

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 1225 of 2024



IN THE MATTER OF:

Amit Kumar

...Applicant

Versus

Union of India and Ors.

...Respondents

**RESPONSE ON BEHALF OF THE RESPONDENT NO. 5 AND 6,
UTTAR PRADESH POLLUTION CONTROL BOARD, IN
COMPLIANCE TO THE ORDER DATED 17.10.2024 PASSED BY
THE HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL
BENCH, NEW DELHI.**

I, Ankit Singh, aged about 38 years, S/o Shri Ajit Singh, presently posted as Regional Officer, Uttar Pradesh Pollution Control Board, Muzaffarnagar (hereinafter UPPCB), do hereby solemnly affirm and state on oath as under :

1. That in the official capacity mentioned above, I am acquainted with the facts and circumstances of the case and as such I am competent and authorized to swear this affidavit.
2. That the grievance in the present matter is that respondent no. 15- M/s. Kuber Traders is engaged in the processing and storage of char, pyrolysis oil, and furnace oil and is causing severe environmental pollution and creating health hazards.

PRERNA TYAGI
NOTARY
MUZAFFARNAGAR
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3. That vide its order dated 17.10.2024 this Hon'ble National Green Tribunal, Principal Bench, New Delhi (hereinafter Hon'ble Tribunal) has by issuing the notices directed the respondent for filing their response/reply by way of affidavit before this Hon'ble Tribunal.
4. That as per the memo of the parties the answering respondents has been impleaded as Respondent No. 5 and 6 in present captioned matter.
5. That further it is most respectfully submitted that in reference to the grievance aroused by Mr. Mohit, the applicant has made allegation with respect to illegal operation of the Unit M/s Kuber Traders, Village-Bhatti Mazra, Khasra No.-110, Tehsil-Unn, District-Shamli involved in processing and storage of Char, Pyrolysis oil and Furnace oil without obtaining Consent to operate by UPPCB.

Furthermore, in reference to the grievance, UPPCB has inspected the Unit on 17.08.2024 and found Habitation and School nearby and also found storage tank of Char. Pyrolysis oil and Furnace oil without shaded and found a furnace which was used for heat and melt the oil in view of pollution, air pollution and ground water pollution lies in concern area. Regarding the complaint a letter has been issued by the UPPCB on 24.08.2024 for Shifting the Unit 500 Mtr. far from habitation and school.



PRERNA TYAGI
NOTARY
MUZAFFARNAGAR

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NOTARY

Action taken Report by UPPCB

In compliance to the directions passed by this Hon'ble Tribunal, the UPPCB has taken following actions along with District Administration:

- i. In pursuance to the directions passed by this Hon'ble Tribunal a Joint Inspection was carried out by the joint team of Sub Divisional Magistrate, Tehsil-Unn, District-Shamli and the officials of UPPCB on 21.11.2024 to verify the allegations mentioned by the applicant.
- ii. During the Inspection, it was found that the unit is involved in storage of Pyrolysis oil and Furnace oil in MS tanks. Earlier the unit was also involved in melting process by a small furnace which was closed down by the District Administration. During present inspection, the same was again verified and the furnace was not in operational state.
- iii. The unit was found illegally operating near residential area without having valid Consent to Operate by UPPCB.
- iv. Unit has been established at a distance of about 250 mtr. from School and 400 mtr. from the Habitation of village Mangalore.

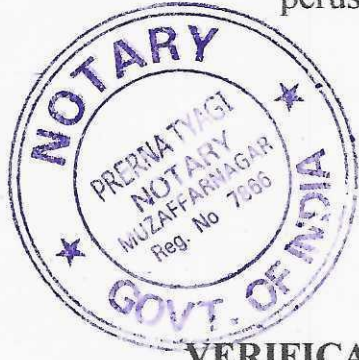
- v. Due to the violations found by the joint team, the joint committee sealed the Electric feeder of Motor being used for filling of the product and Shut down the Operation of Unit completely. Photos taken during the inspection is being annexed herewith as Annexure R/1.



PRERNA TYAGI
NOTARY
MUZAFFARNAGAR
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- vi. In pursuance to the above facts, the unit in question illegally operating near the residential area and Habitation of village Mangalore has been sealed by the joint team by ensuring that the unit does not operate.
- 6. That the Annexure annexed to the present accompanying Affidavit is true copy of their respective original.
- 7. That the present affidavit on behalf of the Uttar Pradesh Pollution Control Board is submitted before this Hon'ble Tribunal for kind perusal and consideration.



NOTARY

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 DEPONENT

VERIFICATION:

Verified at **Muzaffarnagar** on this the **4th day of January, 2025** that the contents of above affidavit are true and correct to my knowledge based on records and information received and believed to be true, no part of it is false and nothing material has been concealed therefrom.

NOTARY

Anand Singh
 The deponent
 is/are identified by Shri.
 I have satisfied myself by examining the
 deponent who understands the contents
 of the affidavit which has been read out and
 explained by me to the deponent.
 Charge/RS.
 NOTARY DISTRICT Muzaffarnagar

debi.s
 DEPONENT

Identified by
[Signature]

PRERNA TYAGI
 NOTARY
 MUZAFFARNAGAR
4 FEB 2025

Action taken report in compliance to the order dated 17.10.2024 passed by Hon'ble National Tribunal, New Delhi in Original Application No. 1225/2024 Amit Kumar Versus Union of India and Others

BACKGROUND

In reference to the grievance aroused by Mr. Mohit, the applicant has made allegation with respect to illegal operation of the Unit M/s Kuber Traders Village Bhatti Mazra, Khasra No.-110, Tehsil- Unn ,District –Shamli involved in processing and storage of Char, Pyrolysis oil and Furnace oil without obtaining Consent to operate by UPPCB.

In reference of grievance UPPCB inspect the Unit dated on 17.08.2024 and found nearby Habitation and School also found storage tank of Char, pyrolysis oil and Furnace oil without shaded area and found a furnace which used for heat and melt the oil in view of pollution, air pollution and ground water pollution lies in concern area . Regarding the complaint a letter issue by the Regional Office Muzaffarnagar dated on 24.08.2024 for for Shifting the Unit 500 Mtr far from habitation and school .

Hon'ble National Green Tribunal order dated 17.10.2024

In reference to the complaint of the applicant, Hon'ble National Green Tribunal issued directions on 17.10.2024, effective part of which states that :-

“.....The Applicant alleges that the Unit is operating without necessary environmental clearance and without obtaining consent to operate or NOC from UPPCB.

3. *It has also been alleged that the unit is operating in close proximity to residential areas, schools, temple and emitting pollutants including dangerous/hazardous gases such as Volatile Organic Compounds (VOVs), Sulphur Dioxide (SO₂), Nitrogen Oxide (NOX) and Carbon Monoxide (CO).*
4. *Learned Counsel for the applicant during the course of argument has referred to the notice dated 24.08.2024 sent by UPPCB to the respondent unit alleging violation of the norm and directing the unit to shift outside the 500-mtr periphery of the educational, religious institutions, hospital and residential area. He has also referred to the photographs filed as annexure-2 to show the violation of norms by the unit.*
5. *Original application raises substantial issue relating to compliance of environmental norms.....”*

Action Taken report in compliance to the order dated 17.10.2024 of Hon'ble National Green Tribunal, New Delhi.

In compliance to the above directions issued by Hon'ble Tribunal, following actions has been taken by UPPCB along with District Administration :-

- Joint Inspection was carried out by the joint team of Sub Divisional Magistrate, Tehsil Unn, District Shamli and Officers of Regional Office UPPCB Muzaffarnagar on 21.11.2024 to verify the allegations mentioned by the applicant.
- During the Inspection, it was found that the unit is involved in storage of Pyrolysis oil and Furnace oil in MS tanks. Earlier the unit was also involved in melting process by a small furnace which was closed down by the District Administration. During present inspection, the same was again verified and the furnace was not in operational state.
- The unit was found illegally operating near residential area without the Consent to Operate by UPPCB.
- Unit has been established at a distance of about 250 mtr from School and 400 mtr from Habitation of village Mangalore.
- Due to the violations found by the joint team, the joint committee sealed the Electric feeder of Motor being used for filling of the product and Shut down the Operation of Unit completely. Photos taken during the inspection is annexed as **Annexure R/1**.

Hence, as per the above facts, the unit which was found illegally operating near the residential area which was inspected by the joint team and sealed the process of the unit ensuring that the unit does not operate.

The above action taken report is being submitted for your kind perusal and necessary action.



(Raja Gupta)
J.E.



(Ankit Singh)
Regional Officer

Annexure R/1

Photos taken during the inspection of M/s Kuber Traders

