

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

Original Application No. 168/2025

Rishipal Malik

...Applicant

Versus

State of Uttar Pradesh & Ors.

...Respondent(s)

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Through counsel

Kunal *Atika Singh*

Kunal Anand & Atika Singh
ADVOCATE FOR APPLICANT
Delhi High Court
Lawyers block-I, Chamber No. 407
New Delhi-110003

Place: NEW DELHI

BEFORE THE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH, NEW DELHI****Original Application No. 168/2025****Rishipal Malik****...Applicant****Versus****State of Uttar Pradesh & Ors.****...Respondent(s)****FILING OF RELEVANT DOCUMENTS IN PURSUANT TO THE ORDER DATED 23.04.2025 PASSED BY THE HON'BLE TRIBUNAL.****MOST RESPECTFULLY SHOWETH:**

1. That the grievance of the applicant in the present matter is that the Respondent No. 8 to 14 are operating sugarcane crushing mills for the manufacture of jaggery (*Kolhu*) in village Kharar, Khasra No. 1001, Pargana-Budhana, District-Muzaffarnagar, Uttar Pradesh, despite the Respondent no. 5 i.e. Uttar Pradesh Pollution Control Board's notice dated 11.07.2024 directing them to shift their industries outside a radius of 500 meters from the population/ education institutions/ religious places / hospitals etc as per the CPCB guidelines. Their highly hazardous process of manufacturing/industrial processes have caused and is continuing to cause substantial environmental degradation and demonstrable adverse health impact on the resident of the said village, with particular detriment to minor children attending schools, the senior citizen and other population of the said village, the Respondent No. 8 to 14 have committed egregious violations of the Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986, as well as the Central Pollution Control Board's guidelines for Pollution Control in Kolhus-region. The actions of Respondent No. 8 to 14 are in clear violation of Articles 14 and 21 of the Constitution of India, constituting an infringement of the fundamental rights guaranteed therein.

2. That vide order dated 23.04.2025, The Hon'ble Tribunal held that:-

"1. The applicant in this application has alleged that CPCB guidelines providing the distance criteria for the jaggery manufacturing units have been violated, but no such guidelines have been placed on record.

2. Learned Counsel for the applicant seeks one week to place on record the said guidelines.”

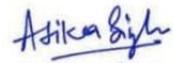
True Copy of order dated 23.04.2025 passed by the Hon'ble Tribunal is annexed herein as **Annexure-A**.

3. That in pursuant to the order dated 23.04.2025, The True Copy of CPCB Guidelines for Pollution Control for Kolhus vide letter No. 2541 dated 13.06.2018 is annexed herein as **Annexure-B**.

And The True Copy of Letter dated 13.08.2019 issued by CPCB to all the State PCBs and UPPCB with guidelines is annexed herein as **Annexure-C**.

4. The documents are being submitted herein for perusal and consideration of this Hon'ble Tribunal.

Through counsel



Kunal Anand & Atika Singh
ADVOCATE FOR APPLICANT
Delhi High Court
Lawyers block-I, Chamber No. 407
New Delhi-110003

Place: NEW DELHI

Item No. 05

Court No. 1

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

Original Application No. 168/2025

Rishipal Malik

Applicant

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

Date of hearing: 23.04.2025

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Ms. Atika Singh, Adv.

ORDER

1. The applicant in this application has alleged that CPCB guidelines providing the distance criteria for the jaggery manufacturing units have been violated, but no such guidelines have been placed on record.
2. Learned Counsel for the applicant seeks one week to place on record the said guidelines.
3. List on 01.07.2025.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

April 23, 2025
HB..

CENTRAL POLLUTION CONTROL BOARD
(Ministry of Environment, Forest and Climate Change, Govt. of India)
'Parivesh Bhawan', East Arjun Nagar
Shahdara, Delhi-110032
Tel: +91 11 43102030; Telefax: +91 11 22305793

No. IPC-V(SS1)/NGT/2017-18

25/11

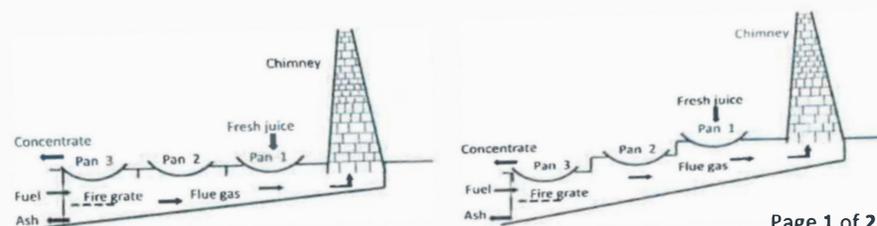
June 13, 2018

Order

The Hon'ble NGT vide its order dated November 22, 2017 in the matter of OA No. 754 of 2017; Anil Kumar Vs. Union of India & Ors., directed that "The State Pollution Control Board and Central Pollution Control Board may issue appropriate order in the interest of environment and ecology in relation to the operation of Kolhus in the State of Uttar Pradesh". Subsequently, UPPCB vide its letter no. H13521/C-3/Vividh-137/NGT-Kohlu/17, dated 14.12.2017, requested the CPCB to issue appropriate order in above case. The matter was examined by CPCB and draft guidelines for pollution control in Kolhus were forwarded to UPPCB for comments. The comments received from UPPCB have been considered. In view of the above, order is issued to UPPCB for ensuring compliance of following guidelines for pollution control in Kolhus:

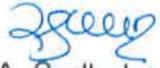
Guidelines for Pollution Control in Kolhus

1. The *Kolhus* shall not be allowed to set up at locations within 0.5 km distance from approved habitation, schools, hospitals and the sensitive zones.
2. Only dried bagasse, wood and the agricultural residues/wastes shall be used as fuel. In no case rubber, used tyres, plastic etc. shall be fired in furnace.
3. Improved/energy efficient furnace shall be used by Kolhus. The furnace shall be made of masonry bricks or refractory bricks. Use of mud or soil in place of bricks should be avoided. The furnace shall be constructed in such a way that it ensures multi-pan (more than one pan in series) heating as shown in Figure(s) below for utilisation of heat contained by flue gases. The Pan 3 is used for evaporation of the juice to achieve the desired concentration for making Jaggery/*Gur*. The hot flue gases further transfer heat to preheat the Pan 2 and Pan 1.



The number of Pans may range from 2 to 5 depending upon the design of furnace. As the flue gas transfer the heat to the Pan, its temperature reduces. The remaining heat in the flue gas is further utilised to preheat the juice in the subsequent Pans. The *Kolhus* with production capacity of ≤ 2 MT/day have a choice to adopt either single pan or multi-pan arrangement.

4. A flap shall be installed on fuel feed hole of furnace to control excess air. There shall be provision of fire grate for efficient burning of fuel in the furnace. The ash generated would be collected from bottom of the furnace. A provision of baffles in flue gas path leading to stack (chimney) should be made to contain the particulate matter.
5. The height of stack shall be prescribed by the State Pollution Control Board depending upon the local conditions, but it shall not be less than 10 m. The *Kolhus* without stack shall not be permitted.
6. The limit of particulate matter (PM) in flue gas shall be prescribed by the State Pollution Control Board depending upon the local conditions, but it shall not be more than 500 mg/Nm³.
7. The solid wastes generated from the *Kolhus* shall be reused or properly disposed. The bagasse shall be used as fuel in the furnace. Scum collected from pan and ash shall be utilised as soil conditioner in agricultural land.
8. The washings of pans shall be disposed through soak pit.
9. The *Kolhus* shall ensure cleanliness and hygienic conditions in the premises.


(A. Sudhakar)
Member Secretary

To,
The Member Secretary
Uttar Pradesh Pollution Control Board
Building.No. TC-12V, Vibhuti Khand,
Gomti Nagar, Lucknow,
Uttar Pradesh 226010.

✓ Copy to: IT Division, CPCB



केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

SPEED POST

CPCB/IPC-V/Kolhu/2019

August 13, 2019

To

All State Pollution Control Boards/ PCCs
(As Per List)

Sub: Guidelines for Pollution Control in Kolhus-reg.

Sir,

The Hon'ble National Green Tribunal, New Delhi, vide its order dated 22/11/2017, directed as below:

"...The State Pollution Control Board and Central Pollution Control Board may issue appropriate order in the interest of environment and ecology in relation to the operation of Kolhus in the State of Uttar Pradesh..."

Pursuant to the above, CPCB issued "Guidelines for Pollution Control in Kolhus", on 13/6/2018, for the state of Uttar Pradesh.

A copy of the above guidelines is enclosed for reference and implementation, for ensuring pollution control in Kolhus.

Yours faithfully

(Ajay Aggarwal)

AD & Div. Head, IPC-V

Encl: as above

Copy to:

All Regional Directorates of CPCB

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
निर्गत... NP/119/2
दिनांक 13/8/19

O/c.

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, Delhi-110032

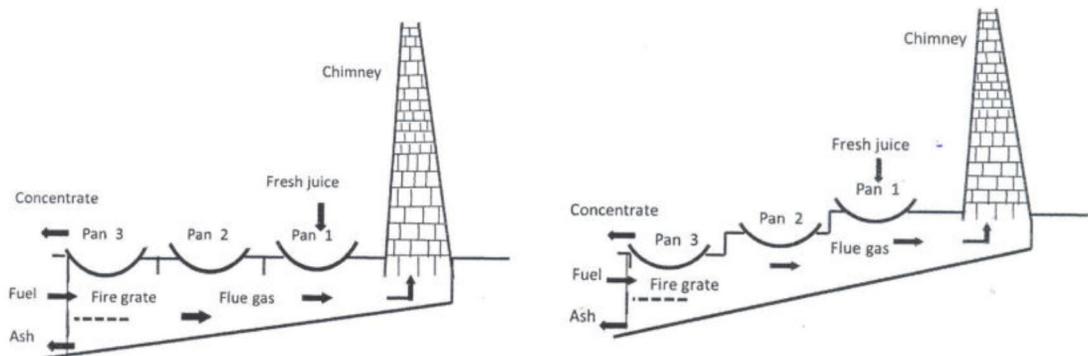
दूरभाष/Tel : 43102030, 22305792, वेबसाइट/Website : www.cpcb.nic.in



CENTRAL POLLUTION CONTROL BOARD
(Ministry of Environment, Forest and Climate Change, Govt. of India)
'Parivesh Bhawan', East Arjun Nagar
Shahdara, Delhi-110032

Guidelines for Pollution Control in Kolhus (Jaggery Units)

1. The *Kolhus* shall not be allowed to set up at locations within 0.5 km distance from approved habitation, schools, hospitals and the sensitive zones.
2. Only dried bagasse, wood and the agricultural residues/wastes shall be used as fuel. In no case rubber, used tyres, plastic etc. shall be fired in furnace.
3. Improved/energy efficient furnace shall be used by *Kolhus*. The furnace shall be made of masonry bricks or refractory bricks. Use of mud or soil in place of bricks should be avoided. The furnace shall be constructed in such a way that it ensures multi-pan (more than one pan in series) heating as shown in Figure(s) below for utilisation of heat contained by flue gases. The Pan 3 is used for evaporation of the juice to achieve the desired concentration for making Jaggery/*Gur*. The hot flue gases further transfer heat to preheat the Pan 2 and Pan 1.



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