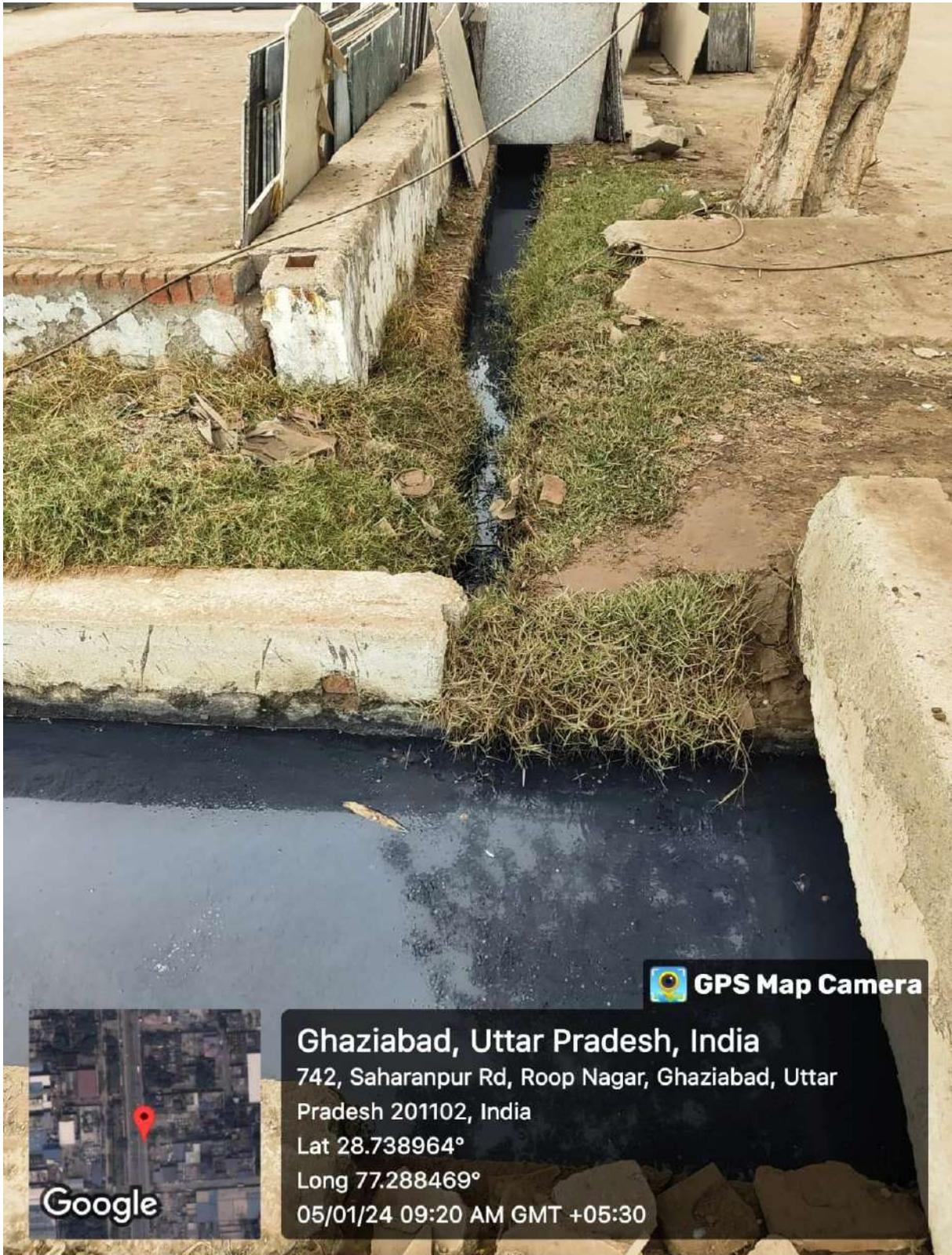


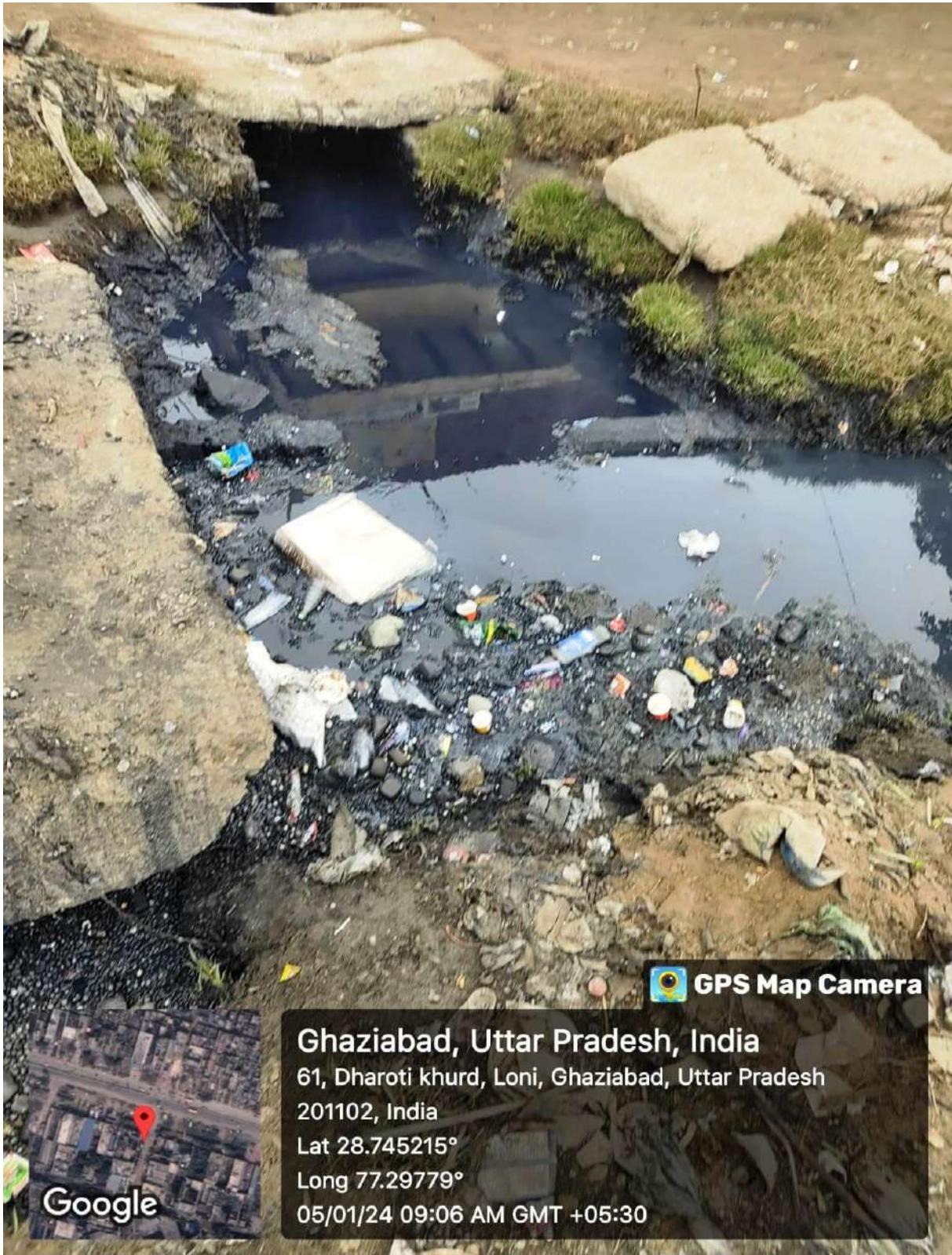
**ANNEXURE A/3**

PHOTOGRAPHS OF ROOP NAGAR AND ARYA NAGAR DATED  
05.01.2024 SHOWING UNTREATED EFFLUENT BEING  
DISCHARGED IN OPEN AREAS AND INTO DRAINS



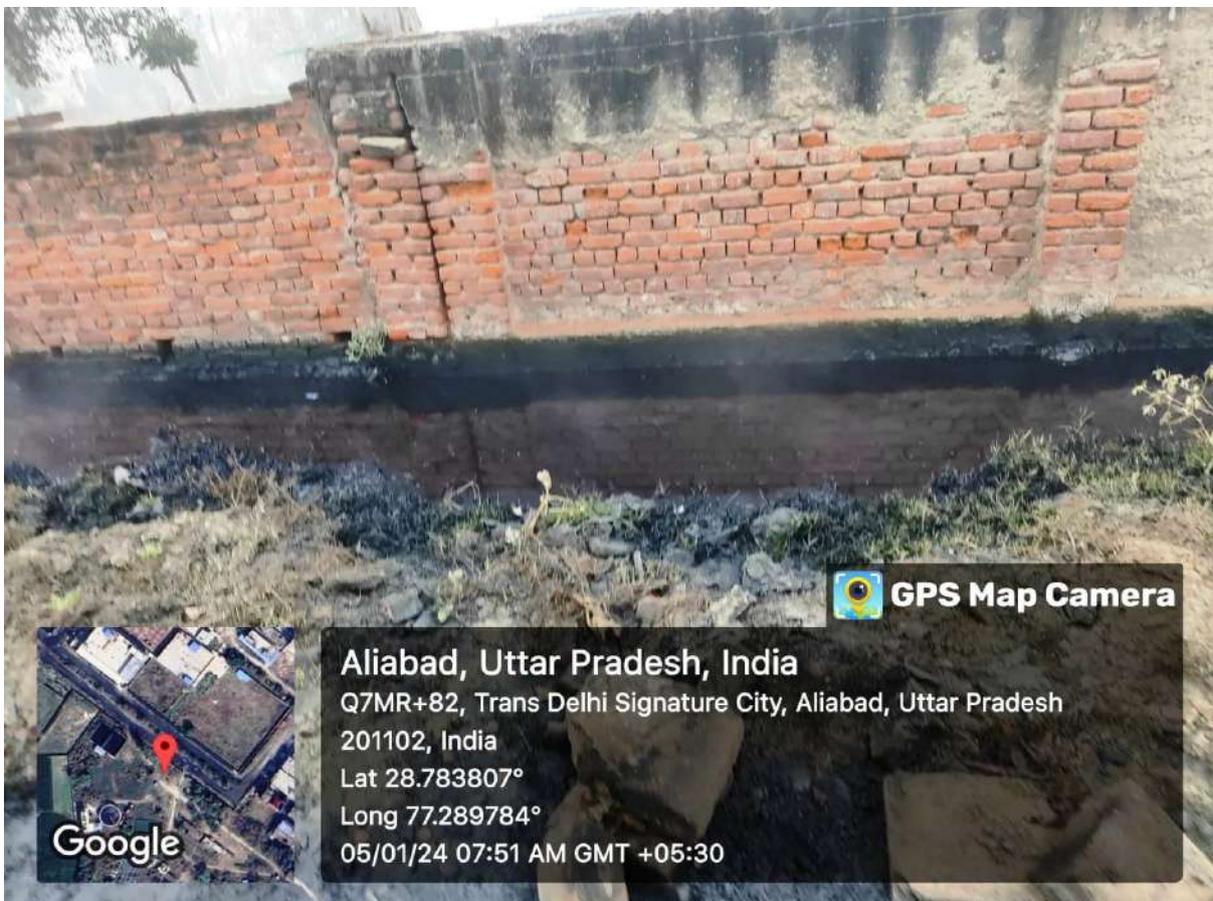
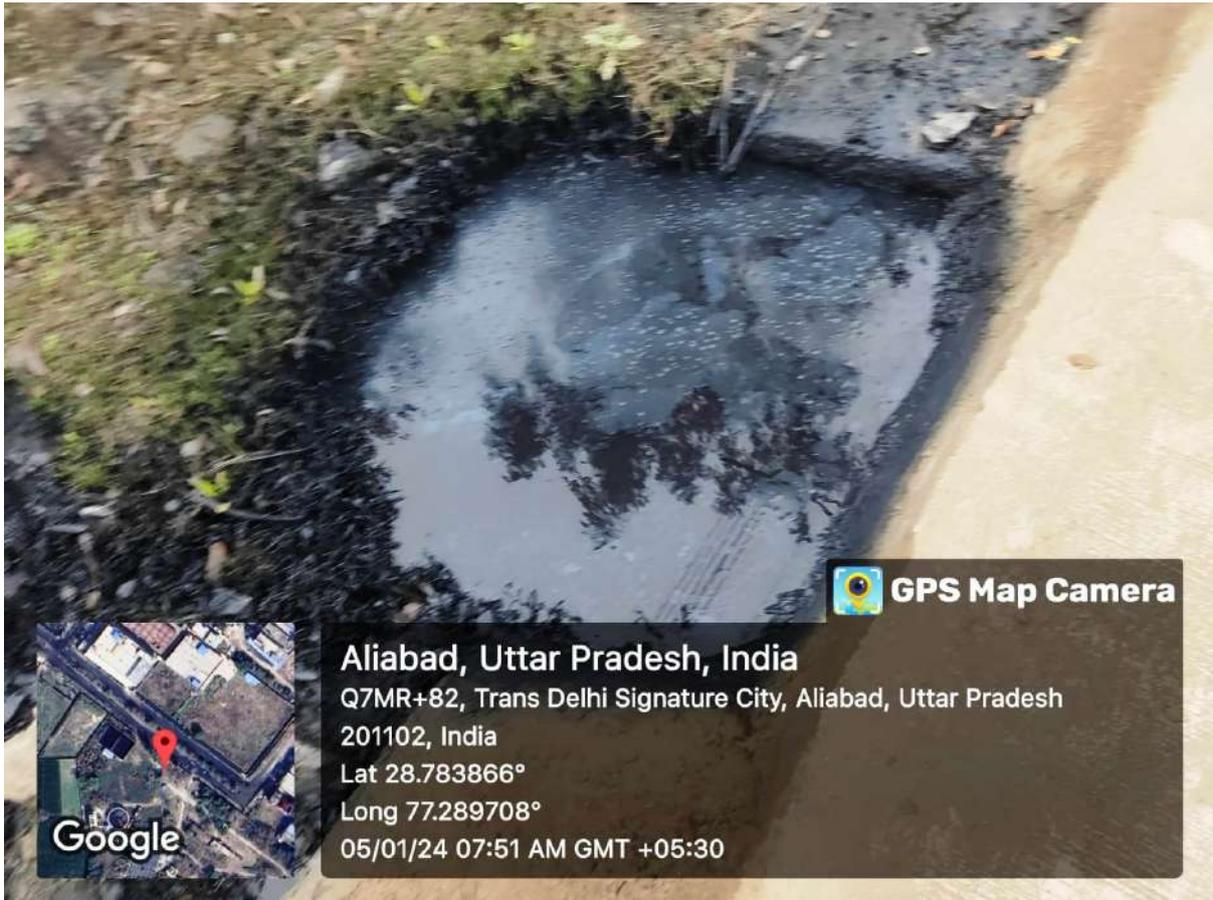


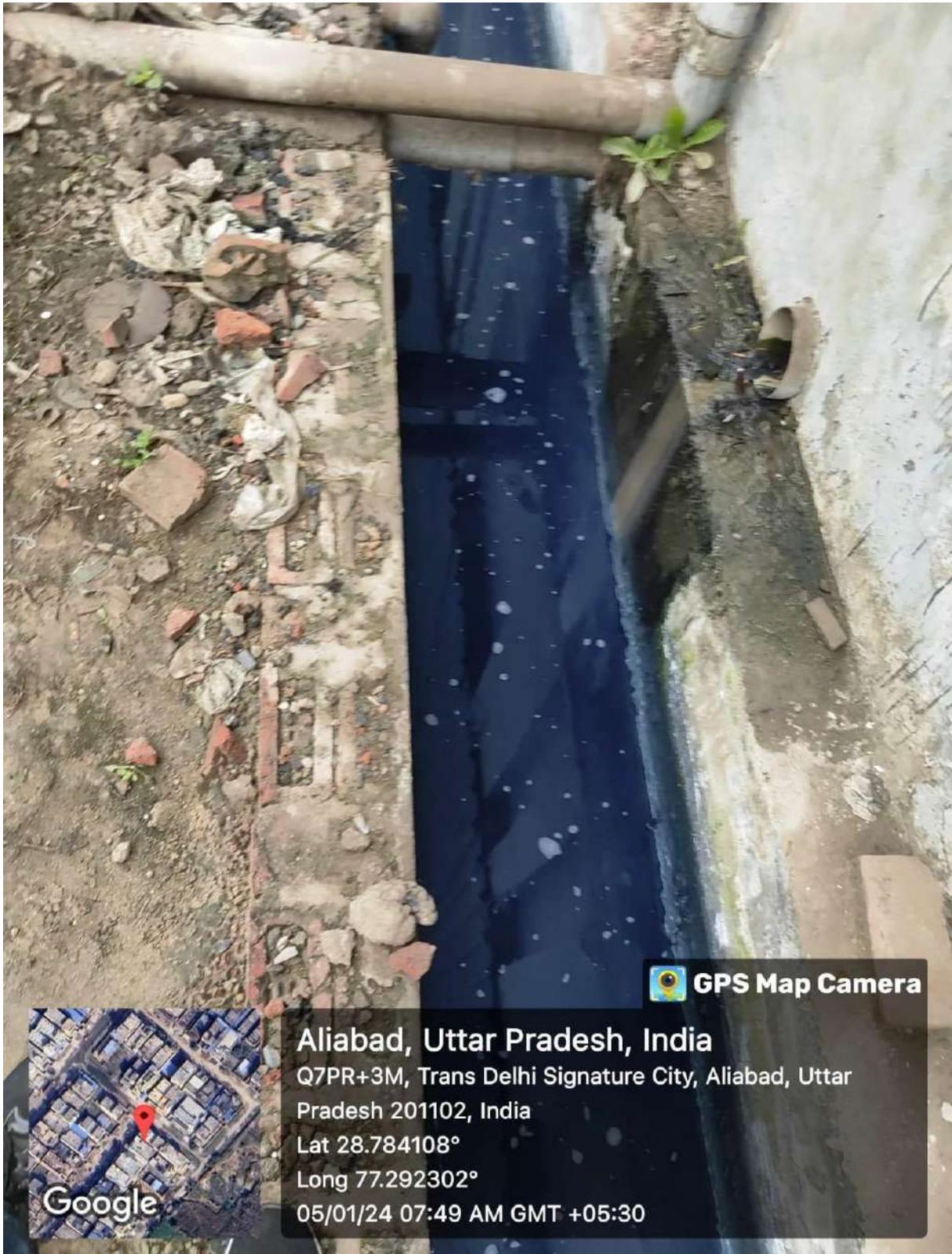




PHOTOGRAPHS OF TRONICA CITY DATED 05.01.2024  
SHOWING UNTREATED EFFLUENT BEING DISCHARGED IN  
OPEN AREAS AND INTO DRAINS



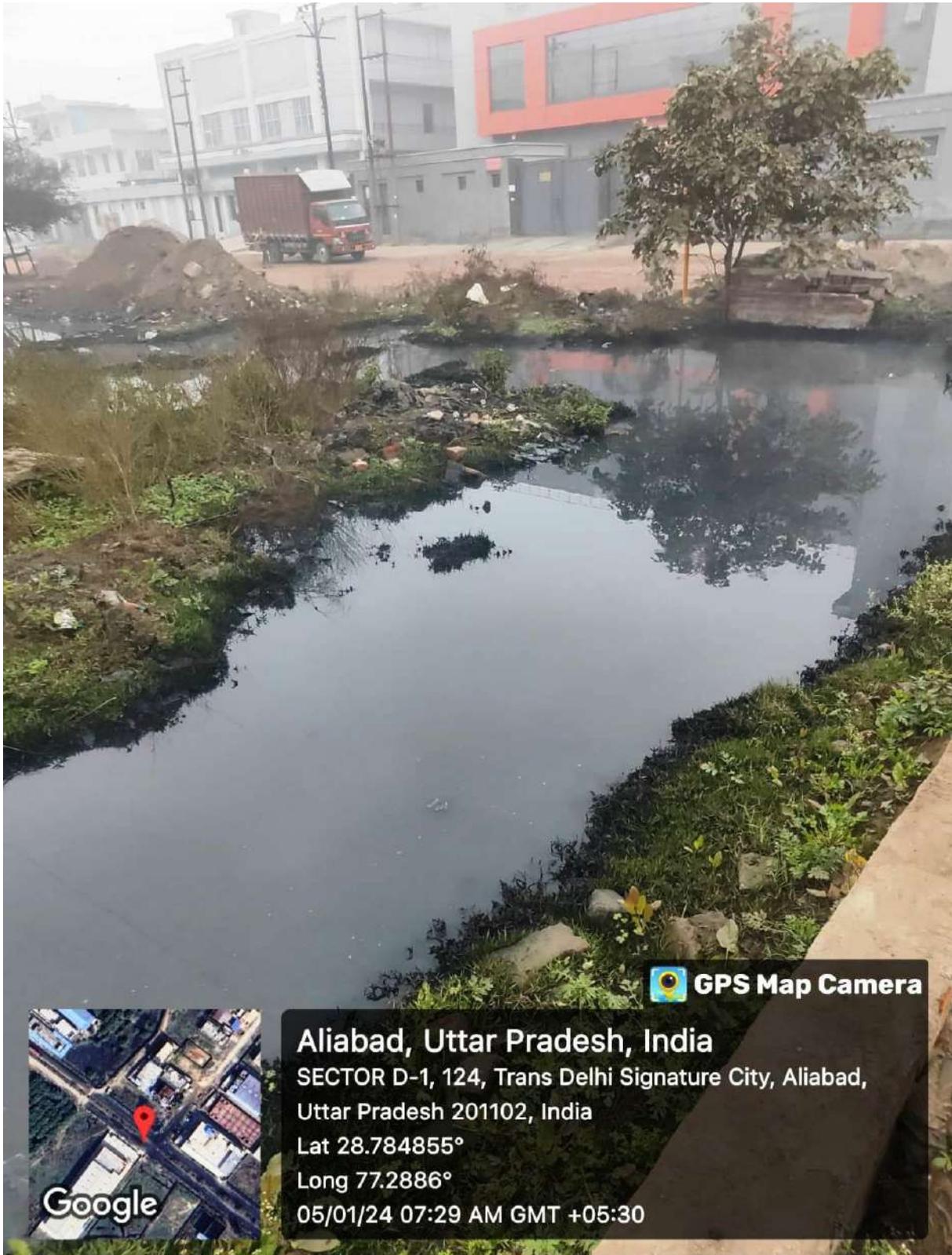




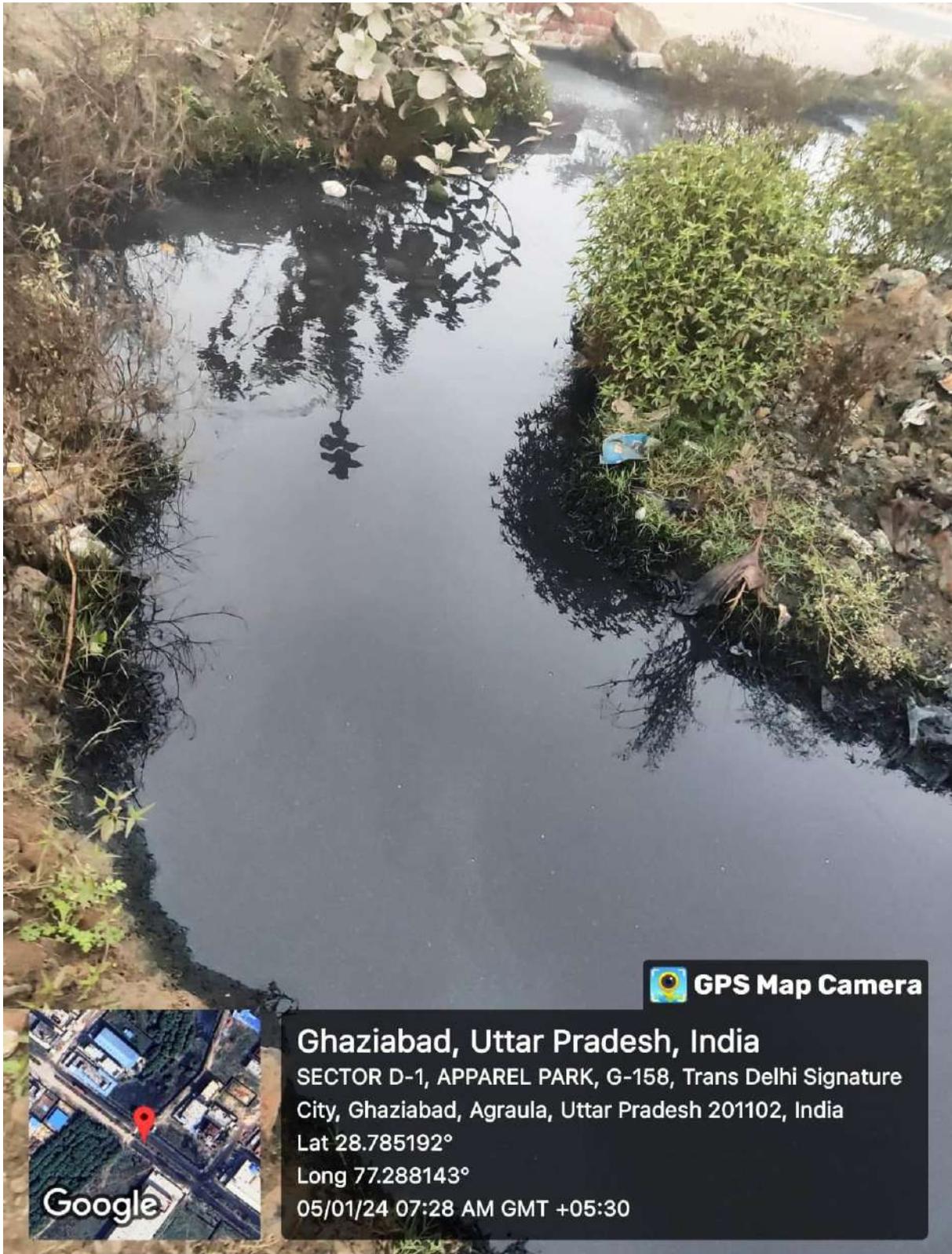
 **GPS Map Camera**

**Aliabad, Uttar Pradesh, India**  
Q7PR+3M, Trans Delhi Signature City, Aliabad, Uttar  
Pradesh 201102, India  
Lat 28.784108°  
Long 77.292302°  
05/01/24 07:49 AM GMT +05:30









क्षेत्रीय कार्यालय,  
उ०प्र० प्रदूषण नियंत्रण बोर्ड, Annexure A/4  
गाजियाबाद।

पत्र संख्या 944/एन०एस०-138/23/2022

दिनांक 01/02/2022

प्रेषक,

जन सूचना अधिकारी,  
उ०प्र० प्रदूषण नियंत्रण बोर्ड,  
गाजियाबाद।  
दूरभाष नं-0120-4160108

सेवा में,

श्री वरुण,  
ए-66, प्रथम तल गनेश नगर,  
तिलक नगर, नई दिल्ली-110018

विषय: सूचना का अधिकार अधिनियम, 2005 के सम्बन्ध में।

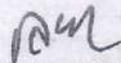
महोदय,

उपरोक्त विषयक आपका आर०टी०आई० आवेदन पत्र दिनांक 03.06.2022, जो बोर्ड मुख्यालय द्वारा दिनांक 03.06.2022 को इस कार्यालय में प्राप्त हुई है, का संदर्भ ग्रहण करने का कष्ट करे। सूचना का अधिकार अधिनियम, 2005 की वर्णित धाराओं एवं कार्यालय अभिलेखानुसार बांछित सूचनाएँ निम्नवत् है:-

1. सूची संलग्न है।
2. सूची संलग्न है।
3. विधुत विच्छेदन हेतु प्रेषित उद्योगों की सूची संलग्न है।
4. पर्यावरणीय क्षतिपूर्ति जमा करने वाले उद्योगों की सूची संलग्न है।
5. पर्यावरणीय क्षतिपूर्ति हेतु जारी पत्र की छायाप्रति संलग्न है।
6. रूपनगर एवं आर्यनगर लोनी का क्षेत्र श्री बी०के० सिंह, पर्यावरण अभियंता एवं श्री एन०के० पाण्डेय, सहायक पर्यावरण अभियंता द्वारा देखा जा रहा है।

यदि आप उपर्युक्त उत्तर से संतुष्ट नहीं है तो आप सम्बंधित अधिनियम की धारा 19(1) के अधीन इस पत्र के प्राप्त होने के दिनांक से तीस दिन के भीतर प्रथम अपीलीय प्राधिकारी के समक्ष अपील दायर कर सकते हैं, जिनका पता निम्नवत् है-  
प्रथम अपीलीय प्राधिकारी श्री उत्सव शर्मा, क्षेत्रीय अधिकारी, उ०प्र० प्रदूषण नियंत्रण बोर्ड, आई०एन०एस०-2, सेक्टर-16, वसुन्धरा, गाजियाबाद दूरभाष नं- 0120-4160108

भवदीय,



(बी०के० सिंह)

जन सूचना अधिकारी/  
पर्यावरण अभियंता

प्रतिलिपि:

जन सूचना अधिकारी, वृत्त-1, उ०प्र० प्रदूषण नियंत्रण बोर्ड, लखनऊ को सादर सूचनार्थ प्रेषित।

  
जन सूचना अधिकारी/  
पर्यावरण अभियंता

## Third Part report status Ganga/Yamuna River

Sr. No.	Name & Address	EC imposed	EC deposited
1	Nirdosh Dyeing & Washing, Khasra No. 72/2, Gali No.7, Arya Nagar Ind. Area, Loni, Ghaziabad	560000	0
2	S.K. Industries, B-80, Arya Nagar Ind. Area, Loni, Ghaziabad.	955000	0
3	Prince Dyeing, Arya Nagar Industrial Area, Loni, Ghaziabad.	1425000	0
4	L.K. Industry (Washing), 10/2, Arya Nagar, Loni, Ghaziabad.	105000	0
5	Nagpal Traders, A-23, Roop Nagar Ind. Area, Loni, Ghaziabad.	955000	0
6	Latex Wash, Arya Nagar, Loni, Ghaziabad.	1020000	0
7	Dilip Dyeing & Washing, Arya Nagar Ind. Area, Loni, Ghaziabad.	1370000	0
8	A.R. Supreme, 26-27, Rural Ind. Area, Loni, Ghaziabad.	1390000	0
9	R.R. Dyeing & Washing, Plot No-05, Arya Nagar Ind. Area, Loni, Ghaziabad.	1420000	0
10	Vinay Dyeing & Washing, 3, 96/3, Arya Nagar Ind. Area, Loni, Ghaziabad.	560000	0
11	Malik Dyeing, Gali No.-2, Arya Nagar, Loni, Ghaziabad.	565000	0
12	Sidra Washing, Arya Nagar Industrial Area, Loni, Ghaziabad.	500000	0
13	Shivani Dyeing, Arya Nagar, Loni, Ghaziabad.	1055000	0
14	M/s. K.R. Washing, Plot No-07, Khasra No-96/3, Arya Nagar Ind. Area, Loni, Ghaziabad.	1025000	257000
15	M/s. Vanishika Dyeing, B-68, Roop Nagar Ind. Area, Loni, Ghaziabad.	1415000	0
16	M/s. New AR Garment, 81, Rural Ind.area, Loni Ghaziabad.	1430000	0
17	M/s. S.G. Rubber Industry, A-77, Roop Nagar Ind. Area, Loni, Ghaziabad.	1420000	0
18	M/s.Sun Shine Dyeing & Washing. 75-76, Rural Ind. Area, Arya Nagar, Loni, Ghaziabad.	1425000	0
19	M/s. A.N. Fabric Dyers, 5/6, Site-2, Loni Road Mohan Nagar, Ghaziabad.	1120000	0
20	M/s. S. Star Enterprises, A-50/2, Roop Nagar Ind.area, Loni, Ghaziabad.	1450000	0
21	M/s. Super Fine Wash, 71, Arya Nagar Ind.area, Loni, Ghaziabad.	1420000	0

22	M/s. Simple Dyeing & Washing, 7, Khara No. 357, Arya Nagar Ind. Area, Loni, Ghaziabad.	1420000	0
23	M/s. Super Hosiery, Khasra No-505, Banthla, Loni, Ghaziabad.	1365000	0
24	M/s. Tina Dyeing, B-53, Roop Nagar Ind. Area, Loni, Ghaziabad.	1455000	0
25	M/s. Z.A. Washing, Unit-II, Arya Nagar, Loni, Ghaziabad.	1425000	0
26	M/s. Sai Processing, 7/37, Site-2, Loni Road Ind. Area, Mohan Nagar, Ghaziabad.	325000	0
27	M/s. Anita Dyeing Processing, 12/21, Arya Nagar Loni, Ghaziabad.	1370000	0
28	M/s. Pooja Dyeing, A-41, Roop Nagar Ind. Area, Loni, Ghaziabad.	975000	0
29	M/s. Solanky Dyeing, B-9, Roop Nagar Ind. Area, Loni, Ghaziabad.	970000	0
30	M/s. Sharma Washing Works, Khasra No. 92, Arya Nagar, Loni, Ghaziabad.	1415000	0
31	M/s. Pawan Deying, A-29, Roop NGR I.A., Loni, Ghaziabad.	1455000	0
32	M/s. Umar Dyeing & Washing, 83-B, Arya Nagar Ind. Area, Loni, Ghaziabad	1425000	0
33	M/s. Swastik Washing, A-37, Roop Nagar Ind. Area, Loni, Ghaziabad.	1435000	0
34	M/s. Aleena Washing Worsk, Plot No-97, 98, Arya Nagar, Loni, Ghaziabad.	1365000	0
35	M/s. Shri Krishna Arts & Dyeing, A-72, Roop Nagar Ind. Area, Loni, Ghaziabad.	1450000	0
36	M/s. Vivek Dyeing, Main Road, A-7, Main Road, Roop Nagar Ind. Area, Loni, Ghaziabad.	1450000	0
37	Shahnaj Washing, 87, Arya Nagar Ind. Area, Naipura, Loni, Ghaziabad.	1420000	0
38	M/s. Bhagwati Colour Impax (Unit-2), A-36, Roop Nagar Ind. Area, Loni, Ghaziabad.	1895000	0
39	M/s. M.K. Washing & Dyeing, B-74, Roop Nagar, Industrial Area, Loni, Ghaziabad	-	-
40	M/s. Voice India Udyog, Plot No-203, Laxmi Ind. Enclave, Arya Nagar Ind. area, Loni, Ghaziabad.	-	-
41	M/s. Radhey Raman Dyeing & Washing, 4, Arya Nagar Ind. Area, Ghaziabad.	-	-
42	M/s. Ramesh Dyeing & Washing, Plot No- 17, Arya Nagar Ind. Area, Ghaziabad.	1420000.00	0
43	M/s. V.S. Dyeing, Plot No.-15, 96/3, Arya Nagar, naipura Road, Loni, Ghaziabad.	-	-
44	M/s. S.A.K. Dyeing & Processors, Plot No.-76, Arya Nagar Ind. Area, Loni, Ghaziabad.	-	-

*True Copy*