



क्षेत्रीय कार्यालय-उ0प्र0 प्रदूषण नियंत्रण बोर्ड, गाजियाबाद  
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संदर्भ संख्या : 2918/NGT OA-97/22/2023

दिनांक 10/12/2023

To,

The Registrar,  
The National Green Tribunal,  
Principal Bench,  
New Delhi  
E-mail- [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) & [ngt.filling@gmail.com](mailto:ngt.filling@gmail.com)

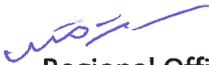
**Sub: Response in compliance of Hon'ble National Green Tribunal (NGT), Principal Bench, New Delhi Order dated 03-11-2022 in O.A. No. 97/2022 Salman Miya Vs State of Uttar Pradesh.**

Respected Sir,

With reference to the above-mentioned subject response on behalf of UPPCB in Original Application No-97/2022 Salman Miya Vs State of Uttar Pradesh is hereby submitted for kind perusal and necessary action please.

**Enclosure: Joint report.**

Yours Sincerely

  
Regional Officer

**Copy to:**

- 1- Member Secretary, U.P. Pollution Control Board, Lucknow for information.
- 2- Chief Environmental Officer, Circle-1, U.P. Pollution Control Board, Lucknow for information.
- 3- Shri Pradeep Misra, Advocate, Hon'ble Supreme Court/NGT, New Delhi for perusal and necessary action please.
- 4- Law Officer-I, U.P. Pollution Control Board, Lucknow for information.

  
Regional Officer

क्षेत्रीय कार्यालय : आई0एन0एस0-2, सेक्टर-16, वसुन्धरा, गाजियाबाद-201012 फोन-0120-4160108  
मुख्यालय : TC-12V, विभूति खण्ड, गोमती नगर, लखनऊ 226010

**Compliance Report**

**In**

**Original Application No. 97/2022**

*Salman Miya*

*Versus*

*State of Uttar Pradesh*

**Order Date - 03-11-2022**

**Filed on Behalf of:  
Uttar Pradesh Pollution Control Board**

## 1. Background

The applicant Shri Salman Miya had sent a complaint by post to the Hon'ble National Green Tribunal (NGT) alleging that illegal acid and chemical factories are operating without license as well as burning e-waste in the open in the area of Village Chivra, PS Dholana, District Hapur by Naseen Muradabadi, Mullah Javed, Aslam, Shami, Rashid Aslam, M/s P. Textiles, Sayeed, M/s Irshad Janta Group, Danish, Shakeel. In view of said complaint, Hon'ble NGT had passed following order dated 04.02.2022: -

*"...Having regard to the seriousness of the allegations, it appears necessary to ascertain the factual position in the matter through a Joint Committee of the CPCB, State PCB, Superintendent of Police and District Magistrate- Hapur (Uttar Pradesh). The State PCB will be the Nodal agency for coordination and compliance...."*

In compliance of orders of Hon'ble Tribunal, State Board being the nodal agency coordinated with Central Pollution Control Board, New Delhi, District Administration, Hapur and Police Administration, Hapur and inspected the area in question on 23.04.2022 and on 29.08.2022 and identified defaulter units and initiated action. Report regarding same has been submitted in Hon'ble Tribunal on 14.10.2022 and same has been acknowledged by Hon'ble Tribunal.

## 2. Action Taken by Uttar Pradesh Pollution Control Board:

The area stated in the complaint is not residential but an approved industrial area of the Uttar Pradesh State Industrial Development Authority (UPSIDA) at Mussoorie Gulawathi Road. Status of industries operational on 10 industrial plots mentioned in the complaint has been detailed in the report filed by the State Board on behalf of the Joint Committee constituted by the Hon'ble Tribunal and the State

Board acknowledges the facts stated in the said report. Status of compliance and action taken by the State Board against illegal operation of units on some of these plots has been detailed hereunder.

**a) Plot number E-59, Phase-1, MG Road, Hapur:**

**Observation dated 23-04-2022:** During inspection, setup for manual dismantling of printed circuit boards (PCBs) was found, followed by leaching and smelting in the pot furnace, which was also available on site in which wood or coal were used as fuel. No air pollution control devices were found to be installed. During the inspection, no work was being done on site and only the security guard was present.

The said industry was operational without taking statutory permissions for establishment and operation of the unit under Water and Air Act. Authorisation under E-Waste(M) Rules, 2016 from the U.P. Pollution Control Board was also not taken by the occupier.

**Observation dated 29-08-2022:** During the inspection, plant and machinery were found removed which were observed during inspection on 23-04-2022.

The State Board had issued closure order to the said unit on 17.06.2022 and issued show cause notice for imposition of environmental compensation of Rs. 6,90,000/-. Environmental compensation of Rs. 6,90,000/- has been deposited in Board's account on 15.10.2022.

**b) Plot No. G-54, Phase-1, MG Road, Hapur:**

**Observation dated 23-04-2022:** During inspection, it was found that manual dismantling of e-waste was being done on the said plot. It was informed by

the representative present in the industry that the owner of the said industry is Mr. Arif, resident of Moradabad, has taken the premises on rent. No plant machinery was found installed during the inspection.

The said industry was operational without taking statutory permissions for establishment and operation of the unit under Water and Air Act. Authorisation under E-Waste(M) Rules, 2016 from the U.P. Pollution Control Board was also not taken by the occupier.

**Observation dated 29-08-2022:** The said industry was found closed during the inspection. After enquiring from nearby industries, it was informed that the industry had vacated the plot 03 to 04 months ago and no work is being done at present.

The State Board had issued closure order to the said unit on 20.06.2022 and issued show cause notice for imposition of environmental compensation of Rs. 6,90,000/-. Thereafter, same has been confirmed by the State Board and letter has been sent to the office of District Magistrate, Hapur on 06.02.2023 to realize the environmental compensation imposed as arrear of land revenue from the violators.

**c) Plot No. G-45 Phase-1, MG Road, Hapur:**

**Observation dated 23-04-2022:** During inspection, setup for manual dismantling of Printed Circuit Board (PCB) was found, followed by leaching and smelting in the port furnace, which was also available on site in which wood/coal is used as fuel. No air pollution control devices were found installed on site. During the inspection, no work was being done on site and

only a security guard was present. It was informed by the guard that the owner of the said industry Mr. Shami, a resident of Moradabad has taken the said premise on rent.

The said industry was operational without taking statutory permissions for establishment and operation of the unit under Water and Air Act. Authorisation under E-Waste(M) Rules, 2016 from the U.P. Pollution Control Board was also not taken by the occupier.

**Observation dated 29-08-2022:** During the inspection, plant and machinery which were installed during inspection on 23-04-2022 were found removed.

The State Board had issued closure order to the said unit on 19.07.2022 and issued show cause notice for imposition of environmental compensation of Rs. 13,80,000/-. Thereafter, same has been confirmed by the State Board and letter has been sent to the office of District Magistrate, Hapur on 06.02.2023 to realize the environmental compensation imposed as arrear of land revenue from the violators.

**d) Plot No. G-71, Phase 1, MG Road, Hapur:**

The State Board inspected the said premises on 19.11.2021 and unauthorized e-waste dismantling and smelting work was found to be done, consequently, State Board had issued closure order 11.01.2022 and imposed environmental compensation of Rs. 25,00,000/- as well.

**Observation dated 23-04-2022:** During the inspection, the work of paper cutting was found on the said plot, and a printing machine was found installed. It was informed by the representative present in the industry that

the above industry building had been taken on rent a month ago. The said industry was operational without taking statutory permissions for establishment and operation of the unit under Water and Air Act. For said violation, show cause notice for imposition of environmental compensation of Rs. 12,90,000/- has been issued on 10.02.2023.

**Observation dated 29-08-2022:** During the inspection, no plant and machinery were found installed in the said industry premises. However, the said premises had been taken on rent by Mr. Sanjeev Kumar. He informed that they are planning to start manufacturing the Food Products (Sweets and Namkeen) from 01-09-2022.

Environmental compensation of Rs. 2,50,000/- has been deposited on 30.8.2022. Since the environmental compensation of Rs. 22,50,000/- is still not deposited in the State Board's account, letter has been sent to the office of District Magistrate, Hapur on 06.02.2023 to realize the environmental compensation imposed as arrear of land revenue from the violators.

**e) Plot No. H-16, Phase 1, MG Road, Hapur:**

**Observation dated 23-04-2022:** During the inspection, no plant and machinery were found installed in the said industry premises.

**Observation dated 29-08-2022:** During the inspection, an industry named M/s Arida MX was found operating since 20-08-2022 on the said plot. The work of sheet metal including cutting, welding and painting work was found on the said plot. No objection certificate and consent for water and air was not obtained from the UP Pollution Control Board by the industry for which the notice was issued to the said unit on 30.08.2022. In compliance of said notice, the unit had

applied for Consent to Operate through online portal and same has been issued.

**f) Plot No. I-10, Phase III, MG Road, Hapur:**

**Observation dated 23-04-2022:** The said industry was found closed during the inspection. After enquiring from nearby industries, it was informed that the industry had vacated the plot 03 to 04 months ago and no work is being done at present.

**Observation dated 29-08-2022:** During inspection, it was found that un-authorized manual dismantling of e-waste was being done on the said plot. No plant machinery was found installed on the said plot.

The said industry closed its operations after inspection and submitted and affidavit that any activity shall be carried out after requisite permissions. Unit has obtained permission for dismantling of e-waste from UPSIDA and applied Consent to Establish in Board through online portal, same has been granted. Presently, the unit is not in operation.

**g) Plot No. I-8, Phase III, MG Road, Hapur:**

**Observation dated 23-04-2022:** During the inspection, an industry named M/s Actinate Bio Pharma Pvt Ltd was found operating on the said plot, in which Ayurvedic medicines are produced by the formulation process. No fuel and water are used in the production process of the industry, and no effluent is generated from the production process of the industry.

**Observation dated 29-08-2022:** During the inspection, no plant and machinery were found installed in the said industry premise.

Besides this, three other plots inspected by the Joint Committee, namely,

G-270, Phase 1, MG Road, Hapur, Plot No. G-142, Phase 1, MG Road, Hapur and Plot No. G-80, Phase 1, MG Road, Hapur were found vacant on both instances, thus no action has been taken against them.

Apart from above mentioned units, the State Board has been carrying out regular inspections in the said area and identified other units as well where operations were being carried out without requisite permissions and action has been taken by the State Board. Also, it is pertinent to mention that in authorized industrial areas of UPSIDA, the State Board issues Consent to Establish/Operate only for process for which permission has been issued by UPSIDA.

On behalf of District Magistrate Office, Hapur, it is submitted that in compliance of orders of Hon'ble Tribunal, out of 7 units impleaded as parties (6) to (12) vide order dated 3.11.2022 notices have been received by Respondent No. 9 and Respondent No. 10, it could not be issued to remaining 5 as they were found closed.

Report is being submitted for kind perusal and further necessary directions



(Anil Gupta)  
Scientific Assistant  
UPPCB, Ghaziabad



(Kishan Singh)  
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UPPCB, Ghaziabad