

IN THE HON'BLE NATIONAL GREEN TRIBUNAL

ORIGINAL APPLICATION NO. 305 OF 2022

IN THE MATTER OF:

Vipin Nayar

...Applicant

Versus

Union of India and Others

Respondents

I N D E X

S. No.	Particulars	Pages
1.	Status Report	1-2
2.	Annexure-1 Inspection report.	3
3.	Annexure-2 Copy of Consent to Operate	4-7

Filed by

[Uttarakhand Pollution Control Board]

New Delhi

Dated: 14.02.2024

Status Report
In the matter of
Original Application No. 305/2022
(I.A. No. 751/2023)

Vipin NayarApplicant

Versus

Union of India & Ors. Respondents

I. BACK GROUND

1. That, the Hon'ble National Green Tribunal, Principal Bench, New Delhi, in the matter of O.A. No. 305/2022 (I.A. No 751/2023), Vipin Nayar Vs. Union of India & Ors., in para 42 of the order dated 07.12.2023 was pleased to direct as under;

“.....

42. In view of the facts and circumstances of the case, UKPCB is also directed to inspect the Moga Resort and to file status report regarding compliance with environment norms and obtaining requisite NoCs from the concerned departments by the project proponent and also regarding obtaining of CTO/CTE by the Project Proponent from the UKPCB on or before 17.02.2024 by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF.

.....”

2. In compliance of the above-mentioned directions, the following steps have been taken: -

- a) Inspection of the Moga Resort was carried out by the Regional Office on dated 05.02.2024 and following observations were made: -
- i. Commercially operated 6 rooms 02 halls were found in the report. Besides 04 rooms are used by the Project Proponent for himself.
 - ii. For disposal of domestic effluent bio-digester is installed by the proponent.
 - iii. Discharge of domestic effluent was not found outside during the inspection.
 - iv. Solid waste and Kitchen waste are disposed through vehicle of Municipal Body.
 - v. Resort has applied for consent to operate which was returned back to the proponent.
- b) Copy of the inspection report dated 05.02.2024 is enclosed at **Annexure-I.**
- c) Subsequently Proponent has applied for Consent to Operate and the same was accorded to Proponent on dated 13.02.2024 which is valid up to 31.03.2024. Copy of such Consent to Operate is placed at **Annexure-2.**

The report is being submitted for the perusal of the Hon'ble NGT.

M/s Mogha Resort, Veerpur khurd, Bheerbhadra, Rishikesh की निरीक्षण आख्या के संबंध में।

मोघा रिसॉर्ट, वीरपुर खुर्द, वीरपुर, ऋषिकेश का निरीक्षण इस कार्यालय द्वारा दिनांक 05.02.2024 के कम में अधोहस्ताक्षरी द्वारा **M/s Mogha Resort, Veerpur khurd, Bheerbhadra, Rishikesh** किया गया, निरीक्षण के समय निम्न बिन्दु प्रकाश में आये—

1. रिसॉर्ट में 16 कमरे, 02 हॉल पर व्यवसायिक गतिविधि संचालित है तथा 04 कमरे रिसॉर्ट स्वामी द्वारा स्वयं प्रयोग किये जा रहे हैं।
2. रिसॉर्ट द्वारा घरेलू उत्प्रवाह के निस्तारण हेतु बायो डिजास्टर की स्थापना की गयी है।
3. निरीक्षण के दौरान किसी भी प्रकार का घरेलू उत्प्रवाह परिसर से बाहर जाता हुआ नहीं पाया गया।
4. रिसॉर्ट से निकलने वाले ठोस अपशिष्ट व किचन वेस्ट का निस्तारण नगर पालिका की गाडी के माध्यम से किया जा रहा है।
5. रिसॉर्ट द्वारा जल/वायु सहमति हेतु आवेदन किया गया है जोकि माननीय एन0जी0टी0 में वाद विचाराधीन होने के कारण वापिस कर दिया गया है।

आख्या आपके अवलोकनार्थ एवं अग्रिम आवश्यक कार्यवाही हेतु सादर प्रेषित है।


(एस0के0डिमरी)
सहा0वैज्ञा0अधि0

क्षे0अधि0 (प्र0)

Rik
7/2/24



Regional Office
Uttarakhand Pollution Control Board
E-115, Nehru Colony, Dehra Dun
E-mail : rouppcb@gmail.com,
Phone No.-0135-3593200

UKPCB/ROD/Con/DDN.- 2089 /2023-24/ 4801-1955

Date: 13/02/2024
REGD. POST

To,
M/s Mogha Ji Resort
Veerpur Khurd, Veerbhadra
Rishikesh
Distt. Dehradun.

Consolidated Consent to Operate and Authorization hereinafter referred to as the CCA (Consolidated Consent & authorization) (Fresh) under Section-25 of the "Water (Prevention & Control of Pollution) Act, 1974" and under Section-21 of the "Air (Prevention & Control of Pollution) Act, 1981" and Authorization under "Rule-6(2) of the "Hazardous and other Waste (Management and Transboundary Movement) Rules, 2016" notified under "Environment (Protection) Act, 1986" as applicable (to be referred hereinafter as Water Act, Air Act and HW Rules respectively).

Application No. 2672936 Date: 02.06.2022

CCA is hereby granted to M/s Mogha Ji Resort at located Veerpur Khurd, Veerbhadra, Rishikesh Distt. Dehradun subject to the provisions of the Water Act, Air Act and HW Rules and the orders that may be made further and subject to following terms and conditions :-

1. This CCA is granted up to 31.03.2024 and valid for manufacturing of following products with Capital Investment / Net Assets Values ` 50.0 Lakhs:-

S. No.	Last CTE	Present CCA (Fresh)	
	Operation of	Operation of	
1		Hotel Rooms	19 Nos.
2		Restaurant	1 Nos.

2. Specific Conditions under Water Act:

- (i) The daily quantity of effluent discharge (KLD) :-

	Last CTE	Present CCA (Fresh)
Trade Effluent	-	Nil
Sewage	-	5.0 KLD

- (ii) Trade Effluent Treatment and Disposal : NIL.

- (iii) Sewage Treatment and Disposal: The applicant shall provide comprehensive treatment and disposal facility for the treatment of domestic waste water as per norms through Biodigester.

3. Conditions under Air Act :-

The applicant shall use following fuel and install a comprehensive control system consisting of control equipment as is required with reference to generation of emissions and operate and maintain the same continuously so as to achieve the level of pollutants to the following standards :

S. No	Stack attached with	Stack height (Mt)	Type of Fuel	Fuel Quantity KLD/MTD	Emission Control Equipment	Emission standards not to exceed
1.	D.G. Set (62.5 KVA)	1.0	HSD	.	Acoustic Enclosure	-

In case of stoppage of functioning of air pollution control equipment, production has to be stopped immediately and this Board has to be intimated by fax/phone/email with a report in this regard to be dispatched immediately.

- (ii) Noise from the D.G. Set and other source(s) should be controlled by providing an acoustic enclosure as is required for meeting the ambient noise standards for night and day time as prescribed for respective areas/zones (Industrial, Commercial, Residential, Silence) which are as follows :-

Standards for Noise level in db(A) Leq	Industrial Area		Commercial Area		Residential Area		Silence Zone	
	Day time	Night time	Day time	Night time	Day time	Night time	Day time	Night time
	75	70	65	55	55	45	50	40

Day time : from 6.00 a.m. to 10.00 p.m., Night time: from 10.00 p.m. to 6.00 a.m.

4. Conditions under HW Rules :-

- (i) Number of authorization and date of issue : -----
(ii) The **Factory Manager** of M/s **Mogha Ji Resort** is hereby granted an authorization to operate a facility for collection and storage of Hazardous wastes.
(iii) The authorization is granted to operate a facility for generation, collection and storage of hazardous wastes within factory premises for following category of wastes.

S.No.	Category (Schedule-I & Schedule-II)	Quantity of Waste for which authorization is being issued (MTA)	Mode of Disposal
1	Schedule I – 5.1	0.001	Store in MS Drum, Recyclable

- (iv) The authorization shall be in force for **31.03.2024**.
(v) The authorization is subject to the conditions stated below and the such conditions as may be specified in the rules for the time being in force under Environment (Protection) Act, 1986.

Terms and conditions of authorization:

- (i) The authorization shall comply with the provisions of the **Environment (Protection) Act, 1986**, and the rules made thereunder.
(ii) The authorization and its renewal shall be produced for inspection at the request of an officer authorized by the SPCB/PCC.
(iii) The person authorized shall not rent, lend, sell, transfer or otherwise transport the hazardous wastes without obtaining prior permission of the SPCB/PCC.
(iv) Any unauthorized changes in personnel, equipment as working conditions as mentioned in the application by the person authorized shall constitute a breach of his authorization.
(v) It is the duty of the authorized person to take prior permission of the SPCB/PCC to close down the facility.
(vi) An application for the renewal of an authorization shall be made as laid down under these rules.
(vii) The unit shall comply with any other conditions specified in the guidelines issued by the MoEF or CPCB/SPCB from time to time.
5. This CCA is valid for Operation of **Hotel & Restaurant** only.
6. **Compulsory documents to be submitted by the Industry/Unit :-**
- (i) Annual return in **Form-4** and **Waste Disposal Manifest** in **Form-13** under HW Rules and **Third Party Audit Report**.
(ii) Environment Statement in **Form-V** of **Environment (Protection) Rules, 1986**.
(iii) Quarterly compliance report of the CCA, photograph of ETP/APCs/Waste Storage Area.
7. Unit has to apply for renewal of CCA well in advance of 60 days of expiry of this CCA.
8. Competent Authority reserves the right to change/modify/add any time any condition of this CCA.

9.

Unit has to comply with the other general conditions as annexed herewith. Non compliance of any provision of this CCA and provisions of the **Water Act, Air Act and HW Rules** will result in legal action under the aforesaid **Acts and Rules**.

1
Regional Officer (I/c)

Copy to: **Member Secretary, Uttarakhand Pollution Control Board, Dehradun** for kind information please.

Riv
Regional Officer (I/c)
Annexure

Specific Conditions:

1. The applicant shall submit audited balance sheet of the unit at the end of each financial year so that fee submitted by the applicant could be assessed.
2. A solid waste generated from the hotel has to be disposed in manner so that contamination of surface water bodies/ground water/soil etc. does not take place.
3. The hotel shall take adequate measures to control of noise from its own source so as to comply with the standards as may be applicable.
4. The hotel shall develop green belt within the premises.
5. **Hotel will ensure that its kitchen waste/agro waste (biodegradable waste) will be disposed through composting.**
6. The hotel shall strictly adhere with the specific and general conditions issued with CCA order. Any violation of stipulated conditions may attract legal action under the provisions of **Water Act, Air Act and Environment (Protection) Act and Rules** made thereunder.
7. The hotel shall ensure **all safety measures** and shall undertake **periodical assessment** by the competent authority.
8. **This consent is valid for Operation of Hotel Rooms 19 Nos., & 01 Restaurant only. If any change in hotel unit, must be obtained CTE/COP as per rule.**
9. **The solid waste shall be disposed as per Solid Waste Management Rule-2016.**
10. **The waste water generated from the hotel should be treated and disposed as per norms applicable.**
11. **The time to time direction issued by Hon'ble Court, MoEF CC, State Government, CPCB, SPCB will be applicable on the hotel.**
12. **In case of any complaint received against hotel and found correct, this CCA order may be revoked.**
13. **This consent is subject to final order/judgement of Hon'ble NGT under OA No. 305/2022**

General Conditions:

1. The applicant shall get analyse the samples of effluent/emission/hazardous wastes at least once in a three month from the laboratory recognized by the MoE&F and shall report to the UEPPCB.
2. The applicant shall however, not without the prior consent of the **Board** bring into use any new or altered outlet for the discharge of effluent or gases emission or sewage waste from the unit.
3. Treated waste water and domestic waste water shall be disposed jointly at one disposal point. The applicant shall provide discharge measurement equipment at final disposal point.
4. The applicant shall strictly comply with conditions of this CCA and submit compliance report of stipulated conditions within 30 days of receipt of this CCA. If, at any point of time, it is found that the industry is not complying with stipulated conditions or any further direction/instruction issued by the **Board**, legal action shall be initiated against the applicant.
5. The applicant shall maintain good house keeping. All valves/pipes/sewer/drains etc. must be leak-proof.
6. The industry shall provide uninterrupted entry to the STP's/ETP's inlet and outlet points, Air Pollution Control equipment and stack for smooth sampling/monitoring of efficiency of pollution control measures.
7. The industry shall provide "Inspection Book" at the time of inspection to the Board's officials.
8. Whenever due to any accident or other unforeseen act or event, such emission occurs or is apprehended to occur in excess of standards laid down, such information shall be reported to the Board's offices and all other concerned offices. In case of failure of pollution control equipment, the production process connected to it shall be stopped with immediate effect.
9. The industry shall operate in a manner so that all emissions be emitted through designated chimney/stack only.

10. In case of any damage to the agriculture productivity, human habitation etc. by the operation of industry, it shall be imperative to stop production in the industry with immediate effect and such information shall be reported to Board's offices. The industry shall be liable to pay compensation also in such cases as decided by the Competent Authority.
11. The applicant shall apply before the 60 days of expiry of CCA or any change in production types/ production capacity/manufacturing process/capacity enhancement etc. or any change in effluent discharge point or emission point.
12. The **Board** reserves the right to revoke/add/modify any stipulated condition issued along with CCA, as may be necessary.
13. The person authorized shall not rent, lend, sell, transfer or otherwise transport the hazardous waste without obtaining prior permission of the **Board**.
14. Any unauthorized change in personnel, equipment as working condition as mentioned in the application by the person authorized shall constitute a breach of his authorization.
15. It is the duty of the authorized person to take prior permission of the **Board** to close down the facility.
16. The authorization is valid for temporary storage of Hazardous Waste within premises only.
17. The authorized agency shall ensure that on-line data with regard to quantity and nature of hazardous chemicals being used in the plant as well as air emission and waste generated within premises is displayed on **Display Board of size 6x4 feet** out side the main factory gate within premises.
18. It is duty of the authorized person to take prior permission of this Board to close and cleanup the facility for treatment, storage and disposal of hazardous waste.
19. The applicant shall maintain record of hazardous waste in **Form-3** and shall submit annual return in **Form-4** on or before the 30th day of June following to the financial year to which that return relates.
20. In case of any accident, complete details in the light of **Form-14** of the Hazardous Rules shall be submitted to this Board at the earliest.
21. In no case any hazardous waste shall be disposed off on land, in any drain, or into any water stream. All spillage must also be safely collected and stored.
22. Before the hazardous waste is stored or dumped in the facility, applicant must conduct a detailed **physical and chemical analysis of hazardous waste sample** and report to the **Board**.
23. Dried hazardous sludge from the process in the plant shall be **stored in double lined HDPE pit constructed with R.C.C. or such material which does not react with the waste contained in it.**
24. The storage area should be fenced properly and Sign/Notice Board indicating 'Danger' and 'Hazardous' shall be displayed at appropriate position both in Hindi and English.
25. The industry shall store non-ferrous metal waste, used oil/spent oil waste in sealed drums placed on impervious floor under covered shed. Hazardous waste if required shall be **sold only to Registered Recyclers/Re-processors.**
26. In case of any transportation of hazardous waste, the details in **Form-13** of the **Hazardous Rules** shall be submitted to the **Board**.


Regional Officer (I/c)