

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
Principal Bench, New Delhi
In
Original Application No. 141/2022

In the matter of:-

Manish Jain

Applicant

Versus

Union of India & Ors.

Respondents

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1.	Reply on behalf of CPCB in compliance to Hon'ble NGT order dated 05.08.2022, in OA No. 141/2022, Manish Jain Vs. Union of India & Ors.	
2.	Annexure-I: A copy of the Hon'ble NGT, PB order dated 05.08.2022 and notice dated 23.08.2022.	



(Kamlesh Singh)

Scientist E

Central Pollution Control Board

Delhi-110032

Place- Delhi

Date- 28.10.2022

IN THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH AT NEW DELHI

O.A. No. 141 of 2022

IN THE MATTER OF:

Manish Jain

...Applicant

Versus

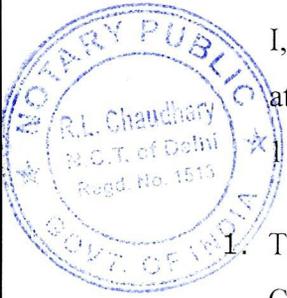
Union of India & Ors.

...Respondents

REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO. 2, CENTRAL POLLUTION CONTROL BOARD (CPCB)

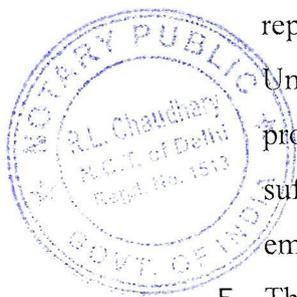
I, Kamlesh Singh S/o Shri Ramesh Chandra Singh, aged 39 years, and having office at Central Pollution Control Board, "Parivesh Bhawan", East Arjun Nagar, Delhi - 110032, do hereby solemnly affirm and state as under:

1. That I am presently working in the capacity of Scientist 'E' at Central Pollution Control Board (hereafter referred as CPCB), and have been authorized to file the Present Affidavit. I have read and understood the contents of the copy of the above Original Application and I have perused the documents annexed therewith, and as I am conversant with the facts and circumstances of the present case, I am duly authorized and competent to file present Reply Affidavit on behalf of Respondent No. 2.
2. That the averments made in Para 1 is about the allegations made by the applicant that people of Shamli facing environmental problem as a result of flyash and foul smell emitted by the Respondent no.5 i.e. M/s Upper Doab Sugar Mills Limited, Shamli which is running a Sugar mill in Shamli and causing violation of environmental norms & causing irreparable damage to the environment. It is submitted that a joint Committee was constituted by the Hon'ble NGT vide its order dated 28.02.2022 comprising Respondent No.3 (UPPCB) and Respondent No. 4 (District Magistrate -

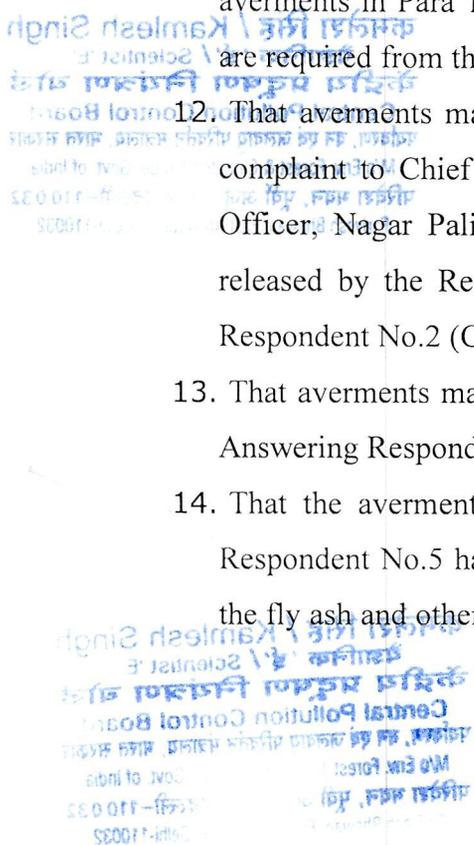
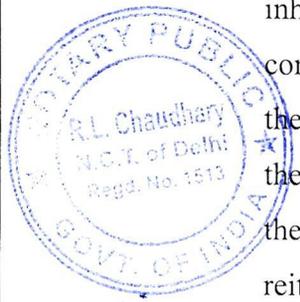


Shamli). The joint Committee conducted inspection on 31.03.2022 of the said Sugar Unit and during inspection no fly-ash was seen outside the industry premises on side of roads. The Unit has landfill area outside the premises, for fly-ash handling & management and has manual water sprinkler system at the fly-ash landfill site. The joint Committee report states that the height of the boundary wall at bagasse storage yard/area is not enough and needs to be increased (at least 3 meter). The Joint team has recommended that the Unit shall ensure safe transportation and storage of bagasse and fly ash, so to avoid any fugitive emission of bagasse and fly ash dust particles.

3. That averments made in Para 2 is about the deafening sound comes when steam injected in turbine. It is humbly submitted that the Joint Committee has not conducted any noise monitoring within the industrial premises & surrounding areas to ascertain the facts.
4. That averments made in Para 3 is about the applicant submission regarding release of bad odours/ fumes from Biogas plant/storage in air by Respondent No. 5 (M/s Upper Doab Sugar Mills Limited). It is humbly submitted that the joint Committee report of Respondent No. 3 (UPPCB) & No. 4 (District Magistrate -Shamli) has no mention of any bio-gas plant within the premises of Sugar Mill. It is also to submit that as per the report the Distillery Unit has an anaerobic reactor in its CPU (Condensate Polishing Unit) and the same will generate biogas (Methane, H₂S etc.) and therefore, the biogas produced required to be properly stored and utilised and in case, biogas is not sufficient to be used as fuel it should be burned through flare system for cleaner emission.
5. That averments made in Para 4 is about applicant's allegation regarding discharge of untreated industrial wastewater directly in the water bodies/nallas. It is submitted that the Joint Committee constituted by the Hon'ble NGT has conducted field inspection on 31.03.2022 of the said Sugar Unit and it is observed that the ETP was installed outside the premises of the Sugar mill and the untreated effluent is pumped from a pump inside the premises to the ETP through a pipeline. As per the joint report, about 230 workers /staff resides within the premises and 813 workers attend the mill per day. The Sugar mill does not have any STP for the treatment of sewage generated daily from the residential Colony and Sugar Mill. It indicates that the domestic wastewater is being discharged into the local drain without treatment by the Sugar mill violating the Condition of Consent to operate issued by Respondent No. 3 (UPPCB).

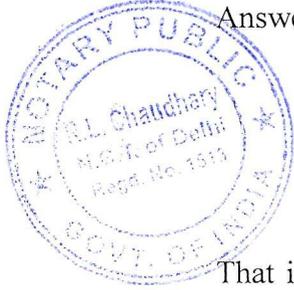


6. That averments made in Para 5 is about applicant's claim of release of 'BITREX' substance by the Unit (Respondent No. 5). It is humbly submitted that the Respondent No. 5 may suitably reply w.r.t the Bitrex substance and no comment is offered from this Answering Respondent.
7. That averments made in Para 6 are matter of records and do not require any comments from this Answering Respondent.
8. That averments made in Para 7 is about three Sugar mills being operated in Shamli District and the same is matter of records and do not require any comments from this Answering Respondent.
9. That averments made in Para 8 are matter of records and do not require any comments from this Answering Respondent.
10. That averments made in Para 9 & 10 is about applicant's submission regarding generation of heavy fly ash by Respondent No.5 and adversely affecting the health of inhabitant. It is humbly submitted that as per the inspection report of Joint Committee conducted on 31.03.2022, the Unit is required to increase the boundary walls height and the same should be more (at least 3 meter) than the height of the bagasse mound so as to avoid any bagasse dust emission to the nearby area. Further, it is humbly submitted that the Answering Respondent reiterate the same as stated in Para no. 2 of this Reply Affidavit.
11. That the averments made in Para 11 of the Original Application are about applicant's allegation that Respondent Nos. 4, 5, and 6 are not taking effective steps. The averments in Para 11 pertain to Respondent Nos. 4, 5, & 6 and hence no comments are required from this Answering Respondent.
12. That averments made in Para 12 is about applicant submission regarding filing of complaint to Chief Minister Uttar Pradesh, UPPCB, District Magistrate, Executive Officer, Nagar Palika Parisah Shamli on 05.05.2020 w.r.t fly ash and bad fumes released by the Respondent No. 5. It is humbly submitted it does not pertain to Respondent No.2 (CPCB) and needs no reply from this Answering Respondent.
13. That averments made in Para 13 are matter of records and needs no reply from this Answering Respondent.
14. That the averments made in Para 14 to 16 is about applicant's submission that Respondent No.5 has failed to take necessary precaution to stop or dispose properly, the fly ash and other residue. In reply to the averments, it is humbly submitted that the



Answering Respondent reiterate the same as stated in Para no. 2 & 10 of this Reply Affidavit.

15. That averments made in Para 17 are matter of records and do not require any comments from this Answering Respondent.
16. That averments made under the heading "Grounds" in Paras (A to O) are pertaining to the Applicant's Grounds for filing the present Original Application, and comments thereof has already been replied by this Answering Respondent in previous paras of this Reply Affidavit. It is submitted that the joint committee constituted by the Hon'ble NGT has conducted field inspection and submitted its report.
17. That the contents of Para Limitation under reply of the petition, are about the limitation of filing the present application and needs no comments from this Answering Respondent.



PRAYER

That in light of the above submissions, it is respectfully prayed that this Answering Respondent No-2 i.e. CPCB, is committed to abide by the order and directions passed by this Hon'ble Tribunal in this matter, as appropriate.

DEPONENT

कमलेश सिंह / Kamlesh Singh
वैज्ञानिक 'ई' / Scientist 'E'
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
M/o Env. Forest & Climate Change, Govt. of India
परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110 032
Parivesh Bhawan, East Arjun Nagar, Delhi-110032

VERIFICATION

I, the above named deponent do hereby verify that the contents of my above affidavit are true to my knowledge and belief based on official record. No part of it is false and no material has been concealed therein.

Verified at Delhi on this 28 day of October, 2022.

ATTESTED
NOTARY PUBLIC
GOVT. OF INDIA
28 OCT 2022

DEPONENT

कमलेश सिंह / Kamlesh Singh
वैज्ञानिक 'ई' / Scientist 'E'
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
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Parivesh Bhawan, East Arjun Nagar, Delhi-110032

Item No.01

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH**

(By Video Conferencing)

Original Application No. 141/2022
(I.A No. 45/2022)

Manish Jain ...Applicant

Versus

Union of India & Ors. ...Respondents

Date of hearing: 05.08.2022

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

Applicant: None.
Respondent Mr. Daleep Dhyani, Advocate for UPPCB.
Mr. Ankit Singh, Regional Officer of Muzaffarnagar.

**Application under Section 18 read with Section 14 and 15 of the
National Green Tribunal Act, 2010.**

ORDER

1. Grievances of the applicant in the application are that respondent no. 5- the Upper DOAB Sugar Mills Limited and respondent no. 6- Sir Shadi Lal Enterprises Ltd., are running sugar mill and distillery in Shamli respectively in violation of environmental norms and causing air and water pollution adversely affecting the health of the residents of the locality and surrounding areas of District Shamli.

2. Vide order dated 28.02.2022, this Tribunal constituted a Joint Committee comprising of the State PCB and District Magistrate, Shamli, (Uttar Pradesh) and directed the same to submit factual and action taken report within three months. The relevant part of the order reads as under:-

“Having regard to the seriousness of the allegations, it appears necessary to ascertain the factual position in the matter through a Joint Committee of the State PCB, District Magistrate, Shamli, (Uttar

Pradesh). The State PCB will be the Nodal agency for coordination and compliance. The Joint Committee may meet within four weeks and undertake site visit and look into the grievance of the applicant. Factual and action taken report may be furnished within three months by e-mail at judicialngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF..."

3. In compliance thereof, the Joint Committee inspected the industries on 31.03.2022 and has submitted report vide letter dated 01.07.2022. The relevant part of the report is extracted here under:

"X X X X X X X

The Sugar Unit i.e. M/s Upper Doab Sugar Mills, Shamli, UP was found operational during the visit. The Sugar mill started its operations on 08.11.2021 for the current crushing season 2021-22. The Sugar Mill and its surrounding area was inspected by the joint team & details are following:

A: General Information : About M/s Upper Doab Sugar Mills, Shamli, UP:

1.	<i>Date of Inspection:</i>	31.03.2022
2.	<i>Name of the unit with complete postal address</i>	<i>M/ s Upper Doab Sugar Mills, Shamli (A Unit of Sir Shadi Lal Enterprises Ltd, Shamli-247776, Uttar Pradesh</i>
3.	<i>Spatial Co-ordinates Latitude and longitude (in Decimal</i>	<i>Latitude -29°26'32.57"N Longitude-77°18'51.15"E</i>
4.	<i>Standalone/ integrated (with co-generation) Sugar/ sugar refinery</i>	<i>Sugar Unit</i>
5.	<i>Year of commissioning</i>	<i>1933</i>
6.	<i>License capacity of sugar Mill</i>	<i>6250 TCD</i>
7.	<i>Average actual crush rate (TCD)</i>	<i>5748 TCD (Avg . value upto dated 11.04.2022)</i>
8.	<i>Consent status & its Validity with date a. Air Consent b. Water consent C. Hazardous Waste Authorization</i>	<i>a) Air Consent valid up to 31.12.2023 (Annexure-I). b) Water consent valid up to 31.12.2023 (Annexure- II). c) The Hazardous Waste Authorization is valid upto 26.07.2023 (Annexure-III)</i>

9.	NOC from UPGWD & its Validity with date (Expired/Applied for renewal/First time applied/Never applied)	The unit has NOC from Ground Water Department for all 5 tubewells are valid upto 15.08.2026 (Annexure-IV)
10.	Started crushing in season 2021-22	08.11.2021 (2021-22)
	Stopped crushing in last season 2020-21	15.05.2021 (2020-21)
11.	Operational status during visit	Operational
12.	Name of contact person	Designation
	Sh. V.K. Tyagi	Vice President
	Sh. Pankaj Agarwal	GM(Production)

B. OPERATIONAL STATUS:

S.N	Particulars	
1.	Sources of fresh water	
	a. Bore well	Total Bore wells is 05 no. (03 was operational, 02 was standby)
	b. Flow meter Installation at wells	Yes
	c. Any Logbook maintained	Yes
2.	Fresh water consumption (KLD)	
	a. Sugar plant	From 01.03.2022 to 31.03.2022, Avg 1372 KLD as per logbook data.
	b. Residential etc.	
	c. Total fresh water Consumption (m ³ /hr)	
d. Log book maintained (Yes/ No) If any, details to be collected	Yes	
3.	Waste water (effluent generation (KLD))	
	a. Cooling tower over flow	Total Cooling tower over flow= 540 KL Total Cold water drain out = 0.0 KL
	b. Mills, cooling water drain, Cleaning	
c. Common/total effluent generation	1200 KLD (Approx.)	
4.	Schematic diagram of ETP	Receiving Tank> Oil Separator > Rori bed Filter> Chemical dosing tank> Zigzag pits> Aeration tank> Secondary clarifier> Dual media filters > Final treated effluent.
5.	Treatment capacity of ETP (KLD)	1600 KLD
6.	Storage of treated Effluent	
	A. No. & size of lagoons	No. of lagoon= 01, Size= 19000 m ³ (as reported by Unit)
	B. Retention time	15 days as per sugar charter
	Sludge Handling	
	a. Sludge Drying Process	06 no. sludge drying bed available for drying process
	b. Final Disposal of Sludge	Sludge after drying is used as manure for green belt.

7.	<i>c. Whether mechanical sludge handling system installed</i>	<i>Filter press is not installed</i>
8.	<i>Any Hazardous Substances (Yes/No), if yes, give details. (Quantity & way of Disposal)</i>	<i>Yes, Way of Disposal: lubricant/ used oil is mixed with bagasse & burnt in</i>
9.	<i>Mode of disposal (Route to Reach Ganga)</i>	<i>Treated effluent is given to nearby farmers through pipeline and used for irrigation.</i>

B. OPERATIONAL STATUS:

S.N	Particulars	
1.	Sources of fresh water	
	<i>a. Bore well</i>	<i>Total Bore wells is 05 no. (03 was operational, 02 was standby)</i>
	<i>b. Flow meter Installation at wells</i>	<i>Yes</i>
	<i>c. Any Logbook maintained</i>	<i>Yes</i>
2.	Fresh water consumption (KLD)	
	<i>e. Sugar plant</i>	<i>From 01.03.2022 to 31.03.2022 , Avg 1372 KLD as per logbook data.</i>
	<i>f. Residential etc.</i>	
	<i>g. Total fresh water Consumption (m3/hr)</i>	
	<i>h. Log book maintained (Yes/ No) If any, details to be collected</i>	<i>Yes</i>
3.	Waste water (effluent generation (KLD))	
	<i>c. Cooling tower over flow</i>	<i>Total Cooling tower over flow= 540 KL Total Cold water drain out = 0.0 KL</i>
	<i>d. Mills, cooling water drain, Cleaning</i>	
	<i>D. Common/total effluent generation</i>	<i>1200 KLD (Approx.)</i>
4.	Schematic diagram of ETP	<i>Receiving Tank> Oil Separator > Rori bed Filter> Chemical dosing tank> Zigzag pits> Aeration tank> Secondary clarifier> Dual media filters > Final treated effluent.</i>
5.	<i>Treatment capacity of ETP (KLD)</i>	<i>1600 KLD</i>
6.	Storage of treated Effluent	
	<i>C. No. & size of lagoons</i>	<i>No. of lagoon= 01, Size= 19000 m3 (as reported by Unit)</i>
	<i>D. Retention time</i>	<i>15 days as per sugar charter</i>
	Sludge Handling	
	<i>d. Sludge Drying Process</i>	<i>06 no. sludge drying bed available for drying process</i>
	<i>e. Final Disposal of Sludge</i>	<i>Sludge after drying is used as manure for green belt.</i>

7.	<i>f. Whether mechanical sludge handling system installed</i>	<i>Filter press is not installed</i>
8.	<i>Any Hazardous Substances (Yes/No), if yes, give details. (Quantity & way of Disposal)</i>	<i>Yes, Way of Disposal: lubricant/ used oil is mixed with bagasse & burnt in</i>
9	<i>Mode of disposal (Route to reach Ganga)</i>	<i>Treated effluent is given to nearby farmers through pipeline and used for irrigation.</i>

3.1 Observations during the visit on 31.03.2022 by the joint team of UPPCB and District Administration, Shamli:

➤ **General**

1. *The Sugar unit i.e. M/s Upper Doab Sugar Mills, Shamli, U.P is engaged in producing white sugar by using Sugarcane as raw material.*
2. *During inspection, the unit was found in operation. The ETP was operational at the time of inspection.*
3. *The unit has started its crushing operation on 08.11.2021 for current season 2021-22. The Unit closed its operation on 15.05.2021 in the last crushing season i.e. 2020-21.*
4. *As per Daily Manufacturing Reports (DMRs) provided by the unit, it was observed that on the average actual crush rate (TCD) is **5748** TCD (Avg. value upto dated 11.04.2022) against the consented capacity of 6250 TCD.*

➤ **Compliance status under Water (Prevention & Control of Pollution) Act, 1974**

5. *The Unit is having valid Consent to operate (CTO) under Water & Air act and valid up to 31.12.2023.*
6. *The unit is having ETP with treatment capacity of 1600 KLD for treatment of effluent generated from various sections of sugar mill. The ETP comprises of Receiving Tank> Oil Separator > Rori bed Filter> Chemical dosing tank> Zigzag pits> Aeration tank> Secondary clarifier> Dual media filters > Final treated effluent.*
7. *The unit has installed flow-meter at ETP inlet pipeline & Outlet pipeline. The unit has maintained log book for inlet and outlet flow meter reading.*
8. *The unit is complying w.r.t. final treated effluent discharge volume norms as the treated effluent generation i.e., 193 Liter/ton of cane crushed as against norms of 200 Liter/ ton of cane crushed.*
9. *The unit has 01 lagoon having capacity of 19,000 m³ to store final treated effluent. The treated water is pumped for irrigation to nearby factory farm yard and farmer land as per the demand through pipeline.*

10. During inspection, it was observed that the ETP was installed outside the premises of the Sugar mill and the untreated effluent is pumped from a sump inside the premises to the ETP through a pipeline. The sump drain found disconnected by Brick Wall from storm water drain.
11. About 230 workers / staff resides within the premises and 813 workers attends the mill per day. The Sugar mill does not have any STP (Sewage Treatment Plant) for the treatment of sewage generated daily from the residential Colony and Sugar Mill. The Unit has submitted the proposal for STP (Sewage Treatment Plant of 100 KLD Capacity) for the treatment of sewage water.
12. The Joint team collected sample from the ETP and outside the premises Shamli drain. Lab analysis results are tabulated as below:

Sample Locations	Parameters						
	Ph	COD	BOD	TSS	TDS	O&G	MLSS
(ETP)							
Inlet	5.2	2880	1065	580	-	-	-
Aeration tank	-	-	-	-	-	-	2800
Final Outlet (After tertiary treatment)	7.2	192	26	28	556	-	-
Standards as per E(P(Rules), 1986	5.5-	250	100	100	2100	10	
For Land disposal	8.5						
Drain outside the Unit premises.							
Shamli drain (downstream 3 - 3.5 km from the unit premises)	7.2	248	106	84	-	-	
O&G is Oil & Grease							

All values in mg/l except pH. The Lab Analysis report is annexed at **annexure-V**.

13. The unit has installed Online Continuous Effluent Monitoring System (OCEMS). During inspection, all parameters found within the norms. The OCEMS is connected with CPCB server.
14. The Unit has maintained logbook for daily bore wells reading & analysis of effluent parameters.
15. The unit submitted ground water sample analysis report dated 26.02.2022 in which general parameters and heavy metals parameters are within the prescribed limits from third party agency M/s. Newcon Consultants & Laboratories, Ghaziabad (Annexure-VI).
- **Compliance status under Air (Prevention & Control of Pollution) Act, 1981**
16. The Unit is surrounded by nearby human population, commercial activities and academic institutions. The Unit has increased the boundary height at Bagasse yard area & covered the bagasse & mound with green cover. However, the boundary

walls height need to be increased and should be more (at least 3 meter) than the height of the bagasse mound so as to avoid any bagasse dust emission to the nearby area.

17. During the visit, water sprinkling was being practised manually by the unit in the Bagasse handling area and storage yard.
18. The unit is having 05 no. of Boilers & capacity of 04 boilers are 25 TPH each & one of 38 TPH using bagasse as fuel and the same was operational during inspection. For APCD, the unit has installed wet scrubbers in 04 stack (common in two 25 TPH boiler).
19. During inspection, stack monitoring of the boiler stacks were also carried out by the team. Details as below stack:

Boiler No.	Boiler Capacity (TPH)	APCD	Stack Height	Analysed Parameter PM (mg/Nm3)	Standard (mg/Nm3)
01	1x38 TPH	Wet scrubber	35 meter	142.6	150
02	2x25 TPH	Wet scrubber (Common)	35 meter (common)	138.7	150
03					
04	1x25 TPH	Wet scrubber	35 meter	132.7	150
05	1x25 TPH	Wet scrubber	35 meter	136.2	150

The Lab Analysis report is annexed at **Annexure-VII**.

20. During the visit, fly-ash was not seen outside the industry premises on side of roads. The Unit has landfill area outside the premises for fly-ash handling and management in land owned by the unit about less than 1 km from the industry. The total area of fly ash yard is approx. 4.15 acre. At the time of inspection, almost 2000 sqm. area found filled with fly ash. Industry intimated that they have agreement for disposal of fly ash for filling in low lying areas. Copy of the agreement is enclosed at **Annexure-VIII**.
21. The unit has manual water sprinkler system at the fly-ash landfill site. The transportation of the fly-ash to the designated landfill site facility found covered truck/trolley to contain the spread of any fly-ash during transportation. The Unit representative informed that the fly-ash from the landfill site is taken for the road making.

➤ **Groundwater Sampling and Analysis**

22. To assess the ground water quality, groundwater samples were collected from the units premises & outside the factory and results are depicted below:

GW Sample Location	pH	Conductivity	TDS	Total hardness
Borewell within the premises	7.9	1080	760	340
India Mark-II Hand Pump near Shamshan Ghat, Vill. Lilon (Opp. to Goga Peer Mhadi)	7.4	780	640	290
Drinking water standards (BIS) (Second Revision) IS 10500: 2012 (Acceptable limit)	6.5-8.5	--	500	200
Drinking water standards (BIS) (Second Revision) IS 10500: 2012 (Permissible limit in absence of alternate source)	6.5-8.5	--	2000	600

All values in mg/l except pH. The Lab Analysis report is annexed at **Annexure-IX**.

3.3 CONCLUSIONS (SUGAR MILL)

1. The Sugar mill started its operation on 08.11.2021 during the current crushing season (2021-22).
2. During the visit, the Unit was found complying with the notified effluent standards for irrigation at ETP.
3. The unit has submitted proposal for installation of Sewage Treatment Plant of 100 KLD capacity for the treatment of sewage water.
4. During the visit, no visible fly-ash and baggase emission/spread was observed. The bagasse stock was found covered with green sheet, however the height of the boundary wall at bagasse storage yard/area are not enough and needs to be increased (at least 3 meter). Industry representative informed that boundary wall construction work is under progress. During inspection, foundation work were found in progress.
5. In the matter of Satyapal Singh Vs State of Uttar Pradesh (O.A. No. 301/2020) as per the Hon'ble NGT order dated 02.08.2021, on the basis of joint committee recommendation, environmental compensation of Rs. 6.90 Lac has been deposited by the industry through RTGS (No. PUNBR52022042511894660) dated 25.04.2022 in Bank A/c of U.P. Pollution Control Board.
6. Industry has submitted the action taken report vide their letter no. UDSM/HR/44/2022 dated 26.04.2022 in the matter of Satyapal Singh Vs State of Uttar Pradesh in O.A. No. 301/2020. At the time of inspection dated 31.03.2022, unit found complying the recommendation of joint committee passed through their visit on dated 24.11.2021.

3.4 RECOMMENDATIONS FOR THE SUGAR MILL (M/S UPPER DOAB SUGAR MILLS)

Based on the present joint visit on 31.03.2022, following are recommended for compliance:

1. *The Unit shall install a Sewage Treatment Plant (STP) of 100 KLD capacity as per proposal within 03 months for the treatment of domestic wastewater generated from the residential and industrial area.*
2. *The Unit shall ensure safe transportation and storage of bagasse and fly ash, so that can avoid any fugitive emission of bagasse and fly ash dust particles.*
3. *Unit shall ensure the provisions of Water (Pollution Prevention & Control) Act 1974 as amended and Air (Pollution Prevention & Control) Act 1981 as amended.*

4.0 JOINT INSPECTION OF M/S SHAMLL DISTILLERY & CHEMICAL WORKS, (DISTILLERY) SHAMLI, UTTAR PRADESH BY CPCB, UPPCB, AND ADM-SHAMLI.

M/s Shamli Distillery & Chemical Works', Shamli. ("The Unit"), UP is engaged in the manufacturing of ENA/Rectified Spirit/Absolute Alcohol by using from Mmolasses as raw material. The installed production capacity of the Unit is 100 KLD.

During the visit on 31.03.2022, the unit was found operational. The Distillery Unit representative informed that they had started their manufacturing operations on 04.12.2021.

General information :		
1.	<i>Name of the unit and Address</i>	<i>M/s Shamll Distillery & Chemical Works, Shamli-247776, Uttar Pradesh</i>
2.	<i>Spatial Co-ordinates (lat. & long.)</i>	<i>Lat:29.450758 , Lon:77.315212</i>
3.	<i>Name of the Contact person- Designation, Contact no.</i>	<i>Sh. Rajan Srivastava, Asstt. Vice President Mob. No. 9149207470</i>
4.	<i>Year of Commissioning</i>	<i>1945</i>
5.	<i>Sector</i>	<i>Distillery</i>
6.	<i>Production capacity</i>	<i>100 KLPD</i>
7.	<i>Status of consents & Authorization (validity/ applied)</i>	<i>Air Consent: valid up to 31-12-2023 (Annexure-X) Water Consent: Valid up to 31-12-2023 (Annexure-XI) HW Authorization: Valid up to 28-01-2027</i>

		(Annexure-XII)	
8.	<i>Environmental display board at the entrance gate (Yes/No)</i>	Yes	
9.	<i>Water Supply Source</i> <i>No. of bore wells</i> <i>Water Consumption (KLD) (with details of water meters Installed)</i> <i>Logbook maintained: (Y/N)</i> <i>UPGWD Permission Obtained: (Y/N)</i>	<i>Bore wells</i> <i>02 nos.</i> <i>About 700 KLD (as reported)</i> <i>Water meter installed</i> <i>Yes,</i> <i>Yes, valid upto 17.12.2026 for 02 Nos.</i> <i>Borewells (Annexure-XIII)</i>	
10.	<i>Waste water generation (KLD) :</i>	<i>The spent-wash generation is about 750 KLD (Average).</i>	
11.	<i>Details of ETP Plant</i>	<i>At the time of inspection, it is found that the spent-wash being generated from process, concentrated in MEE (2 Nos., one of 22 KL/Hr and another one is 30 KL/Hr Capacity) and the MEE Concentrate was being sent to slope fired boiler. MEE Condensate, Cooling tower blow down and boiler blow down treated in Condensate Polishing Unit (CPU). CPU comprises of mixing tank (1100 M3), Anaerobic Reactor (5200 M3), Lamella Clarifier (14 M3), Aeration Tank (3000 M3), Clarifier (170 M3), Holding Tank (1100 M3), R.O. Plant (59 M3/Hr).</i>	
12.	<i>Sources of Air Pollution (Boiler detail)</i>	1. 14 TPH Bagasse fired boiler (closed during visit) 2. 36 TPH Slope boiler (Operational)	
	<i>Type of fuel/s used with consumption and Stack details With APCD</i>	<i>Fuel used in 36 TPH</i>	<i>Slope and Bagasse</i>
		<i>Fuel consumption</i>	<i>180 MT/day- Slope, 170 MT/day- Bagasse</i>
		<i>Stack height & Diameter</i>	<i>72 Mt, 2.5 Mt dia.</i>
<i>APCD attached</i>	<i>Bag filter</i>		
13.	<i>Details of OCEMS installation</i>	<i>The flow-meter installed at spent-wash and MEE Concentrate line. OCEMS (emission) for PM emission monitoring from the boiler Stack and provided connectivity to CPCB/UPPCB</i>	

14	Type & Quantity of waste generated	Boiler ash:15 TPD
15.	Facility of Storage/Disposal	Boiler ash: Being sold to potash manufacturer

4.1 Observation made during the visit of M/s Shamli Distillery & Chemical Works, Shamli, UP by UPPCB and ADM-Shamli.

1. The Distillery Unit's manufacturing operation was found operational during the visit on 31.03.2022.
2. During the visit, no discharge of effluent as the industry is complying ZLD.
3. During the visit, no bio-composting found.
4. Industry has submitted the action taken report vide their letter no. SD/2022/293 dated 26.04.2022 in the matter of Satyapal Singh Vs State of Uttar Pradesh in O.A. No. 301/2020. At the time of inspection dated 31.03.2022, one storage lagoon (Capacity 4200 KL) of spent wash was found in use, rest 02 lagoons having capacity of 1350 KL each was found not in use. 01 Lagoon found filled and another one was in the process of filling. Industry has intimated that the 2nd lagoon will be filled within 10 to 15 days in the said letter.
5. Industry has installed the environmental display board.
6. During the visit, unit found complying the recommendation of joint committee passed through their visit on dated 24.11.2021.

➤ Compliance status under Water (Prevention & Control of Pollution) Act, 1974

7. The Unit is having valid Consent to operate (CTO) under Water & Air act and valid up to 31.12.2023.
8. The unit is having CPU of adequate capacity for treatment of condensate generated from MEE and other sections of distillery unit. The CPU comprises of Mixing Tank (1100 M3), Anaerobic Reactor (5200 M3), Lamella Clarifier (14 M3), Aeration Tank (3000 M3), Clarifier (170 M3), Holding Tank (1100 M3), R.O. Plant (59 M3/Hr).
9. The unit has installed flow-meter at CPU inlet pipeline & Outlet pipeline. The unit has maintained log book for inlet and outlet flow meter reading.
10. The unit has 01 lagoon having capacity of 4200 m3 to store concentrated spent wash equivalent to 7 days production as per the UPPCB consent condition in case of incineration boiler.
11. The Joint team collected sample from the CPU. Lab analysis results are tabulated as below :

Sample Locations	Parameters						
	Ph	COD	BOD	TSS	TDS	O&G	MLSS
(CPU)							
Inlet	5.4	3800	1880	210	640	-	-
Aeration tank	-	-	-	-	-	-	1750
Outlet	7.2	96	22	46	590	-	-

<i>Standards as per EP(Rules), 1986 For Land disposal</i>	5.5-8.5	250	100	100	2100	10	
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All values in mg/l except pH. The Lab Analysis report is annexed at **Annexure-XIV**.

➤ **Compliance status under Air (Prevention & Control of Pollution) Act, 1981**



12. The Unit is surrounded by nearby human population, commercial activities and academic institutions. During the visit, no visible fly ash and bagasse emission/spread was observed. Industry representative informed that they have bagasse yard in the premises which was verified during the visit. Industry representative also informed that they are in the process of construction of brick wall surrounding the outside area.
13. During the visit, water sprinkling was being practiced manually by the unit in the Bagasse handling area and storage yard.
14. The unit have 01 bagasse fired boiler of 14 TPH capacity which was found nonoperational during the visit. The unit has 01 slop boiler of 36 TPH capacity which was operational during the visit. Under the provision of Air (Pollution Prevention and Control) Act 1981 as amended, Slop boiler is being supported by Bag Filter with 72 m. high Stack from ground level.
15. Industry has installed Online Continuous Emission Monitoring System which is linked with CPCB and UPPCB server.
16. During inspection, stack monitoring of the slop boiler stack was carried out by the team. Details are as below :

Boiler No.	Boiler Capacity (TPH)	APCD	Stack Height	Analysed Parameter PM (mg/Nm3)	Standard (mg/Nm3)
01	36 TPH Slop Boiler	Bag Filter	72 meter	112	150

The Lab Analysis report is annexed at **Annexure-XV**.

17. During the visit, fly-ash was not seen outside the industry premises on side of roads. The Unit has provided a landfill area outside the premises for fly-ash handling and management in land owned by the unit about less than 1 km from the industry.
18. The unit has manual water sprinkler system at the fly-ash landfill site. The transportation of the fly-ash to the designated landfill site facility found covered truck/trolley to contain the spread of any fly-ash during transportation. The Unit representative informed that the fly-ash from the landfill site is taken for the road making.
19. The unit has agreement for slop ash selling with M/s. Ganpati Enterprises, Vishvakarma Nagar, Budhana Road, Shamli valid upto 24.12.2024.

➤ **Groundwater Sampling and Analysis**

20. To assess the ground water quality, groundwater samples were collected from the unit premises and results are depicted below:

GW Sample Location	pH	Colour (Hzn)	Total hardness	Calcium	Magnesium	Chloride	Conductivity	TDS
Borewell within the premises	7.5	5	284	178	106	68	690	402
Drinking water standards (BIS) (Second Revision) IS 10500: 2012 (Acceptable limit)	6.5-8.5	5	-	75	30	250	-	500
Drinking water standards (BIS) (Second Revision) IS 10500: 2012 (Permissible limit in absence of alternate source)	6.5-8.5	5	-	200	100	1000	-	2000

All values in mg/l except pH. The Lab Analysis report is annexed at **Annexure-XVI**.

4.2 CONCLUSION (DISTILLERY UNIT)

1. The distillery started its operation on dated 04.12.2021.
2. During the visit, the unit was found complying with the notified effluent standards by achieving ZLD.
3. During the visit, no visible fly ash and bagasse emission/spread was observed. Industry representative informed that they have bagasse yard in the premises which was verified during the visit. Industry representative also informed that they are in the process of construction of brick wall surrounding the outside area.

4.3 RECOMMENDATIONS FOR M/S SHAMLL DISTILLERY & CHEMICAL WORKS (DISTILLERY)

Based on the present joint visit on 31.03.2022, following are recommended for compliance:

1. The distillery unit shall ensure to maintain ZLD as per the charter notified by CPCB.
2. The Distillery unit shall ensure that the storage capacity of the lagoon/tank for MEE concentrated spent-wash shall not exceed 07 days equivalent of production in case of incineration boiler as per the UPPCB consent conditions.
3. The distillery unit shall not store bagasse in open place in the boiler section.
4. The distillery unit shall ensure the provisions of Water (Pollution Prevention & Control) Act 1974 as amended and Air (Pollution Prevention & Control) Act 1981 as amended."

4. We have gone through the report. In its report, the Joint Committee has not specifically mentioned about compliance by the Project Proponents with the consent conditions. The State PCB is directed to look into the matter of compliance by both the industries with the consent conditions particularly conditions regarding (i) disposal of fly ash as per CPCB

guidelines, (ii) coverage of minimum 33 percent of the land on which the industry is established with plantation of suitable species and (iii) compliance with recommendations made by the Joint Committee in its report and take appropriate remedial action as required by law after notice to the Project Proponents and by following due process of law and submit Action Taken Report before this Tribunal 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. Notices alongwith copies of the application and the report of the Joint Committee be also issued to respondents no. 1, 2, 4 to 6 requiring them to file their response/ reply to the allegations made in the application as well as observations made in the report of Joint Committee within two month **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.

6. List the matter for further consideration on 04.11.2022.

7. A copy of this order be forwarded to the State PCB by email for compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

August 05, 2022
AG

BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI
ORIGINAL APPLICATION NO. 141 OF 2022
MANISH JAIN VS UNION OF INDIA & ORS

To

1. **UNION OF INDIA,**
Through its Secretary,
Ministry of Environment, Forest & Climate Change,
Indira Paryavaran Bhawan,
Jor Bag Road, New Delhi-110003
Email:- secy-moef@nic.in
2. **MEMBER SECRETARY,**
Central Pollution Control Board,
Parivesh Bhawan, East Arjun Nagar,
Delhi-110032
Email: mscp.cpcb@nic.in
3. **DISTRICT MAGISTRATE (IAS),**
Collectorate Office Banat,
District Shamli, Uttar Pradesh- 247776
Email: dmsm@nic.in
4. **THE UPPER DOAB SUGAR MILLS LIMITED,**
Through its Chairman/GM,
Mill Road, Shamli, Uttar Pradesh-247776
5. **SIR SHADI LAL ENTERPRISES LTD.**
Through Managing Director,
Registered Office,
4A, Hansalya, 15 Barakhamba Road,
New Delhi-110001
Email: udsm_shamli@sirshadilal.com

NOTICE

Whereas the above titled Application was listed before the Tribunal on 05.08.2022 (copy of order, petition along with Joint Report dated 01.07.2022 are enclosed), when the Tribunal inter-alia passed the following order (reproduced relevant extracts only):-

“Para 5:- Notices alongwith copies of the application and the report of the Joint Committee be also issued to respondents no. 1, 2, 4 to 6 requiring them to file their response/ reply to the allegations made in the application as well as observations made in the report of Joint Committee within two month 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.

List for further consideration on 04.11.2022”

-*****-

2. Now, take further notice that the above matter will be listed for further consideration before the Hon'ble Tribunal on 04th November, 2022, at **Faridkot House, Copernicus Marg, New Delhi-110001** through physical hearing (with hybrid option), when you may appear before the Hon'ble Tribunal either in person or by a pleader duly instructed, and file replies/responses, as per directions of the Hon'ble Tribunal vide Order dated 05.08.2022.
3. Take further notice that in default of your appearance on the date above mentioned, the said Application will be heard and determined in your absence.
4. Given under my hand and the seal of this Tribunal, on this 23rd August, 2022.
Note: (For Orders, Cause Lists & other information, please visit our website www.greentribunal.gov.in)


Consultant (Judicial), NGT

