



उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड
UTTAR PRADESH POLLUTION CONTROL BOARD

Ref. No. H.93.61.0 /C-6/Gen-885/O.A. 433/2022

Dated 16/05/2023

To,

The Registrar General,
Hon'ble National Green Tribunal,
Principal Bench,
Faridkot House, Copernicus Marg,
New Delhi- 110001

Sub: Response on behalf of respondents No. 3 (UPPCB) in compliance of order dated 09.02.2023 passed by the Hon'ble National Green Tribunal Principle Bench, New Delhi in OA No. 433/2022 Pateshwari Prasad Singh V/s State of Uttar Pradesh and Others.

Sir,

Kindly refer to the subject mentioned above. in compliance of order dated 09.02.2023 passed by the Hon'ble National Green Tribunal Principle Bench, New Delhi in OA No. 433/2022 Pateshwari Prasad Singh V/s State of Uttar Pradesh and Others., Response on behalf of respondents No. 3 (UPPCB) is enclosed herewith for your kind perusal and further necessary action.

Sincerely Yours,

Enclosures: As above

Atulesh Yadav
(Atulesh Yadav)

**Chief Environment Officer
(Circle-6)**

Copy to: Following for information and further necessary action.

Shri Pradeep Misra Advocate, Supreme Court, B-235, Sector-XIX, Noida, District-GB Nagar, 201301.

**Chief Environment Officer
(Circle-6)**

Response on behalf of respondents No. 3 (UPPCB) in compliance of order dated 09.02.2023 passed by the Hon'ble National Green Tribunal Principle Bench, New Delhi in OA No. 433/2022 Pateshwari Prasad Singh V/s State of Uttar Pradesh and Others.

That the grievances of Paryavaran, Van Evam Vanya Jeev Sanrakshan Samiti in the present application are regarding encroachments converting River Suav into nallah and discharge of untreated sewage in the same. Honorable National Green Tribunal passed an order on 09.02.2023 in the OA No. 433/2022 Pateshwari Prasad Singh V/s State of Uttar Pradesh and Others. The excerpt of aforesaid order is as below :-

“...6. In view of the averments made in the application and observations made in the reports, we consider it appropriate to have response from (1) the State of Uttar Pradesh, through its Chief Secretary, Government of Uttar Pradesh; (2) the Department of Jal Shakti, Government of Uttar Pradesh; (3) the UPPCB; (4) the UP Jal Nigam; and (5) the District Magistrate, Balrampur, who stand impleaded as Respondents No. 1 to 5. The Registry is directed to prepare and attach memo of parties to the application and issue notices to Respondents No. 1 to 5 requiring them to file their reply/response within two months at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF.....”

1. It is submitted that in Compliance of above order vide UPPCB letter dated 21.03.2023, a direction has been issued to the Executive Engineer, Construction Division, UP Jal Nigam (Urban), Balrampur to obtain Consent to Establish (CTE) from State Pollution Control Board for Conveyance System/Pipeline Network of Sewage and do not lay/construct the Conveyance System/Pipeline Network before CTE granted by SPCB. Copy of the Letter dated 21.03.2023 is attached herewith and marked as **Annexure-1**.
2. It is submitted that in Compliance of above order vide Nivesh Mitra Portal, UP Jal Nigam has applied for CTE for laying/construction of the Conveyance System/Pipeline Network of Sewage in Balrampur and vide UPPCB letter dated 11.05.2023, a conditional CTE has been granted for the same. Copy of the Letter dated 11.05.2023 is attached herewith and marked as **Annexure-2**.

The above response is being placed before Hon'ble Tribunal for kind consideration.


(Chandresh Kumar)
Regional officer
U.P. Pollution Control Board
Basti

प्रदूषण रोकिए!
पर्यावरण बचाइए!!

दूरभाष एवं फ़ैक्स : 05542-281440
Phone & Fax : 05542-281440



क्षेत्रीय कार्यालय
उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड
Regional Office
UTTAR PRADESH POLLUTION CONTROL BOARD

संदर्भ संख्या : 636/सां-138/N.G.T/2023

दिनांक : 21.03.2023

सेवा में,

अधिकांसी अभियन्ता,
निर्माण खण्ड, उ०प्र० जल निगम(नगरीय),
बलरामपुर।

विषय:-माननीय राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ०ए० सं०-433/2022 पाटेश्वरी प्रसाद सिंह बनाम स्टेट आफ उ०प्र० में पारित आदेश दिनांक 09.02.2023 के अनुपालन के संबंध में।

महोदय,

कृपया उपरोक्त विषयक का संदर्भ ग्रहण करने का कष्ट करें। माननीय राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ०ए० सं०-433/2022 पाटेश्वरी प्रसाद सिंह बनाम स्टेट आफ उ०प्र० में दिनांक 09.02.2023 को आदेश पारित किया गया है, जिसके मुख्य अंश निम्नवत् है-

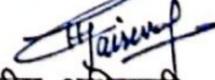
"For the requirement of its consent as per the environmental norms with regard to conveyance system/pipeline network carrying sewage to the STP, it is submitted that in section 25(1)(a) of The Water (Prevention and Control of Pollution) Act, 1974 stated that ".....establish or take any steps to establish any industry, operation or process, or any treatment and disposal system or any extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land (such discharge being hereafter in this section referred to as discharge of sewage); or...."

Copy of the concerned page of Section 25(1)(a) of The Water (Prevention and Control of Pollution) Act, 1974 is enclosed herewith and marked as Annexure No. 2."

अतः माननीय राष्ट्रीय हरित अधिकरण, नई दिल्ली में पारित आदेश दिनांक 09.02.2023 के अनुपालन में आपको निर्देशित किया जाता है कि राज्य बोर्ड से बिना CTE/CTO प्राप्त किये सीवेज पाइप लाइन नेटवर्क की निर्माण/स्थापना व संचालन संबंधी कार्य न किया जाये, अन्यथा पर्यावरण(संरक्षण) अधिनियम पर्यावरण(संरक्षण) अधिनियम, 1986 में वर्णित प्राविधानो के अन्तर्गत कार्यवाही संस्तुति बोर्ड मुख्यालय प्रेषित कर दी जायेगी, जिसका सम्पूर्ण उत्तरदायित्व आपका स्वयं का होगा।

संलग्नक:-उपरोक्तानुसार।

भवदीय


क्षेत्रीय अधिकारी

प्रतिलिपि:-निम्नलिखित का सूचनार्थ एवं आवश्यक कार्यवाही हेतु सादर प्रेषित।

1. जिलाधिकारी महोदय, बलरामपुर।
2. सदस्य सचिव महोदय, उ०प्र० प्रदूषण नियंत्रण बोर्ड, लखनऊ।
3. मुख्य पर्यावरण अधिकारी(वृत्त-6), उ०प्र० प्रदूषण नियंत्रण बोर्ड, लखनऊ।
4. विधि अधिकारी (प्रथम), उ०प्र० प्रदूषण नियंत्रण बोर्ड, लखनऊ।


क्षेत्रीय अधिकारी

ब्लॉक रोड, बुद्धापुरम, बड़ेबन, बस्ती-272001

Web site: www.uppcb.com, e-mail id: robasti@uppcb.in, ropcbbasti@gmail.com



UTTAR PRADESH POLLUTION CONTROL BOARD
Building. No TC-12V Vibhuti Khand, Gomti Nagar, Lucknow-226010

Phone:0522-2720828,2720831, Fax:0522-2720764, Email: info@uppcb.com, Website: www.uppcb.com

Validity Period :29/03/2023 To 31/12/2027

Ref No. - 181183/UPPCB/Basti(UPPCBRO)/CTE/BALRAMPUR/2023 Dated:- 11/05/2023

To ,

Shri ZIAUL HAQUE

M/s EXECUTIVE ENGINEER CONSTRUCTION DIVISION U.P. JAL NIGAM (URBAN)
 BALRAMPUR, BALRAMPUR NAGAR PALIKA PARISHAD SEWER NETWORK PHASE 1
 COLLECTORATE ROAD, NEAR JAI PALACE, VILL-BALRAMPUR DEHAT, PARGANA-
 BALRAMPUR, DISTRICT-BALRAMPUR,BALRAMPUR,
 BALRAMPUR

Sub : Consent to Establish for New Unit/Expansion/Diversification under the provisions of Water (Prevention and control of pollution) Act, 1974 as amended and Air (Prevention and control of Pollution) Act, 1981 as amended.

Please refer to your Application Form No.- 20466255 dated - 29/03/2023. After examining the application with respect to pollution angle, Consent to Establish (CTE) is granted subject to the compliance of following conditions :

1. Consent to Establish is being issued for following specific details :

A- Site along with geo-coordinates :

B- Main Raw Material :

Main Raw Material Details		
Name of Raw Material	Raw Material Unit Name	Raw Material Quantity
CONVEYANCE OF SEWER NETWORK-67.449km	Kilo Liters/Day	

C- Product with capacity :

Product Detail	
Name of Product	Product Quantity
CONVEYANCE OF SEWER NETWORK-67.449km	0

D- By-Product if any with capacity :

By Product Detail			
Name of By Product	Unit Name	Licence Product Capacity	Install Product Capacity
NA	Metric Tonnes/Day	0	0

2. Water Requirement (in KLD) and its Source :

Source of Water Details		
Source Type	Name of Source	Quantity (KL/D)
Municipal Supply	NAGAR PALIKA PARISHAD	3.0

3. Quantity of effluent (In KLD) :

Effluent Details	
Source Consumption	Quantity (KL/D)
Domestic	1.0
Process	2.0

4. Fuel used in the equipment/machinery Name and Quantity (per day) :

Fuel Consumption Details		
Fuel	Consumption(tpd/kld)	Use
Others	0	NO AIR POLLUTION

- 5 For any change in above mentioned parameters, it will be mandatory to obtain Consent to Establish again. No further expansion or modification in the plant shall be carried out without prior approval of U.P. Pollution Control Board.

For any change in above mentioned parameters, it will be mandatory to obtain Consent to Establish again. No further expansion or modification in the plant shall be carried out without prior approval of U.P. Pollution Control Board.

2. You are directed to furnish the progress of Establishment of plant and machinery, green belt, Effluent Treatment Plant and Air pollution control devices, by 10th day of completion of subsequent quarter in the Board.
3. Copy of the work order/purchase order, regarding instruction and supply of proposed Effluent Treatment Plant/Sewerage Treatment Plant /Air Pollution control System shall be submitted by the industry till 31/12/2027 to the Board.
4. Industry will not start its operation, unless CTO is obtained under water (Prevention and control of Pollution) Act, 1974 and Air (Prevention and control of Pollution)Act, 1981 from the Board.
5. It is mandatory to submit Air and Water consent Application,complete in all respect, four months before start of operation, to the U.P. Pollution Control Board.
6. Legal action under water (Prevention and control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act,1981 may be initiated against the industry With out any prior information,in case of non compliance of above conditions.

Specific Conditions:

1. This consent to establish is valid for construction and laying of Conveyance of Sewer Network having length 67.449 Km in 16 Wards of Balrampur Namely- Tulsi Park, Khalwa Dakhini, Nai basti, Pahl Wara, Achalpur Neel Bagh, Naushehra Chikni, Khalwa Uttri, Bus Station Ward, Hospital Ward Puraniya, Purab Tola Purbi, Nai Bazar Uttri, Nagar Palika Ward, Sabzi Mandi, Nai Bazar Dakhini, Govid Bagh and Puri Tola Pachimi by M/s Executive Engineer Construction Division UP Jal Nigam (URBAN) Balrampur, Nagar Palika Parishad Sewer Network, Phase-I. In case of any change in capacity, the project will have to intimate the Board. For any enhancement of the above, fresh Consent to Establish has to be obtained from U.P. State Pollution Control Board.

5. Construction activities to be carried out in day time with prior intimation to local residents and shop keepers.

6. Use of low noise and vibrating equipment (such as enclosed generators with mufflers, instruments with built in vibration dampening and improved exhaust), to meet standards as prescribed by CPCB

2. Provision of protective equipment (PPE) like ear muffs and plugs for construction workers Provision of noise barriers as feasible in inhabited areas, particularly near sensitive zones like hospitals, schools etc.

3. Excavated material transported by trucks will be covered and/or wetted to prevent dust nuisance Suppressing dust generation by spraying water on stockpiles and unpaved movement areas.

4. Water sprinkling over excavated areas, unpaved movement areas and stockpiles.

5. Transportation of loose construction material through covered trucks.

6. Use dust curtains (polysheets/ sheets) around the construction area for containing dust spread.

7. This Consent to Establish is subject to the orders by Hon'ble NGT, New Delhi in OA no. 433/2022 Pateswari Prashad Singh Vs. State of UP.

8. The Project Proponent shall arrange the facilities to treat the domestic effluent either by septic tank or provide any mobile toilet facility for the workers during construction period.

9. The Project shall comply the provisions of Environment (Protection) Act 1986, Water (Prevention and Control of Pollution) Act, 1974 as amended, Air (Prevention and Control of Pollution) Act, 1981 as amended. The Project shall comply with the provisions of Construction & Demolition Rules 2016 & MSW Rules 2016.

10. At the project site a display board size 4x6 feet shall be installed to display the provisions of Construction and Demolition Rules 2016.

11. The Project shall abide by directions given by Hon'ble Supreme Court, High Court, National Green Tribunals, Central Pollution Control Board and Uttar Pradesh Pollution Control Board for protection and safeguard of environment from time to time.

12. Under the Noise Pollution (Regulation and Control) Rule 2000, the project shall take adequate measures for control of noise from its own sources within the premises so as to maintain ambient air quality standards in respect of noise to less than 75 dB(A) during day time and 70 dB(A). Project shall use clean fuel as far as possible.

13. The Project shall not establish Hot Mix/Ready Mix/Wet Mix Plant without prior permission of Board. All construction activities shall be according to authority guidelines.

14. The Project shall not start gaseous emission & sewage generation without prior consent of the Board.

15. The dust emission from the construction sites will be completely controlled and all precautions including Anti-smog guns as per order of Hon'ble Supreme Court dated 13-012020 will be installed in the site at suitable places.

16. Appropriate Air Pollution Control System (both during construction/operation) shall be provided for all the dust generating points inter-alia including loading, unloading, transfer points, fugitive dust

from all vulnerable sources, to comply the prescribe standards.

17. The Unit will put tarpaulin scaffolding around the area of construction and the building for effective and efficient control of dust emission generated during construction of the project.

18. Storage of any construction material particularly sand will not be done on any part of street and roads in the projects area. The construction material of any kind stored on site will be fully covered in all respect so that it does not disperse in the air in any form. The dust emission from the construction sites will be completely controlled and all precautions will be taken in that behalf.

19. All the construction material & debris will be carried in trucks or vehicles which are fully covered and protected so as to ensure that the construction debris or construction material does not get dispersed into the air or atmosphere in any form whatsoever.

20. The vehicles carrying construction debris or construction material of any kind will be cleaned before it is permitted to ply on the road after unloading of such material.

21. Every worker working on the construction site and involved in loading, unloading and carriage of construction debris or construction material shall be provided with mask to prevent inhalation of dust particle.

22. All medical aid, investigation and treatment will be provided to the workers involved in the construction of building and carrying of construction of building and carrying of construction debris or construction material related to dust emission.

23. The transportation of construction material and debris waste to construction site, dumping site or any other place will be carried out in accordance with rules.

24. Fixing of sprinklers and creation of green air barriers will be done to control fugitive dust emission and improve environment.

25. Compulsory use of wet jet in grinding and stone cutting will be practiced.

26. Wind breaking wall will be constructed around the construction site.

27. All approach roads & in campus roads should be sprinkled with water to suppress the dust emission.

28. In case of violation of above mentioned conditions or any public complaint the consent to establish shall be withdrawn in accordance with law.

29. The project shall submit first compliance report with respect to conditions imposed within 30 days of issue of this permission.

30. The Project Proponent shall take all pollution control measure so as to ensure the ambient air quality of the area pertaining to the project will conform to the norms."

31. A Bank Guarantee of Rs. 10,00,000/- (Rs Ten Lakhs only) shall be submitted within 30 days including the above conditions from 1 to 30 which will be valid for two year otherwise this consent to establish shall be deemed to be withdrawn.

32. Concealing factual data or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this CTO and attract action under the provisions of Law.

Please note that consent to Establish will be revoked, in case of, non compliance of any of the above mentioned conditions. Board reserves its right for amendment or cancellation of any of the conditions specified above. Industry is directed to submit its first compliance report regarding above mentioned specific and general conditions till 11/06/2023 in this office. Ensure to submit the regular compliance report otherwise this Consent to Establish will be revoked.

ATULESH
YADAV
Digitally signed
by ATULESH
YADAV
Date: 2023.05.11
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**ATULESH
YADAV** Digitally signed by
ATULESH YADAV
Date: 2023.05.11
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Chief Environmental Officer, Circle-6

Dated:- 11/05/2023

Copy To -

Regional Officer, U.P. Pollution Control Board, Basti for information and necessary

**ATULESH
YADAV** Digitally signed by
ATULESH YADAV
Date: 2023.05.11
13:11:41 +05'30'
Chief Environmental Officer, Circle-6