

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
Principal Bench, New Delhi

Original Application No. 649/2022

Narender Pratap Singh

...Applicant

Versus

Central Pollution Control Board & Anr.

...Respondents

Index

S. No.	Particulars	Page No.
1.	Response on behalf of Respondent No. 1, Central Pollution Control Board in compliance of order dated 13.12.2022 in OA No. 649/2022, Narender Pratap Singh Vs. Central Pollution Control Board & Anr.	
3.	Annexure-I: A copy of Hon'ble NGT order dated 13.12.2022 & Notice dated 14.12.2022.	


(B. Vinod Babu)

Scientist F

Central Pollution Control Board

Delhi-110032

Date: 24.01.2023

Place: Delhi

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

**IN
ORIGINAL APPLICATION NO. 649 OF 2022**

Narender Pratap Singh

Applicant

VS.

Central Pollution Control Board & Anr.

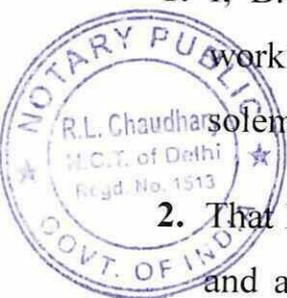
Respondents

Response on behalf of Respondent No. 1, Central Pollution Control Board(CPCB).

1. I, B. Vinod Babu, S/o late Shri B. Kameswara Rao, aged about 57 years working as Scientist 'F' in Central Pollution Control Board, Delhi, do hereby solemnly affirm and state on oath as under:

2. That I am fully conversant with the facts and circumstances of the present case and am duly authorized to affirm and swear this Response on behalf of the Central Pollution Control Board, Delhi (hereinafter referred to as CPCB) before this Hon'ble Court.

3. That the averment in the application is about a complaint regarding pollution caused by M/s U. P. Asbestos Ltd., Village Bishada, Tehsil Dadri, District Gautam Buddh Nagar, U.P. It was alleged that the toxic & hazardous wastes containing asbestos has been dumped in and around open space near to the industry, causing soil pollution and degradation of fertile land. It was also alleged that the said asbestos industry has discharged toxic wastewater through drain into agricultural field, thereby causing death of domestic and wild animals as well as diseases in local people. The petitioner requested for strict action against the industry.



4. That Hon'ble NGT in its order dated 15.09.2022, constituted a Joint Committee comprising this Respondent No 1, that is CPCB as a member. In compliance to said Order, the Joint Committee has carried inspection of the unit and nearby areas on 16/11/2022. The Joint Committee has also collected few samples of waste, sludge and wastewater within the premises & in the vicinity of the industry.
5. That the response of this Respondent on the averments of the complainant and report of Joint committee submitted below;

- i. M/s U. P. Asbestos Ltd., Dadri, District Gautam Buddh Nagar, U.P has dumped sludge and discarded asbestos sheets in the surrounding areas of the industry on 16/11/2022. The material disposed was a hazardous waste as per the Schedule I of Hazardous Waste management rules. Further, committee has observed that heaps of ETP sludge containing asbestos was stored in open inside the premises, as there was no designated place for temporary storage of hazardous waste. Further the industry has not maintained records of hazardous waste generated and not filed annual reports. In this regard, it is submitted that the industry has violated the provisions under Hazardous and Other Waste Management Rules, 2016. The unit may therefore be directed to lift all the waste from the scattered dumpsites in and around the industry premises and send the same to TSDF. Further, the unit may be directed to test the soil samples for possible contamination with Asbestos, and such soils shall also be treated and sent to TSDF for final disposal.
- ii. As per the report of Joint Committee the industry failed to comply with conditions of CTO issued by UPPCB with respect to providing flow meter/V Notch for measurement of effluent. The committee has recommended that the industry may ensure installation of flow meter at final discharge point and maintain daily records of effluent treated and



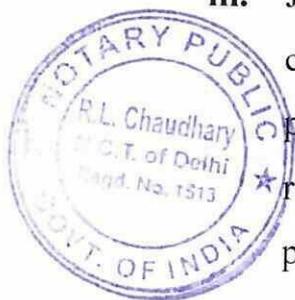
recycled in the process. Joint committee has also collected samples of wastewater during the visit. In this regard it is submitted that appropriate directions may be issued against the industry to install flow measuring device. Further, compliance report of wastewater samples collected shall be submitted by UPPCB so as to issue further directions to industry if required to comply.

iii. Joint Committee has observed that the industry was operated beyond the consented production capacity. In this regard, it is submitted that production of asbestos sheets more than the consented capacity, may result in increase in generation of waste and wastewater, thereby possibility failure of wastewater treatment system as well as inadequate management of hazardous waste.

iv. That the joint committee has reported that the petitioner has helped in identifying waste dumpsites and wastewater discharge outside the premises, where the samples of waste as well as wastewater were collected from open ground and drains near village Bishada. In this regard, it is submitted that the report of waste and wastewater samples collected shall be reported by UPPCB so as to issue further directions to industry to comply.

v. Joint Committee observed that the some of the hazardous wastes such as used oils, contaminated drums and broken/discarded asbestos were not listed in authorization granted by UPPCB under Hazardous Waste Management Rules, 2016. In this regard, the UPPCB may be directed to review the authorization granted to the unit, till such time, the unit shall be directed to dispose asbestos containing material through common TSDF.

vi. As per the report of Joint Committee, the workers in the industry were not wearing Personal Protective Equipment (PPEs). In this regard, it is submitted that asbestos is one of the toxic material and known



carcinogen. Hence the industry may be directed to provide adequate Personal Protective Equipment and clothing to its workers and implement occupational safety practices pertaining to handling of asbestos material. The industry may also be directed to comply with recommendations of the report of CPCB "Human Health Risk Assessment Studies in Asbestos Based Industries In India" issued in 2008-2009.



6. That the report of Joint Committee indicates that the unit has violated the provisions under Hazardous and Other Waste Management Rules, 2016 including dumping of hazardous waste in open. Further, the industry has also violated provisions of Consent granted under water (P&CP) Act, 1974 issued by UPPCB with respect to operational capacity and installation of flow measurement device. Therefore, the industry may be directed to take appropriate corrective measures urgently and environmental compensation charges may be imposed for abatement of pollution control measures and potential damages.
7. In view of the above, it is humbly submitted that this answering Respondent no. 1, CPCB shall abide by any order passed by the Hon'ble Tribunal.

DEPONENT
बी. विनोद बाबू / B. Vinod Babu
 वैज्ञानिक "एफ" / Scientist "F"
 केन्द्रीय प्रदूषण नियंत्रण बोर्ड
 Central Pollution Control Board
 पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
 M/o Envi. Forest & Climate Change, Govt. of India
 परिवेश भवन, पूर्वी अर्जुन नगर
 Parivesh Bhawan, East Arjun Nagar
 दिल्ली / Delhi-110032

VERIFICATION

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

Verified at Delhi on this 24th day of January, 2023.




DEPONENT

बी. विनोद बाबू / B. Vinod Babu
वैज्ञानिक "एफ" /Scientist "F"
केन्द्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
Mo Env. Forest & Climate Change, Govt. of India
परिवेश भवन, पूर्वी अर्जुन नगर
Parivesh Bhawan, East Arjun Nagar
दिल्ली / Delhi-110032

ATTESTED

NOTARY PUBLIC
GOVT. OF INDIA
24 JAN 2023

Item No.04

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPALBENCH, NEW DELHI**

(Through Physical Hearing with Hybrid VC Option)
Original Application No. 649/2022

Narender Pratap Singh

...Applicant

Versus

Central Pollution Control Board & Anr.

...Respondents

Date of hearing: 13.12.2022

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

Applicant: Applicant in person.

Respondent: Mr. Pradeep Misra, Advocate for UPPCB (through VC).

Application under provision of the National Green Tribunal Act, 2010.

1. Mr. Narender Pratap Singh has filed the present application under the provisions of the National Green Tribunal Act, 2010 complaining about causing of environmental pollution in village Bishada, Tehsil Dadri, District Gautam Buddh Nagar, Uttar Pradesh by M/s UPS Vistage Pvt. Ltd. The applicant has submitted that the hazardous waste is being thrown in the open and highly polluted industrial effluent is being discharged in the drain and nearby fields. Many domesticated and wild animals have died due to drinking of polluted water. The villagers are also suffering from health problems due to pollution of ground water. Complaints were made to the concerned authorities but no action has been taken on the same.

2. Vide order dated 15.09.2022, this Tribunal constituted a Joint Committee comprising of CPCB, State PCB and District Magistrate, Gautam

Buddh Nagar and directed the same to submit factual and action taken report within one month and send the copies of the report of the Joint Committee to the Project Proponent/Statutory Authorities.

3. In compliance thereof, Mr. Radhe Shyam, Regional Officer, UPPCB has submitted report of the Joint Committee vide letter dated 10.12.2022 through email dated 10.12.2022.

4. In view of the averments made in the application and observations made in the report of the Joint Committee, we consider it appropriate to have response of respondent no. 1 Central Pollution Control Board and respondent no.2 Uttar Pradesh SPCB as well as State of Uttar Pradesh through Chief Secretary, Government of Uttar Pradesh; the District Magistrate, Gautam Buddh Nagar and the Project Proponent- M/s UPS Asbestos Ltd., who stand impleaded as respondents No. 3 to 5. The Registry is directed to amend memo of parties to the application. Respondent no. 2 is already appearing before this Tribunal through counsel. Notices be issued to respondents No. 1, 3 to 5.

5. Notice be served on Project Proponent- M/s UPS Asbestos Ltd. through the District Magistrate, Gautam Buddh Nagar and for this purpose notice issued to the Project Proponent be sent to the District Magistrate, Gautam Buddh Nagar by E-mail for getting service of the same effected on it and sending his report in this regard.

6. Respondent no. 2- the UPPCB is directed to look into the all relevant aspects including the requirement of the environmental clearance for the Project Proponent from the MoEF & CC and to take appropriate remedial measures for abatement of the environmental pollution in view of the observations made in the report of the Joint Committee and file its reply/response within one month 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.

7. On service of notice, reply/response by respondents no. 1, 3 to 5 be also filed before 27.01.2023 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.

8. List the matter for further consideration on 27.01.2023.

9. A copy of this order along-with notice issued to the project proponent be sent to the District Magistrate, Gautam Buddh Nagar for requisite compliance for effecting service of notice on the project proponent within 10 days and sending his report to this Tribunal within 15 days.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

December 13, 2022
AG

BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI
ORIGINAL APPLICATION NO. 649 OF 2022
Narender Pratap Singh Vs Central Pollution Control Board & Ors.

To

1. **Central Pollution Control Board,**
Parivesh Bhawan, East Arjun Nagar, Delhi-110032,
Email Address: ccb.cpcb@nic.in/sanand.cpcb@nic.in
mscb.cpcb@nic.in (RESPONDENT NO.1)
2. **State of Uttar Pradesh,**
Through Chief Secretary,
Government Of Uttar Pradesh,
101, 'B' Block, Lok Bhawan, U.P. Secretariat, Lucknow - 226001,
Email Address: csup@nic.in (RESPONDENT NO.3)
3. **District Magistrate, Gautam Buddh Nagar**
G-33, Tulsi Marg, G Block, Pocket G,
Sector 27, Noida, Uttar Pradesh 201301
Email: dmgbn@nic.in (RESPONDENT NO.4)
4. **M/s UPS Asbestos Ltd.**
(Project Proponent)
15, Mahmoodabad Estate building,
Mahatama Gandhi Marg, Mahatama Gandhi Marg,
Near K D Singh Babu Stadium, Hazratganj, Lucknow,
Uttar Pradesh 226001
Email: upasbestoslimitedcs@gmail.com (RESPONDENT NO.5)

NOTICE

Whereas the above titled Application was listed before the Tribunal on 13.12.2022 (copy of order, petition and report are enclosed), when the Tribunal inter-alia passed the following order (reproduced relevant extracts only):-

"4. In view of the averments made in the application and observations made in the report of the Joint Committee, we consider it appropriate to have response of respondent no. 1 Central Pollution Control Board and respondent no.2 Uttar Pradesh SPCB as well as State of Uttar Pradesh through Chief Secretary, Government of Uttar Pradesh; the District Magistrate, Gautam Buddh Nagar and the Project Proponent- M/s UPS Asbestos Ltd., who stand impleaded as respondents No. 3 to 5. The Registry is directed to amend memo of parties to the application. Respondent no. 2 is already appearing before this Tribunal through counsel. Notices be issued to respondents No. 1, 3 to 5.

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7. On service of notice, reply/response by respondents no. 1, 3 to 5 be also filed before 27.01.2023 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.

8. List the matter for further consideration on 27.01.2023."

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2. Now, take further notice that the above matter will be listed for further consideration before the Hon'ble Tribunal on 27th January, 2023, at **Faridkot House, Copernicus Marg, New Delhi-110001** through physical hearing (with hybrid option), when you may appear before the Hon'ble Tribunal either in person or by a pleader duly instructed, and file responses/replies, as per directions of the Hon'ble Tribunal vide Order dated 13.12.2022.

3. Take further notice that in default of your appearance on the date above mentioned, the said Application will be heard and determined in your absence.

4. Given under my hand and the seal of this Tribunal, on this 14th December, 2022.

Note: (For Orders, Cause Lists & other information, please visit our website www.greentribunal.gov.in)



Consultant (Judicial), NGT