

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,**  
**Principal Bench, New Delhi**  
**In**  
**Original Application No. 1041/2018**

**In the Matter of: -**  
**Shailesh Singh**

**Applicant**

**Vs.**

**Bajaj Hindustan Sugar Ltd.**  
**(Distillery Division) & Ors.**

**Respondent(s)**

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(P. K. Mishra)  
Scientist 'E'

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

Place: Delhi

Date: 8<sup>th</sup> September, 2020



## Central Pollution Control Board

(Ministry of Environment, Forests and Climate Change)

'Parivesh Bhawan', East Arjun Nagar, Shahadara,

**Delhi-110032**

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### **REPORT FILED BY CENTRAL POLLUTION CONTROL BOARD IN COMPLIANCE TO HON'BLE NGT ORDER DATED 24.02.2020 IN O.A. NO-1041/2018 IN THE MATTER OF 'SHAILESH SINGH VERSUS BAJAJ HINDUSTAN SUGAR LTD. (DISTILLERY DIVISION) & OTHERS'**

#### **1.0 BACKGROUND**

The Hon'ble NGT, in the matter of 'Shailesh Singh versus Bajaj Hindustan Sugar Ltd. (distillery division) & others' (O.A No. 1041/2018) in its order dated 01.08.2019 had earlier directed a Joint Committee of CPCB and State Pollution Control Board oversee further action in the matter to ensure that steps as required are taken in accordance with law. Accordingly, based on the observations and recommendations made in the report of the joint committee, CPCB had issued direction u/s 5 of the E(P) Act, 1986 to the unit and an Action Taken Report in matter was filed by CPCB on 02.12.2019 before the Tribunal.

Further, as directed by the Tribunal, a compliance report was also filed by CPCB on 02.12.2019 based on the joint inspection conducted on 29.11.2019

Subsequently, the Hon'ble NGT, in its order dated 24.02.2020 had further directed as under;

*"During the hearing, it is stated that the Unit has claimed that compliance has now been done. Let the same be verified and compensation recovered.*

*Let a further inspection be conducted by way of a dry inspection and a report filed before the next date by e-mail at [judicialngt@gov.in](mailto:judicialngt@gov.in)."*

#### **2.0 JOINT INSPECTION AS PER THE HON'BLE TRIBUNAL'S ORDER DATED 24.02.2020**

Due to the outbreak of the COVID 19 pandemic and related travel restrictions and safety concerns, the joint inspection of the unit by a team comprising of representative from CPCB, Regional Directorate, Lucknow and UPPCB, R.O, Lucknow could be carried out only on 23.06.2020.

The Joint inspection team has verified the status of compliance of the unit to the direction dated 01.07.2019 issued u/s 5 of the E (P) Act, 1986 by CPCB and copy of the Joint inspection report along with annexure is placed at **Annexure I**.

The Joint inspection team has made the following major observations and recommendations in the report:

- The distillery unit was found not in operation during the visit and reportedly not operated since 29.05.2019 due to rainy season closure and subsequently due to the closure direction dated 01.07.2019 issued by CPCB.
- The unit has generally complied with the CPCB directions, especially with the installation of Condensate Polishing Unit (CPU) and submission of required adequacy assessment report by NSI, Kanpur. However the NSI Kanpur team has also recommended that validation for ZLD compliance is essential when the unit is in operation.
- The unit shall be allowed to operate initially for a period of four months during which the ZLD compliance and adequacy of systems shall be verified and accordingly decision for continuing operations can be taken.
- The unit shall also obtain valid Consent to Operate under the Water & Air Acts from UPPCB before resuming operations

The unit has also complied with the CPCB direction date 01.07.2019 for deposition of environmental compensation, as calculated by the Joint Committee in its earlier report and has deposited the environmental compensation amount of Rs. 58, 20,000/- to CPCB account No.532702050000164 on 03.02.2020.

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**JOINT INSPECTION REPORT OF M/S BAJAJ HINDUSTHAN SUGAR LIMITED (DISTILLERY DIVISION), PALIA KALAN, LAKHIMPUR KHERI, U.P**

**IN THE MATTER OF  
Shailesh Singh Vs Bajaj Hindustan Sugar Ltd. (Distillery Division) & Ors.  
(O.A. No. 1041 of 2018)**

**Background:**

Hon'ble NGT, Principal Bench, New Delhi has passed order on dated 24.02.2020 for inspection of Bajaj Hindustan Sugar Ltd., (Distillery Division), Palia Kalan, Lakhimpur Kheri, Uttar Pradesh in the matter of Shailesh Singh Vs Bajaj Hindustan Sugar Ltd. (Distillery Division) and Ors. (Original Application no. 1041 of 2018). The relevant portion of the order is as below:

*6. During the hearing, it is stated that the unit has claimed that compliance has now been done. Let the same be verified and compensation recovered.*

*7. Let a further inspection be conducted by way of a dry inspection and a report filed before the next date by e-mail at judicial-ngt@gov.in.*

Subsequently, joint inspection of M/s Bajaj Hindustan Sugar Ltd., (Distillery Division), Palia Kalan, Lakhimpur Kheri, Uttar Pradesh was carried out by a joint team comprising officials of CPCB, Regional Directorate (North), Lucknow and UPPCB, Regional Office, Lucknow on 23.06.2020. During the inspection, it was noted that the unit was not in operation since 29.06.2019 due to rainy season and subsequently in compliance of CPCB direction dt. 01.07.2019. The salient details, observations and recommendations based on the inspection are as below:

<b>A: General Information</b>		
1.	Name of the unit and Address	Bajaj Hindustan Sugar Ltd., (Distillery Division), Palia Kalan, Lakhimpur Kheri, Uttar Pradesh-262902
2.	Name of the Proprietor/ Contact person – Designation Contact No.	Mr. C.K. Dubey (General Manager) Mob.No. 9919001419




3.	Year of Commissioning.	2004
4.	Sector	Distillery
5.	Production capacity <ul style="list-style-type: none"> <li>• Products</li> <li>• Installed Prod. Cap.</li> <li>• Present Production</li> </ul>	Rectified Spirit (RS), Extra Neutral Alcohol (ENA) & Absolute Alcohol (AA) 60 KL/day, 20 KL/day, 60 KL/day respectively  NIL
6.	Raw materials & their requirement	Molasses- 2570 Qts./Day (on full production)
<b>B (I): Water Pollution and its Control</b>		
1.	Water Supply Source Water Consumption (KLD) <ul style="list-style-type: none"> <li>a. Industrial</li> <li>b. Domestic</li> </ul>	Bore wells (01 no.) (Avg. for May 2020) 3.7 10
2.	Waste Water Generation (KLD) <ul style="list-style-type: none"> <li>a. Industrial <ul style="list-style-type: none"> <li>○ Spent wash</li> <li>○ Other effluent</li> </ul> </li> <li>b. Domestic</li> </ul>	Currently- Nil; 476 KLD (Avg. ) on full production capacity  (Avg. for May 2019) <ul style="list-style-type: none"> <li>• Spent Leese-63 KLD,</li> <li>• Vacuum water+ Air Blower-98 KLD,</li> <li>• Blow down water-80 KLD,</li> <li>• Gland cooling &amp; floor washing water-6 KLD</li> </ul> 08
3.	Waste water treated (KLD) <ul style="list-style-type: none"> <li>a. Industrial</li> <li>b. Domestic</li> </ul>	(Avg. for May 2020) <ul style="list-style-type: none"> <li>• Nil</li> <li>• 08 KLD</li> </ul>
4.	Details of ETP ETP Description with flow diagram	For spent wash management: <ul style="list-style-type: none"> <li>• Spent Wash Receiving Pit (650 KL)</li> <li>• Lagoon-1(1000 KL)</li> <li>• Digesters (02 no. with capacity 8620 KL each)</li> <li>• Gas Holder (350 KL)</li> <li>• Lamella Clarifier (02 nos.)</li> <li>• Lagoon-2(1000 KL)</li> <li>• 05 stage Multi Effect Evaporator (MEE)</li> </ul>

	Details of Multi Effect Evaporator, if any	<ul style="list-style-type: none"> <li>Lagoon-3(7200 KL)</li> <li>Bio-compost Yards (32 Acres)</li> </ul> <p>For Other process effluent</p> <ul style="list-style-type: none"> <li>Ammonia Stripping Column-450 KLD</li> <li>Reverse Osmosis(RO) Plant-750 KLD</li> </ul> <p>Five Stage Multi Effect Evaporator (MEE) with capacity 650 KLD has been installed.</p>
5.	Mode of disposal of treated effluent	Concentrated spent wash is used for bio-composting
6.	Status of Consent under the Water Act- 1974	Valid upto 31.12.2019. Applied for renewal on 05.02.2020, which is rejected by UPPCB on dated 18.05.2020 due to CPCB closure direction.

### **B (II): Information regarding Bio-composting**

1.	Active area for bio compost preparation	23.73 Acre				
2.	Area for press mud storage	4.18 Acre				
3.	Area for bio compost storage	3.15 Acre				
4.	Spent wash storage capacity	7200 KL				
5.	Availability of press mud	Through sister concern sugar unit.				
6.	Quantity of compost prepared	13472.525 MT (2018-19)				
7.	Quantity of press mud procured	42133.78 MT (2018-19)				
8.	Details of wind roses (Number, length, height, width of stacking, space between two wind rose)	Number of wind row	Length (mtr.)	Height (mtr.)	Width of staking (mtr.)	Space between two wind rows (mtr.).
		80-90	60-150	1.2	3	3
9.	Quantity of Effluent (spent wash) being used for composting (m <sup>3</sup> /day):	191.42 m <sup>3</sup> /day(2018-19)				
10.	Quantity of press mud being used for one cycle	11321 MT(2018-19)				
11.	Maturity time in days for one cycle	60 days				
12.	Arrangement for rainy season	As informed, Bio-composting is discontinued during rainy season.				

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<b>C: Air Pollution and its Control</b>		
1.	Sources of Air Pollution	As such, there is no Boiler. Steam is received from boiler installed at Sugar unit.
2.	Type of Fuel used with consumption Stack details with APCS	N.A.
3.	Status of Consent under the Air Act- 1981	Valid upto 31.12.2019. Applied for renewal on 05.02.2020, which is rejected by UPPCB on dated 18.05.2020 due to CPCB closure direction.
<b>D: Waste Management</b>		
1.	Type of Waste Generated	Fermentation sludge
2.	Facility of Storage/ Disposal	Bio-composting
3.	Disposal of waste	Bio-composting

### **Observations:**

1. The unit has infrastructure for production of Rectified Spirit (RS), Extra Neutral Alcohol (ENA) and Absolute Alcohol (AA) with total consented capacity of 60 KLD using molasses, Yeast etc. as major raw material. During inspection, the unit was not in operation. It was informed by the unit representative; the unit is not in operation since 29.06.2019 due to rainy season and subsequently CPCB closure direction issued on 01.07.2019.
2. The unit is meeting its fresh water requirement through one bore well. Electromagnetic flow meter is installed at the bore well.
3. The unit has obtained NOC from Central Ground Water Authority for ground water abstraction, which is valid upto 04.03.2021.
4. The unit was granted consent under the Water (P&CP) Act, 1974 and the Air (P&CP) Act, 1981, which was valid upto 31.12.2019. The unit has applied on 05.02.2020 for renewal of consent.
5. The unit generates spent wash, which is treated through its Effluent Treatment Plant (ETP). The ETP of the unit comprises of following:
  - a. Spent Wash Receiving Pit (650 KL)
  - b. Lagoon-1& 2 of 1000 KL each and Lagoon -3 of 7200 KL
  - c. Digesters (02 no. with capacity 8620 KL each)
  - d. Gas Holder (350 KL)

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- e. Lamella Clarifier (02 nos.)
  - f. Five Stage Multi Effect Evaporator (MEE)(capacity-650 KLD)
  - g. Bio-compost Yards (32 Acres)
6. The unit has installed flow meter for the measurement of spent wash generation and log book of same is maintained.
  7. It was informed that Lagoon-1(capacity: 1000 KL) is used as raw spent wash storage. Lagoon-2(capacity: 1000 KL) is used for storage of bio-methanated spent wash storage.
  8. During inspection, it was observed that the unit has provided lagoon for intermediate storage of concentrated spent wash after MEE. The lagoon had storage capacity of 18,000 KL in origin, which was reduced to 7,200 KL by constructing wall structure. During inspection, approx. 2030 KL of effluent was stored in lagoon-3.
  9. The filling of fly ash on remaining area of the lagoon was carried out.
  10. The unit has installed Condensate Polishing Unit (CPU), which comprises of Ammonia Stripping unit (450 KLD) and Reverse Osmosis (RO) Plant (750 KLD).It is informed that MEE condensate, Spent lees, Blow Down etc. will be treated in CPU.RO reject will be fed into Digester and RO Permeate will be used in molasses dilution.
  11. Earlier, the unit provided a bypass drain to discharge other process effluent through drain passing between sugar and distillery unit. During inspection, this bypass drain was found closed by the unit.
  12. The concentrated spent wash (after MEE) is utilized for bio composting. The pumping system with underground pipeline is provided for transportation of concentrated spent wash to the compost yard from storage lagoon.
  13. The bio-compost yards are located adjacent to state highway & village road. The unit has three bio-compost yards. Two bio-compost yards are adjacent and remaining one bio-compost yards is located approx. 100 m away.
  14. Earlier inspection, it was observed that a drain is passing between bio-compost yards. During inspection it was observed that drain was found dry.
  15. The unit has provided total 32-acre land for bio-composting in which 23.73 acres is active bio-compost area which is constructed with lining and bricks. The bio-compost yard is located at three locations. The 60-day bio-compost cycle is adopted by the unit with



maximum 4 cycles in a year. The press mud to spent wash mixing ratio is 1:1.6. During inspection, bio-composting work was not carried out. The unit was using stored spent wash for bio-composting. It was informed that the unit has stopped bio-composting since 10.06.2020 due to rainy season. The unit is in the process to transfer ready compost to shed.

16. As per adequacy report prepared by NSI, Kanpur, the unit has to enhancing the cover area for finished product. The unit has provided 500 m<sup>2</sup> of covered area for storage of finished product (ready compost).
17. As per adequacy report prepared by NSI, Kanpur, the unit may install spare/floating bodies at MEE for having continuous working for the system without stoppage during cleaning period. It is informed by unit representative that the unit is the process of purchase. Negotiation with the vendors is under process.
18. During inspection, flooding of rain water was observed in the bio-compost yard. It was also observed that the unit is transferring coloured water stored in compost yard into lagoon.
19. The unit has provided 10 ground water monitoring bore wells networks around the bio-compost yard.
20. The unit has provided 02 aerotrillers with side churning machine & mixing tank & 01 JCB for management of bio-compost.
21. The unit has obtained certificate from District Agriculture officer for selling bio-compost.
22. The machine & bags for packing of compost produced was found kept inside in room.
23. The unit has installed 03 web cameras, one is spent wash storage lagoon area and two are Bio-compost area.
24. The unit is in the process to install slope fired boiler with capacity 40 TPH. During inspection, civil work of foundation was under process. The unit has obtained NOC on 11.04.2020 from UPPCB for installation of slope fired boiler.
25. A municipal drain carrying domestic waste water of palia kalan city is divided into two parts. One is passing between sugar and distillery unit and another is passing with the boundary of sugar mill. These two drains meet near railway line of Lakhimpur Kheri-Gonda after industry (sugar and distillery).

26. The unit has been issued closure direction under Section 5 of the Environment (Protection) Act, 1986 on 01.07.2019. The present compliance status of the CPCB direction is as below:

Sl. No.	CPCB Direction	Present compliance status
1.	The unit shall deposit the EC amount of Rs. 58,20,000/- within 15 days from the date of receipt of direction in CPCB account A/C No. 532702050000164 (Bank Name: Union Bank of India, IP Extension Branch, Vikas Marg Extn., Delhi; IFSC: UBIN0553271).	<b>Complied.</b> The unit has submitted Environmental Compensation (EC) amount of Rs. 58,20,000/- on 03.02.2020.
2.	The unit shall complete the ongoing installation and commissioning of the 05 stage MEE for achieving the desired volume reduction and solid concentration of spent wash as per ZLD action plan implemented by CPCB.	<b>Complied.</b> The unit has installed 05 stages MEE.
3.	The unit shall install ETP/Condensate Polishing Unit (CPU) for treatment of MEE condensate and other process effluent management and its resourceful reuse as per the ZLD condition specified in the Consent to Operate.	<b>Complied.</b> The unit has installed Condensate Polishing Unit (CPU), which comprises of Ammonia Stripping Column and RO Plant.
4.	The unit dismantle the bypass drain used for discharge of other process effluent.	<b>Complied.</b> During inspection, bypass drain was found closed by the unit.
5.	The unit should strictly comply with the bio-composting protocol and adhere to safe and scientific practices in the bio-composting operations. The unit shall	Bio-composting operation could not verify as the unit discontinued its bio-composting operation since 10.06.2020.

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	ensure sale of prepared bio-compost in poly bags as per guidelines.	
6.	The unit shall install required additional PTZ cameras at the bio-composting yards as per the CPCB guidelines/Consent conditions, with connectivity to CPCB/UPPCB server so as to cover the entire bio-compost yards.	<b>Complied.</b> The unit has provided 02 PTZ cameras at bio-compost yards. Earlier, the unit has installed 02 PTZ cameras at compost yard, but only one was operational. Now, the unit has made operational both cameras at compost yard and connected with CPCB server.
7.	The unit should provide proper ground water monitoring network with required number of piezometers/hand pumps at upstream & downstream locations as per bio-composting protocol and shall carry out regular monitoring of ground water quality.	<b>Complied.</b> The unit has provided 10(ten) ground water quality monitoring borewell system. It was informed that ground water quality is monitored on quarterly basis.
8.	The unit should carry out an adequacy assessment study of the pollution control measures by reputed institution like NSI, Kanpur, VSI Nagpur or IITs as directed by CPCB for Ganga Basin distillery units. The adequacy assessment study with implementation report on the recommendations shall be submitted to CPCB. The adequacy assessment study shall cover:	<b>Partially Complied.</b> The unit adequacy assessment report carried out through NSI, Kanpur is enclosed as <b>Annexure-1</b> . As per NSI Report, adequacy assessment of ZLD system could not be carried out by NSI, Kanpur as the unit is not in operation due to CPCB closure direction.

	<ul style="list-style-type: none"> <li>i. Assessment of the manufacturing technology for spent wash generation and adequacy assessment of ZLD system comprising of Bio-methanation, MEE, composting system and steam availability etc.</li> <li>ii. Water Audit and mass balance reports to establish spent wash generation rate.</li> <li>iii. Action plan to achieve Zero Liquid Discharge (ZLD)</li> <li>iv. Assessment of the spent wash storage capacity as per CPCB guideline/UPPCB consent</li> <li>v. Assessment of availability of press mud, compost yard, composting process, sell compost and compost quality.</li> </ul>	
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**Recommendations:**

It is evident from the results that the unit is generally complying with the CPCB direction dated 01.07.2019. The unit may be directed to comply with the following:

1. The unit shall be allowed for an initial period of 04 months during which it shall be carry out adequacy assessment of ZLD system and others as per CPCB direction. Decision on regular operation shall be taken on successful operation ZLD system and associated activities with reference to water audit and mass balance.
2. The unit may be allowed to operate only after obtaining consent under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 from UPPCB.




3. The unit should expedite to install spare/floating bodies at MEE for having continuous working for the system without stoppage during cleaning period in compliance of NSI recommendations.

**Inspection Team:**

1. Dr. Ram Karan, Regional Officer, UPPCB, RO, Lucknow
2. Sh. Runa Oraon, Sc. 'D', CPCB, RD(N), Lucknow



Item No. 03

Court No. 1

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

Original Application No. 1041/2018

(With report dated 02.12.2019)

Shailesh Singh

Applicant(s)

Versus

Bajaj Hindustan Sugar Ltd.  
(Distillery Division) & Ors

Respondent(s)

Date of hearing: 24.02.2020

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

For Applicant(s): Ms. Preeti Singh, Advocate

For Respondent(s): Mr. Alok Agarwal, Advocate for R-1  
Mr. Pradeep Misra, Advocate for UPPCB  
Mr. Rajkumar, Advocate for CPCB

**ORDER**

1. This order is being passed in continuation of order dated 01.08.2019. The issue for consideration is alleged pollution by M/s Bajaj Hindustan Sugar Ltd. (distillery division), village – Paliakalan, District Lakhimpur Kheri, Uttar Pradesh.
2. Vide order dated 01.03.2019, the Tribunal noted the report received from the Central Pollution Control Board (CPCB) that unit was non-compliant and a show cause notice was given for closure till pollution control measures are implemented. The Tribunal directed joint Committee of CPCB and State Pollution Control Board (SPCB) to oversee further action and furnish an action taken report.

3. The matter was thereafter considered on 01.08.2019 in the light of action taken report dated 04.07.2019 by CPCB based on joint inspection conducted on 24.05.2019 and it was observed:

*"3. Accordingly, an action taken report has been filed on 04.07.2019 by CPCB based on joint inspection conducted on 24.05.2019 observing as follows:*

*"The Joint Committee has made the following major observations and recommendations in the report:*

- The distillery unit is yet to fully comply with the directions, especially with the implementation of ZLD action plan and bio composting protocol.*
- Environmental Compensation needs to be imposed on the unit according to the formula prepared by CPCB Committee.*
- Direction for closure of the unit may be issued and an EC of Rs. 58,20,000 /- shall be imposed on the unit for the continuing violation.*

*As per the observations and recommendations made in the report of the joint committee, CPCB has issued direction u/ s 5 of the E(P) Act, 1986 to the unit (copy placed at Annexure 11), for closure of operations till complying with the recommendations, especially w.r.t:*

- Installation of required systems for achievement of specified volume reduction and solid cone. of spent wash.*
- Providing ETP/CPU for the treatment & reuse of condensate/ management of other effluent streams.*
- Improvement in bio composting operations.*
- Remitting the EC of Rs. 58,20,000 /- to CPCB."*

*4. Let the compliance be ensured and a further report filed by 30.11.2019 by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in)."*

4. Accordingly, compliance report has been filed by the CPCB on 02.12.2019 to the effect that joint inspection team conducted inspection on 29.11.2019 and made following observations:

*"The joint inspection team has made the following major observations and recommendations in the report:*

- The distillery unit was found not in operation during the visit and reportedly not operated since 29.05.2019 due to rainy season closure and subsequently due to the closure direction dated 01.07.2019 issued by the CPCB.*

- *The unit is yet to fully comply with the directions, especially with the installation of CPU and submission of required adequacy assessment report by reputed institutes.*
- *The unit has also not complied with the direction for deposition of Environmental Compensation of Rs. 58,20,000/-”*

5. During the hearing, it is stated that the Unit has claimed that compliance has now been done. Let the same be verified and compensation recovered.

6. Let a further inspection be conducted by way of a dry inspection and a report filed before the next date by e-mail at judicial-ngt@gov.in.

List again on 03.04.2020.

Adarsh Kumar Goel, CP

Dr. Nagin Nanda, EM

Siddhanta Das, EM

February 24, 2020  
Original Application No. 1041/2018  
DV