

**BEFORE THE NATIONAL GREEN TRIBUNAL,  
Principal Bench, New Delhi  
Original Application No. 107/2019**

**In the Matter of:**

**Shah Alam**

**Applicant(S)**

**Vs.**

**State Of Uttar Pradesh**

**Respondent(S)**

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*Ajit Kumar Vidyarthi*

**(Dr. A. K. Vidyarthi)**

Scientist-E

Central Pollution Control Board,  
Parivesh Bhawan, East Arjun Nagar,  
Delhi- 110032

Place: Delhi

Date: 16<sup>th</sup> June, 2020

## **Compliance Report in O.A. No. 107/2019 in the matter of Shah Alam vs. State of Uttar Pradesh**

1. The issue raised in this matter is related to violation of environmental norms by M/s Jubilant group of Industries at Gajraula, District Amroha, U.P., affecting the health of the inhabitants of the area.

2. In compliance with the Hon'ble NGT order dated 03.07.2019, inspection of M/s Jubilant Industries Ltd., Gajraula, Amroha was carried out on July 17<sup>th</sup> & 18<sup>th</sup>, 2019 by a joint team comprising of the Officials from CPCB Delhi, UPPCB (RO Bijnor), SDM Amroha, and Additional CMO, Professor and Head (Official Incharge), Krishi Vigyan Kendra, Gajraula and Inspection Report dated 13.09.2019, was filed in Hon'ble NGT. Hon'ble NGT vide its order dated 01.11.2019, (corrected order dated 20.11.2019) considered the report filed by the committee and further directed:

*“Further action taken report may be filed by the joint Committee of the CPCB and the Uttar Pradesh State PCB within two months by email at [judicialngt@gov.in](mailto:judicialngt@gov.in).”*

3. In pursuance to Hon'ble NGT directions, further Action Taken report was filed by CPCB, which was duly considered by the Hon'ble Tribunal in its order dated 05.02.2020 (**Annexure-I**), and it was further directed:

*“9. Accordingly, a further action taken report has been filed by the CPCB on 28.01.2020 to the effect that a meeting was held on 04.12.2019 to discuss the execution of the order already passed after considering the reply of the unit in response to the show cause notice dated 31.10.2019 issued by the State PCB. Compensation amount of Rs. 6,19,00,000/- was assessed for various violations except the illegal withdrawal of ground water. The CGWA was asked to assess the compensation for such illegal drawl and the State PCB was asked to take similar action. Learned counsel for the State PCB states that the State PCB has calculated the compensation at Rs.9.84 crores and a show cause notice has been issued to the industry on 30.10.2019 for which opportunity of hearing has been given to the unit.*

*10. In view of the above, let further action be taken in accordance with law.....*

*11. A further report may be furnished jointly by the CPCB and the UPPCB by email at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in). The CPCB will be the nodal agency for compliance and coordination.”*

4. In compliance to the above said directions of Hon'ble Tribunal, CPCB vide its letter-dated 24.02.2020 (**Annexure-II**), has requested Member Secretary, UPPCB to provide action taken report on the observations made by Hon'ble NGT.

5. Subsequently, a videoconference meeting was held with officials of UPPCB & CPCB on 15.04.2020 to discuss the execution of the NGT order dated 05.02.2020 and status of actions taken by UPPCB in the matter and following observations are made:

- i. Regional Officer, Bijnor, UPPCB informed that UPPCB has not issued any statutory direction or passed any order till date to the unit as referred in Hon'ble NGT order dated 05.02.2020.

- ii. Since the inspection report dated 13.09.2019 was filed by the joint committee of CPCB, UPPCB, Health Department, District Admin, U.P. Jal Nigam, Horticulture Department and the Krishi Vigyan Kendra, Amroha on the basis of the inspection carried out, actions required to be taken were well known and also, Hon'ble NGT vide its orders dated 01.11.2019 and 05.02.2020 has directed to take actions against the unit and has not ordered for any further inspection, hence any further inspection is not appropriate at this stage.
- iii. UPPCB shall take further statutory actions including issuance of appropriate directions in response to observations and recommendations made in the report dated 13.09.2019 by the joint committee, show cause notice dated 30.10.2019, along with environmental compensation amount of Rs. 9.84 crores (for illegal withdrawal of ground water) issued by UPPCB within 15 days.

Minutes of the meeting (**Annexure-III**), was issued to UPPCB vide email dated 26.04.2020.

6. It was evident that UPPCB has neither taken any decision in respect of their show cause notice dated 30.10.2019 along with environmental compensation of Rs. 9.84 crores nor has taken any further statutory actions to ensure compliance and recovery of Environmental Compensation (EC) and inordinate delay has already been made by UPPCB.

7. Therefore, CPCB issued directions dated 14.05.2020 (**Annexure-IV**) under section 18(1) (b) of the Water (Prevention and Control of Pollution) Act, 1974 to UPPCB to comply with the following:

1. UPPCB shall issue appropriate directions to ensure compliance of observations and recommendations made in the joint inspection report dated 13.09.2019 furnished by the joint committee and decisions of the meeting held on 04.12.2019 & 15.04.2020 in a time bound manner including recovery of Rs. 6.19 crores calculated as EC by the joint committee.
2. UPPCB shall take further statutory actions in response of their issued show cause notice dated 30.10.2019 along with levying EC amount of Rs. 9.84 crores (Calculated by UPPCB in issued SCN) within 15 days.
3. UPPCB shall take appropriate legal actions which may include closure and prosecution in respect of Distillery unit which was found non-complying with respect to ZLD norms.

The action taken report by Uttar Pradesh Pollution Control Board shall be furnished to CPCB within 15 days of recipient of this direction.

8. M/s Jubilant Life Sciences Ltd. through email dated 26.05.2020 and 31.05.2020 (**Annexure-V**) has requested CPCB give them opportunity to represent their case personally. In response CPCB vide letter dated 10.06.2020 (**Annexure-VI**) forwarded their request to UPPCB for appropriate and necessary action considering directions of Hon'ble NGTs.

9. UPPCB issued closure directions dated 03.06.2020 (**Annexure-VII**) under section 33 (A) of the Water Act, 1975 to the unit and levied EC of Rs. 9.84 crores for illegal extraction of ground water and EC Rs. 6.19 crores calculated by the committee for violation of environmental norms, in compliance of Hon'ble NGT order dated 05.02.2020 in O.A. No. 107/2019.

In the closure direction dated 03.06.2020 issued to the unit, it has been mentioned that a joint inspection of the unit by RO, Bijnor, UPPCB and member of NMCG was undertaken on 1<sup>st</sup> June, 2020 and it was observed that slop boiler was under maintenance, pipeline to carry spent wash to bio-composting yard was found broken at many places and spent wash was found discharged at the nearby fields and drain along the railway line which is in violation of consent conditions. Also, concrete lining of the lagoon A and Lagoon B has not been done as recommended in the inspection report of the inspection undertaken on 17.07.2019 and 18.07.2019. Therefore, UPCB has issued closure direction to the unit as above.

10. UPPCB vide their letter no. H49877/c-7/18/20, dated 11.06.2020 disposed the representation of M/s Jubilant Life Sciences Limited (Distillery Unit), Gajraula, Amroha (which was forwarded to UPPCB by CPCB vide letter dated 10.06.2020) and directed the unit to comply with UPPCB closure directions dated 03.06.2020. UPPCB letter dated 11.06.2020 is annexed as **Annexure-VIII**.

11. As per the information received from the UPPCB through email, the unit has filed a writ petition in the High court of judicature at Allahabad i.e. Civil Misc. Writ Petition (Diary No. 10515 of 2020) (under article 226 of Constitution of India), M/s Jubilant Life Sciences Limited (Distillery Unit), Gajraula, Amroha, Uttar Pradesh-244223 Vs. Central Ground Water Authority of India and 03 Ors. with prayer to pass an ad-interim stay order on UPPCB's closure notice dated 03.06.2020 levying environmental compensation as well as the sealing order of UPPCB dated 06.06.2020. Copy of the Writ petition is annexed as **Annexure-IX**.

Now, this report is submitted in compliance of Hon'ble NGT's directions.

Item No. 03

Court No. 1

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

Original Application No. 107/2019

(With report dated 28.01.2020)

Shah Alam

Applicant(s)

Verses

State of Uttar Pradesh

Respondent(s)

Date of hearing: 05.02.2020

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

For Respondent(s):

Mr. Pradeep Misra, Advocate for UPPCB  
Mr. Atif Suhrawardy, Advocate for CPCB

**ORDER**

1. The matter has been put up for considering the compliance of earlier order of this Tribunal dated 01.11.2019 noting that M/s Jubliant group of Industries at Gajraula, District Amroha, U.P was violating of environmental norms, requiring action to be taken by statutory regulators, in accordance with law.
2. The order passed by this Tribunal was based on report dated 13.09.2019 furnished by a joint Committee of the CPCB, UPPCB, Health Department, District Admin., U.P Jal Nigam, Horticulture Department and the Krishi Vigyan Kendra, Amroha, based on inspections carried out site. The violations were noticed in the report as follows:

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3. After examining sources of fresh water, water consumption, rain water harvesting system and analysis of ground water samples, the Committee made observations with reference to the water balance. It was found that the unit did not have NOC for drawl of ground water after 04.04.2019. As per report of the CGWB dated 31.03.2013, District Amroha had deteriorated from 'semi-critical' to 'over-exploited' category. The Committee thereafter made observations with regard to other different processes.
4. With regard to captive power plant, it was observed that the plant failed to meet emissions norms with respect to NO<sub>2</sub>.
5. With regard to molasses based distillery, it was found that there was no permission of ground water after 04.04.2019. The raw spent wash generation was 1956.27 KLD and designed feed capacity of MEE was 1740 KLD which indicated that MEE was inadequate to concentrate entire RSW/BMSW. The rain water harvesting system in the compost area was found to be contaminated by the spent wash. It was concluded that the unit operated at 90 KLD of alcohol production, which is more than 44 KLD corresponding to incinerator operation 3.2 kl/hr as a result of which accumulated spent wash in lagoons and other storage facility for bio-composting which was not permitted during monsoon period as per the consent condition. Hence, there was possibility of by-pass of such accumulated spent wash during rainy season which could not be over ruled. Further, area of the covered bio-compost yard was damaged therefore, bio-composting during rainy season should be prohibited. In the adequacy report of Year: 2017 submitted by the unit, as per the MEE plant performance data (Copy of register data) (Section-7-III), showed only 25-30 % Solids in the final product. So incineration of slop containing such low solid content in the slop boiler during entire year was questionable. However, as per analysis result, total solids of spent wash at MEE inlet was 13.81 %, which indicated that, Raw Spent Wash/RO reject/mix of Raw Spent Wash and RO Reject was being fed into MEE for concentration only. No Spent wash from lagoons A & B was recirculated. It was therefore concluded that the unit only employed bio-composting route for spent wash disposal after MEE concentration for total production of 91 KLD even during rainy season which was gross violation of consent conditions. The lagoon was partitioned into two parts for which 12,000 m<sup>3</sup> volume had been filled up with soil, however, filled up area was yet to make lined using concrete. In compliance of the CPCB direction dated 07.12.2015, the unit should restrict its storage capacity of lagoons for bio-composting upto 15869 m<sup>3</sup> - 15900 m<sup>3</sup> and for incineration through slop fired boiler upto 1841.3 m<sup>3</sup> - 1900 m<sup>3</sup>, making a total of 17800 m<sup>3</sup>. Whereas the unit was having a storage

capacity of 32,000 m<sup>3</sup> in lagoon A and B and 350 m<sup>3</sup> for the slop for incineration. The unit representative informed that the diluted spent wash generated due to rain from the compost yard collected through garland drain was being collected and recycled to the lagoon. However, the same was required to be recycled to MEE for further concentration. Analysis result of sample collected from inlet of Lagoon 'A' showed pH-6.62, COD-187206 mg/I, TS-194820 mg/I, which required to be recycled through MEE for concentration. Possibility of storage of RO reject also could not be ruled out. The temporary lining of the sludge storage/ponding area was found damaged. Leachate Spent wash which was found stored in this ponding area with COD-14095 mg/I, BOD-2930- mg/I, Total Solids-28500 mg/I, which indicates the storage of leachate spent wash posing threat to ground water quality. The composting mass should have a certain moisture content in it for organisms to survive. The optimum moisture content should be between 50-60 %. The moisture tends to occupy the free air space between the particles. Hence, when the moisture content is very high anaerobic conditions set in. However, when press mud as filler material was continuously mixed with spent wash till it's field capacity before draining out as liquid i.e., upto 96 % moisture content, resulting in almost no pore spaces available for aeration. In this circumstance, the unit may not be allowed to operate its distillery unit till the stored diluted (24%) spent wash in the lagoon B (16000 m<sup>3</sup>) get consumed through slop boiler after concentrating through MEE. The unit was having total Bio-composting area of 30.0 Acres. Out of which Covered area is 16.8 Acre & remaining 13.2 Acres was uncovered. For utilization of concentrated spent wash generated from 183 KLD molasses based distillery unit (for non-monsoon season), the total area available was 30.0 acres, which is adequate. Further, the compost was reported to be given to the marketing companies. This is also to submit that, prior to the selling of compost, the distillery unit was required to get the compost samples analysed and execute marketing with proper marking / specifications of the compost on the bags. However, no document was available regarding sell of compost.

6. With regard to distillery unit, it was observed:

#### **“7.6 Recommendations for the Distillery Unit**

As per the observations made above, the distillery plant is non-complying unit with respect to ZLD norms and the following recommendations are made:

1. The unit shall recycle the stored spent wash from the old ash pond under supervision of the UPPCB to ensure that no traces of spent wash remain in ash pond.

2. *The unit is not operating incinerator/slop furnace as per design capacity (11.5 KL/Hr) to consume the concentrated spent wash generated during the non-monsoon/monsoon season which resulted accumulation of excess spent wash with leachate (bio-compost area) in lagoons. Since, the lagoons are almost filled up, only the freeboard is left, incinerator operates only at 30% of its installed capacity (50% of the requisite capacity), covered compost yard is completely filled with press mud having high moisture content and damaged roof of covered compost yard which will not allow further disposal of spent wash for bio-composting, the unit shall be directed to stop its distillery manufacturing process and shall consume the already stored spent wash through further concentration for the use in the incinerator under supervision of UPPCB. Thereafter capacity of distillery plant shall be restricted to the capacity as decided by UPPCB till the incinerator is commissioned at full capacity.*
3. *The unit shall restrict its storage capacity of concentrated spent wash upto 17800 m<sup>3</sup> including 07 days for incinerator and 30 days for bio-composting, both separately.*
4. *The unit made partition in the lagoon by filling it with soil and made two lagoons i.e., Lagoon 'A' and Lagoon 'B'. However, the unit shall make the filled up area lined, by using concrete.*
5. *The unit shall dismantle/fill/level the additional storage capacity of the lagoon in time bound manner.*
6. *The unit is storing spent wash either in Lagoon 'A' or Lagoon 'B', hence the spent wash found stored in Lagoon 'A' and Lagoon 'B' shall have the same properties. The unit shall operate MEE uniformly maintaining the quality of the concentrated spent wash for efficient use in bio-composting as well as in incineration.*
7. *The unit shall restrict the use of excess spent wash in bio-composting so that the situation of generation of diluted spent wash does not arise.*
8. *The unit shall stop storage of the lagoon sludge in open area to avoid further dilution with rain water and shall use the sludge directly for bio-composting.*
9. *Spent wash conveyor line from the unit to the lagoons as well as to the compost yard shall be rechecked for any leakage. UPPCB shall verify the same.*

10. *The pipelines for carrying the spent wash to the ash ponds shall be dismantled after recycling the stored spent wash from the ash pond to the lagoons.*
11. *The unit may be asked to implement the requisite facility as per suggestion of the water audit report so that detailed study may be carried out to reduce the withdrawal of the ground water.*
12. *The unit may not be allowed to continue bio-composting during rainy season as the covered bio-compost yard was found damaged.*
13. *CGWA may be directed to investigate the infrastructure developed by the unit for rain water harvesting facilities inside and outside the premises and may take decision on the renewal applications of the unit for abstraction of the ground water.*
14. *Environmental compensation (EC) for illegal disposal of spent wash causing potential threat to ground water where ground water of the area is already deteriorated to "over exploited" category. Also EC with regard to operation of the distillery plant and disposal of spent wash in violation of consent condition may also be imposed.*
15. *Rain water harvesting system at biocomposting site may not be advisable to avoid contamination of the ground water with colored effluent.*
16. *As per the analysis result, CPU RO Permeate have pH-9.48, COD-2083 mg/I and BOD-1078 mg/I is being utilized in cooling tower which may not be appropriate for having such high pH. The unit may install additional system to improve the quality of CPU permeate.*
17. *The unit shall set up proper and separate systems for concentration of spent wash upto 45 % solids and upto 30 % solids for incineration and for bio-composting respectively."*

7. The recommendations of the Committee were noted as follows:

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7. Finally, the following recommendations have been made:

### **“18.0 Recommendations based on the above Observations**

#### **18.1. Water and Waste water Management**

1. *M/s. Jubilant Life Sciences Ltd., Gajraula has installed meters at borewells for withdrawal of raw water, waste water generation, ETP inlet and outlet for measurement of effluent discharge and recycled water consumption points. However, all the consumption points are not metered. It is recommended that all fresh water consumption points and effluent recycling points should be metered.*
2. *All existing meters should be periodically calibrated and records to be maintained.*
  - a. *At inlet (make up water separately for fresh water and recycled treated waste water) and outlet (blow down) of cooling towers.*
  - b. *Condensate generated from each stream and recycled;*
  - c. *Individual waste water streams at source of generation, effluent treatment plant and recycling points;*
  - d. *Inlet of STP etc.*
3. *The existing turbine type water flow meters on bore wells should be converted to digital magnetic flow meters for better accuracy.*
4. *All domestic waste water generated from plant and colony should be accounted for and should be sent to STP and metering at STP inlet is to be done.*
5. *The unit shall obtain NOC: from CGWA for withdrawal of groundwater at earliest as the CC."1/. NOCs have already been expired on 04.04.2019.*
6. *Considering the ground water quality of Gajraula, CGWA shall assess the renewal applications of all the plants of M/s Jubilant Industries Ltd., Gajraula-complex and shall decide whether the unit shall be allowed to abstract the ground water or not. CGWA shall decide in accordance to the Hon'ble NGT.*
7. *Fresh water consumption in cooling towers is around 50% of total fresh water consumption. It is recommended to take measures for further reduction of fresh water consumption in Cooling Tower through increase in recycling of waste water/condensate after proper treatment e.g.-*
8. *Attempt should be made to reduce the quantity of makeup water to each Cooling Tower by increasing Cycle of Concentration (COC);*

- a. *Continuous efforts to be made for reduction in steam consumption and effluent generation thereby reducing fresh water consumption;*
- b. *It is recommended to provide Rain Water Harvesting system in non-process areas for water conservation.*

### **18.2 Captive Power Plant**

1. *The plant failed to meet the emission norms with respect to NO, (459.9 mg/Nm<sup>3</sup> against the norms of 300mg/Nm<sup>3</sup>), hence the unit shall maintain and operate Air Pollution Control Systems ESP on the boilers regularly and ensure that emissions of all the stacks are within the prescribed norms.*
2. *The unit shall submit the ambient air quality report and stack report of all the air pollution sources from MOEF&CC authorized laboratory on quarterly basis, as mentioned in the consent.*
3. *The unit is having agreement with M/s. Shree Cement Ltd. to supply entire quantity of fly ash (8500-9000 MT per month) generated by its captive power/boiler plant at Bhartiagram Gajraula to SCL, however as per the fly ash disposal data of 2019 provided by the unit, only 5200 MT (average) was sent to SCL. The same may be increased as per the agreement to avoid additional ash disposal on ash pond. This will reduce the water consumption also.*
4. *The unit shall keep and maintain Ash generation as well as disposal record.*

### **18.3 Distillery Plant**

1. *The unit shall obtain NOC from CGWA for withdrawal of groundwater in distillery plant at earliest as the CGWA NOC have already been expired on 04.04.2019.*
2. *The distillery plant should take measures to reduce the spent wash generation from 10.69 to 6-8 KL/KL alcohol production.*
3. *The unit made partition in the lagoon by filling it with soil and made two lagoons i.e., Lagoon 'A' and Lagoon 'B'. However, the unit shall make the filled up area lined, by using concrete.*

4. *The unit shall dismantle/fill/level the additional storage capacity of the lagoon in time bound manner.*
5. *The unit shall restrict the use of excess spent wash in bio-composting so that the situation of generation of diluted spent wash does not arise.*
6. *The entire covered compost area was found full of wind rows of press mud with high moisture content, hence further composting for utilization of spent wash could not be carried out.*
7. *The unit shall stop storage of lagoon sludge in open area to avoid further dilution with rain water and shall use the sludge directly for bio-composting.*
8. *As per the Standard Operating Procedure for Bio-composting operation of molasses based distillery, the distillery plant shall provide covered shed having platform for ready compc4 which was not available at compost yard.*
9. *As per the Standard Operating Procedure for Bio-composting operation of molasses based distillery, the entrance of the bio-compost yard should be paved all-weather road for approach of vehicles to bio-compost yard. Accordingly the unit shall take the immediate actions to implement the same.*
10. *The distillery plant shall not be allowed: operate until the stored spent wash in lagoon 'B' (Approx. volume 16000 m<sup>3</sup>) get consumed through slop boiler after concentrating through MEE.*
11. *As per the Standard Operating Procedure for Bio-composting operation of molasses based distillery, Bio-compost shall be analyzed for parameters as per the Fertilizer Control order with latest amendments and shall be packed as per the customer requirement. Also, the ready compost must be weighed and record the same shall be maintained. However, no document was available regarding the sell of ready compost.*

#### **18.4 Chemical Unit-I**

- *The effluent from Chemical unit-I sent to CETP. The treated effluent from CETP is sent to CTRO.*
- *Reject of CTRO is used for spray on coal stock and ash for dust suppression. This effluent cannot be*

used for ash quenching which should be stopped immediately.

### **18.5 Chemical Effluent Treatment Plant (CETP)**

1. The industrial effluent generated from Chemical unit-I and Polymer plant is treated commonly in CETP for which the unit is having MoU.
2. The unit should stop discharge of effluent for horticulture and entire effluent should be recycled/reused in process and or cooling tower.

### **18.6 Common Cooling Tower Reverse Osmosis Plant (CTRO)**

1. CTRO reject has characteristics BOD-1294 mg/I, COD-3189 mg/I, TDS-6032 mg/I and Colour-147 hazen. This effluent can be used for spray on coal yard only and not for ash quenching. The unit should install a dedicated pipeline along with metering arrangement for carrying CTRO reject upto coal yard and spray arrangement exclusively using this effluent.

### **18.7 Stack Emission Monitoring Results**

1. As per the analysis result of stack at Sulphuric Acid plant, it was found non-complying w.r.t **SO<sub>2</sub>-2572 mg/Nm<sup>3</sup> against** prescribed standard limit of 1370 mg/Nm<sup>3</sup>, which indicates violation of norms w.r.to SO<sub>2</sub> emission. Hence, the unit shall maintain the wet scrubber periodically to restrict SO<sub>2</sub> emission within the prescribed norms.

To evaluate the performance of the wet scrubber, the unit shall carry out monitoring of the relevant stack(s) through EPA recognized laboratory quarterly.

2. As per the analysis result of stack at Captive Power Plant (90 TPH), Boiler, it was found non-complying w.r.t **NO<sub>2</sub>-459.99 mg/Nm<sup>3</sup> against** the standards limit of 300 mg/Nm<sup>3</sup>, which indicates violation of norms w.r.to NO<sub>2</sub> emission.

To restrict the NO, emission proper bed height & proper fuel to air ratio should be maintained, and shall carry out monitoring of the relevant stack(s) through EPA recognized laboratory quarterly.

### **18.8 Ambient Air Quality Monitoring Results**

1. As per the analysis result of ambient air quality monitoring (Refer Table 17) near CDF plant, near ETP area and near terrace of Admin building,  $PM_{10}$  was found **101.2  $\mu\text{g}/\text{m}^3$** , **132.1  $\mu\text{g}/\text{m}^3$**  and **120.6  $\mu\text{g}/\text{m}^3$**  respectively against notified standard limit of 100  $\mu\text{g}/\text{m}^3$ . This indicates the polluting ambient air near CDF plant, near ETP area and near terrace of Admin building in terms of  $PM_{10}$ .
2. Since, the stack emission monitoring results are complying with the norms of  $PM_{10}$  the increased level of  $PM_{10}$  in ambient air quality may be contributed by the other sources like due to crushing and handling of the coal, fly ash handling, vehicular movement in factory premises and heavy vehicular traffic on NH-24 near the factory premises.
3. The unit shall comply with all the consent conditions mentioned in the valid consent related to air pollution including submission of the ambient air quality report of all the air pollution sources from MOEF&CC authorized laboratory on quarterly basis.

### **18.9 Hazardous waste**

1. The unit shall sell caustic lye along with other hazardous waste generated by the unit only to the authorized utilizer/recycler; and shall maintain records and manifest document as required under Rule 19 of the HOWM Rules, 2016.
2. The unit shall install automatic water sprinkling arrangements, fire alarming systems, flame arresters, smoke /heat detectors, fire extinguishers and other necessary provisions as stipulated under the Guidelines for storage of incinerable hazardous wastes;
3. The unit shall maintain date wise record of quantity and category of hazardous waste disposed in the captive SLF.
4. The unit shall maintain date wise record of leachate generated from captive SLF.

5. *The unit shall install display board outside the factory gate displaying details of hazardous wastes being handled by the unit.*
6. *The unit shall install automatic water sprinkling arrangements, fire alarming systems, flame arresters, smoke/heat detectors, fire extinguishers and other necessary provisions which are required in the hazardous waste storage area as stipulated under the Guidelines for storage of incinerable hazardous wastes.*
7. *The unit shall maintain record of waste disposed at SLF and leachate generation from SLF.”*
8. *The Tribunal thereafter observed:*

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8. *The above observations and recommendations establish violation of environmental norms which can be summed up as follows:*
  - i. *None of the units of Jubilant group of Industries in Gajraula Industrial Complex has requisite permission for ground water extraction but such extraction is continuing in violation of law.*
  - ii. *Captive power plant is not complying with respect to NO<sub>2</sub> standards.*
  - iii. *The distillery plant as per the adequacy report of the Joint Committee indicates that the RO and MEE plants are not installed as per the requirements. Further, the compost yard is not maintained as per the guidelines of CPCB and also the compost quality is not ascertained before providing to the farmers.*
  - iv. *The effluents of chemical unit 1 and the polymer unit are collectively treated in a chemical effluent treatment plant and both the units have been consented as Zero Liquid Discharge. The treated effluents from the chemical effluent treatment plant should operate on ZLD system and this effluent may not be consented for utilization for horticulture purpose.*
  - v. *The 400 KLD of sewage after treatment is utilized for horticulture/agriculture. The treated sewage is not meeting with respect to faecal coliform. After treatment, it can be better utilized for industrial use so to reduce consumption of ground water.*

9. We have also observed that there have been several inspections carried out in the past with regard to all the industries and the actions required to be taken are well known. UPPCB has not taken any action to ensure compliance nor imposed environment compensation so far. As regulatory body, entrusted with statutory functions, has thus failed in its duty so far.

10. Though we have yet not issued notice to the units in question which is to be considered in the light of action of the statutory authorities, Shri Sanjay Upadhyay, Advocate sought to appear for the industrial units to submit that once applications are filed for permission to extract groundwater, extraction of groundwater cannot be held to be illegal. We are unable to accept this submission. As held by this Tribunal on several occasions, extraction of groundwater in semi critical, critical and over exploited areas is required to be regulated in view of judgment of the Hon'ble Supreme Court in M.C Mehta Vs. Union of India (1997) 11 SCC 312. The report notes that the area in question has deteriorated from semi critical to over exploited. In such a situation, while extraction of groundwater for drinking purposes may stand on different footing, there is no absolute right for such extraction for industrial purposes. Such extraction may lead to further deterioration of limited groundwater resource depriving the inhabitants of access to drinking water. The contention is thus rejected. We refrain from dealing with the merits of further remedial action which is yet to be taken by the statutory authorities after giving opportunities to the units in question in accordance with law except that in the light of facts found further action needs to be taken and report furnished to this Tribunal.”

9. Accordingly, a further action taken report has been filed by the CPCB on 28.01.2020 to the effect that a meeting was held on 04.12.2019 to discuss the execution of the order already passed after considering the reply of the unit in response to the show cause notice dated 31.10.2019 issued by the State PCB. Compensation amount of Rs. 6,19,00,000/- was assessed for various violations except the illegal withdrawal of ground water. The CGWA was asked to assess the compensation for such illegal drawl and the State PCB was asked to take similar action. Learned

counsel for the State PCB states that the State PCB has calculated the compensation at Rs.9.84 crores and a show cause notice has been issued to the industry on 30.10.2019 for which opportunity of hearing has been given to the unit.

10. In view of the above, let further action be taken in accordance with law. It is not necessary to give any hearing to unit at this stage by this Tribunal as the action has to be taken by the statutory regulators in exercise of their statutory powers and in the process, the unit has to be heard. There is a further remedy of appeal for the unit against any such order. Hearing cannot be sought to preempt a direction to the statutory regulator to perform its statutory duties, based on objective material showing violations of environmental norms subject to remedy of appeal of the affected party. If the Tribunal grants hearing at this Stage, there will be no relevance hearing by the Regulator. We take note of the observations in the report of the CPCB that the TPA report by the IIT Delhi is unwarranted. Even according to the IIT Delhi, it is a dry report based on information provided by the industry and was given inadvertently.

11. A further report may be furnished jointly by the CPCB and the UPPCB by email at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in). The CPCB will be the nodal agency for compliance and coordination.

A copy of this order be sent to the CPCB and the UPPCB by email.

List for further consideration on 21.04.2020.

Adarsh Kumar Goel, CP

S.P Wangdi, JM

Dr. Nagin Nanda, EM

Siddhanta Das, EM

February 05, 2020  
Original Application No. 107/2019  
AK





Speed-post/E-mail

F. No. B-190198/NGRBA /CPCB/Distillery/II/2016-17

Dated: 24.02.2020

To,

**The Member Secretary,  
Uttar Pradesh Pollution Control Board, T.C.-12V,  
Vibhuti Khand, Gomti Nagar,  
Lucknow-226010**

**Subject: Hon'ble NGT Order dated 05.02.2020, in the matter of Shah Alam Versus State of Uttar Pradesh (O.A. No. 107/2019) – reg.**

**Reference:**

- i. Hon'ble NGT Order dated 05.02.2020, in the matter of Shah Alam Versus State of Uttar Pradesh (O A No. 107/2019)
- ii. CPCB letter dated 23.01.2020 to MS, UPPCB

Sir,

This has reference to the Hon'ble NGT order dated 05.02.2020 (copy enclosed) in the matter of **Shah Alam Versus State of Uttar Pradesh** wherein the following is directed:

*“9. Accordingly, a further action taken report has been filed by the CPCB on 28.01.2020 to the effect that a meeting was held on 04.12.2019 to discuss the execution of the order already passed after considering the reply of the unit in response to the show cause notice dated 31.10.2019 issued by the State PCB. Compensation amount of Rs. 6,19,00,000/- was assessed for various violations except the illegal withdrawal of ground water. The CGWA was asked to assess the compensation for such illegal drawl and the State PCB was asked to take similar action. Learned counsel for the State PCB states that the State PCB has calculated the compensation at Rs.9.84 crores and a show cause notice has been issued to the industry on 30.10.2019 for which opportunity of hearing has been given to the unit*

*11. A further report may be furnished jointly by the CPCB and the UPPCB by email at judicial-ngt@gov.in. The CPCB will be the nodal agency for compliance and coordination.*

In view of above, it is therefore, requested to provide action taken report on the above observations made by Hon'ble NGT in its order dated 05.02.2020 at the earliest, preferably by 1<sup>st</sup> March, 2020.

Encl: As above

Yours faithfully

*A.K. Vidyarthi*  
24/02/20

(A.K. Vidyarthi)

**Additional Director & Divisional Head, WQM-II**

Email: [akvidyarthi@gmail.com](mailto:akvidyarthi@gmail.com)



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**Minutes of Meeting held on 15.04.2020 through Video conference w.r.t Hon'ble NGT order dated 05.02.2020 in the matter of Shah Alam Vs State of Uttar Pradesh in O.A. No. 107/2019**

1 message

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**NGRBA Cell (CPCB)** <ngrba.cpcb@gmail.com>

Sun, Apr 26, 2020 at 3:53 PM

To: MS UPPCB &lt;ms@uppcb.com&gt;, ceo7 &lt;ceo7@uppcb.com&gt;, robijnaur robijnaur &lt;robijnaur@uppcb.com&gt;

Cc: Ajit Vidyarthi &lt;akvidyarthi@gmail.com&gt;, MRINAL KANTI BISWAS &lt;biswasmrinal@gmail.com&gt;

Bcc: shivangigoswami4413@gmail.com, Moumita Choudhury &lt;moumita.choudhury@gmail.com&gt;, Anshul kumari &lt;anshul0314@gmail.com&gt;, chetalanu@gmail.com

Sir,

I am directed to forward the Minutes of the Meeting held on 15th April, 2020 (11:00 AM) through video conference w.r.t Hon'ble NGT order dated 05.02.2020 in the matter of Shah Alam Vs State of Uttar Pradesh in O.A. No. 107/2019.

Kindly find the minutes of the meeting attached herewith.

Regards

Shivangi Goswami

RA-I, WQM-II

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**Water Quality Management-II Division****Central Pollution Control Board****Parivesh Bhawan, East Arjun Nagar****Shahdara, Delhi - 110032****Fax.no. 011-22384025****Alternate e-mail: [ngrba.cpcb@nic.in](mailto:ngrba.cpcb@nic.in)****MOM.15.04.20.Zoom.Jubliant.pdf**

471K

**OFFICE MEMORANDUM**

**Subject: Minutes of Meeting held on 15.04.2020 through Video conference w.r.t Hon'ble NGT order dated 05.02.2020 in the matter of Shah Alam Vs State of Uttar Pradesh in O.A. No. 107/2019**

A meeting was held through Video conference on 15.04.2020 at 11:00 AM with officials of UPPCB, RO-Bijnor and CPCB to finalize the Action taken status in compliance to Hon'ble NGT order dated 05.02.2020 in the matter of Shah Alam Vs State of Uttar Pradesh in O.A. No. 107/2019. The minutes of the meeting is enclosed for kind information and necessary actions please.

Yours Faithfully,  
Sd/-

**(A.K.Vidyarthi)**  
**Additional director and Divisional Head-WQM II**  
**Central Pollution Control Board**  
**(Ministry of Environment, Forest & Climate Change)**  
**East Arjun Nagar, Delhi-110032**

**Copy to,**

- 1. Member Secretary, Uttar Pradesh Pollution Control Board,**  
Building No. TC-12V, Vibhuti Khand, Gomti Nagar, Lucknow-226010
- 2. Regional Officer, Bijnor**  
Uttar Pradesh Pollution Control Board, 108/11, Avas Vikas Colony, Bijnor, U.P.

**For Information,**

- 1. PS to MS, Central Pollution Control Board, Delhi**

Sd/-

**(A.K.Vidyarthi)**  
**Additional director and Divisional Head-WQM II**  
**Central Pollution Control Board**  
**(Ministry of Environment, Forest & Climate Change)**  
**East Arjun Nagar, Delhi-110032**

**Minutes of Meeting held with UPPCB and CPCB on 15.04.2020 through Video conferencing at 11:00 AM for finalization of the Action taken status in compliance to Hon'ble NGT order dated 05.02.2020 in the matter of Shah Alam Vs State of Uttar Pradesh in O.A. No. 107/2019**

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Due to lockdown situation created by COVID-19 and to comply with the NGT order dated 05.02.2020 wherein it was directed to furnish a report jointly by the CPCB and the UPPCB, a meeting was convened on 15.04.2020 through video conference at 11:00 AM with officials of RO-Bijnor, UPPCB and CPCB.

List of the officials attended the meeting is enclosed at **Annexure-1**.

Discussion were held on the action taken status by UPPCB against M/s Jubliant Group of Industries, Gajraula, Amroha in Compliance to the NGT order dated 05.02.2020 in the matter of Shah Alam vs. State of Uttar Pradesh in OA no. 107/2019.

During meeting RO, Bijnor informed about the show cause notices issued by UPPCB and the respective responses given by the unit however, it was told the same and has already be taken into cognizant by the NGT in its latest order.

It was further confirmed the request made by UPPCB to conduct joint inspection of the unit for compliance may not be required as action again the unit is yet to be taken by UPPCB

UPPCB was advised to initiate action and action taken report may formally be submitted to CPCB so that the same be finalised and submitted to Hon'ble NGT.

Based on the detailed deliberations held, it was decided jointly that, UPPCB shall issue directions to M/s Jubliant Group of Industries, Gajraula, Amroha as directed by Hon'ble NGT in it's order dated 01.11.2019 (corrected order dated 20.11.2019) & 05.02.2020 and then shall submit the point wise compliance status of NGT order dated 05.02.2020 to CPCB positively by 15.05.2020.

The meeting ended with of vote of thanks.

\*\*\*\*\*

## Annexure-1

The list of participants is as below:

<b>Sr. No.</b>	<b>Name of Officer</b>	<b>Organization</b>	<b>Designation</b>	<b>Email-Id</b>
1.	J.P.Maurya	UPPCB-Bijnor	RO-Bijnor	<a href="mailto:robijnaur@uppcb.com">robijnaur@uppcb.com</a>
2.	A.K.Sharma	UPPCB-Bijnor	AEE	<a href="mailto:robijnaur@uppcb.com">robijnaur@uppcb.com</a>
3.	A.K.VIdyarthi	CPCB, Delhi	DH-WQM II	<a href="mailto:akvidyarthi@gmail.com">akvidyarthi@gmail.com</a>
4.	M.K.Biswas	CPCB, Delhi	Sc. D	<a href="mailto:biswasmrinal@gmail.com">biswasmrinal@gmail.com</a>
5.	Anu Chetal	CPCB, Delhi	Sc. B	<a href="mailto:chetalanu@gmail.com">chetalanu@gmail.com</a>
6.	Anshul Kumari	CPCB, Delhi	RA-II	<a href="mailto:anshul0314@gmail.com">anshul0314@gmail.com</a>
7.	Moumita Choudhary	CPCB, Delhi	RA-I	<a href="mailto:moumita.choudhury@gmail.com">moumita.choudhury@gmail.com</a>
8.	Shivangi Goswami	CPCB, Delhi	RA-I	<a href="mailto:shivangigoswami4413@gmail.com">shivangigoswami4413@gmail.com</a>



केन्द्रीय प्रदूषण नियंत्रण बोर्ड  
CENTRAL POLLUTION CONTROL BOARD  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार  
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

**Speed Post**

B-190198/NGRBA/Distillery/CPCB/11/2016-17

13<sup>th</sup> May, 2020

14

To,  
Member Secretary,  
Uttar Pradesh Pollution Control Board  
Building No. TC-12v, Vibhuti Khand,  
Gomti Nagar, Lucknow-226010

**DIRECTIONS UNDER SECTION 18 (1) (b) OF WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974**

**WHEREAS**, among others, under section 17 of the Water (Prevention and Control of Pollution) Act, 1974, one of the functions of the State Pollution Control Board (SPCB)/Pollution Control Committee (PCC), constituted under the water (Prevention & Control of Pollution) Act, 1974 is to plan a comprehensive program for prevention, control and abatement of pollution of streams and wells located in the State /UT and to secure the execution thereof; and

**WHEREAS**, the Central Government has notified the standards for discharge of environmental pollutants from various categories of industries under the Environment (Protection) Act, 1986 and the rule framed there under; and

**WHEREAS**, SPCBs/PCCs can stipulate stringent standards for discharge of environmental pollution from various categories of industries than those notified by the Central Government, under the Environment (Protection) Act, 1986 and Rules framed there under; and

**WHEREAS**, M/s Jubilant Industries Ltd., Gajraula, Amroha (hereinafter referred as 'the Unit') have following six manufacturing units in their premises at Gajraula, Dist. Amroha.

- Coal based Captive Co-Generation Power Plant (48 MW capacity-as per consent to operate)
- M/s Jubilant Life Sciences Ltd. (Distillery Unit), Bharatigram, Gajraula, Amroha, UP (Ethyl Alcohol)
- M/s. Jubilant Life Sciences Ltd. (Chemical Unit I), Bharatigram, Gajraula, Amroha, UP (Formaldehyde, Acetaldehyde, Ethyl Acetate, Acetic Acid, Acetic Anhydride, etc..) and
- M/s. Jubilant Life Sciences Ltd. (Chemical Unit II). Bharatigram, Gajraula, Amroha, UP (Pyridine & Fine Chemicals)
- M/s. Jubilant Agri & Consumer Products Ltd. (Fertilizer Unit), Bharatigram, Gajraula, Amroha, UP (Single Super Phosphate, Granulated SSP, Sulphuric Acid)
- M/s. Jubilant Agri & Consumer Products Ltd. (Polymer unit), Bharatigram, Gajraula, Amroha, UP (Solid PVA & derivatives, Polyurethane derivatives, Wood Finish, Estergum); and

**WHEREAS**, this industrial complex has common utility services catering to the auxiliary and process support requirement such as:

- i. Water Management System (DM Water, Process steam, Spent Solvent Recovery systems)
- ii. Common Cooling Water blowdown effluent management system (CTRO) – 1200 KLD
- iii. Chemical Effluent Treatment Plant (CETP) – 700 KLD
- iv. Sewage Treatment Plant (STP) – 400 KLD
- v. Incinerators - 3 nos. for Liquid – 288 KLD &  
2 nos. for Gaseous/Thermo Oxidizer – 1500 kg/hr.
- vi. Secured landfill – 11000 MT
- vii. Hazardous waste management; and

**WHEREAS**, M/s Jubilant Group of Industries at Gajraula, Amroha including common utility services were jointly inspected on 17.07.2019 & 18.07.2019 by officials from UPPCB, SDM Amroha, Additional CMO, Professor & Head (Official In-charge) of Krishi Vigyan Kendra, Gajraula and CPCB, Delhi in compliance to the NGT order dated 03.07.2019 in the matter of Shah Alam Vs. State of Uttar Pradesh; and

**WHEREAS**, the joint inspection report was submitted in Hon'ble NGT dated 13.09.2019 by the joint committee; and

**WHEREAS**, Hon'ble NGT accepted the joint inspection report and passed order dated 01.11.2019 (corrected order dated 20.11.2019) to take actions against M/s Jubilant Group of Industries against violation of Environment norms and to submit further action taken report within two months by the joint committee of the CPCB and UPPCB; and

**WHEREAS**, CPCB convened a meeting on 04.12.2019 to discuss compliance of the NGT order dated 01.11.2019 and to discuss the action taken status in respect of the observations and recommendations made in the joint inspection report with officials of UPPCB so that the joint action taken report could be filed by the joint committee to NGT by 01.01.2020; and

**WHEREAS**, based on the detailed deliberations held in the meeting, minutes of the meeting was issued and UPPCB was asked to comply with the following:

1. The UPPCB shall issue the following directions to the units of M/s Jubilant group of industries to adhere with the recommendations of the joint inspection committee report as accepted & referred by NGT in its order dated 01.11.2019 including closure of the Distillery unit within 15 days.

**M/s Jubilant Life Sciences Ltd., Distillery unit**

- i. The unit shall stop its distillery manufacturing process till compliance of the directions issued.
- ii. The unit shall consume the already stored spent wash through further concentration for use in the incinerator.
- iii. The unit shall recycle the stored spent wash from the old ash pond to ensure that no traces of spent wash remain in ash pond.

- iv. The unit shall restrict its storage capacity of concentrated spent wash upto 17800 m<sup>3</sup> including 07 days for incinerator and 30 days for bio-composting separately by dismantling /filling /levelling the additional storage capacity of the lagoon within 30 days.
- v. The unit has made partition in the lagoon by filling it with soil and made two lagoons i.e., Lagoon 'A' and Lagoon 'B'. The unit shall line up the area by using concrete.
- vi. To maintain the quality of the concentrated spent wash for efficient use in bio composting as well as in incineration the unit shall operate its MEE uniformly.
- vii. To avoid the situation of generation of diluted spent, the unit shall restrict the use of excess spent wash in bio-composting.
- viii. The unit shall stop storage of the lagoon sludge in open area and shall use the sludge directly in bio-composting.
- ix. After recycling the stored spent wash from the ash pond, the unit shall dismantle the pipelines for carrying the spent wash to the ash ponds.
- x. The unit shall implement the requisite facility as per suggestion of the water audit report so that detailed study may be carried out to reduce the withdrawal of the ground water.
- xi. To avoid contamination of the ground water with colored effluent the unit shall close down the rain water harvesting system at bio-composting site.
- xii. The unit shall stop bio-composting during rainy season as the covered bio-compost yard was damaged.
- xiii. The unit shall take measures to reduce the spent wash generation from 10.69 to 6-8 KL/KL alcohol production.
- xiv. The unit shall install additional system to improve the quality of CPU permeate. As per the analysis result, CPU RO Permeate have pH-9.48, COD-2083 mg/l and BOD-1078 mg/l is being utilized in cooling tower, which may not be appropriate at such high pH.
- xv. The unit shall set up proper and separate systems for concentration of spent wash upto 45 % solids and upto 30 % solids for incineration and for bio-composting respectively.

#### **Captive Power Plant**

- i. The unit shall maintain and operate Air Pollution Control Systems (ESP) on the boilers regularly and ensure that emissions of all the stacks are within the prescribed norms.
- ii. The unit shall submit time bound action plan for augmentation/retrofitting of ESP.
- iii. The unit shall submit the ambient air quality report and stack report of all the air pollution sources from MOEF&CC authorized laboratory on quarterly basis.
- iv. To avoid additional ash disposal on ash pond, the unit shall ensure and increase the disposal of fly ash as per the agreement.
- v. The unit shall keep and maintain Ash generation as well as disposal record.

#### **Water and Waste-water Management**

- i. The unit shall install meter on all fresh water consumption and effluent recycling points.
- ii. The unit shall calibrate and maintain records of all existing meters periodically.
- iii. The unit shall replace the existing turbine type water flow meters on bore wells with digital magnetic flow meters.

- iv. The unit shall send all domestic waste water generated from plant and colony to STP and metering at STP inlet shall be done.
- v. The unit shall obtain NOCs for withdrawal of groundwater from CGWA at earliest as NOCs already expired on 04.04.2019.
- vi. The unit shall take measures for reduction of fresh water consumption in Cooling Tower through increase in recycling of waste water/condensate after proper treatment.
- vii. The unit may reduce the quantity of makeup water used in each Cooling Tower by increasing Cycle of Concentration (COC).
- viii. The unit may make efforts for reduction in steam consumption and effluent generation thereby reducing fresh water consumption.
- ix. The unit shall provide Rain Water Harvesting system in non-process areas for water conservation.

#### **Chemical unit-I**

- i. The unit shall immediately stop the spray of RO reject on ash for dust suppression.
- ii. The unit shall set up the incinerator facility to achieve ZLD.

#### **Chemical Effluent Treatment Plant (CETP)**

- i. The unit shall stop discharge of effluent for horticulture purposes and the entire effluent shall be recycle/reuse in process or cooling tower.

#### **Common Cooling Tower Reverse Osmosis Plant (CTRO)**

- i. The unit shall install a dedicated pipeline along with metering arrangement for carrying CTRO reject upto coal yard and make spray arrangement exclusively for using this effluent.

#### **Stack Emission Monitoring Results**

- i. The unit shall maintain the wet scrubber periodically to restrict SO<sub>2</sub> emission within the prescribed norms. To evaluate the performance of the wet scrubber, the unit shall carry out monitoring of the relevant stack(s) through EPA recognized laboratory quarterly.
- ii. To restrict the NO<sub>x</sub> emission proper bed height & proper fuel to air ratio should be maintained, and shall carry out monitoring of the relevant stack(s) through EPA recognized laboratory quarterly.

#### **Hazardous Waste**

- i. The unit shall install automatic water sprinkling arrangements, fire alarming systems, flame arresters, smoke /heat detectors, fire extinguishers and other necessary provisions as stipulated under the Guidelines for storage of incinerable hazardous wastes
  - ii. The unit shall sell caustic lye along with other hazardous waste generated by the unit only to the authorized utilizer/recycler; and shall maintain records and manifest document as required under Rule 19 of the HOWM Rules, 2016.
  - iii. The unit shall install display board outside the factory gate displaying details of hazardous wastes being handled by the unit
  - iv. The unit shall maintain date wise record of leachate generated from captive SLF.
2. UPPCB shall ask the CGWA to calculate or estimate the EC to be levied on the Jubilant industrial complex, Amroha, UP for illegal withdrawal of ground water and issuance of notice to the unit in compliance of Hon'ble NGT order dated 01.11.2019.
  3. The Joint committee has also calculated the EC to be levied on the unit for non-compliance with the ZLD norms as well as for violation of Hazardous waste and other

Uttar Pradesh Pollution Control Board for M/s Jubilant Group of Industries, Gajraula, Amroha

Waste (Management and Transboundary Movement) Rules, 2016. The determination of EC, committee has also considered the past violation of the unit. The total amount has been calculated as Rs. 6,19,00,000/- except EC for illegal withdrawal of ground water.

4. To levy the EC & penalty, UPPCB shall issue suitable directions to the unit within 15 days.
5. Committee also recommended that UPPCB shall initiate procedure for prosecution of the unit as per the NGT order within 15 days.

**AND WHEREAS**, CPCB vide a reminder letter dated 26.12.2019 asked the Member Secretary, UPPCB to take necessary actions as per the decisions held in the minutes of the meeting dt. 04.12.2019 and to ensure filing of the action taken report/compliance report in NGT by 01.01.2020; and

**WHEREAS**, CPCB received a letter from MS, UPPCB dated 17.01.2020 with request to provide suitable date for carrying out joint inspection of M/s Jubilant Industries Ltd, Gajraula, Amroha; and

**WHEREAS**, CPCB vide letter dated 23.01.2020 asked Member Secretary, UPPCB that, "Hon'ble NGT in its order dated 01.11.2019 in OA No. 107/2019 has accepted the observations and recommendations of the joint inspection report and directed that action has to be taken for the past violation by way of prosecution and EC. Activities of the unit need to be suitably regulated/stopped/restricted. The Hon'ble NGT has not directed for any joint inspection. Further, last date of filing compliance report was 01.01.2020, which was already lapsed and carrying out inspection at that stage was not be appropriate."; and

**WHEREAS**, CPCB filed compliance report of Hon'ble NGT order dated 01.11.2019 on 28.01.2020 to Hon'ble NGT; and

**WHEREAS**, the Hon'ble NGT again directed to furnish the further report jointly by CPCB and UPPCB vide it's order dated 05.02.2020; and

**WHEREAS**, the Hon'ble NGT in it's order dated 05.02.2020 in O.A. No. 107/2019 in the matter of Shah Alam Vs. State of Uttar Pradesh made following observations:

1. The observations and recommendations of the report dated 13.09.2019 furnished by a joint committee of the CPCB, UPPCB, Health Department, District Admin, U.P. Jal Nigam, Horticulture Department and the Krishi Vigyan Kendra, Amroha established violations of environmental norms which can be summed up as follows:
  - i. None of the units of Jubilant group of Industries in Gajraula Industrial Complex has requisite permission for ground water extraction but such extraction is continuing in violation of law.
  - ii. Captive power plant is not complying with respect to NO<sub>2</sub> standards.
  - iii. The distillery plant as per the adequacy report of the Joint Committee indicates that the RO and MEE plants are not installed as per the requirements. Further, the compost yard is not maintained as per the guidelines of CPCB and also the compost quality is not ascertained before providing to the farmers.
  - iv. The effluents of chemical unit 1 and the polymer unit are collectively treated in a chemical effluent treatment plant and both the units have been consented as Zero Liquid Discharge. The treated effluents from the chemical effluent treatment plant should

operate on ZLD system and this effluent may not be consented for utilization for horticulture purpose.

- v. The 400 KLD of sewage after treatment is utilized for horticulture/agriculture. The treated sewage is not meeting with respect to faecal coliform. After treatment, it can be better utilized for industrial use so to reduce consumption of ground water.
2. There have been several inspections carried out in the past with regard to all the industries and the actions required to be taken are well known. UPPCB has not taken any action to ensure compliance nor imposed environment compensation so far. As regulatory body, entrusted with statutory functions, has thus failed in its duty so far.

**AND WHEREAS**, the Hon'ble NGT in it's order dated 05.02.2020 in O.A. No. 107/2019 in the matter of Shah Alam Vs. State of Uttar Pradesh has observed that State PCB has calculated the environmental compensation of Rs. 9.84 crores for illegal withdrawal of ground water (from 04.04.2019 to 25.10.2019) and a show cause notice has been issued to the industry on 30.10.2019 for which opportunity of hearing has been given to the unit; and

**WHEREAS**, a video conference was held with officials of UPPCB & CPCB on 15.04.2020 to discuss the execution of the NGT order dated 05.02.2020 and status of actions taken by UPPCB in the matter and following observations are made:

- i. Regional Officer, Bijnor, UPPCB and concerned officials of WQM-II Division, CPCB participated in the meeting.
- ii. Regional Officer, Bijnor, UPPCB informed that UPPCB has not issued any statutory direction or passed any order till date in response to the show cause notice dated 30.10.2019 issued by UPPCB to the unit (which is also referred in Hon'ble NGT order dated 05.02.2020).
- iii. Since the inspection report dated 13.09.2019 filed by the joint committee of CPCB, UPPCB, Health Department, District Admin, U.P. Jal Nigam, Horticulture Department and the Krishi Vigyan Kendra, Amroha based on inspection carried out, actions required to be taken are well known and Hon'ble NGT in it's order dated 01.11.2019 and 05.02.2020 has directed to take actions against the unit and has not ordered for any further inspection, hence any further inspection is not appropriate at this stage.
- iv. UPPCB shall take further statutory actions including issuance of appropriate directions in response to observations and recommendations made in the report dated 13.09.2019 by the joint committee, show cause notice dated 30.10.2019 along with environmental compensation amount of Rs. 9.84 crores (for illegal withdrawal of ground water) issued by UPPCB within 15 days; and

**WHEREAS**, based on the detailed deliberations held in the meeting, minutes of the meeting was issued to UPPCB vide email dated 26.04.2020.

**It is evident that UPPCB has neither taken any decision in respect of their show cause notice dated 30.10.2019 along with environmental compensation of Rs. 9.84 crores nor taken any further statutory actions to ensure compliance and recovery of Environmental Compensation (EC) so far and inordinate delay has already been made by UPPCB in compliance of Hon'ble NGT order dated 05.02.2020 in O.A. No. 107/2019 in the matter of Shah Alam Vs. State of Uttar Pradesh.**

**NOW, THEREFORE,** in view of above observations and in exercise of the power conferred under section 18(1) (b) of the Water (Prevention and Control of Pollution) Act, 1974, you are here by directed to comply with the following directions:

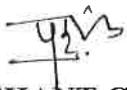
1. UPPCB shall issue appropriate directions to ensure compliance of observations and recommendations made in the joint inspection report dated 13.09.2019 furnished by the joint committee and decisions of the meeting held on 04.12.2019 & 15.04.2020 in a time bound manner including recovery of Rs. 6.19 crores calculated as EC by the joint committee.
2. UPPCB shall take further statutory actions in response of their issued show cause notice dated 30.10.2019 along with levying EC amount of Rs. 9.84 crores (Calculated by UPPCB in issued SCN) within 15 days.
3. UPPCB shall take appropriate legal actions which may include closure and prosecution in respect of Distillery unit which was found non-complying with respect to ZLD norms.

The action taken report by Uttar Pradesh Pollution Control Board shall be furnished to CPCB within 15 days of recipient of this direction.

  
(RAVISH PRASAD)  
CHAIRMAN

**Copy to:**

1. **Chairman,** : for kind information please  
Uttar Pradesh Pollution Control Board  
Building No. TC-12v, Vibhuti Khand,  
Gomti Nagar, Lucknow-226010
2. **Joint Secretary (CP Division),** : for kind information please  
Ministry of Environment, Forests, &  
Climate Change  
Indira Paryavaran Bhawan, Jorbagh Road,  
New Delhi – 110013
3. **District Magistrate** : for kind information please  
Amroha , U.P.
4. **Regional Director** : For follow up and ensuring  
Regional Directorate compliance  
Central Pollution Control Board,  
1<sup>st</sup> Floor, PICUP Bhawan,  
Vibhuti Khand, Gomti Nagar,  
Lucknow – 226 010
- ✓ 5. **Incharge, IT Division, CPCB** : with request to upload on CPCB  
website
6. **Guard file/Master file**  
WQM, CPCB Delhi

  
(PRASHANT GARGAVA)  
MEMBER SECRETARY

Uttar Pradesh Pollution Control Board for M/s Jubilant Group of Industries, Gajraula, Amroha

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**Fwd: Prayer to give us opportunity to represent our case**

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**Member Secretary CPCB** <mscb.cpcb@gov.in>

Thu, Jun 11, 2020 at 1:08 PM

To: Mrinal Kanti Biswas &lt;mkbiswas.cpcb@nic.in&gt;, biswasmrinal &lt;biswasmrinal@gmail.com&gt;

---

**From:** "gk raman" <gk.raman@jubl.com>**To:** "ccb.cpcb" <ccb.cpcb@nic.in>**Cc:** "Member Secretary CPCB" <mscb.cpcb@nic.in>**Sent:** Tuesday, May 26, 2020 11:03:18 AM**Subject:** Prayer to give us opportunity to represent our case**To,****Shri Shiv Das Meena****Chairman****Central Pollution Control Board****New Delhi****Dear Sir,**

This is with reference to my telecom regarding below mentioned issue, also as per your advice trying to be in touch with Member Secretary sir with the prayer to have telecon or video call with our team member to hear out our version of event to give us fair chance to represent our case. Once again I am sending you detailed note with a prayer to be considered towards the end of this note.

**Back ground on the Shah Alam Case**

The complainant, Shah Alam owns a Mango orchard located about 2.5 Kms crow fly distance away from Jubilant's Gajraula Captive coal power, Distillery, Chemical and Fertilizer manufacturing complex. Shah Alam tried to claim damages for the poor crop yield of his Mango Orchard citing pollution from Jubilant factory. When he could not succeed, he wrote complaint letters to the DM, UPPCB and NGT.

**25/03/19-** The NGT converted the letter into an OA No. 107 / 2019 and directed that the DM, Amroha and the UPPCB may investigate the complaint and take appropriate action and submit a report.

**22/4/19-** The DM constituted a team of UPPCB, Health department, Agricultural department, UP Jal Nigam, Krishi Vigyan Kendra, and undertook an inspection of the Jubilant factory and the Mango Orchard of the complainant. Monitored the stack emission, treated effluents of Plant and also AAQ of the Mango Orchard.

**28/06/19-** DM lead committee, through the UPPCB, submitted the final report along with all the analysis reports of the samples collected and concluded that the Mango Orchard poor crop yield was due to poor Horticultural practice and is a common feature in the area for the particular species. The report categorically said that the loss of crop cannot be attributed to Jubilant operations.

**03/07/19-** The NGT registry erred by not placing the UPPCB report (DM's committee) on the files of the Bench. Disappointed by the absence of report, NGT reconstituted another committee to include CPCB and directed them to file a report.

CPCB, declined to take into consideration the entire proceedings and the report submitted by the DM's committee Dt. 28/06/19, and decide to undertake afresh a comprehensive inspection and monitoring every operation of the entire chemical complex, with its own central monitoring teams.

**17-19 July 2019** – CPCB team unilaterally undertook a detailed environment monitoring of all aspects of the operations of the complex, ignoring the presence of other members of the team including the DM, UP Jalnigam, Health Department, Horticulture Department & Krishi Vigyan Kendra. CPCB unilaterally drafted the entire report.

The CPCB team completely deviated from the original scope of complaint, Mango Orchard crop loss, and instead filed a very adverse report with large number of technical deficiencies, incorrect observations and wrong conclusions.

**30/10/19-** UPPCB issued notice to jubilant imposing Rs. 30 lakh as EC for gaps found in operations and issued Show cause for Rs. 9.85 Cr EC for ground water withdrawal with renewal of NoC pending before CGWA.

**01/11/19-** NGT took on record the CPCB team report of visit Dt. 17-19 July and directed CPCB and UPPCB to take action including recovery of Environment Compensation.

**15/11/19-** Jubilant submitted pointwise reply to Show cause of Rs. 9.85 Cr stating Jubilant has filed renewal application on time (in Jan 2019) and complied to all NoC conditions. Delay from CGWA in granting was due to restrictions imposed by NGT against GW extraction and matter subjudice in another case. Further, EC for Ground Water NoC violation is under CGWA jurisdiction and therefore not maintainable.

**31/12/19-** Jubilant deposits the Rs. 30 lakh EC imposed by UPPCB, under protest, to avoid coercive action.

**22/01/20-** Jubilant filed a representation before the CPCB for a personal hearing on the Rs. 9.85 Crore EC imposed by UPPCB. No opportunity is granted till date.

05/02/20- CPCB submitted an action taken report to NGT, wherein it referred to a meeting in CPCB Dt. 04/12/19 with UPPCB and decided to impose Rs. 6.19 as Environment Compensation, over riding the Rs. 30 lakh EC that was imposed by UPPCB and was already deposited on 31/12/19, resulting in **double jeopardy**. There was no intimation to Jubilant nor an opportunity of being heard.

NGT Order dated 05-02-2020 - reiterates in Para 10 (below) that PCB is bound to follow procedure prescribed in law. Unit to be heard. Unit has right of appeal.

10. In view of the above, let further action be taken in accordance with law. It is not necessary to give any hearing to unit at this stage by this Tribunal as the action has to be taken by the statutory regulators in exercise of their statutory powers and in the process, the unit has to be heard. There is a further remedy of appeal for the unit against any such order. Hearing cannot be sought to preempt a direction to the statutory regulator to perform its statutory duties, based on objective material showing violations of environmental norms subject to remedy of appeal of the affected party. If the Tribunal grants hearing at this Stage, there will be no relevance hearing by the Regulator. We take note of the observations in the report of the CPCB that the TPA report by the IIT Delhi is unwarranted. Even according to the IIT Delhi, it is a dry report based on information provided by the industry and was given inadvertently.

08/05/20- UPPCB undertook another inspection of the plant to verify the compliance to the gaps found by the CPCB team during the visit Dt. 17-19 July 2019. CPCB denies UPPCB request for another inspection. UPPCB finds no major non-compliance and this report is ignored by CPCB.

### **Submission**

1. The CPCB has been unfairly investigated the complaint before the Hon'ble NGT and has unjustifiably gone far beyond the objective in the order issued by the NGT for investigation. The Principles of Natural justice have been denied and the CPCB has very adversely presented Jubilant before the NGT based on imaginative extrapolation of the events discovered during the Distillery unit recovering from a Force Majeure situation. The CPCB has eventually neither concluded on the issue of Crop loss pending before the NGT in the OA 107/2019 not has found any evidence of Environmental damage in its report.
2. Jubilant challenging CPCB jurisdiction to levy compensation for ground water drawal.
  - o Jubilant applied in Jan'2019 for CGWA NOC before expiry in Jun'2019
  - o CGWB has positively recommended Jubilant's request for renewal of NOC.
  - o Decision is pending at CGWA citing matter of NOC renewal is sub-judice at NGT.
  - o Jubilant is fulfilling recharge obligations for critical zone.
3. CPCB/UPPCB inspection immediately after incessant, unprecedented and heavy monsoon rains (1260 mm in 22 rainy days) at Gajraula.
  - o Jubilant regularly informed UPPCB of this force majeure by letters Dt. 23-Aug-19, 13-Sep-19, and 25-Oct-19.

- o Jubilant voluntarily shut distillery for 83 days (Jul-Nov'2019) to protect environment.
- o JIC report extrapolated imaginative consequence of environmental damage, despite significant Force majeure condition.

**4. Procedural gap – providing hearing to Jubilant as it is mandatory by Law, and NGT order.**

- 1) Water Act mandates a hearing to Unit on principles of natural justice.
- 2) NGT Order also reiterates that PCB is bound to follow procedure prescribed in law.
  - o Jubilant to be provided an opportunity of being heard.
  - o Jubilant has right of appeal.
- 3) Inquiry widened beyond loss of Mango Crop and health impacts raised by Complainant.

**Prayer**

- 1) Provide an opportunity of being heard, without prejudice to the ongoing proceedings
- 2) Findings of the CPCB not attributable to the Complaint in the OA 107/2019 may be delinked from the NGT proceedings
- 3) Arbitrary calculation of the Rs. 6.19 Crore EC be withdrawn and limited to Rs. 30 Lakhs already deposited to UPPCB.
- 4) The Environmental Compensation for withdrawal of Ground water without Renewal of NoC should be withdrawn, being barred by jurisdiction and therefore not maintainable.

Thanking you

With best regards

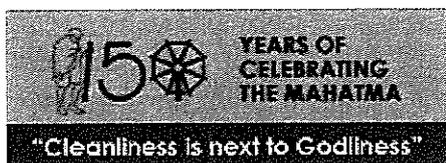
G K Raman

Sr. Vice President

Jubilant Bhartiya Group

9686412099

CC : Dr. Prashant Gargava, Member Secretary, Central Pollution Control Board



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**Fwd: Letter to CPCB on Shah Alam matter**

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Member Secretary CPCB &lt;mscb.cpcb@gov.in&gt;

Thu, Jun 11, 2020 at 1:04 PM

To: Mrinal Kanti Biswas &lt;mkbiswas.cpcb@nic.in&gt;, biswasmrinal &lt;biswasmrinal@gmail.com&gt;

---

**From:** "gk raman" <gk.raman@jubl.com>  
**To:** "ccb.cpcb" <ccb.cpcb@nic.in>  
**Cc:** "Member Secretary CPCB" <mscb.cpcb@nic.in>  
**Sent:** Sunday, May 31, 2020 1:34:34 PM  
**Subject:** Letter to CPCB on Shah Alam matter

**\*\* This email has been sent from an external source. Treat hyperlinks and attachments in this email with caution\*\***

31.05.2020

To: The Chairman  
Central Pollution Control board  
Parivesh Bhawan, East Arjun Nagar  
New Delhi

Cc: The Member Secretary  
Central Pollution Control board

Subject. Seeking personal hearing in the matter of O.A. 107/2019 Shah Alam V/s Govt of UP before the Hon'ble NGT against the Rs. 6.19 Crore proposed Environment Compensation.

## Reference:

- a) Joint Committee report of the District Magistrate, Amroha Dt. 28/06/19 submitted before the NGT
- b) Joint Inspection (Dt. 17.07.19 & 18.07.19) Committee report of CPCB submitted before the NGT Dt.
- c) CPCB's Compliance Report Dt. 21/01/2020 of the action taken on Joint Inspection (Dt. 17.07.19 & 18.07.19) Committee report submitted to the NGT
- d) 4 Nos. of Showcause notices Dt. 30/10/2019 issued by the UPPCB to JLL in pursuant to the Joint Inspection (Dt. 17.07.19 & 18.07.19) Committee report observation.
- e) Rs. 30 lakh deposited by JLL to UPPCB on 31/12/2019 as Environment Compensation assessed towards observation by the Joint Inspection Committee.
- f) Ltr Dt. 14/01/2020 submitted by JLL to CPCB seeking relief from Rs. 9.85 Cr EC imposed towards ground water extraction beyond NoC expiry with renewal due.

Sir,

This refers to the matter before the Hon'ble NGT vide O.A.No. 107/2019 Shah Alam Vs Govt of UP.

We sincerely thank you for the telephonic conversation of our Mr. Anant Pande, Director and Mr. GK Raman, Sr. Vice President with Shri Prashanth Gargava, Member Secretary, CPCB on 27<sup>th</sup> May 2020 and patient hearing on the matter.

As you may be aware, the matter pertains to a complaint filed regarding the loss of crop in a Mango Orchard of the Complainant against Jubilant Bhartia Group's Chemical & Fertilizer Manufacturing complex at Gajraula. On the direction of the NGT Dt. 28/03/2019, a Joint committee constituted under the DM, Amroha & UPPCB under took an inspection on 22/04/2019 and submitted its report to the NGT vide its letter Dt. 28/06/2019 and concluded the loss of Mango Orchard Crop is due to wrong Horticultural practice and no relation with Jubilant Group company's operations.

Subsequently, Vide NGT order Dt. 03/07/2019, a reconstituted Joint Committee, including the CPCB, was directed to file a suitable report. The CPCB led joint inspection committee undertook the site inspection on 17-19 July 2019 and submitted a detailed report of its findings to the NGT that was taken on record on 01/11/2019. As per the direction of the NGT on 01/11/2019, the CPCB submitted an action taken report Dt. 27/01/2020 to the NGT that was taken on record on 05/02/2020.

We would like to submit the following with regards to the CPCB's Joint inspection committee report submitted to the NGT based on the visit Dt. 17/07/19 to 19/07/19;

- a) Observed few operational deviations with incorrect interpretation and ignoring the force majeure condition caused by incessant rainfall.
- b) The inspection visit did not find any evidence of environmental damage caused from the operational deviations.
- c) Made no observation regarding Mango Orchard of the original complaint.
- d) Did not find any evidence relating Mango Orchard Crop loss to Jubilant operations.
- e) Overlooked the findings of the DM committees report Dt. 28/06/2019
- f) Did not give Jubilant personnel an opportunity of being heard

Within about a month of the inspection, Jubilant set right the operational deviations, observed during the visit, including voluntary closure of distillery unit and made detailed submission with photographs to the UPPCB. However, the submissions made on compliance were not considered in the Joint Inspection Committee report submitted to the NGT on 30/10/2019 for the hearing on 01/11/2019.

In response to a notice from UPPCB Dt. 30/10/2019 to Distillery unit, imposing Rs. 30 Lakh as Environment Compensation for the deviations observed by the Joint Inspection Committee, we deposited the amount, under protest, on 31/12/2019. However, the same was not considered in the report submitted by the CPCB to NGT in its action taken report Dt. 21/01/2020. On the contrary, the CPCB has calculated Rs.6.19 Crore as EC for the same deviations, without giving us an opportunity to be heard.

We herewith submit a point wise compliance to every observation made by the Joint inspection committee during its visit from 17/07/19 to 19/07/19 for your kind perusal.

**Our Submission:**

1. The CPCB has unfairly investigated the complaint before the Hon'ble NGT and has unjustifiably gone far beyond the objective in the order issued by the NGT for investigation. The Principles of Natural justice have been denied and the CPCB has very adversely presented Jubilant before the NGT based on imaginative extrapolation of the events discovered during the Distillery unit that was recovering from a Force Majeure situation.

The CPCB has eventually neither concluded on the issue of Crop loss pending before the NGT in the OA 107/2019 not has found any evidence of Environmental damage in its report.

2. Jubilant challenging CPCB jurisdiction to levy compensation for ground water drawal.

- Jubilant applied in Jan'2019 for CGWA NOC before expiry in Apr'19
- CGWB, Lucknow has positively recommended Jubilant's request for renewal of NOC to CGWA, New Delhi.
- Decision is pending at CGWA, New Delhi citing matter of NOC renewal is sub-judice at NGT.
- Jubilant is fulfilling recharge obligations for critical zone.

3. CPCB/U PPCB inspection immediately after incessant, unprecedented and heavy monsoon rains at Gajraula.

- Jubilant regularly informed UPPCB of this force majeure by letters Dt. 23-Aug-19, 13-Sep-19, and 25-Oct-19.
- Jubilant voluntarily shut distillery for 83 days (Jul-Nov'2019) to protect environment.
- JIC report extrapolated imaginative consequence of environmental damage, despite significant Force majeure condition.

4. Procedural gap – providing hearing to Jubilant as it is mandatory by Law, and NGT order.

- 1) Water Act mandates a hearing to Unit on principles of natural justice.
- 2) NGT Order also reiterates that PCB is bound to follow procedure prescribed in law.
  - Jubilant to be provided an opportunity of being heard.
  - Jubilant has right of appeal.
- 3) Inquiry widened beyond loss of Mango Crop and health impacts raised by Complainant.

**Prayer**

- 1) Provide an opportunity of being heard, without prejudice to the ongoing proceedings

- 2) Findings of the CPCB not attributable to the Complaint in the OA 107/2019 may be delinked from the NGT proceedings
- 3) Arbitrary calculation of the Rs. 6.19 Crore EC be withdrawn and limited to Rs. 30 Lakhs already deposited to UPPCB.
- 4) The Environmental Compensation against withdrawal of Ground water without Renewal of NoC should be withdrawn, being barred by jurisdiction and therefore not maintainable.

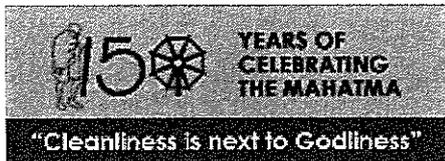
Thanking you,

Yours faithfully,

For **Jubilant Life Sciences Limited.,**

**G K Raman**

**Sr. Vice President**



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 **Compliance to JIT recommendation-Shah Alam Case-290520.pdf**  
2555K



**By Speed Post/Email**

**B-190198/NGRBA (RG)/CPCB/Distillery/2017-18**

**Date: 10.06.2020**

**To,**

**Member Secretary,**

Uttar Pradesh Pollution Control Board (UPPCB),  
H.N.O. TC-12 Vibhuti Khand,  
Gomti Nagar,  
Lucknow-226010  
Uttar Pradesh

**Subject: Representation submitted by M/s Jubilant Group of Industries, Gajraula, Amroha, UP through e-mail dated 26.05.2020 to provide them an opportunity to represent their case**

**Reference:** Hon'ble NGT order dated 01.11.2019 (corrected order dated 20.11.2019) and 05.02.2020 in O.A. no. 107/2019 in the matter of Shah Alam Vs State of Uttar Pradesh

Sir,

Please find enclosed representation received from M/s Jubilant Group of Industries, Gajraula, Amroha, UP vide e-mail dated 26.05.2020, which is self-explanatory.

You may therefore like to take appropriate and necessary actions at your end in accordance with the relevant Hon'ble NGT orders please.

Yours faithfully,

Encl: As above

  
**(A.K.Vidyarthi)**  
Scientist 'E' &  
Divisional Head, WQM-II Division

**Copy to:**

1. M/s Jubilant Group of Industries, Gajraula, Amroha-244223, U.P. : For kind information

  
**(A.K.Vidyarthi)**  
Scientist 'E' &  
Divisional Head, WQM-II Division



उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड Annexure- VII  
UTTAR PRADESH POLLUTION CONTROL BOARD

संदर्भ संख्या- 1149556 / सी-7/अक्र-18/अप्र-2/2020 दिनांक 03-6-20

सेवा में,

मै0 जूबिलेन्ट लाइफ साइन्सेज,  
डिस्टलरी यूनिट, गजरौला,  
अमरोहा

यह कि मै0 जूबिलेन्ट लाइफ साइन्सेज, डिस्टलरी यूनिट, गजरौला, अमरोहा द्वारा कच्चे माल के रूप में शीरे का प्रयोग कर ईथाइल एल्कोहल के उत्पादन हेतु उपरोक्त वर्णित स्थल पर कार्यरत है जो कि जल (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1974 की धारा-47 के अन्तर्गत एक कम्पनी है।

यह कि मा0 अधिकरण द्वारा ओ0ए0 स0-107/2019 शाह आलम बनाम स्टेट ऑफ यू0पी0 में दिनांक 03.07.2019 को निम्न आदेश पारित किये गये :

1. The issue for consideration is the remedial action against the air pollution caused by M/s Jubilent Industries Ltd., Gajraula, Amora by discharging chemicals and gas emissions affecting the health of the inhabitants.
2. Vide order dated 25.03.2019, the District Magistrate, Amroha and the Uttar Pradesh State Pollution Control Board (UPSPCB) were required to furnish a factual and action taken report in the matter.
3. Report has been furnished vide e-mail dated 26.04.2019 based on inspection carried out on 22.04.2019. Samples taken were sent for analysis but the report is said to be awaited. We are surprised that even after more than two months of the samples being taken, the analysis report is not available.
4. In the circumstances, we modify the constitution of the Committee to include a representative of the Central Pollution Control Board (CPCB). The reconstituted Committee may furnish an appropriate report within one month by e-mail at judicial-ngt@gov.in. Nodal agency will be State PCB for coordination.

A copy of this order be sent to the CPCB by e-mail for compliance. Counsel for State PCB may inform others.

List for further consideration on 17.09.2019.

यह कि मा0 अधिकरण द्वारा पारित उक्त आदेश दिनांक 03.07.2019 द्वारा जारी निर्देशों के अनुपालन में केन्द्रीय प्रदूषण नियंत्रण बोर्ड, एस0डी0एम0 (धनौरा अमरोहा), उद्यान विभाग, जल निगम, कृषि विभाग, स्वास्थ्य विभाग, उ0प्र0 प्रदूषण नियंत्रण बोर्ड के अधिकारियों की संयुक्त निरीक्षण टीम द्वारा मै0 जूबिलेन्ट लाइफ साइन्सेज ग्रुप, अमरोहा की इकाईयों एवं शिकायती प्रकरण में उल्लिखित आम के बाग का निरीक्षण किया गया।

यह कि संयुक्त निरीक्षण टीम द्वारा मै0 जूबिलेन्ट लाइफ साइन्सेज ग्रुप, अमरोहा की इकाईयों का निरीक्षण दिनांक 17.07.2019 एवं 18.07.2019 को किया गया। निरीक्षण रिपोर्ट में मै0 जूबिलेन्ट ग्रुप की इकाई मै0 जूबिलेन्ट लाइफ साइन्सेज, डिस्टलरी यूनिट, गजरौला, अमरोहा के संचालन में कमियां पाई गई तथा संयुक्त निरीक्षण टीम द्वारा निम्न संस्तुतियां की गई है-

### "7.6 Recommendations for the Distillery Unit

As per the observations made above, the distillery plant is non-complying unit with respect to ZLD norms and the following recommendations are made:

1. The unit shall recycle the stored spent wash from the old ash pond under supervision of the UPPCB to ensure that no traces of spent wash remain in ashpond.

.....कृ०पृ०उ०

टी. सी. - 12 वी, विभूति खण्ड

T.C. 12 - V, Vibhuti Khand

गोमतीनगर, लखनऊ-226010

2720881

Gomti Nagar, Lucknow - 226010

दूरभाष-272831, 2720828, 2720891,

0522 - 2720764 ई-मेल- info@uppcb.com

Phone:2720831,2720828,2720691,2720681

फैक्स 0522-2720784 Fax:

Web Site: www.uppcb.com

Email: info@uppcb.com वेबसाइट: www.uppcb.com

2. The unit is not operating incinerator/slop furnace as per design capacity (11.5 KL/Hr) to consume the concentrated spent wash generated during the non-monsoon/monsoon season which resulted accumulation of excess spent wash with leachate (bio-compost area) in lagoons. Since, the lagoons are almost filled up, only the freeboard is left, incinerator operates only at 30% of its installed capacity (50% of the requisite capacity), covered compost yard is completely filled with press mud having high moisture content and damaged roof of covered compost yard which will not allow further disposal of spent wash for biocomposting, the unit shall be directed to stop its distillery manufacturing process and shall consume the already stored spent wash through further concentration for the use in the incinerator under supervision of UPPCB. Thereafter capacity of distillery plant shall be restricted to the capacity as decided by UPPCB till the incinerator is commissioned at full capacity.
3. The unit shall restrict its storage capacity of concentrated spent wash upto 17800m<sup>3</sup> including 07 days for incinerator and 30 days for biocomposting, both separately.
4. The unit made partition in the lagoon by filling it with soil and made two lagoons i.e., Lagoon 'A' and Lagoon 'B'. However, the unit shall make the filled up area lined, by using concrete.
5. The unit shall dismantle/fill/level the additional storage capacity of the lagoon in time bound manner.
6. The unit is storing spent wash either in Lagoon 'A' or Lagoon 'B', hence the spent wash found stored in Lagoon 'A' and Lagoon 'B' shall have the same properties. The unit shall operate MEE uniformly maintaining the quality of the concentrated spent wash for efficient use in bio-composting as well as in incineration.
7. The unit shall restrict the use of excess spent wash in bio-composting so that the situation of generation of diluted spent wash does not arise.
8. The unit shall stop storage of the lagoon sludge in open area to avoid further dilution with rain water and shall use the sludge directly for bio-composting.
9. Spent wash conveyor line from the unit to the lagoons as well as to the compost yard shall be rechecked for any leakage. UPPCB shall verify the same.
10. The pipelines for carrying the spent wash to the ashponds shall be dismantled after recycling the stored spent wash from the ash pond to the lagoons.
11. The unit may be asked to implement the requisite facility as per suggestion of the water audit report so that detailed study may be carried out to reduce the withdrawal of the ground water.
12. The unit may not be allowed to continue biocomposting during rainy season as the covered bio-compost yard was found damaged.
13. CGWA may be directed to investigate the infrastructure developed by the unit for rain water harvesting facilities inside and outside the premises and may take decision on the renewal applications of the unit for abstraction of the ground water.
14. Environmental compensation (EC) for illegal disposal of spent wash causing potential threat to ground water where ground water of the area is already deteriorated to "over exploited" category. Also EC with regard to operation of the distillery plant and disposal of spent wash in violation of consent condition may also be imposed.
15. Rain water harvesting system at biocomposting site may not be advisable to avoid contamination of the ground water with colored effluent.

16. As per the analysis result, CPU RO Permeate have pH-9.48, COD-2083 mg/l and BOD-1078 mg/l is being utilized in cooling tower which may not be appropriate for having such high pH. The unit may install additional system to improve the quality of CPU permeate.
17. The unit shall set up proper and separate systems for concentration of spent wash upto 45 % solids and upto 30 % solids for incineration and for bio-composting respectively.

### 18.3 Distillery Plant

1. The unit shall obtain NOC from CGWA for withdrawal of groundwater in distillery plant at earliest as the CGWA NOC have already been expired on 04.04.2019.
2. The distillery plant should take measures to reduce the spent wash generation from 10.69 to 6-8 KL/KL alcohol production.
3. The unit made partition in the lagoon by filling it with soil and made two lagoons i.e., Lagoon 'A' and Lagoon 'B'. However, the unit shall make the filled up area lined, by using concrete.
4. The unit shall dismantle/fill/level the additional storage capacity of the lagoon in time bound manner.
5. The unit shall restrict the use of excess spent wash in bio-composting so that the situation of generation of diluted spent wash does not arise.
6. The entire covered compost area was found full of wind rows of press mud with high moisture content, hence further composting for utilization of spent wash could not be carried out.
7. The unit shall stop storage of lagoon sludge in open area to avoid further dilution with rain water and shall use the sludge directly for bio-composting.
8. As per the Standard Operating Procedure for Bio-composting operation of molasses based distillery, the distillery plant shall provide covered shed having platform for ready compost, which was not available at compost yard.
9. As per the Standard Operating Procedure for Bio-composting operation of molasses based distillery, the entrance of the bio-compost yard should be paved all-weather road for approach of vehicles to bio-compost yard. Accordingly the unit shall take the immediate actions to implement the same.
10. The distillery plant shall not be allowed to operate until the stored spent wash in lagoon 'B' (Approx. volume 16000 m<sup>3</sup>) get consumed through slop boiler after concentrating through MEE.
11. As per the Standard Operating Procedure for Bio-composting operation of molasses based distillery, Bio-compost shall be analyzed for parameters as per the Fertilizer Control order with latest amendments and shall be packed as per the customer requirement. Also, the ready compost must be weighed and records of the same shall be maintained. However, no document was available regarding the sell of ready compost.

यह कि संयुक्त निरीक्षण टीम के निरीक्षण दिनांक 17.07.2019 एवं 18.07.2019 में पायी गई कमियों के दृष्टिगत दिनांक— 17.07.2019 से 25.10.2019 (कुल दिवस 100) के उल्लंघन के सापेक्ष केन्द्रीय प्रदूषण नियंत्रण बोर्ड के पत्र दिनांक—08.02.2019 द्वारा जारी Levying of Environmental Compensation against Defaulting Industries के अनुसार पर्यावरणीय क्षतिपूर्ति रु तीस लाख मात्र आंकलित कर बोर्ड के पत्र सं०— एच43066/सी-7/जल-88/का0ब0नो0/2019 दिनांक 30.10.2019 द्वारा अधिरोपित की गई। उक्त धनराशि उद्योग द्वारा उ०प० प्रदूषण नियंत्रण बोर्ड में जमा कर दी गई है।

यह कि उद्योग मै0 जूबिलेन्ट लाइफ साइन्सेज, डिस्टलरी यूनिट, गजरौला, अमरोहा द्वारा केन्द्रीय भूजल प्राधिकरण से प्राप्त पूर्व अनुमति की वैधता दिनांक 04.04.2019 को समाप्त हो गई है तथा उक्त तिथि के उपरान्त उद्योग द्वारा भूजल का दोहन बिना केन्द्रीय भूजल प्राधिकरण के अनुमति प्राप्त किये हुए किया गया है। उद्योग द्वारा यद्यपि अनुमति के नवीनीकरण हेतु केन्द्रीय भूजल प्राधिकरण में आवेदन किया गया है परन्तु उद्योग के पक्ष में अद्यतन तक भूजल दोहन हेतु अनुमति निर्गत नहीं की गई है। केन्द्रीय भूजल प्राधिकरण द्वारा पूर्व प्रदान अनुमति की वैधता समाप्त होने की तिथि दिनांक 08.04.2019 से दिनांक 25.10.2019 (कुल दिवस 205) हेतु पूर्व अनुमति के अनुरूप 3000 घन मी0/दिन भूजल प्रयोग के सापेक्ष गणना केन्द्रीय प्रदूषण नियंत्रण बोर्ड की गार्डलाइन Environmental Compensation in case of legal extraction of Ground Water के अनुसार उद्योग पर रू 9,84,00000/- (Rs. Nine Crore Eighty Four Lakh only) पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने हेतु बोर्ड के पत्र सं0-एच43066/सी-7/जल-88/का0ब0नो0/2019 दिनांक 30.10.2019 द्वारा कारण बताओ नोटिस जारी किया गया है।

यह कि उद्योग के विरुद्ध बोर्ड के पत्र दिनांक 30.10.2019 द्वारा जारी कारण बताओ नोटिस के क्रम में क्षेत्रीय कार्यालय, उ0प्र0 प्रदूषण नियंत्रण बोर्ड, बिजनौर के अधिकारियों द्वारा दिनांक 08.05.2020 को उद्योग का अद्यतन निरीक्षण किया गया। क्षेत्रीय अधिकारी के पत्र दिनांक 11.05.2020 द्वारा प्रेषित निरीक्षण दिनांक 08.05.2020 की आख्या में पाये गये निम्न तथ्य पाये गये हैं-

- I. उद्योग में स्पेन्टवाश के भष्मीकरण हेतु स्थापित स्लोप ब्यायलर पुराना होने तथा ट्यूब खराब होने के कारण उक्त स्लोप ब्यायलर माह जनवरी, 2020 से बन्द करके अनुरक्षण एवं मरम्मत का कार्य किया जा रहा है। क्षेत्रीय अधिकारी की आख्या के अनुसार उद्योग द्वारा उत्पादन बायो कम्पोस्टिंग क्षमता के अनुरूप किया जा रहा है। उपरोक्त से विदित है कि उद्योग में स्थापित शून्य उत्प्रवाह निस्तारण व्यवस्था हेतु स्थापित स्लोप ब्यायलर को पूर्ण दक्षता पर संचालित नहीं किया गया है।
- II. उद्योग द्वारा भूजल दोहन हेतु केन्द्रीय भूजल प्राधिकरण में आवेदन लम्बित है परन्तु अद्यतन तक उद्योग के पक्ष में केन्द्रीय भूजल प्राधिकरण द्वारा अनुमति निर्गत नहीं की गई है।

यह कि उद्योग के विरुद्ध एन0एम0सी0जी0, भारत सरकार द्वारा सन्दर्भित शिकायती प्रकरण के क्रम में उद्योग का अद्यतन निरीक्षण क्षेत्रीय अधिकारी, उ0प्र0 प्रदूषण नियंत्रण बोर्ड बिजनौर द्वारा एन0एम0सी0जी0 के अधिकारियों के साथ दिनांक 01.06.2020 को किया गया। निरीक्षण के दौरान निम्न तथ्य पाये गये-

- i. उद्योग में स्पेन्टवाश के भण्डारण हेतु लैगून से बायो कम्पोस्ट यार्ड तक स्पेन्टवाश पम्प किये जाने हेतु पाइपलाइन क्षतिग्रस्त होने के कारण स्पेन्टवाश का रिसाव हुआ है। निरीक्षण के दौरान प्रदूषित स्पेन्टवाश लगभग 100 मीटर की दूरी तक दिल्ली मुरादाबाद रेलवे लाइन के किनारे-किनारे भरा पाया गया। उक्त रिसाव के कारण स्पेन्टवाश श्री जय सिंह के खेत में लगभग 2 बीघा जमीन पर फेला हुआ पाया गया।
- ii. निरीक्षण के दौरान पाया गया कि उद्योग द्वारा पम्प एवं टैंकर के माध्यम से स्पेन्टवाश को लिफ्ट कर बायो कम्पोस्टिंग यार्ड में ले जाया जा रहा है। निरीक्षणकर्ता के आंकलन के अनुसार रेलवे विभाग द्वारा केबल बिछाने हेतु किये गये ट्रेंच की खुदाई के दौरान स्पेन्टवाश की पाइपलाइन क्षतिग्रस्त हुई। उद्योग के निकट खेतों में स्पेन्टवाश भण्डारित पाया गया।
- iii. उपरोक्त से स्पष्ट है कि उद्योग में बायो कम्पोस्टिंग हेतु स्थापित पाइपलाइन क्षतिग्रस्त होने के कारण प्रदूषित उत्प्रवाह भूमि एवं खेतों में निस्तारित हुआ है जो शून्य उत्प्रवाह निस्तारण सम्बन्धी निदेशों का उल्लंघन है। उद्योग में स्थापित स्लोप ब्यायलर पूर्व से ही मेन्टेनेन्स के कारण बन्द है। अतः उद्योग में स्थापित शून्य उत्प्रवाह निस्तारण व्यवस्था पूर्णतया संचालित नहीं है।

यह कि उद्योग द्वारा जल (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1974 की धारा-25/26 के अन्तर्गत निर्गत सर्शत सहमति जल में अधिरोपित शर्तों का उल्लंघन किया गया है तथा बोर्ड के पत्र सं०-एच43066/सी-7/जल-88/का0ब0नो0/2019 दिनांक 30.10.2019 द्वारा जारी कारण बताओ नोटिस का भी अनुपालन नहीं किया गया है। केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा दिनांक 04.12.2019 को मा० अधिकरण द्वारा ओ०ए० सं०-107/2019 शाह आलम बनाम उ०प्र० राज्य में पारित आदेश दिनांक 01.11.2019 के अनुपालन हेतु सम्बन्धित विभागों की मीटिंग आहूत की गई जिसमें मै० जूबिलेन्ट औद्योगिक कॉम्प्लेक्स पर कूल रू 6 करोड़ 19 लाख की पर्यावरणीय क्षतिपूर्ति अधिरोपित की गई जिसकी गणनाशीट संलग्न है।

यह कि केन्द्रीय प्रदूषण नियंत्रण बोर्ड के पत्र सं०-B-190198/NGRBA/Distillery/CPCB/11/2016-17 दिनांक 13/14 मई, 2020 द्वारा जल (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1974 यथासंशोधित की धारा-18 (1)बी के अन्तर्गत बोर्ड को निम्नानुसार निर्देश जारी किये गये हैं-

NOW, therefore in view of the above observations and in exercise of the power conferred under section 18(1) (h) of the Water(Prevention and Control of Pollution) Act, 1974, you are hereby directed to comply with the following directions:

- (a) UPPCB shall issue appropriate directions to ensure compliance of observations and recommendations made in the joint inspection report dated 13.09.2019 furnished by the joint committee and decisions of the meeting held on 04.12.2019 & 15.04.2020 in a time bound manner including recovery of Rs. 6.19 crores calculated as EC by the joint committee.
- (b) UPPCB shall take further statutory actions in response of their issued show cause notice dated 30.10.2019 along with levying EC amount of Rs. 9.84 crores (Calculated by UPPCB in issued SCN) within 15 days.
- (c) UPPCB shall take appropriate legal actions which may include closure and prosecution in respect of Distillery unit which was found non-complying with respect to ZLD norms.

यह कि उपरोक्तानुसार केन्द्रीय प्रदूषण नियंत्रण बोर्ड के पत्र दिनांक 13/14 मई 2020 द्वारा राज्य बोर्ड को दिये गये निर्देशों, बोर्ड के पत्र सं०-एच43066/सी-7/जल-88/का0ब0नो0/2019 दिनांक 30.10.2019 द्वारा उद्योग के विरुद्ध जारी कारण बताओ नोटिस एवं दिनांक 01.06.2020 को क्षेत्रीय अधिकारी, बिजनौर एवं एन०एम०सी०जी० के संयुक्त निरीक्षण में पाये गये तथ्यों से निम्न तथ्य परिलक्षित हुए हैं-

- i. उद्योग द्वारा भूजल दोहन हेतु केन्द्रीय भूजल प्राधिकरण से प्राप्त पूर्व अनुमति दिनांक 04.04.2019 को समाप्त हो चुकी है जिसके उपरान्त उद्योग को केन्द्रीय भूजल प्राधिकरण द्वारा नवीनीकृत अनुमति निर्गत नहीं की गई है।
- ii. उद्योग में शून्य उत्प्रवाह निस्तारण व्यवस्था हेतु स्थापित स्लोप ब्यायलर मेन्टेनेन्स के कारण कार्यरत नहीं है तथा लैगून से बायो कम्पोस्टिंग यार्ड तक स्पेन्टवाश को सम्प्रेषित करने हेतु स्थापित पाईपलाइन क्षतिग्रस्त होने के कारण प्रदूषित उत्प्रवाह समीपवर्ती खेतों एवं रेलवे लाइन के किनारे ड्रेन में एकत्रित पाया गया जोकि बोर्ड द्वारा जल अधिनियम, 1974 की धारा-25/26 के अन्तर्गत निर्गत सहमति जल में अधिरोपित शर्तों का उल्लंघन है।
- iii. उद्योग द्वारा केन्द्रीय प्रदूषण नियंत्रण बोर्ड की अध्यक्षता में अन्तर्विभागीय समिति द्वारा किये गये निरीक्षण दिनांक 17.08.2019 एवं 18.08.2019 में की गई सस्तुति के अनुसार लैगून ए एवं लैगून बी की कांक्रिटेड लाइनिंग नहीं की गई है।
- iv. उद्योग द्वारा जल (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1974 यथासंशोधित की धारा-25/26 के अन्तर्गत निर्गत सर्शत सहमति जल में अधिरोपित शर्तों का अनुपालन नहीं किया गया है।

यह कि उद्योग द्वारा बोर्ड से निर्गत सशर्त सहमति जल, बोर्ड के पत्र दिनांक 30.10.2019 द्वारा जारी निर्देशों एवं दिनांक 17.07.2019 एवं 18.07.2019 को मा0 अधिकरण के आदेशों के अन्तर्विभागीय समिति की संस्तुतियों का पूर्ण अनुपालन नहीं किया गया है तथा प्रदूषित उत्प्रवाह को परिसर के बाहर निस्तारित किया गया है।

अतः बोर्ड के पत्र सं0-एच43066/सी-7/जल-88/का0ब0नो0/2019 दिनांक 30.10.2019 द्वारा जारी कारण बताओ नोटिस की पुष्टि करते हुए उद्योग मै0 जूबिलेन्ट लाइफ साइन्सेज, डिस्टलरी यूनिट, गजरौला, अमरोहा के विरुद्ध जल (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1974 की धारा-33ए के अन्तर्गत सक्षम अधिकारी के अनुमोदन से निम्नानुसार बन्दी आदेश जारी किये जाते हैं-

- 1- यह कि उद्योग मै0 जूबिलेन्ट लाइफ साइन्सेज, डिस्टलरी यूनिट, गजरौला, अमरोहा को बोर्ड के पत्र सं0-50299/UPPCB/Bijnore(UPPCBRO)/CTO/water/JYOTIBA PHULE NAGAR/2019 दिनांक 19/08/2019 तथा पत्र संख्या 31991/UPPCB/Bijnore (UPPCBRO)/CTO/water/JYOTIBA PHULE NAGAR/2018 दिनांक 28-11-2018 द्वारा निर्गत सशर्त सहमति जल तत्काल प्रभाव से खण्डित किया जाता है।
- 2- यह कि उद्योग मै0 जूबिलेन्ट लाइफ साइन्सेज, डिस्टलरी यूनिट, गजरौला, अमरोहा की उत्पादन प्रक्रिया तत्काल प्रभाव से बन्द किये जाने हेतु बन्दी आदेश जारी किये जाते हैं।
- 3- यह कि सक्षम अधिकारियों को निर्देशित किया जाता है कि उद्योग मै0 जूबिलेन्ट लाइफ साइन्सेज, डिस्टलरी यूनिट, गजरौला, अमरोहा के संचालन को रोके जाने हेतु उद्योग के समस्त विद्युत कनेक्शन एवं जल आपूर्ति सुविधाओं को तत्काल प्रभाव से रोक दिया जाए।
- 4- यह कि उद्योग मै0 जूबिलेन्ट लाइफ साइन्सेज, गजरौला, अमरोहा द्वारा बिना केन्द्रीय भूजल प्राधिकरण से अनापत्ति प्राप्त किये हुए भूजल दोहन किये जाने के दृष्टिगत रु 9,84,00000/- (Rs. Nine Crore Eighty Four Lakh only) की पर्यावरणीय क्षतिपूर्ति अधिरोपित की जाती है तथा निर्देशित किया जाता है कि पर्यावरणीय क्षतिपूर्ति धनराशि को उ0प्र0 प्रदूषण नियंत्रण बोर्ड के यूनियन बैंक आफ इण्डिया, विभूतिखण्ड, गोमतीनगर, लखनऊ स्थित बैंक के खाता सं0-701502010002104 आई0एफ0एस0 कोड-UBIN0570150 में एक सप्ताह के अन्दर जमा कर, जमा की गयी धनराशि का साक्ष्य क्षेत्रीय कार्यालय एवं बोर्ड मुख्यालय में प्रस्तुत करना सुनिश्चित करें।
- 5- मा0 अधिकरण द्वारा ओ0ए0 सं0-107/2019 शाह आलम बनाम उ0प्र0 राज्य मे पारित आदेश दिनांक 01.11.2019 के अनुपालन में केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा मा0 अधिकरण में प्रस्तुत ऐक्शन टेकन रिपोर्ट में उद्योग के विरुद्ध अधिरोपित पर्यावरणीय क्षतिपूर्ति धनराशि रु 6,19,00000/- (Rs. Six Crore Nineteen Lakh only) उ0प्र0 प्रदूषण नियंत्रण बोर्ड के यूनियन बैंक आफ इण्डिया, विभूतिखण्ड, गोमतीनगर, लखनऊ स्थित बैंक के खाता सं0-701502010002104 आई0एफ0एस0 कोड-UBIN0570150 में एक सप्ताह के अन्दर जमा कर, जमा की गयी धनराशि का साक्ष्य क्षेत्रीय कार्यालय एवं बोर्ड मुख्यालय में प्रस्तुत करना सुनिश्चित करें।

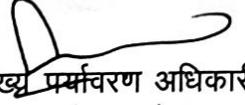


(अमित चन्द्रा)  
मुख्य पर्यावरण अधिकारी  
(वृत्त-7)

प्रतिलिपि :

1. प्रमुख सचिव, पर्यावरण, वन एवं जलवायु परिवर्तन विभाग, उ0प्र0 शासन को सूचनार्थ।
2. प्रमुख सचिव, आबकारी, उ0प्र0 शासन को सूचनार्थ।
3. निजी सचिव, अध्यक्ष, उ0प्र0 प्रदूषण नियंत्रण बोर्ड।
4. सदस्य सचिव, केन्द्रीय प्रदूषण नियंत्रण बोर्ड, परिवेश भवन, ईस्ट अर्जुन नगर, नई दिल्ली को सूचनार्थ।
5. सदस्य सचिव, केन्द्रीय भूजल प्राधिकरण (सी0जी0डब्ल्यू0ए0), नई दिल्ली को सूचनार्थ।

6. जिलाधिकारी, अमरोहा को इस अनुरोध के साथ कि उद्योग मै0 जूबिलेन्ट लाइफ साइन्सेज, डिस्टलरी यूनिट, गजरौला, अमरोहा के विरुद्ध जारी बन्दी आदेश के अनुपालन हेतु सक्षम अधिकारी को आवश्यक कार्यवाही हेतु निर्देशित करना चाहेंगे।
7. वरिष्ठ पुलिस अधीक्षक/पुलिस अधीक्षक, अमरोहा को इस अनुरोध के साथ कि उद्योग मै0 जूबिलेन्ट लाइफ साइन्सेज, डिस्टलरी यूनिट, गजरौला, अमरोहा के विरुद्ध जारी बन्दी आदेश के अनुपालन हेतु सक्षम अधिकारी को आवश्यक कार्यवाही हेतु निर्देशित करना चाहेंगे।
8. अधिशासी अभियन्ता, विद्युत वितरण खण्ड, अमरोहा को इस निर्देश के साथ कि उद्योग मै0 जूबिलेन्ट लाइफ साइन्सेज, डिस्टलरी यूनिट, गजरौला, अमरोहा के संचालन को रोके जाने हेतु विद्युत विच्छेदन की कार्यवाही सुनिश्चित कराये।
9. क्षेत्रीय अधिकारी, उ0प्र0 प्रदूषण नियंत्रण बोर्ड, बिजनौर को इस निर्देश के साथ कि उद्योग मै0 जूबिलेन्ट लाइफ साइन्सेज, डिस्टलरी यूनिट, गजरौला, अमरोहा के विरुद्ध जारी उक्त निर्देशों के अनुपालन हेतु सम्बन्धित विभागों से समन्वय स्थापित करते हुए आवश्यक कार्यवाही सुनिश्चित करें।

  
मुख्य पर्यावरण अधिकारी  
(वृत्त-7)

(L)

**Environmental Compensation and Penalty to be Imposed on Jubilee Industrial Complex.**

**1. Financial Penalty for violation of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016**

As per the methodology prepared by CPCB on "Determination of Environmental Compensation for violation of Hazardous waste and other Waste (Management and Transboundary Movement) Rules, 2016", the Unit was found to violate 04 provisions **Sr. No. 6(B)c, 6(B)d and 8** for which penalty has been calculated as 1,00,000/- 4,00,000/-

Therefore, financial penalty of 4,00,000/- is levied on the unit.----(I)

**2. Environmental Compensation for violation of consent condition**

EC has been calculated as per the "Report of the CPCB In-house Committee Methodology for Assessing Environmental Compensation and Action Plan to Utilize Fund" acknowledged by Hon'ble NGT vide order dated 19.02.2019 in the matter Paryavaran Suraksha Samiti & Anr. Vs. Union of India & Ors. in O.A. No. 93/2017

The Hon'ble NGT order dated 01.11.2019 in OA 107/2019 in Para 11 stated that

*"Action has to be taken for the past violations by way of prosecution as well as receipt of environmental compensation on 'Polluter Pay principle.'"*

A) In compliance to the aforementioned order, environmental compensation (EC) has been calculated for past violation with regard to incinerator operation. Date of inspection by Special Inspection Committee: 25.04.2019

Date of inspection by CPCB: 17.01.2018

**EC = Pollution Index (P) \* No. of days of violation (N) \* Rupees in hundred per day Factor for scale of operation (S) \* Location factor (LF)**

**EC = 100 \* 268 \* 500 \* 1.5 \* 2 = 4,02,00,000/-.....(II)**

B) Environmental compensation for with regard to incinerator operation as observed by Joint Inspection Committee on 17-18<sup>th</sup> July, 2019.

Date of inspection by Joint Inspection Committee: 17.07.2019

**EC = Pollution Index (P) \* No. of days of violation (N) \* Rupees in hundred per day @ Factor for scale of operation (S) \* Location factor (LF)**

**EC = 100 \* 142 \* 500 \* 1.5 \* 2 = 2,13,00,000/-.....(III)**

As per the above detailed calculation, the unit is liable to pay **Rs. 6,15,00,000 /-** EC for violation of consent condition with regard to incinerator operation during monsoon season.

**Total Amount (Environmental Compensation and Penalty)**

Total Environmental Compensation and penalty for violation of Consent condition and ZLD condition as well as for not managing hazardous waste as per management norms of HOWM Rules, 2016 is as below:

**= (I) + (II) + (III) = 4,00,000 + 4,02,00,000 + 2,13,00,000 = 6,19,00,000 /-**

**EC for illegal extraction of ground water shall be calculated separately.**



उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड Annexure-VIII  
UTTAR PRADESH POLLUTION CONTROL BOARD

संदर्भ संख्या- H49877/सी-7/18/20

दिनांक 11.06.2020

पंजीकृत/ई-मेल

सेवा में,

मै0 जूबिलेन्ट लाइफ साइन्सेज लिमिटेड,  
डिस्टलरी यूनिट, गजरौला,  
अमरोहा

विषय-उद्योग मै0 जूबिलेन्ट लाइफ साइन्सेज लिमिटेड, डिस्टलरी यूनिट, गजरौला, अमरोहा द्वारा केन्द्रीय प्रदूषण नियंत्रण बोर्ड में प्रस्तुत प्रत्यावेदन दिनांक 26.05.2020 में वर्णित तथ्यों की जांच के उपरान्त प्रत्यावेदन का निस्तारण।

महोदय,

कृपया उपरोक्त विषयक अपने पत्र दिनांक 26.05.2020 जो कि अध्यक्ष, केन्द्रीय प्रदूषण नियंत्रण बोर्ड, नई दिल्ली को सम्बोधित है, का सन्दर्भ लें। उक्त पत्र की प्रति केन्द्रीय प्रदूषण नियंत्रण बोर्ड के पत्र सं0- B-190198/NGRBA(RG)/CPCB/Distillery/2017-18 दिनांक 10.06.2020 ई-मेल के माध्यम से दिनांक 11.06.2020 को बोर्ड में प्राप्त हुआ है।

उद्योग के प्रत्यावेदन दिनांक 26.05.2020 को संलग्न विभागीय अभिमत के साथ निस्तारित किया जाता है।

उद्योग मै0 जूबिलेन्ट लाइफ साइन्सेज लिमिटेड, डिस्टलरी यूनिट, गजरौला, अमरोहा को निर्देशित किया जाता है कि बोर्ड के पत्र सं0-एच 49556/सी-7/जल-18/वालयूम-2/2020 दिनांक 03.06.2020 द्वारा जारी बन्दी आदेश का अनुपालन सुनिश्चित करें।

भवदीय,

संलग्नक- उपरोक्तानुसार।

(अमित चन्द्रा)

मुख्य पर्यावरण अधिकारी  
(वृत्त-7)

प्रतिलिपि :

- श्री ए0के0 विद्यार्थी, वैज्ञानिक-ई एवं डिवीजनल हेड, डब्ल्यू0क्यू0एम0-II, केन्द्रीय प्रदूषण नियंत्रण बोर्ड, परिवेश भवन, ईस्ट अर्जुन नगर, नई दिल्ली को पत्र सं0- B-190198/NGRBA(RG)/CPCB/Distillery/2017-18 दिनांक 10.06.2020 के क्रम में सूचनार्थ प्रेषित।
- जिलाधिकारी, अमरोहा को सूचनार्थ।

मुख्य पर्यावरण अधिकारी  
(वृत्त-7)

**Comments on the representation of M/s Jubilant Life Sciences Ltd. (Distillery Unit), Bharatigram, Gajraula, District – Amroha, dated 26-05-2020, related to the Action Taken in compliance of the Recommendations made by Joint Inspection Team constituted by Hon'ble National Green Tribunal in the matter of O.A. No. 107/2019 Shah Alam vs. State of Uttar Pradesh for disposal of the Representation.**

<b>Recommendation of joint Inspection Team</b>			
<b>Distillery Unit</b>			
<b>S.N</b>	<b>Recommendation of joint committee</b>	<b>Status of Compliance submitted by Unit</b>	<b>Comments on Reply</b>
1.	The unit shall recycle the stored spent wash from the old ash pond under supervision of the UPPCB to ensure that <b>no traces of spent wash remain in ash pond.</b>	Complied. Excess rainwater leachates was stored in Old Ash Pond, to prevent runoff to River Bagad and later treated in ZLD systems.	The unit has submitted a general reply. Unit needs to clarify the quantity of spentwash stored in the spent ponds that has been disposed through ZLD system. Also provide the data of MEE inlet and outlet during that period.
2.	The unit is not operating incinerator/slop furnace as per design capacity (11.5 KL/Hr) to consume the concentrated spent wash generated during the non-monsoon/monsoon season which resulted accumulation of excess spent wash with leachate (bio-compost area) in lagoons. Since, the lagoons are almost filled up, only the freeboard is left, incinerator operates only at 30% of its	Complied. We have voluntarily reduced the Distillery operation below 125 KLD until Slop boiler comes into service. The Slop Boiler was de-rated to 8 KL/Hr due to change in parameters of ZLD guidelines, while CTO granted for 183 KLD Alc. It was scheduled for replacement of choked tubes and therefore was operating at lower capacity. The Slop	Unit has not submitted any comments related to details of damaged covered compost yard. Also no reply has been given with detailed data related to covered compost yard completely filled with press mud having high moisture content. The reply does not mention any details of status of spentwash volume stored in lagoons. Unit must take into consideration that the recommendations made by Joint Committee are based upon inspection dated 17 to 19 July, 2019. Keeping in view that sufficient time has elapsed and operation of slop furnace at full capacity is mandatory,



	<p>installed capacity (50% of the requisite capacity), covered compost yard is completely filled with press mud having high moisture content and damaged roof of covered compost yard which will not allow further disposal of spent wash for biocomposting, the unit shall be directed to stop its distillery manufacturing process and shall consume the already stored spent wash through further concentration for the use in the incinerator under supervision of UPPCB. <b>Thereafter capacity of distillery plant shall be restricted to the capacity as decided by UPPCB till the incinerator is commissioned at full capacity</b></p>	<p>Boiler was shutdown for tube replacement in Jan 2020. The Shutdown originally scheduled to be completed early April is delayed due to Covid-19 Lockdown and would be back in service by 7 th July 2020.</p>	<p>unit is required to revise the timeline for completion of maintenance of slop furnace and its operation at full capacity. The timeline needs to be more strict.</p>
<p>3.</p>	<p>The unit shall restrict its storage capacity of concentrated spent wash up to 17800 m3 including 07 days for incinerator and 30 days for bio-composting, both separately</p>	<p>Complied. Due to Covid lockdown the final completion was delayed and will be completed by 20th June.</p> <ul style="list-style-type: none"> <li>• Now, spare lagoon is filled with Earth/Ash and abandoned.</li> </ul>	<p>The Joint Committee constituted by Hon'ble NGT has recommended that unit shall make the filled up area lined, by using concrete. Unit has not made any comments on concreting of the area. Further unit needs to revise the timeline of 20-06-2020 keeping in view the fact that the recommendations made by</p>

4.	The unit made partition in the lagoon by filling it with soil and made two lagoons i.e., Lagoon 'A' and Lagoon 'B'. However, the unit shall make the filled up area lined, by using concrete.	Lagoon part B is filled with Soil and ash	Joint Committee are based upon inspection dated 17 to 19 July, 2019. and that sufficient time has elapsed.
5.	The unit shall dismantle/fill/level the additional storage capacity of the lagoon in time bound manner.		
6.	The unit is storing spent wash either in Lagoon 'A' or Lagoon 'B', hence the spent wash found stored in Lagoon 'A' and Lagoon 'B' shall have the same properties. The unit shall operate MEE uniformly maintaining the quality of the concentrated spent wash for efficient use in biocomposting as well as in incineration	Complied. The ZLD system is always operated uniformly to comply with stipulated volume reduction of minimum 60% of Raw Spent Wash generated. The concentrated spent wash stored was diluted with rainwater leachate to prevent runoff to Bagad River and hence the properties were marginally different.	Unit has submitted a general reply without supplementing the operation of MEE with data related to Characteristic of inlet and outlet feed.
7.	The unit shall restrict the use of excess spent wash in biocomposting so that the situation of generation of diluted	Complied. The diluted spent wash generated was due to rainwater leachate mixed into Concentrated spent	-



	spent wash does not arise	wash lagoon and the same was being consumed through bio-composting.	
8.	The unit shall stop storage of the lagoon sludge in open area to avoid further dilution with rain water and shall use the sludge directly for bio-composting.	Complied. The sludge storage area is dismantled and permanently filled with earth and leveled. About 600 nos. plants have been planted. Photographs attached.	Unit has made no mention of open area for sludge storage and also the duration of such activity has not been made. Unit should undertake ground water quality monitoring of the area under consideration.
9.	Spent wash conveyor line from the unit to the lagoons as well as to the compost yard shall be rechecked for any leakage. UPPCB shall verify the same.	Complied. About 1000 meters of Spent wash line is being replaced and shall be completed in 4 weeks, by 30th June 2020. The temporary pipeline that was laid to transfer rainwater leachate to Old Ash Pond to prevent it from running off to Bagad River was used to transfer the rainwater leachate back to treat in ZLD systems and has been dismantled	Unit has informed that 1000 meters pipeline from Lagoon to bio-compost area is being replaced. No comments have been made related to Spent wash conveyor line from the unit to the lagoons as suggested by the Joint Committee.
10.	The pipelines for carrying the spent wash to the ash ponds shall be dismantled after recycling the stored spent wash from the ash pond to the lagoons.		
11.	The unit may be asked to implement the requisite facility as per suggestion of the water audit report so that detailed study may be carried out to reduce the	Complied. All requisite measures recommended by the detailed study undertaken through 3rd party agency for reduction in ground water	Unit has not given the Action Taken in compliance of the Water Audit Report. Also the Joint Committee has recommended for carrying out detailed study to reduce the withdrawal of the ground water for which no reply has

	withdrawal of the ground water.	withdrawal is implemented.	been submitted.
12.	The unit may not be allowed to continue bio-composting during rainy season as the covered bio-compost yard was found damaged.	Complied. Distillery was shut down as well Bio-composting was stopped till the damaged covered sheds due to heavy winds were repaired. Distillery was operated at reduced capacity till normalcy after incessant rains were achieved.	Unit is required to reduce the Excise verified data related to closure of the unit as mentioned in the reply.
13.	CGWA may be directed to investigate the infrastructure developed by the unit for rain water harvesting facilities inside and outside the premises and may take decision on the renewal applications of the unit for abstraction of the ground water.	Complied. The CGWA has undertaken the inspection during Dt. 03.05.2019 to 08.05.2019 and found our unit fully complied against our Renewal application filed manually on 04.01.2019 and Online application Dt.28.02.2019. Renewal application has been duly recommended by the Regional Director, Lucknow to CGWA, New Delhi on Dt. 26.11.2019. Copy enclosed. The NOC renewable is under processing at	Unit has not reduced the NOC issued by CGWA for Ground Water withdrawal.

		the CGWA New Delhi citing restriction imposed by the NGT	
14.	Environmental compensation (EC) for illegal disposal of spent wash causing potential threat to ground water where ground water of the area is already deteriorated to "over exploited" category. Also EC with regard to operation of the distillery plant and disposal of spent wash in violation of consent condition may also be imposed.	Complied. EC of Rs. 30 Lakhs imposed by UPPCB vide Notice Dt. 30/10/2019 has been deposited, under protest, on 31/12/2019.	UPPCB vide its letter dated 03-06-2020 has imposed EC of Rs. 6.19 Cr. for default by the industry as cited in the report of Joint Committee. Besides EC of Rs. 9.84 Cr. has been imposed for illegal withdrawal of Ground Water.
15.	Rain water harvesting system at bio-composting site may not be advisable to avoid contamination of the ground water with colored effluent.	Complied. Rain water harvesting pit in Bio-compost area is filled with Soil.	The Joint Committee in its recommendation has asked for permanent closure of Rain water harvesting system at bio-composting site. Unit has filled up the structure with soil which is not a permanent solution.
16.	As per the analysis result, CPU RO Permeate have pH9.48, COD-2083 mg/l and BOD-1078 mg/l is being utilized in cooling tower which may not be appropriate for having such high pH. The unit may install additional system to improve the quality of CPU permeate.	Complied. measures to control pH between 7.5 and 8.0 at the inlet of C.P.U are implemented. The operation parameters were technically viable and have been in practice since 12 months. There are no environmental damage caused due	The Joint Committee has desired that unit may install additional system to improve the quality of CPU permeate. Unit in its reply has not given any details related to additional system to improve the quality of CPU permeate.



		to the practice nor any operational issue with cooling tower. This has however helped in reducing ground water extraction.	
17.	The unit shall set up proper and separate systems for concentration of spent wash upto 45 % solids and upto 30 % solids for incineration and for bio-composting respectively.”	Complied. The JIT has in its findings reported the solids in MEE concentrate was 46.47% The CPCB guidelines for distillery does not mandate upto 45% and upto 30% solids for incineration and bio-composting respectively. The Guidelines only stipulate 60% volume reduction and 30% solids concentration. Lagoon 28A was 24.18% and Lagoon 28B was 37.55% shows the dilution due to rainwater leachate stored in effluent Lagoons.	The submission made by unit that “The CPCB guidelines for distillery does not mandate upto 45% and upto 30% solids for incineration and bio-composting respectively. “ is not correct keeping in view the fact that the “ <b>Guidelines on Techno-Economic Feasibility of Implementation of Zero Liquid Discharge (ZLD) for Water Polluting Industries</b> ” of CPCB specify the Solid Concentration for different ZLD techniques.
<b>Recommendations based on the above Observations</b>			
<b>18.1.</b>	<b>Water and Waste water Management</b>		
1.	M/s. Jubilant Life Sciences Ltd., Gajraula has installed meters at borewells for withdrawal of raw water, waste water generation, ETP inlet and	-	No comments submitted by unit.

	<p>outlet for measurement of effluent discharge and recycled water consumption points. However, all the consumption points are not metered. It is recommended that all fresh water consumption points and effluent recycling points should be metered.</p>		
2.	<p>All existing meters should be periodically calibrated and records to be maintained.</p> <p>a. At inlet (make up water separately for fresh water and recycled treated waste water) and outlet (blow down) of cooling towers.</p> <p>b. Condensate generated from each stream and recycled;</p> <p>c. Individual waste water streams at source of generation, effluent treatment plant and recycling points;</p> <p>d. Inlet of STP etc.</p>	-	No comments submitted by unit.
3.	<p>The existing turbine type water flow meters on bore wells should be converted to digital magnetic flow meters for better accuracy.</p>	-	No comments submitted by unit.
4.	<p>All domestic waste water generated from plant and colony should be accounted for and should be sent to STP and metering at STP inlet is to be done.</p>	-	No comments submitted by unit.

5.	The unit shall obtain NOC: from CGWA for withdrawal of groundwater at earliest as the CGWA NOC have already been expired on 04.04.2019.	In Progress. We shall pursue the matter with CGWA and also seek remedy as available from competent authority by 30/09/2020	Unit has not obtained NOC from CGWA for Ground Water Withdrawal.
6.	Considering the ground water quality of Gajraula, CGWA shall assess the renewal applications of all the plants of M/s Jubilant Industries Ltd., Gajraula complex and shall decide whether the unit shall be allowed to abstract the ground water or not. CGWA shall decide in accordance to the Hon'ble NGT.	-	Unit has not obtained NOC from CGWA for Ground Water Withdrawal.
7.	Fresh water consumption in cooling towers is around 50% of total fresh water consumption. It is recommended to take measures for further reduction of fresh water consumption in Cooling Tower through increase in recycling of waste water/condensate after proper treatment	-	No comments received.
8.	Attempt should be made to reduce the quantity of makeup water to each Cooling Tower by increasing Cycle of Concentration (COC); a. Continuous efforts to be made for reduction in steam consumption and effluent generation	-	No comments received.

	thereby reducing fresh water consumption; b. It is recommended to provide Rain Water Harvesting system in non-process areas for water conservation.		
<b>18.3</b>	<b>Distillery Plant</b>		
1.	The unit shall obtain NOC from CGWA for withdrawal of groundwater in distillery plant at earliest as the CGWA NOC have already been expired on 04.04.2019.	In Progress. We shall pursue the matter with CGWA and also seek remedy as available from competent authority by 30/09/2020	Unit has not obtained NOC from CGWA for Ground Water Withdrawal.
2.	The distillery plant should take measures to reduce the spent wash generation from 10.69 to 6-8 KL/KL alcohol production.	In Progress. We have voluntarily reduced the Spent wash from design norms of 11.7 KL/KL norms of 9.13 KL/KL spent for year 2018-19 and 8.76 Kl/KL for FY 2019-20. The recommendation is not feasible due to atmospheric distillation technology.	Unit has not given specific details to reduce the spent wash generation from 10.69 to 6-8 KL/KL alcohol production.
3.	The unit made partition in the lagoon by filling it with soil and made two lagoons i.e., Lagoon 'A' and Lagoon 'B'. However, the unit shall make the filled up area lined, by using concrete.	Complied. Due to Covid lockdown the final completion was delayed and will be completed by 20th June. • Now, spare lagoon is filled with Earth/Ash	The Joint Committee constituted by Hon'ble NGT has recommended that unit shall make the filled up area lined, by using concrete. Unit has not made any comments on concreting of the area.
4.	The unit shall dismantle/fill/level the		Further unit needs to revise the timeline of 20-

	additional storage capacity of the lagoon in time bound manner	and abandoned.	06-2020 keeping in view the fact that the recommendations made by Joint Committee are based upon inspection dated 17 to 19 July, 2019. and that sufficient time has elapsed.
5.	The unit shall restrict the use of excess spent wash in bio-composting so that the situation of generation of diluted spent wash does not arise.	Complied. The diluted spent wash generated was due to rainwater leachate mixed into Concentrated spent wash lagoon and the same was being consumed through bio-composting.	-
6.	The entire covered compost area was found full of wind rows of press mud with high moisture content, hence further composting for utilization of spent wash could not be carried out.	-	Unit has not submitted any comments related to details of damaged covered compost yard. Also no reply has been given with detailed data related to covered compost yard completely filled with press mud having high moisture content. The reply does not mention any details of status of spentwash volume stored in lagoons.
7.	The unit shall stop storage of lagoon sludge in open area to avoid further dilution with rain water and shall use the sludge directly for bio-composting.	Complied. The sludge storage area is dismantled and permanently filled with earth and levelled. About 600 nos. plants have been planted.	Unit has made no mention of open area for sludge storage and also the duration of such activity has not been made. Unit should undertake ground water quality monitoring of the area under consideration.

8.	As per the Standard Operating Procedure for Bio-composting operation of molasses based distillery, the distillery plant shall provide covered shed having platform for ready comp which was not available at compost yard.	Complied. The old stock of unsold bio-compost that was stored outside the covered shed has been moved inside the shed. However, no environmental damage was caused or assessed due to the same.	Unit has given no reply related to the comments made by Joint Committee that the distillery plant shall provide covered shed having platform for ready comp which was not available at compost yard.
9.	As per the Standard Operating Procedure for Biocomposting operation of molasses based distillery, the entrance of the bio-compost yard should be paved all-weather road for approach of vehicles to bio-compost yard. Accordingly the unit shall take the immediate actions to implement the same.	Complied. The approach road within the Jubilant property was an all weather road during the visit. However, the recommendation is for areas outside the property is a public road which falls under the local authority.	-
10.	10. The distillery plant shall not be allowed to operate until the stored spent wash in lagoon 'B' (Approx. volume 16000 m3) get consumed through slop boiler after concentrating through MEE.	Complied. Distillery unit was voluntarily stopped for over 81 days during and post monsoon and also was operated at lower capacities to handle the large volumes of rainwater leachates generated from unprecedented rainfall. The rainwater leachates	-



		mixed with concentrated spent wash has been consumed through ZLD systems.	
11.	As per the Standard Operating Procedure for Bio-composting operation of molasses based distillery, Bio-compost shall be analyzed for parameters as per the Fertilizer Control order with latest amendments and shall be packed as per the customer requirement. Also, the ready compost must be weighed and record the same shall be maintained. However, no document was available regarding the sell of ready compost.	Complied.. The sale records are submitted to CPCB, NGRBA Cell and the UPPCB on 10th of every month in the format prescribed.	Unit has not submitted the required certification related to quality of bio-compost.

1- That the Joint Committee constituted by Hon'ble National Green Tribunal inspected the unit on 17 & 18 July, 2019 and made following Observations and Recommendations related to the M/s Jubilant Life Sciences Ltd. (Distillery Unit).

S.No.	Recommendation of Joint Committee
1.	The unit shall recycle the stored spent wash from the old ash pond under supervision of the UPPCB to ensure that <b>no traces of spent wash remain in ash pond.</b>
2.	The unit is not operating incinerator/slop furnace as per design capacity (11.5 KL/Hr) to consume the concentrated spent wash generated during the non-monsoon/monsoon season which resulted accumulation of excess spent wash with leachate (bio-compost area) in lagoons. Since, the lagoons are almost filled up, only the freeboard is left, incinerator operates only at 30% of its installed capacity (50% of the requisite capacity), covered compost yard is completely filled with press mud having high moisture content and damaged roof of covered compost yard which will not allow further disposal of spent wash for

	biocomposting, the unit shall be directed to stop its distillery manufacturing process and shall consume the already stored spent wash through further concentration for the use in the incinerator under supervision of UPPCB. <b>Thereafter capacity of distillery plant shall be restricted to the capacity as decided by UPPCB till the incinerator is commissioned at full capacity</b>
3.	The unit shall restrict its storage capacity of concentrated spent wash upto 17800 m <sup>3</sup> including 07 days for incinerator and 30 days for bio-composting, both separately
4.	The unit made partition in the lagoon by filling it with soil and made two lagoons i.e., Lagoon 'A' and Lagoon 'B'. However, the unit shall make the filled up area lined, by using concrete.
5.	The unit shall dismantle/fill/level the additional storage capacity of the lagoon in time bound manner.
6.	The unit is storing spent wash either in Lagoon 'A' or Lagoon 'B', hence the spent wash found stored in Lagoon 'A' and Lagoon 'B' shall have the same properties. The unit shall operate MEE uniformly maintaining the quality of the concentrated spent wash for efficient use in bio-composting as well as in incineration
7.	The unit shall restrict the use of excess spent wash in bio-composting so that the situation of generation of diluted spent wash does not arise
8.	The unit shall stop storage of the lagoon sludge in open area to avoid further dilution with rain water and shall use the sludge directly for bio-composting.
9.	Spent wash conveyor line from the unit to the lagoons as well as to the compost yard shall be rechecked for any leakage. UPPCB shall verify the same.
10.	The pipelines for carrying the spent wash to the ash ponds shall be dismantled after recycling the stored spent wash from the ash pond to the lagoons.
11.	The unit may be asked to implement the requisite facility as per suggestion of the water audit report so that detailed study may be carried out to reduce the withdrawal of the ground water.
12.	The unit may not be allowed to continue bio-composting during rainy season as the covered bio-compost yard was found damaged.
13.	CGWA may be directed to investigate the infrastructure developed by the unit for rain water harvesting facilities inside and outside the premises and may take decision on the renewal applications of the unit for abstraction of the ground water.
14.	Environmental compensation (EC) for illegal disposal of spent wash causing potential threat to ground water where ground water of the area is already deteriorated to "over exploited" category. Also EC with



	regard to operation of the distillery plant and disposal of spent wash in violation of consent condition may also be imposed.
15.	Rain water harvesting system at bio-composting site may not be advisable to avoid contamination of the ground water with colored effluent.
16.	As per the analysis result, CPU RO Permeate have pH 9.48, COD-2083 mg/I and BOD-1078 mg/I is being utilized in cooling tower which may not be appropriate for having such high pH. The unit may install additional system to improve the quality of CPU permeate.
17.	The unit shall set up proper and separate systems for concentration of spent wash upto 45 % solids and upto 30 % solids for incineration and for bio-composting respectively.”

**Recommendations based on the above Observations :**

S.No.	Recommendations based on the above Observations
1.	The unit shall obtain NOC from CGWA for withdrawal of groundwater in distillery plant at earliest as the CGWA NOC have already been expired on 04.04.2019.
2.	The distillery plant should take measures to reduce the spent wash generation from 10.69 to 6-8 KL/KL alcohol production.
3.	The unit made partition in the lagoon by filling it with soil and made two lagoons i.e., Lagoon 'A' and Lagoon 'B'. However, the unit shall make the filled up area lined, by using concrete.
4.	The unit shall dismantle/fill/level the additional storage capacity of the lagoon in time bound manner
5.	The unit shall restrict the use of excess spent wash in bio-composting so that the situation of generation of diluted spent wash does not arise.
6.	The entire covered compost area was found full of wind rows of press mud with high moisture content, hence further composting for utilization of spent wash could not be carried out.
7.	The unit shall stop storage of lagoon sludge in open area to avoid further dilution with rain water and shall use the sludge directly for bio-composting.
8.	As per the Standard Operating Procedure for Biocomposting operation of molasses based distillery, the distillery plant shall provide covered shed having platform for ready comp which was not available at compost yard.
9.	As per the Standard Operating Procedure for Bio-composting operation of molasses based distillery, the entrance of the bio-compost yard should be paved all-weather road for approach of vehicles to bio-

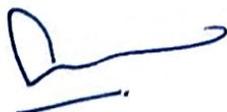


	compost yard. Accordingly the unit shall take the immediate actions to implement the same.
10.	The distillery plant shall not be allowed to operate until the stored spent wash in lagoon 'B' (Approx. volume 16000 m <sup>3</sup> ) get consumed through slop boiler after concentrating through MEE.
11.	As per the Standard Operating Procedure for Bio-composting operation of molasses based distillery, Bio-compost shall be analyzed for parameters as per the Fertilizer Control order with latest amendments and shall be packed as per the customer requirement. Also, the ready compost must be weighed and record the same shall be maintained. However, no document was available regarding the sell of ready compost.

2- That Hon'ble NGT in its order dated 25-03-2019 in the matter of O.A. 107/2019 Shah Alam vs. State of Uttar Pradesh has specified the scope of investigations related to the complaint wherein Air Pollution, Discharge of Chemicals and Emission of Gas affecting the health of inhabitants, Ground Water abstraction are included. The inspection dated 17 & 18 July, 2019 made by Joint Committee constituted by Hon'ble NGT covered all the necessary aspects as required for assessing the compliance of pollution control laws by the unit.

3- That Hon'ble NGT in its order dated 01-11-2019 in the matter of O.A. 107/2019 Shah Alam vs. State of Uttar Pradesh has decided the issue of illegal abstraction of Ground Water by the unit, citing the judgment of Hon'ble Supreme Court in M.C. Mehta Vs. Union of India (1997) 11 SCC 312 as reiterated below :

*"10. Though we have yet not issued notice to the units in question which is to be considered in the light of action of the statutory authorities, Shri Sanjay Upadhyay , Advocate sought to appear for the industrial units to submit that once applications are filed for permission to extract groundwater, extraction of groundwater cannot held to be illegal. We are unable to accept this submission. As held by this Tribunal on several occasions, extraction of groundwater in semi critical, critical and over exploited areas is required to be regulated in view of judgment of the Hon'ble Supreme Court in M.C Mehta Vs. Union of India (1997) 11 SCC 312. The report notes that the area in question has deteriorated from semi critical to over exploited. In such a situation, while extraction of groundwater for drinking purposes may stand on different footing, there is no absolute right for such extraction for industrial purposes. Such extraction may lead to further deterioration of limited groundwater resource depriving the inhabitants of access to drinking water. The contention is thus rejected. We refrain from dealing with the merits of further remedial action which is yet to be taken by the statutory authorities after giving*



*opportunities to the units in question in accordance with law except that in the light of facts found further action needs to be taken and report furnished to this Tribunal.”*

The Environmental Compensation for illegal abstraction of Ground Water has been imposed based upon the methodology and mechanism developed by CPCB and duly accepted by Hon'ble National Green Tribunal in O.A. No. 593/2017 Paryavaran Suraksha Samiti and Ors. vs. Union of India and Ors.

- 4- UP Pollution Control Board vide its letter dated 30-10-2019 issued Show Cause Notice under section 33A of Water (Prevention and Control of Pollution) Act, 1974 as amended communicating the above recommendations of Joint Committee for Revoking the Consent to Operate, Issuance of Closure order and imposition of Environmental Compensation of Rs. 9.84 Cr. for withdrawal of Ground Water without permission of CGWA.
- 5- That the unit was inspected for verification of the compliance status on 08-05-2020. Subsequently unit was reinspected on 01-06-2020. The compliance of the unit in reference to the recommendations of the Joint Committee was found unsatisfactory and unit was found violating the Zero Liquid Discharge provisions and thus violating the conditions of Consent to Operate under Section 25/26 of Water (Prevention and Control of Pollution) Act, 1974 as amended.
- 6- CPCB held a meeting on 04-12-2019 to consider the reply dated 14-11-2019 of the unit in reference to the Show Cause Notice dated 30-10-2019. The contents of representation were duly deliberated upon and the representation of the unit on the Show Cause Notice issued by UPPCB by letter dated 30-10-2019 was disposed off as recorded in the minutes of meeting.
- 7- The unit M/s Jubilant Life Sciences Ltd. (Distillery Unit), Gajraula, District – Amroha was inspected on 01 June, 2020 by the Joint Team of NMCG and UPPCB in reference to a complaint received against the unit. During the inspection it was found that unit has discharged polluted spentwash on Agriculture fields, thus unit was found violating the Zero Liquid Discharge norms.
- 8- Considering the fact that the unit has not taken measures to ensure compliance of the Recommendations made by the Joint Committee constituted by Hon'ble NGT as communicated to the unit vide Show Cause Notice dated 30-10-2019 and the fact that unit was already given sufficient opportunity as per law and unit has not complied with the directions given in Show Cause Notice dated 30-10-2019, UPPCB vide its letter dated 03-06-2020 revoked the Consent to Operate under Section 25/26 of Water



(Prevention and Control of Pollution) Act, 1974 as amended, issued Closure Order under Section 33A of Water (Prevention and Control of Pollution) Act, 1974 as amended and confirmed the imposition of Environmental Compensation for violations of Environmental Provisions and illegal abstraction of Ground Water has been imposed based upon the methodology and mechanism developed by CPCB and duly accepted by Hon'ble National Green Tribunal in O.A. No. 593/2017 Paryavaran Suraksha Samiti and Ors. vs. Union of India and Ors.

As evident from above, the contents submitted in the representation for revocation of Closure order issued by U.P. Pollution Control Board vide its letter no. H49556/C-7/Jal 18/Vol.-2/2020 dated 03-06-2020, are not satisfactory. The contents submitted by unit are general in nature without submission of Technical data, assessment of impact of pollution on Environment due to defaults made by the unit. The compliance made by the unit vis-a-vis the recommendations of Joint Committee, constituted by Hon'ble National Green Tribunal, is highly unsatisfactory considering the fact that the shortcomings were communicated to the unit through Show Cause Notice for Closure of the unit and imposition of Environment Compensation under Section 33 A of Water (Prevention and Control of Pollution) Act, 1974 as amended vide letter dated 30-10-2019 of U.P. Pollution Control Board.

The representation of M/s Jubilant Life Sciences Ltd. (Distillery Unit), Bharatigram, Gajraula, District – Amroha 26-05-2020 is disposed off with the above comments.

 . 11.6.20

(Amit Chandra)  
Chief Environment Officer  
(Circle-7)

**IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD**

**CIVIL MISC. STAY APPLICATION NO. \_\_\_\_\_ OF 2020**

**(Under Chapter-XXII, Rule-1 of the High Court Rules)**

**IN**

**CIVIL MISC. WRIT PETITION NO. 2020**

**(Under Article-226 of the Constitution of India)**

**(DISTRICT :AMROHA)**

M/s Jubilant Life Sciences Ltd, (Distillery Unit), Through  
Authorized Signatory Bhartiagram, Gajraula, Distt.  
Amroha, Uttar Pradesh - 244223 \_\_\_\_\_ **Petitioner**

**Versus**

1. Central Ground Water Authority of India ,  
Through Member Secretary 18/11, Jamnagar  
House, Man Singh Road, New Delhi-110011
2. Regional Director, Central Ground Water Board,  
Northern Region, Bhujal Bhawan, Sector-B Sitapur Road  
Yojna, Lucknow, Uttar Pradesh - 226021
3. Central Pollution Control Board, Through  
Chairman, Parivesh Bhawan, CBD-CUM Office  
Complex, East Arjun Nagar, Delhi - 110032
4. Uttar Pradesh State Pollution Control Board ,  
Through Member Secretary , Building No. TC -12V,  
Vibhuti Khand, Gomti Nagar, Lucknow, Uttar Pradesh -  
226010

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as well as the Sealing Order dated 06.06.2020 in the instant Writ Petition (PIL) before this Hon'ble Court, and/or pass such other/further orders, which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case.

Date: 08.06.2020



(SANJAY UPADHYAY)  
Delhi/78/1995



(SUJEET KUMAR) (CHHAYA GUPTA)

1

Advocates,  
Counsel for Petitioner  
Adv. Roll No. A/S2561/13,A/  
c0183/2013 Chamber No. 57(Z), High  
Court  
Mob:9415267248,8808054558  
Email- [sujeetadvocate@gmail.com](mailto:sujeetadvocate@gmail.com)

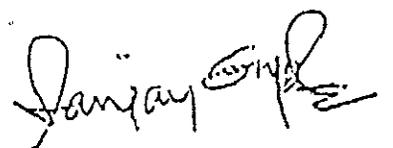
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JUN-2020, and despite the petitioner including same shutdown on 3-Jun-2020 itself chose to seal the Distillery Unit of the Petitioner.

**PRAYER**

It is, therefore, Most Respectfully Prayed that this Hon'ble Court may graciously be pleased:

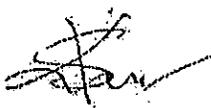
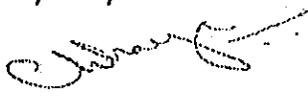
- i) to issue a writ, order or direction in the nature of **MANDAMUS** to the Respondent No.1 for time bound manner consideration of the Petitioner renewal application for NOC for abstraction of groundwater.;
- ii) to issue a writ, order or direction in the nature of certiorari or any other appropriate writ to quash the Closure Notice dated 3.6.2020 seeking compensation for groundwater abstraction as well as the Sealing Notice , issued by Respondent No 4;



- iii) to issue a writ, order or direction in the nature of **MANDAMUS** to the Respondent No.4 for atleast granting an opportunity of being heard before the statutory authorities i.e. Respondent No 1, CGWA as well as Respondent No 4,UPPCB in order to explain the facts and the legal position;
- iv) to restrain the Respondent No.3, CPCB and the Respondent No. 4, UPPCB for exercising power beyond the Water Act, 1974.
- v) to issue any other writ, order or direction, which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case;
- vi) to allow this Writ Petition (PIL) with special costs in favour of the petitioner, throughout.

Date : 08.06.2020

  
(SANJAY UPADHYAY)  
Delhi/78/1995

   
(SUJEET KUMAR)(CHHAYA GUPTA)

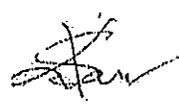
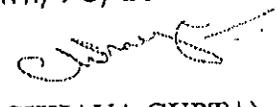
Advocates,  
Counsel for Petitioner  
Adv. Roll No. A/S2561/13,A/c0183/2013  
Chamber No. 57(Z), High Court  
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[lawofficecands@gmail.com](mailto:lawofficecands@gmail.com)

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- iii) to issue a writ, order or direction in the nature of **MANDAMUS** to the Respondent No.4 for atleast granting an opportunity of being heard before the statutory authorities i.e. Respondent No 1, CGWA as well as Respondent No 4,UPPCB In order to explain the facts and the legal position;
- iv) to restrain the Respondent No.3, CPCB and the Respondent No. 4, UPPCB for exercising power beyond the Water Act, 1974.
- v) to issue any other writ, order or direction, which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case;
- vi) to allow this Writ Petition (PIL) with special costs in favour of the petitioner, throughout.

Date : 08.06.2020

  
(SANJAY UPADHYAY)  
Delhi/78/1995

   
(SUJEET KUMAR)(CHHAYA GUPTA)

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# क्षेत्रीय कार्यालय उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड

## REGIONAL OFFICE U. P. POLLUTION CONTROL BOARD

आवास विकास परिषद कालोनी, सेक्टर-10, योजना संख्या-3, झुंसी, प्रयागराज - 221506

Avas Vikas Parishad Colony, Sector-10, Scheme No. 3, Jhansi, Prayagraj

ई-मेल: roallahabad@uppcb.com

संदर्भ सं० 600170/विधि/प्रगति आख्या/2019-20

दिनांक 10/6/2020

सेवा में,

मुख्य विधि अधिकारी,  
उ०प्र० प्रदूषण नियंत्रण बोर्ड,  
लखनऊ।

**विषय:** मा० उच्च न्यायालय द्वारा पारित आदेशों एवं दायर प्रति शपथ-पत्र एवं रिट याचिकाओं के संबंध में।

महोदय,

कृपया उपरोक्त वर्णित विषय का संदर्भ लेने की कृपा करें। उक्त के संबंध में अवगत कराना है कि प्राप्त रिट याचिकाओं/आदेशों का विवरण निम्नलिखित है :-

क्र०सं०	याचिका का प्रकार एवं वर्ष	वादी बनाम प्रतिवादी का विवरण	सम्बन्धित जिले का नाम
1	सिविल मिस० रिट याचिका सं० ...../2020 (माननीय उच्च न्यायालय इलाहाबाद)	राम देव त्रिपाठी बनाम स्टेट ऑफ यू०पी० एवं अन्य	प्रयागराज
2	सिविल मिस० रिट याचिका सं० ...../2020 (माननीय उच्च न्यायालय इलाहाबाद)	जुबीलेंट लाइफ साइसेंस लिमिटेड डिसटिलरी यूनिट बनाम सेंट्रल ग्राउंड वाटर अथारिटी एवं 3 अन्य	अमरोहा

उपरोक्त वर्णित रिट याचिकाओं/आदेशों की प्रतियां श्री एच० एन० त्रिपाठी, अधिवक्ता के कार्यालय से दिनांक 10.06.2020 को प्राप्त की गई है, जिसे पत्र के साथ मूलरूप में संलग्न कर आवश्यक कार्यवाही हेतु प्रेषित किया जा रहा है।

संलग्नक:-उपरोक्तानुसार।

भवदीय,

*(Signature)*

(जे० बी० सिंह)  
क्षेत्रीय अधिकारी

सदस्य सचिव महोदय, उ०प्र० प्रदूषण नियंत्रण बोर्ड, लखनऊ को सादर सूचनार्थ प्रेषित।

क्षेत्रीय अधिकारी

Scl(A. Agarwal) / Ic (N. Anjan)

11.6.2020  
Ic Anjan



दूरभाष व फ़ैक्स: (01342) 260434 44  
ई-मेल :- robijain@uppcb.com

## उत्तर प्रदेश प्रदूषण नियन्त्रण बोर्ड

क्षेत्रीय कार्यालय: महर्षि दयानन्द नगर, निकट सैण्टमैरी स्कूल, आदमपुर-चक्कर रोड, विजौर-246701

सन्दर्भ सं० : 112 / ज-14 / अमरोहा-2020

दिनांक : 03-6-2020

सेवा में,

मैसर्स जुबिलेन्ट लाइफ साइंस लि०, (डिस्ट्रीलरी यूनिट),  
भरतियाग्राम, गजरोहा  
जनपद-अमरोहा।

विषय-जल (प्रदूषण निवारण तथा नियन्त्रण) अधिनियम-1974 की धारा-33(ए) के अन्तर्गत जारी बन्दी आदेश के अनुपालन के सम्बन्ध में।

महोदय,

कृपया उपरोक्त विषयक बोर्ड मुख्यालय के पत्रांक-एच49556/सी-7/जल-18/वैल्यु0-2/2020 दिनांक-03.06.2020 का सन्दर्भ ग्रहण करने का कष्ट करें, जिसके द्वारा इकाई के विरुद्ध जल (प्रदूषण निवारण तथा नियन्त्रण) अधिनियम-1974 की धारा-33(ए) के अन्तर्गत बन्दी आदेश जारी किया गया है, जिसकी छायाप्रति संलग्न कर इस निर्देश के साथ प्रेषित है कि उक्त जारी बन्दी आदेश का अनुपालन तत्काल सुनिश्चित करते हुये अनुपालन आख्या इस कार्यालय एवं बोर्ड मुख्यालय को प्रेषित करना सुनिश्चित करें।

भवदीय,

  
(जे०पी०मौर्य)  
क्षेत्रीय अधिकारी

प्रतिलिपि-

- 1-सदस्य सचिव महोदय, उ०प्र० प्रदूषण नियन्त्रण बोर्ड, लखनऊ को सादर सूचनार्थ प्रेषित।
- 2-जिलाधिकारी महोदय, अमरोहा को सादर सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।
- 3-मुख्य पर्यावरण अधिकारी (वृत्त-7), उ०प्र० प्रदूषण नियन्त्रण बोर्ड, लखनऊ को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

क्षेत्रीय अधिकारी

मुख्यालय : टी०सी०-12वीं, विभूति खण्ड, गोमती नगर, लखनऊ

11/6/20

Scanned by CamScanner

Subject Regarding Civil Writ Petition No. ....../2020, M/s Jubilant Life Sciences Ltd.  
From clo clo <clo@uppcb.com>  
To <ceo7@uppcb.com>  
Date 2020-06-10 15:05

- New Doc 2020-06-10 14.42.45.pdf (~1.5 MB)

Sir,

Kindly find the attached document. This matter is likely to be listed before the Hon'ble Allahabad High Court on 12.06.2020 as inform by the Board Counsel Dr. H. N. Tripathi. Therefore may kindly be contact the Board Counsel and provide the instructions regarding the matter positively tomorrow on 11.06.2020 and please also inform the Law Section.

Regards

----- Original Message -----

**Subject:**New Doc 2020-06-10 14.42.45.pdf  
**Date:**2020-06-10 14:44  
**From:**Sunil Kumar <sunilkumar.pcb@gmail.com>  
**To:**clo@uppcb.com



# क्षेत्रीय कार्यालय उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड

## REGIONAL OFFICE U. P. POLLUTION CONTROL BOARD

आवास विकास परिषद कालोनी, सेक्टर-10, योजना संख्या-3, झुंसी, प्रयागराज - 221506

Avas Vikas Parishad Colony, Sector-10, Scheme No. 3, Jhansi, Prayagraj

ई-मेल: roallahabad@uppcb.com

संदर्भ सं०... 600170/विधि/प्रगति आख्या/2019-20

दिनांक... 10/6/2020

सेवा में,

मुख्य विधि अधिकारी,  
उ०प्र० प्रदूषण नियंत्रण बोर्ड,  
लखनऊ।

**विषय:** मा० उच्च न्यायालय द्वारा पारित आदेशों एवं दायर प्रति शपथ-पत्र एवं रिट याचिकाओं के संबंध में।

महोदय,

कृपया उपरोक्त वर्णित विषय का संदर्भ लेने की कृपा करें। उक्त के संबंध में अवगत कराना है कि प्राप्त रिट याचिकाओं/आदेशों का विवरण निम्नलिखित है :-

क्र०सं०	याचिका का प्रकार एवं वर्ष	वादी बनाम प्रतिवादी का विवरण	सम्बन्धित जिले का नाम
1	सिविल मिस० रिट याचिका सं० ...../2020 (माननीय उच्च न्यायालय इलाहाबाद)	राम देव त्रिपाठी बनाम स्टेट ऑफ यू०पी० एवं अन्य	प्रयागराज
2	सिविल मिस० रिट याचिका सं० ...../2020 (माननीय उच्च न्यायालय इलाहाबाद)	जुबीलेंट लाईफ साईसेंस लिमिटेड डिसटिलरी यूनिट बनाम सेंट्रल ग्राउंड वाटर अथारिटी एवं 3 अन्य	अमरोहा

उपरोक्त वर्णित रिट याचिकाओं/आदेशों की प्रतियां श्री एच० एन० त्रिपाठी, अधिवक्ता के कार्यालय से दिनांक 10.06.2020 को प्राप्त की गई है, जिसे पत्र के साथ मूलरूप में संलग्न कर आवश्यक कार्यवाही हेतु प्रेषित किया जा रहा है।

**संलग्नक:**—उपरोक्तानुसार।

भवदीय,

(जे० बी० सिंह)  
क्षेत्रीय अधिकारी

**प्रतिलिपि:** सदस्य सचिव महोदय, उ०प्र० प्रदूषण नियंत्रण बोर्ड, लखनऊ को सादर सूचनार्थ प्रेषित।

क्षेत्रीय अधिकारी

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

CIVIL MISC. WRIT PETITION NO. OF 2020

(Under Article-226 of the Constitution of India)

(DISTRICT :AMROHA)

Jubilant Life Sciences Limited Distillery Unit

-----Petitioner

Versus

Central Ground Water Authority. & 3 Others -

-----Respondents

Sl.	Particulars	Dated	Anx	Pages
1.	List of Dates & Events			1-8
2.	Civil Misc. Stay Application (Under Chapter-XXII, Rule-1 of the High Court Rules).			9-11
3.	Civil Misc. Writ Petition (Under Article-226 of the Constitution of India)			12-42
4.	Copy of the closure order of the Respondent No.4, UPPCB	03.06.2020	(1)	43-52
5.	Copy of the cover letter of the petitioner's ground water NOC renewal application.	03.01.2019	(2)	53-55
6.	Copy of the Petitioner's Press Release regarding Licensing Agreement with Gilead for Remdesivir, a potential drug for treatment of Covid-19.	12.05.2020	(3)	56-59

7.	Copy of the NOC for abstraction of ground water from the Respondent No.1, CGWA.	19.04.2017	(4)	60-62
8.	Copy of the Petitioner's compliance report of the Respondent No.1, CGWA NOC conditions.	08.06.2017	(5)	63-59
9.	Copy of the Petitioner's self-monitoring compliance report of the Respondent No.1, CGWA NOC conditions.	10.12.2018	(6)	70-72
10.	A copy of the petitioner compliance report of the Respondent No.1, CGWA NOC conditions.	24.12.2018	(7)	73-75
11.	Copy of the Respondent No.1, CGWA Pubic Notice.	01.02.2019	(8)	76-77
12.	Copy of the cover letter of the Petitioner's groundwater abstraction NOC renewal application.	02.03.2019	(9)	78-81
13.	Copy of the Respondent No.1, CGWA letter.	20.03.2019	(10)	82-83
14.	Copy of the Respondent No.2's, Regional Director, CGWB inspection report.	08.05.2019	(11)	84-87
15.	Copy of the Petitioner letter to the Respondent No.2, Regional Director, CGWB	19.08.2019	(12)	88-91
16.	Copy of the Respondent No.1, CGWA Pubic Notice.	15.10.2019	(13)	92-93
17.	Copy of the Petitioner representation/appeal to the Respondent No.1, CGWA.	31.10.2019	(14)	94-98
18.	Copy of the Petitioner letter to the Respondent No.4, UPPCB.	14.11.2019	(15)	99-104
19.	A copy of the petitioner compliance report of CGWA NOC conditions.	19.11.2019	(16)	105-127

20.	Copy of the Ld. National Green Tribunal, Principal Bench, New Delhi order in Original Application No. 107 of 2019, Shah Alam vs State of Uttar Pradesh.	01.11.2019	(17)	128-142
21.	A copy of the Respondent No. 2, Regional Director, CGWB letter to the Respondent No.1, Member Secretary, CGWA.	26.11.2019	(18)	143-144
22.	Copy of the Petitioner reminder letter regarding renewal of the CGWA NOC.	11.12.2019	(19)	145-150
23.	Copy of the Petitioner reminder letter regarding renewal of the CGWA NOC.	24.12.2019	(20)	151-160
24.	Copy of the Petitioner letter to the Respondent No. 4, UPPCB regarding environment compensation.	30.12.2019	(21)	161-203
25.	Copy of the Ld. National Green Tribunal, Principal Bench, New Delhi order in Original Application No. 107 of 2019, Shah Alam vs State of Uttar Pradesh.	05.02.2020	(22)	204-218
26.	Copy of the Respondent No.1, CGWA Pubic Notice.	01.04.2020	(23)	219-220
27.	Copy of the Respondent No.3, the CPCB direction to the Respondent No. 4, the UPPCB.	13/14.05.20 20.	(24)	221-228
28.	A copy of the petitioner compliance report of the Respondent No.1, CGWA NOC conditions.	20.05.2020	(25)	229-233
29.	A copy of the petitioner representation to the Respondent No. 3, CPCB.	26.05.2020	(26)	234-238
30.	A copy of the petitioner representation to the Respondent No. 3, CPCB.	31.05.2020	(27)	239-243

31.	Copy of the petitioner letter to the Respondent No.4, the UPPCB regarding compliance of closure notice.	03.06.2020	(28)	244-246
32.	Copy of the petitioner letter to the Respondent No.4, the UPPCB.	04.06.2020	(29)	247-251
33.	Copy of the petitioner letter for revocation of closure to the Respondent No. 4, the UPPCB.	05.06.2020	(30)	252-297
34.	A copy of the Respondent No. 4, UPPCB Regional Office report/ sealing order.	06.06.2020	(31)	298-299
35.	Declaration in support of Writ Petition			300-303
36.	Vakalatnama			304

Date: 08.06.2020

(SANJAY UPADHYAY)  
Delhi/78/1995

(SUJEET KUMAR) (CHHAYA GUPTA)

Advocates,  
Counsel for Petitioner  
Adv. Roll No. A/S2561/13, A/c0183/2013  
Chamber No. 57(Z), High Court  
Mob: 9415267248, 8808054558  
Email- [sujeetadvocate@gmail.com](mailto:sujeetadvocate@gmail.com)

**Note: Sr. Advocate Mr. Shashi Nandan, and  
Mr. Pinaki Mishra, will appear and argue this  
matter.**

[pinakimishra@gmail.com](mailto:pinakimishra@gmail.com)

(SUJEET KUMAR)

Advocate

**IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD**

**DATES AND EVENTS**

**IN**

**CIVIL MISC. WRIT PETITION NO. OF 2020**

***(Under Article-226 of the Constitution of India)***

**(DISTRICT :AMROHA)**

Jubilant Life Sciences Limited Distillery Unit

\_\_\_\_\_Petitioner

**Versus**

Central Ground Water Authority. & 3 Others

\_\_\_\_\_Respondents

<u>S.No</u>	<u>Date</u>	<u>Particulars</u>
1.	23.03.1974	Water (Prevention and Control of Pollution) Act, 1974 enacted for the prevention and control of water pollution and the maintaining or restoring of wholesomeness of water. The Act constituted the Central Pollution Control Board (CPCB) and State Pollution Control Board (SPCB) under Section 3 and 4 of the Act.
2.	14.01.1997	Ministry of Environment & Forest in exercise of the powers conferred by sub-section (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), constituted the Central Ground Water Board as an Authority for the purposes of regulation and control of Ground Water Management and Development pursuant to an order dated 21.11.1996 of the Hon'ble Supreme Court of India in W.P (C) No. 4677 of 1984

3.	19.04.2017	Central Ground Water Authority (hereinafter CGWA) granted No Objection Certificate (NOC) for ground water withdrawal to Petitioner-M/s Jubilant Life Sciences Limited (Distillery Unit). The Unit was allowed to abstract 3000 cu.m/day (and not exceeding 10,65,000 cu.m/year) of ground water through existing two (2) tube well. The NOC was valid from 05.04.2017 till 04.04.2019.
4.	08.06.2017	Compliance report of the conditions of the NOC submitted to the Central Ground Water Authority by the petitioner.
5.	10.12.2018	Petitioner submitted online self-compliance report in the CGWA portal.
6.	24.12.2018	Response by Petitioner to a letter dated 22.11.2018 by CGWA stating that the first compliance report was submitted on 08.06.2017, followed by online self-compliance report and current compliance report is annexed along with the letter.
7.	03.01.2019	Petitioner submitted offline (hardcopy) of application to the CGWA for renewal of NOC No. CGWA/NOC/IND/ORIG/2017/ 2533 dated 19.04.2017 for ground water abstraction upto 3000 cu.m/day.
8.	01.02.2019	Central Ground Water Authority's Public Notice regarding modification of conditions of NOCs of CGWA. That in view of the difficulties encountered in the implementation of Water Security Plan and as this activity is being covered under various schemes of Govt. of India/State Governments, the mandatory condition for formulation & implementation of Water Security plan is waived off.
9.	02.03.2019	Petitioner submitted online (softcopy) of application to the CGWA for renewal of NOC No. CGWA/NOC/IND/ORIG/2017/ 2533 dated 19.04.2017 for ground water abstraction upto 3000 cu.m/day.

10.	20.03.2019	CGWB wrote a letter to the Mr. T.K Pant, Scientist D, CGWB, Northern Region, Lucknow to inspect the Petitioner's Distillery Unit regarding renewal of the NOC and submit compliance report.
11.	08.05.2019	Inspection Report of the Regional Director, CGWB regarding renewal of NOC dated 19.04.2017 for ground water abstraction upto 3000 cu.m/day with the remark that the said unit is fully compliant.
12.	19.08.2019	Petitioner wrote letter to the Regional Director CGWA providing details of village ponds adopted for 200% recharge requirement in the over exploited area. The Petitioner in the said letter stated that the unit has adopted and established fifty Six (56) groundwater recharge structures with a potential recharge of 21,30,000 cu.m/year thereby meeting its recharge obligations.
13.	15.10.2019	The CGWA published a Public Notice (the third in the series of such Public Notices) extending the time for application for NOC for all those NOCs which are not valid as well as for fresh applications of those units which do not have NOC. The due date for submissions of application for grant of NOC for withdrawal of groundwater was accordingly extended upto 31.03.2020.
14.	31.10.2019	The Petitioner submitted an Appeal/Representation to the Chairman, CGWA regarding delay in processing of renewal of NOC dated 17.04.2019 for abstraction of ground water.
15.	01.11.2019	The Ld. NGT registered a letter of complaint as Original Application No. 107 of 2019 on 28.03.2019, by one Shah Alam who alleged that the Industry is causing poor yield of mangoes. The Ld. NGT constituted a Joint Inspection Committee comprising of District Magistrate, the Central Pollution Control Board "hereinafter

		<p>CPCB) and UPPCB for conducting an inspection and to verify the claims of the complainant. The Joint Committee submitted its report to the Ld. NGT that was considered in the hearing on 01.11.2019 and which did not have any findings or conclusion on the Petitioner's unit having caused any harmful impact on the Orchard of Shah Alam. The Joint Committee, for reasons best known to them made some additional observations in the report on the technical issues of the petitioner's unit. The Ld. NGT exonerated the petitioner's from the issue of Mango orchard but started hearing the matter on the technical issues including renewal of Ground water NOC and directed the Respondent No.4, UPPCB to impose penalty for withdrawal ground water during pendency of renewal application before the Respondent No.1, CGWA, a Statutory Authority.</p>
16.	14.11.2019	<p>The Petitioner wrote a letter to the Respondent No. 4., UPPCB informing them about the status of groundwater withdrawal renewal application. This is because the Respondent No. 4 has imposed penalty of Rs. Rs. 9,84,00,000 (nine crore eighty four lakhs) for withdrawal of ground water by the petitioner during the pendency of renewal application. The Petitioner also submitted details regarding compliance already made for recharge obligations for Over Exploited Block. Further, the petitioner also submitted that the CGWA has been constituted under the Environment Protection Act, 1986 pursuant to the order dated 21.11.1996 of the Hon'ble Supreme Court and the CPCB and the UPPCB have been constituted under the Water Act, 1974 and therefore, the UPPCB or for that matter the CPCB do not have any provision or jurisdiction to deal with either regulation of ground water or</p>

		for groundwater abstraction by the existing industries, infrastructure and mining projects vide public notice extended till 30 <sup>th</sup> June, 2020.
24.	13.05.2020	The CPCB issued direction under Section 18 (1) (b) of the Water (Prevention and Control of Pollution) Act, 1974 to the Uttar Pradesh Pollution Control Board to take action against the petitioner for withdrawal of ground water without valid NOC and impose penalty of Rs, 9,84,00,000/- (nine crore eighty four lakhs) among other directions.
25.	20.05.2020	Petitioner submitted an updated compliance report in view of NOC dated 19.04.2017 regarding latest data of Borewell and Piezometer to the Respondent No.1, CGWA
26.	26.05.2020	Petitioner submitted a representation to the Respondent No. 3, CPCB giving factual background of the Ld. NGT case O.A. 107/2019 Shah Alam V/s Govt of UP requesting for an opportunity to present the case.
27.	31.05.2020	Petitioner submitted a representation to the Respondent No.3, CPCB seeking personal hearing in the matter of O.A. 107/2019 Shah Alam V/s Govt of UP before the Hon'ble NGT against the Rs. 6.19 Crore proposed Environment Compensation.
28.	03.06.2020	Petitioner received a Notice issued by the Respondent No.4, UPPCB, Lucknow vide letter No. Ltr No. H49556/C-7/Jal-18/ Value-2/2020 Dt. 03/06/2020 for Closure of Distillery Unit at Gajraula and also direction for depositing the Environment Compensation (EC) Rs. 9.84 Crore on allegedly illegal withdrawal of ground water and a further of Rs. 6.19 Crore citing certain findings from inspections of the Distillery Unit without issuing any Showcause or affording any opportunity to the Petitioner. The impugned Closure notice gives reference to an alleged incident of Spent wash spillage

		<p>into a farmland, which was supposedly investigated by the officials from the Respondent No.4, UPPCB and the National Mission for Clean Ganga (NMCG). This was clearly an accidental leakage caused by damage of the pipeline inflicted supposedly by the Indian Railways while undertaking cable laying work.</p> <p>The Notice has been issued by the Respondent No.4, UPPCB without providing an opportunity of being heard to the Petitioner and more importantly bypassing the entire due process under the Water Act.</p>
29.	03.06.2020	<p>The Petitioner submitted a letter dated 03.06.2020 to the Respondent No.4, UPPCB stating that Petitioner has initiated a safe shut down procedure and as the Distillery unit is operating through Fed Batch Fermentation Process, the distillation will continue to consume fermented wash for next 3-4 days.</p>
30.	04.06.2020	<p>That on 4.6.2020, the petitioner sent a detailed representation Respondent No.3, UPPCB for review of the closure order dated 03.06.2020 and waiver of the environment compensation.</p>
31.	05.06.2020	<p>That the Petitioner also submitted a letter dated 05.06.2020 to the Respondent No.4. UPPCB for revocation of the closure notice. The Petitioner in the letter submitted that the Ethyl Alcohol Manufactured in Distillery Unit is the Key starting material for several downstream high value key intermediate for many important Active Pharmaceutical Ingredients which are manufactured in Petitioner's facility at Gajraula, for supply globally as necessary ingredients for important life saving drugs. That the Petitioner's unit in India has been awarded the contract to produce one of the Key Starting material for remdesivir, an important drug to treat Covid-19 medicine by M/s.</p>

		Gilead Sciences, USA. Apart from this, the Petitioner's subsidiary is a forefront company to have got the license from M/s. Gilead Sciences, USA to produce the drug in India for Covid-19 patients' treatment and many of the intermediates for its India requirement will be produced at Petitioner's units Gajraula. The closure and sealing of the distillery unit and imposing of Environmental Compensation can adversely impact the supply chain for making medicine (including for Covid-19 to be made for saving lives in India and globally), impact the local MSME's engaged in our supply chain that are struggling to recover from Covid lockdown and also severely impact the reputation of Petitioner company globally.
32.	06.06.2020	That Respondent No.4, Regional Officer, the UPPCB sealed the unit of the petitioner in compliance of the closure order dated 03.06.2020 without following any due process or law shutting down essential services of providing not only raw material for sanitizer production and other lifesaving drugs but also affecting the highly important collaborative research on producing the potential medicine for COVID 19.
33.		Hence the present Writ Petition.



(SANJAY UPADHYAY)

Delhi/78/1995



(SUJEET KUMAR)(CHHAYA GUPTA)

Advocates,  
Counselors for Petitioner

**IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD**  
**CIVIL MISC. STAY APPLICATION NO. \_\_\_\_\_ OF 2020**  
**(Under Chapter-XXII, Rule-1 of the High Court Rules)**

**IN**

**CIVIL MISC. WRIT PETITION NO. 2020**

**(Under Article-226 of the Constitution of India)**

**(DISTRICT :AMROHA)**

M/s Jubilant Life Sciences Ltd, (Distillery Unit), Through  
 Authorized Signatory Bhartiagram, Gajraula, Distt.  
 Amroha, Uttar Pradesh - 244223 \_\_\_\_\_ **Petitioner**

**Versus**

1. Central Ground Water Authority of India ,  
 Through Member Secretary 18/11, Jamnagar  
 House, Man Singh Road, New Delhi-110011
2. Regional Director, Central Ground Water Board,  
 Northern Region, Bhujal Bhawan, Sector-B Sitapur Road  
 Yojna, Lucknow, Uttar Pradesh - 226021
3. Central Pollution Control Board, Through  
 Chairman, Parivesh Bhawan, CBD-CUM Office  
 Complex, East Arjun Nagar, Delhi - 110032
4. Uttar Pradesh State Pollution Control Board ,  
 Through Member Secretary , Building No. TC -12V,  
 Vibhuti Khand, Gomti Nagar, Lucknow, Uttar Pradesh -  
 226010

\_\_\_\_\_ Respondents

To,

The Hon'ble Chief Justice and His other companion  
Judges of the aforesaid Court.

The humble application of the above named applicant  
Most Respectfully Showeth:

1. That, the full facts and circumstances have been given  
in the accompanying Writ Petition.
2. That, in view of the facts and circumstances stated in  
the accompanying Writ Petition (Civil), it is expedient in  
the interest of justice that this Hon'ble Court may kindly  
be pleased to pass an ad-interim stay order of the  
Respondent No. 4- UPPCB's notice dated 03.06.2020 for  
Revocation of the Consent to Operate, Direction for  
Closure & Direction to Pay multiple Environment  
Compensation and the sealing order dated 06.06.2020.

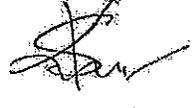
**P R A Y E R**

It is therefore most respectfully prayed that this Hon'ble  
Court may kindly be pleased to pass an ad-interim stay  
order of the Respondent No. 4, Closure notice dated  
03.06.2020, including the environment compensation

as well as the Sealing Order dated 06.06.2020 in the instant Writ Petition (PIL) before this Hon'ble Court, and/or pass such other/further orders, which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case.

Date: 08.06.2020

  
(SANJAY UPADHYAY)  
Delhi/78/1995

   
(SUJEET KUMAR) (CHHAYA GUPTA)

1  
Advocates,  
Counsel for Petitioner  
Adv. Roll No. A/S2561/13,A/  
c0183/2013 Chamber No. 57(Z), High  
Court  
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Email- [sujeetadvocate@gmail.com](mailto:sujeetadvocate@gmail.com)

**IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD**

**CIVIL MISC. WRIT PETITION NO. OF 2020**

**(Under Article-226 of the Constitution of India)**

**(DISTRICT :AMROHA)**

M/s Jubilant Life Sciences Ltd, (Distillery Unit), Through  
Authorized Signatory Bhartiagram, Gajraula, Distt.  
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\_\_\_\_\_Petitioner

**Versus**

1. Central Ground Water Authority of India ,  
Through Member Secretary 18/11, Jamnagar  
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2. Regional Director, Central Ground Water Board,  
Northern Region, Bhujal Bhawan, Sector-B Sitapur  
Road Yojna, Lucknow, Uttar Pradesh - 226021
3. Central Pollution Control Board, Through  
Chairman, Parivesh Bhawan, CBD-CUM Office  
Complex, East Arjun Nagar, Delhi - 110032
4. Uttar Pradesh State Pollution Control Board ,  
Through Member Secretary , Building No. TC -  
12V, Vibhuti Khand, Gomti Nagar, Lucknow, Uttar  
Pradesh - 226010

*Sanjay Singh*



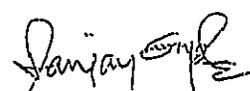
groundwater within a time bound manner and quash the closure notice dated 03.06.2020 (Revocation of the Consent to Operate, Direction for Closure & Direction to Pay multiple Environment Compensation), as well as the sealing order dated 6.6.2020 of the Respondent No. 4, Uttar Pradesh Pollution Control Board (hereinafter UPPCB) which is issued without providing an opportunity of being heard to the Petitioner or following the procedure provided under the Water Act, 1974. A copy of the Respondent No. 4 closure impugned order dated 03.06.2020 is being filed herewith and marked as **Annexure No. 1** to this Writ Petition and a copy of the cover page of petitioner's renewal application dated 03.01.2019 is being filed herewith and marked as **Annexure No. 2**

5. That the Petitioner, Jubilant Life Sciences Ltd., a globally reputed company, is an integrated Distillery, Chemicals and Power plant complex employing around 2300 employees (850-permanent and 1450-contract), located at Bhartiagram, Gajraula, District Amroha (U.P.).
6. That presently the Petitioner is in forefront in fight against Novel Coronavirus-19. The Petitioner presently

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producing alcohol based hand sanitizer in massive quantity and immediate closure of petitioner will cause severe shortage of hand sanitiser. Further, the petitioner is producing fine chemicals which downstream are required by pharma companies globally to make essential drugs/medicines. These chemicals are also used by the Petitioner's subsidiary, Jubilant Generics Limited which is one of the few licensees of Gilead Sciences, Inc., USA whose product "remdesivir" and its formulation has been provisionally accepted for treatment of Covid-19 by USA FDA, and the Indian Government has given them authorisation to market this injectable in India. A copy of the Petitioner's Press Release dated 12.05.2020 regarding Licensing Agreement with Gilead for Remdesivir, a potential therapy for Covid-19 is being filed herewith and marked as **Annexure No. 3** to this Writ Petition.

7. That the distillery unit at Gajraula, Distt Amroha, Uttar Pradesh is operating since 1982 and is presently employing around 280 employees ( 70 -Permanent and 210 -Contract) and the unit is a zero liquid discharge (hereinafter 'ZLD') unit since 2009 and maintains the same till date. The Unit is operating with valid consents under the Air (Prevention and Control of Pollution) Act,

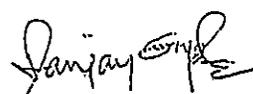


1981 and the Water (Prevention and Control of Pollution) Act, 1974.

8. The said Unit has a dedicated Environment, Health and Safety Department wherein detailed protocols on emergencies including environmental emergencies have been enumerated. The Unit also follows a Climate Change Mitigation Policy as well as a Green Supply Chain Policy. It is pertinent to add that the unit is ISO 9001:2008 and ISO 14001:2004 certified as well as BS OHSAS 18001:2007, and Responsible Care-14001 certified by the global certification agency namely Bureau Veritas certification. It is humbly submitted that the unit is mindful of the highest global standards and practices the same including environmental practices. Further, this unit has followed Corporate Sustainability Reporting for over 10 years and has been rated GRI A+ for 7 consecutive years for its environment management systems and it is as per Global Reporting Initiative (GRI) guidelines and audited by an international agency i.e. Ernst & Young. The Petitioner is not placing the above mentioned Policies and certificates and craves leave of this Hon'ble Court to produce the same as and when required.

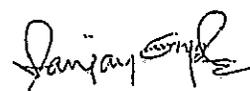


9. It is pertinent to mention that to operate an industrial unit such as above a consent under the Water Act, 1974 is required from the Respondent No. 4, UPPCB which regulate the effluents standards and check the pollutions. Similarly, for withdrawal of ground water a NOC is required from the Respondent No.1, CGWA, which was created on 14.01.1997 by the then MOEF in exercise of the powers conferred by sub-section (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), constituted the Central Ground Water Board as an Authority for the purposes of regulation and control of Ground Water Management and Development pursuant to an order dated 21.11.1996 of the Hon'ble Supreme Court of India in W.P (C) No. 4677 of 1984. The Respondent No.1, CGWA grants NOC by assessing the water development status of the area and accordingly, impose conditions for ground water recharge.
10. That the Petitioner is operating the facility and extracting ground water for its operations since inception and has been complying with the requirements of the Respondent No.1, CGWA that was constituted in 1997. Subsequently, as was required under the amended CGWA NoC guidelines on



16.11.2016, the Respondent No.1, CGWA granted NOC dated 19.04.2017 for ground water withdrawal to the petitioner's unit, following due procedure prescribed for Semi-Critical Block. The Unit was allowed to abstract 3000 cu.m/day (and not exceeding 10,65,000 cu.m/year) of ground water through existing two (2) tube wells. The NOC was valid from 05.04.2017 till 04.04.2019. The Respondent No.1 imposed certain conditions such as installation of piezometer, groundwater recharge among other things. A copy of the Respondent No.1 NOC dated 19.04.2017 is being filed herewith and marked as **Annexure No. 4** to this Writ Petition.

11. That the Petitioner, as a responsible corporate entity has been submitting compliance reports and self-monitoring reports periodically to the competent authorities and regulatory agencies. The Petitioner has submitted the compliance report dated 08.06.2017, self-monitoring report dated 10.12.2018 and 24.12.2018 of the conditions imposed in the Respondent No.1 NOC dated 19.04.2017. A copy of the Petitioner's compliance report dated 08.06.2017 is being filed herewith and marked as **Annexure No. 5** to this Writ Petition, A copy of the Petitioner's self-



monitoring compliance report dated 10.12.2018 is being filed herewith and marked as **Annexure No. 6** to this Writ Petition and A copy of the Petitioner's compliance report dated 24.12.2018 is being filed herewith and marked as **Annexure No. 7** to this Writ Petition.

12. It is pertinent to mention that Petitioner had applied offline (hardcopy of application) for renewal of NOC on 03.01.2019 i.e. three months before expiry of previous NOC dated 19.04.2017 granted by the Respondent No.1, CGWA, in accordance with the procedure prescribed.
13. The Respondent No.1, CGWA on 01.02.2019 issued Public Notice regarding modification of conditions of NOCs of CGWA. That in view of the difficulties encountered in the implementation of Water Security Plan and as this activity is being covered under various schemes of Govt. of India/State Governments, the mandatory condition for formulation & implementation of Water Security plan was waived off. A copy of the Respondent No.1 public notice dated 01.02.2019 is being filed herewith and marked as **Annexure No. 8** to this Writ Petition.

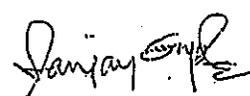
*Sanjay Singh*

14. The Petitioner on 02.03.2019 again submitted online (softcopy) of application as latest procedure to the CGWA for renewal of NOC No. CGWA/NOC/IND/ORIG/2017/ 2533 dated 19.04.2017 for ground water abstraction upto 3000 cu.m/day. A copy of the Petitioner cover letter of the NOC renewal application (softcopy) dated 02.03.2019 is being filed herewith and marked as **Annexure No. 9** to this Writ Petition.
15. That the Respondent No.1, Chairman, CGWA wrote a letter dated 20.03.2019 to the Respondent No.2, Central Ground Water Board UP (hereinafter CGWB) Mr. T.K Pant, Scientist D, CGWB, Northern Region, Lucknow to inspect the Petitioner's Distillery Unit regarding renewal of the NOC and to submit a compliance report. A copy of the Respondent No.1 letter dated 20.03.2019 is being filed herewith and marked as **Annexure No. 10** to this Writ Petition.
16. The Respondent No.2, CGWB carried out the inspection of the petitioner's unit on 08.05.2019 for renewal of the NOC dated 19.04.2017 that was valid till 04.04.2019, by examining the recharge obligations and compliance of the NOC's conditions. In the inspection report the



Respondent No.2, CGWB found out the unit to be fully compliant. A copy of the Respondent No.2's inspection report dated 08.05.2019 is being filed herewith and marked as **Annexure No. 11** to this Writ Petition, based on which the recommendation from Respondent No.2, CGWB Lucknow to Respondent No.1, CGWA Delhi was submitted on 26.11.2019 which is described and appended below as Annexure No. 18.

17. That in the Ld. NGT registered a letter of complaint as Original Application No. 107 of 2019 on 28.03.2019, by one Shah Alam who alleged that the Industry is causing poor yield of mangoes. The Ld. NGT constituted a Joint Inspection Committee comprising of District Magistrate, the Central Pollution Control Board "hereinafter CPCB) and UPPCB for conducting an inspection and to verify the claims of the complainant. The Joint Committee submitted its report to the Ld. NGT that was considered in the hearing on 01.11.2019 and which did not have any findings or conclusion on the Petitioner's unit having caused any harmful impact on the Orchard of Shah Alam. The Joint Committee, for reasons best known to them made some additional observations in the report on the technical issues of the petitioner's unit. The Ld. NGT exonerated the petitioner's from the



issue of Mango orchard but started hearing the matter on the technical issues including renewal of Ground water NOC and directed the Respondent No.4, UPPCB to impose penalty for withdrawal ground water during pendency of renewal application before the Respondent No.1, CGWA, a Statutory Authority.. It is our humble submission that the said act was extra judicial and the petitioner thus seeks indulgence of this Hon'ble Court to remedy such legal anomaly in accordance with law.

- 18.** That the Petitioner submitted a letter dated 19.08.2019 to the Respondent No. 2- the Regional Director , CGWB, providing details of village ponds voluntarily adopted for 200% recharge requirement with Photographic evidence of the recharge structures constructed, as per CGWA guidelines for ground water extraction in over exploited area, even without waiting for the Respondent No.1, CGWA to renew the NoC and impose these mandatory condition in the renewed NoC and thus exhibited its responsible behaviour towards environment and the Law of the land. It is pertinent to mention that the petitioner has adopted and established fifty Six (56) groundwater recharge structures with a potential recharge of 21,30,000 cu.m/year. A copy of the Petitioner letter dated 19.08.2019 is being filed

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herewith and marked as **Annexure No. 12** to this Writ Petition.

19. That, further, the Respondent No.1, CGWA published a Public Notice dated 15.10.2019 (the third in the series of such Public Notices) extending the time for application for NOC for all those NOCs which are not valid as well as for fresh applications of those units which do not have NOC. The due date for submissions of application for grant of NoC for withdrawal of groundwater was accordingly extended upto 31.03.2020. It is almost bizarre that on one hand the Respondent No 1, CGWA is granting extension of time for fresh application, as well as those up for renewal, for extraction of ground water but on the other hand, inordinately delaying to renew the pending application of the Petitioner who is voluntarily fulfilling all the recharge obligations and is trying to reduce its consumption by adopting latest technologies. This is totally discriminatory and is hit by basic principles under Article 14 of the Constitution and therefore bad in law. A copy of the Respondent No.1, CGWA public notice is being filed herewith and marked as **Annexure No. 13** to this Writ Petition.

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20. That the Petitioner after several requests to the Respondent No.1, CGWA and Respondent No. 2, CGWB for renewal of the NOC submitted an Appeal/Representation dated 31.10.2019 to the Respondent No.1 regarding delay in processing of renewal of NOC dated 17.04.2019 for abstraction of ground water. A copy of the Petitioner representation/appeal dated 31.10.2019 is being filed herewith and marked as **Annexure No. 14** to this Writ Petition.

21. The Petitioner also wrote a letter dated 14.11.2019 to the Respondent No. 4., UPPCB informing them about the status of groundwater withdrawal renewal application. This is because the Respondent No. 4, UPPCB has issued show cause notice proposing to impose Environment Compensation of Rs. 9.84,00,000 (Rupees nine crore eighty four lakhs) for withdrawal of ground water by the petitioner during the pendency of renewal application. The Petitioner also submitted details regarding recharge obligations. Further, the petitioner also submitted that the Respondent No.1, CGWA has been constituted under the Environment Protection Act, 1986 pursuant to the order of the Hon'ble Supreme Court and the Respondent No.3, CPCB

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and the Respondent No.4, UPPCB have been constituted under the Water Act, 1974 and therefore, the Respondent No.4, UPPCB or for that matter the Respondent No.3, CPCB do not have any provision or jurisdiction to deal with either regulation of ground water or impose penalty for withdrawal of ground water. A copy of the Petitioner letter dated 14.11.2019 is being filed herewith and marked as **Annexure No. 15** to this Writ Petition

22. That the Petitioner on 19.11.2019 submitted compliance report to the Respondent No.1, CGWA pursuant to the Hon'ble National Green Tribunal order dated 01.11.2019 in O.A. No. 107 of 2019, Shah Alam vs State of Uttar Pradesh as described earlier. The petitioner also requested the Respondent No.1, CGWA to consider the application for renewal in accordance with the abovementioned order in Para 6 (13) and para 7(6) quoted in the above extracted letter reads as follows:

*Para 6 (13) "CGWA may be directed to investigate the infrastructure developed by the unit for rain water harvesting facilities inside and outside the premises and*

*Sanjay Singh*

*may take decision on the renewal applications of the unit for abstraction of the ground water"*

Para 7 (6) "Considering the ground water quality of Gajraula, CGWA shall assess the renewal applications of all the plants of M/s Jubilant Industries Ltd., Gajraula complex and shall decide whether the unit shall be allowed to abstract the ground water or not. CGWA shall decide in accordance to the Hon'ble NGT"

A copy of the Petitioner's compliance report dated 19.11.2019 on ground water is being filed herewith and marked as **Annexure No. 16** to this Writ Petition.

And A copy of the Ld. NGT order dated 01.11.2019 in O.A. No. 107 of 2019 is being filed herewith and marked as **Annexure No. 17** to this Writ Petition.

23. That it is important to emphasise that the Respondent No.2, Regional Director, CGWB wrote a letter dated 26.11.2019 to the Respondent No.1, Member Secretary, CGWA stating that the renewal application of the petitioner has been processed and recommended in reference to the Ld. NGT order dated 01.11.2019 in O.A. No. 107 of 2019 and specifically in accordance with

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the para 6 (13) and para 7 (6) as extracted above. A copy of the Respondent No. 2, CGWB letter dated 26.11.2019 is being filed herewith and marked as **Annexure No. 18** to this Writ Petition.

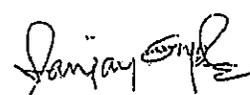
24. The Petitioner again wrote two reminder letters dated 11.12.2019 and 24.12.2019 to the Respondent No.1 to grant or take a final decision on the renewal application and to grant the NOC on abstraction of ground water. A copy of the Petitioner reminder letter dated 11.12.2019 is being filed herewith and marked as **Annexure No. 19** and reminder letter dated 24.12.2019 is being filed herewith and marked as **Annexure No. 20** to this Writ Petition.

25. That the Petitioner on 30.12.2019 under protest and in response to a showcause notice dated 30.10.2019 and more importantly, to avoid any procedural complications also deposited environment compensation of thirty lakhs (30 lakhs) and requested the Respondent No.4, UPPCB to carryout inspection to verify the compliance on other environmental parameters and refund the amount accordingly. A copy of the Petitioner letter dated 30.12.2019 is being filed herewith and marked as **Annexure No. 21** to this Writ Petition.

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26. The Ld. NGT vide order dated 05.02.2020 in O.A. No. 107 of 2019 ( Shah Alam's case) considering the report of the Joint Committee observed that it is not necessary to give any hearing to unit at this stage by this Tribunal as the action has to be taken by the statutory regulators in exercise of their statutory powers and in the process and the unit has to be heard. A copy of the Ld. NGT order dated 05.02.2020 in O.A. No. 107 of 2019 is being filed herewith and marked as **Annexure No. 22** to this Writ Petition. It is clear from the above that there was no opportunity granted to the petitioners to explain their position on facts and law on the assumption that the regulators and the statutory authority would afford an opportunity for the same which has been totally violated as it would be clear by the sequence of events described below.

27. The Respondent No.1, CGWA in view of prevailing situation of the lockdown in the entire country due to COVID-19, the date for submission of the application for NOC for groundwater abstraction by the existing industries, infrastructure and mining projects vide public notice extended till 30<sup>th</sup> June, 2020 . A copy of the Respondent No.1, CGWA public notice dated



01.04.2020 is being filed herewith and marked as **Annexure No. 23** to this Writ Petition.

28. That the Respondent No. 3, CPCB suddenly during the lockdown period while the country is grappling with the pandemic, issued a direction dated 13/14.05.2020 under Section 18 (1) (b) of the Water (Prevention and Control of Pollution) Act, 1974 to the Respondent No. 4, UPPCB to take action against the petitioner for withdrawal of ground water without valid NOC and impose Environmental Compensation of Rs, 9,84,00,000/- (nine crore eighty four lakhs) And recover another Rs. 6,17,00,000/- as Environment Compensation among other directions. A copy of the Respondent No.3, CPCB direction dated 13/14.05.2020 is being filed herewith and marked as **Annexure No. 24** to this Writ Petition.
29. The petitioner despite of all the persecution again submitted an updated compliance report dated 20.05.2020 in view of NOC dated 19.04.2017 regarding latest data of Borewell and Piezometer to the Respondent No.1, CGWA during such lockdown period. A copy of the petitioner compliance report dated

*Sanjay Singh*

20.05.2020 is being filed herewith and marked as **Annexure No. 25** to this Writ Petition.

**30.** The Petitioner on 26.05.2020 again submitted a representation to the Respondent No.3, CPCB giving factual background of the Ld. NGT case O.A. 107/2019 Shah Alam V/s Govt of UP requesting for an opportunity to present the case. A copy of the petitioner representation dated 26.05.2020 is being filed herewith and marked as **Annexure No. 26** to this Writ Petition.

**31.** The Petitioner again on 31.05.2020 submitted a representation to the Respondent No.3, CPCB seeking personal hearing in the matter of O.A. 107/2019 Shah Alam V/s Govt of UP before the Hon'ble NGT against the Rs. 6.19 Crore proposed Environment Compensation on other alleged environmental non-compliance and Rs. 9.84 Crore against Ground water extraction without renewal of NoC. A copy of the petitioner representation dated 31.05.2020 is being filed herewith and marked as **Annexure No. 27** to this Writ Petition.

**32.** That despite several requests for affording an opportunity of being heard, the Petitioner received a notice from Respondent No.4, UPPCB, Lucknow vide letter No. Ltr No. H49556/C-7/Jal-18/ Value-2/2020 Dt.

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03/06/2020 for Revocation of the Consent to Operate, Closure of Distillery unit, and also direction for depositing the Environment Compensation (EC) Rs. 9.84 Crore on allegedly illegal withdrawal of ground water and a further of Rs. 6.19 Crore citing certain findings from inspections of the Distillery Unit without issuing a Showcause or without affording any opportunity to the Petitioner to be heard. The impugned notice Dt. 03.06.2020 gives reference to an alleged incident of Spent wash spillage into a farm land, which was investigated by the officials from the Respondent No.4, UPPCB and the National Mission for Clean Ganga (NMCG). This was clearly an accidental leakage caused by damage of the pipeline supposedly inflicted by the Indian Railways while undertaking cable laying work. The directions in the Notice has been issued by the Respondent No.4, UPPCB without providing an opportunity of being heard, which is a statutory requirement, to the Petitioner and more importantly bypassing the entire due process under the Water Act, 1974.

**33.** The Petitioner submitted a letter dated 03.06.2020 stating that Petitioner has initiated safe shut down procedure and as the Distillery unit is operating through

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Fed Batch Fermentation Process, the distillation will continue to consume fermented wash for next 3-4 days. A copy of the petitioner letter dated 03.06.2020 is being filed herewith and marked as **Annexure No. 28** to this Writ Petition.

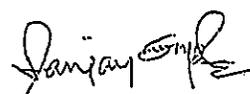
**34.** That on 4.6.2020, the petitioner sent a detailed representation for review of the Respondent No.4,UPPCB closure order dated 03.06.2020 and cancellation/waiver of the environment compensation. A copy of the petitioner letter dated 04.06.2020 is being filed herewith and marked as **Annexure No. 29** to this Writ Petition.

**35.** That the Petitioner also submitted a letter dated 05.06.2020 to the Respondent No.4, UPPCB for revocation of the closure notice. The Petitioner in the letter submitted that the Ethyl Alcohol Manufactured in Distillery Unit is the Key starting material for several downstream high value key intermediate for many important Active Pharmaceutical Ingredients which are manufactured in our Chemical unit at Gajraula, for supply globally as necessary ingredients for important life saving drugs. That the Petitioner's unit in India has been awarded the contract to produce one of the Key

*Sanjay Singh*

Starting material for an important drug to treat Covid-19 medicine by M/s. Gilead Sciences, USA. Apart from this, the Petitioner's subsidiary is a forefront company to have got the license from M/s. Gilead Sciences, USA to produce the drug in India for Covid-19 patients' treatment and some of the intermediates for its India requirement will be produced at Gajraula. The closure and sealing of the distillery unit and imposing of Environmental Compensation can adversely impact the supply chain for making medicine (including for Covid-19 to be made for saving lives in India and globally), impact the local MSME's engaged in our supply chain that are struggling to recover from Covid lockdown and also severely impact the reputation of petitioner company globally. A copy of the petitioner letter dated 05.06.2020 is being filed herewith and marked as **Annexure No. 30** to this Writ Petition.

36. That on 06.06.2020 the Respondent No.4, Regional Officer, UPPCB sealed the unit of the petitioner in compliance of the closure order dated 03.06.2020 without following any due process of law, and this shutting down essential services of providing not only raw material for sanitizer production and other life saving drugs as described in detail above in para 6 but



also stopped the highly important collaborative research on producing the potential vaccine for COVID 19.. A copy of the Respondent No. 4, UPPCB, Regional Office report dated 06.06.2020 is being filed herewith and marked as **Annexure No. 31** to this Writ Petition.

37. It is humbly submitted before this Hon'ble Court that the petitioner unit was closed without giving an opportunity of being heard, which is a mandatory statutory prerequisite, nor the due process prescribed under the Water Act, 1974 was followed by Respondent No.4, which is a clear violation of principles of natural justice.

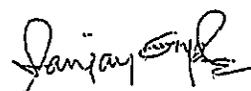
38. That the Hon'ble Supreme Court through a catena of judgments has held that the two fundamental maxims of natural justice have now become deeply and indelibly ingrained in the common consciousness of mankind as pre-eminently necessary to ensure that the law is applied impartially, objectively and fairly. The Hon'ble Supreme Court has held that the maxim *audi alteram partem* has many facets. Two of them are (a) notice of the case to be met, and (b) opportunity to explain. The rule cannot be sacrificed at the altar of administrative convenience or celerity; for, convenience

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and justice are often not on speaking terms. (See Swadeshi Cotton Mills v Union of India &Ors (1981) 1 SCC 664). That further, in Ridge v Baldwin 1964 AC 40 (1963) 2 All ER 66 (HL) it was held that breach of principles of natural justice was in itself treated as prejudice and that no other "de facto" prejudice needed to be proved. This has been consistently applied by the Hon'ble Supreme Court and developed further to include proof of de-facto prejudice caused. (See K.L. Tripathi v. State Bank of India, (1984) 1 SCC 43). The well-established canons controlling the field makes it clear that the rule of *audi alteram partem* cannot be bypassed and hence the impugned order dated 03.06.2020 is flagrant violation of basic principles of natural justice and hence erroneous in law and hence needs to be set aside.

#### GR O U N D S

- (a) **Because**, there is gross and inordinate delay on the part of the Respondent No.1 in granting the NOC in as much as the petitioner had applied for renewal of the NOC on 03.01.2019 and inspite of the inspection dated 08.05.2019 recommendation dated 26.11.2019



by the Respondent No. 2 to Respondent No.1 for grant of the said NOC to the Petitioner, the Respondent No.1 till date has not granted the NOC. That such inordinate delay is not only a miscarriage of justice but is also likely to cause huge financial losses and loss of reputation among others.

- (b) **Because**, for the inordinate delay caused by the Respondent No.1 is causing serious prejudice to the Petitioner, who has been found and certified as fully compliant with the conditions of ground water withdrawal by the Respondent No.2.
- (c) **Because**, for the inordinate delay caused by the Respondent No.1 in granting NOC to the Petitioner is clear example of gross failure to discharge its statutory and official functions and amounts to abdication of power.
- (d) **Because**, the Section 25 (6) of the Water Act, 1974 has a deeming clause, when all conditions for renewal are met. A parity may be drawn here as well where all recharge obligations are met by the Petitioner and also been recommended by the Respondent No.1, Regional Directorate of the CGWA., it is therefore, only a technicality which has not been carried out by

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the Respondent No.1, CGWA. Such inaction cannot be attributed to the Petitioner.

- (e) **Because**, the Petitioner has applied for the renewal of the NOC for ground water abstraction on 03.01.2019 much before the date of expiry i.e. expiry on 04.04.2019
- (f) **Because**, the Respondent No. 4, UPPCB issued closure dated 03.06.2020 without providing an opportunity of being heard to the Petitioner and more importantly bypassing the entire due process under the Water Act, 1974. That the Respondent No.3 CPCB has used Section 18 (1) and consequently the UPPCB has straightaway used section 33A without following the due process envisaged under the sections 24, 25 and 32 of the Water Act among others which precedes section 33A and therefore cannot be substituted as such. This entire procedure followed is bad in law as it takes away the right of petitioner to appeal of the petitioner under section 28 of the Water Act.
- (g) **Because**, the Respondent No.1, CGWA has been constituted under the Environment Protection Act, 1986 pursuant to the order of the Hon'ble Supreme Court of India and the Respondent No.3, CPCB and

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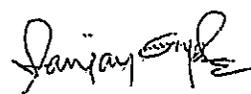
the Respondent No.4, UPPCB has been constituted under the Water Act, 1974 and therefore, the Respondent No.4, UPPCB does not have any provision or jurisdiction to deal with either regulation of ground water or impose penalty for withdrawal of ground water. This would amount to usurpation of power by one statutory authority over another which owes its genesis in different statutes (namely Environment Protection Act and Water Act respectively) and which is not permissible in law.

(h) **Because**, the Hon'ble Supreme Court of India in Godrej Sara Lee Ltd. v. Commr. (AA), (2009) 14 SCC 338 held that it is well known that when an order of a statutory authority is questioned on the ground that the same suffers from lack of jurisdiction, alternative remedy may not be a bar. Further, the Hon'ble Supreme Court in Budhia Swain v. Gopinath Deb, (1999) 4 SCC 396 observed that a distinction has to be drawn between lack of jurisdiction and a mere error in exercise of jurisdiction. The former strikes at the very root of the exercise and want of jurisdiction may vitiate the proceedings rendering them and the orders passed therein a nullity. And therefore, the order of the Respondent No. 4 on ground water issue

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which is beyond their statutory jurisdiction and therefore not permissible.

- (i) **Because**, it is well settled in State Trade Corpn. of India Ltd. v. State of Mysore AIR 1963 SC 548 (5 Judge Bench) that a statutory authority cannot exercise its power which is beyond its jurisdiction.
- (j) **Because**, the Petitioner has a fundamental right to carry on business and the inaction of Respondents in the granting the NOC amounts to an infringement of said fundamental right.
- (k) **Because**, the Petitioner has been proactive for the renewal of its groundwater withdrawal NOC and from time to time written letters and emails to the Respondent No.1, CGWA for grant of renewal of the NOC. The Petitioner has written letters dated 31.10.2019, 11.12.2019 and 24.12.2019 but to no avail in terms of the final NOC and is stuck at its penultimate stage of "recommendation" for NOC, but no final NOC.
- (l) **Because**, the Respondent No.1, CGWA vide Public notice dated 15.10.2019 has extended due date for submissions of application for grant of fresh NOC for withdrawal of groundwater upto 31.03.2020 and has



been further extended vide public notice dated 01.04.2020 due to the ongoing pandemic uptill 30<sup>th</sup> June,2020. That the Respondent No.1, CGWA is granting extension of time for fresh application as well as for those who do not have valid NOC on one hand for extraction of ground water but on the other hand has refused to renew the pending application of the Petitioner who is fulfilling all the recharge obligations. This is totally arbitrary and beyond any reason thereby violating Article 14 of the Constitution.

**(m) Because,** the Petitioner is presently producing industrial alcohol in massive quantity which is used in manufacturing of sanitisers and immediate closure of petitioner will cause shortage of sanitiser in the ongoing pandemic. Such closure will amount to closing down essential services which is not permissible in law.

**(n) Because,** the Respondent No. 3 deliberately ignored the order of the Hon'ble NGT dated 5-Feb-2020 (which required the Respondent No. 3, CPCB and Respondent No. 4, UPPCB to give due hearing to Petitioner as per procedure prescribed in law) and

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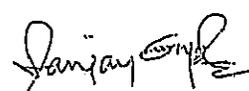
directed the Respondent No. 4, UPPCB to take coercive action against the Petitioner.

(o) **Because**, the Respondent No. 4, UPPCB deliberately contravened the Water Act by not disposing-off first the Petitioner's application dated 4-Jun-2020 for rectification of Respondent's closure notice dated 3-Jun-2020, and despite the Petitioner initiating safe shutdown on 3-Jun-2020 itself chose to seal the Distillery Unit of the Petitioner.

#### PRAYER

It is, therefore, Most Respectfully Prayed that this Hon'ble Court may graciously be pleased:

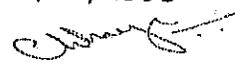
- i) to issue a writ, order or direction in the nature of **MANDAMUS** to the Respondent No.1 for time bound manner consideration of the Petitioner renewal application for NOC for abstraction of groundwater.;
- ii) to issue a writ, order or direction in the nature of certiorari or any other appropriate writ to quash the Closure Notice dated 3.6.2020 seeking compensation for groundwater abstraction as well as the Sealing Notice , issued by Respondent No 4;

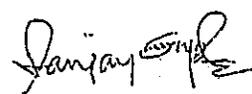


- iii) to issue a writ, order or direction in the nature of **MANDAMUS** to the Respondent No.4 for atleast granting an opportunity of being heard before the statutory authorities i.e. Respondent No 1, CGWA as well as Respondent No 4,UPPCB in order to explain the facts and the legal position;
- iv) to restrain the Respondent No.3, CPCB and the Respondent No. 4, UPPCB for exercising power beyond the Water Act, 1974.
- v) to issue any other writ, order or direction, which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case;
- vi) to allow this Writ Petition (PIL) with special costs in favour of the petitioner, throughout.

Date : 08.06.2020

  
 (SANJAY UPADHYAY)  
 Delhi/78/1995

   
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IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

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ANNEXURE NO. ( 1 )

IN

CIVIL MISC. WRIT PETITION NO. OF 2020

*(Under Article-226 of the Constitution of India)*

(DISTRICT :AMROHA)

Jubilant Life Sciences Limited Distillery Unit

-----Petitioner

**Versus**

Central Ground Water Authority. & 3 Others

-----Respondents

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*Sanjay Singh*