

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

OA No. 406 OF 2023

IN THE MATTER OF:

BABAR ALI

... APPLICANT

VERSUS

STATE OF U.P & ORS.

... RESPONDENTS

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Proof of service @26-27



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NEW DELHI
DATED: 16.04.2024

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

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... RESPONDENTS

**REPLY ON BEHALF OF M/S. TRIVENI ENGINEERING &
INDUSTRIES LTD. TO THE ORIGINAL APPLICATION**

1. By way of the captioned application, the Applicant has alleged that:
(a) they are the direct victim of toxic waste purportedly discharged openly by the Respondent No. 4 in the nearby fields and kachha nallah (drain) and into the underground through borewell; (b) Respondent No. 4 has allegedly caused the groundwater in the village Bhikki and Nirana to become highly toxic; and (c) the pond at Khasra No. 333 in village Nirana, whose area is 30 Bigha, has completely turned toxic due to high toxic contents. Additionally, it is the Applicant's contention that the spent wash has allegedly percolated in the ground and caused serious contamination of ground water.
2. At the very outset, the Answering Respondent denies all the contents of the complaint filed by the Applicant and no part shall be deemed admitted, for the lack of specific traverse.

3. It is submitted that the neither has Respondent No. 4 caused any groundwater contamination in the village Bhikki and Nirana nor has any spent wash generated by the Respondent No. 4's unit percolated in the ground to cause any contamination whatsoever. The aforesaid has also been confirmed by the Joint inspection reports dated 03.08.2023 and 04.09.2023, which is explained in detail below.

PRELIMINARY SUBMISSIONS

4. It is submitted that Respondent No. 4's unit has ensured that it is compliant with all norms notified by the UPPCB, CPCB and other Government Authorities from time to time - the facility meets all the necessary standards regarding the treatment of its effluent or wastewater. No part of the wastewater generated during the manufacturing process is discharged into the environment and the industry is a **Zero Liquid Discharge (ZLD)** unit. Amongst others, the following may specifically be noted:
 - i. The unit has a comprehensive setup for wastewater treatment, including Buffer tanks, Anaerobic Digesters, Aeration tanks, Clarifiers, and Reverse Osmosis (RO) units. The parameters recorded in various inspections conducted by the pollution control authorities from time to time have been found to be within prescribed limits, indicating effective treatment of wastewater.
 - ii. The unit has a robust effluent / waste management process in place. The unit has installed advanced process technologies including a six-stage Multi-Effect Evaporator (MEE), Incineration boiler utilization and proper treatment of process condensate through an RO-based CPU unit, that enables the

unit to achieve the position of Zero Liquid Discharge (ZLD) comprehensively. It is submitted that the Respondent No. 4 is **strictly ZLD compliant with absolutely no liquid discharge.**

- iii. Flow meters are operational and are continuously managed, ensuring consistent treatment and monitoring of waste. The online flow measuring devices / real-time monitoring continuous systems are connected to the servers of UPPCB and CPCB so that there can be continuous monitoring of levels as data can be accessed on a 'live' basis.
- iv. The lagoon at Respondent No. 4's unit wherein the spent wash is temporarily stored before being transferred to the MEE / Incinerator set-up, are properly lined and *impermeable*, meaning thereby, that nothing contained in the lagoon permeates through it. These impermeable lagoons are designed to prevent seepage, which completely prevents the risk of ground-water contamination. They also have CCTV cameras and links to these cameras are also connected to the UPPCB and CPCB servers.
- v. The unit has installed monitoring systems such as CCTV cameras, ensuring continuous monitoring and connection to regulatory authorities' servers.
- vi. Hazardous waste like boiler ash is being properly managed, with the same being re-used for potash granulation by sale to Ram Potash Muzaffarnagar; and waste oil is being sent to

authorized recycler (M/s Bharat Oil & waste management co.
This approach aligns with eco-friendly practices.

5. Despite being a fully compliant unit as evident from the above narration, the present application is false and replete with falsehood and patently incorrect facts and targeting the Respondent No. 4 for reasons completely beyond its comprehension.
6. It is the Applicant's contention that: (a) Respondent No. 4 has allegedly caused the groundwater in the village Bhikki and Nirana to become highly toxic; and (b) the spent wash has percolated in the ground and caused serious contamination of ground water. In this regard, it is submitted that the aforesaid contentions are false and incorrect and the same has also been confirmed by the Joint inspection reports dated 03.08.2023 and 04.09.2023.
7. It is submitted that not a single drop of effluent has either permeated through the lagoon nor overflowed from lagoon at any point of time. In this regard, it is relevant to note that the report dated 03.08.2023 explicitly records that that during the inspection, no effluent was found being discharged outside the premises.
8. In this regard, it is also relevant to note the following conclusions drawn in the inspection report dated 4.09.2023:

“m. per the analysis results of samples collected from handpumps in village Bhikki, all the parameters are within the permissible limits as per BIS (IS 10500: 2012). COD value of 07 mg/l was found in the groundwater sample collected from the shallow depth handpump. As per the analysis results of samples collected from handpumps in village Nirana, all the

parameters are within the permissible limits as per BIS (IS 10500: 2012). Team didn't observed any discharge of spent wash and industrial wastewater in nearby fields during the visit.

9. Additionally, the report dated 04.09.2023 records that for storage of raw/conc. spent wash, the unit has impermeable lagoons. In the Respondent No. 4's submission, this would mean that impermeable lagoons store concentrated spent wash without letting it seep into the ground. These impermeable lagoons are designed to prevent seepage, which prevents the risk of groundwater contamination. Accordingly, there was no question of any contact with ground water.
10. In view of the aforesaid, it is submitted that since no effluent has permeated through the lagoon, there has been no contamination of ground water, as has also been recorded in the inspection reports. Consequently, no environmental pollution can be attributed to the Respondent No. 4.
11. In the Respondent No. 4's submissions, it is evident that the unit has effectively managed its effluent and operations, with no indication of environmental pollution or groundwater contamination directly attributable to its activities. Therefore, it is submitted that the Unit has adhered to requisite environmental regulations.
12. In view of the above, it is submitted that the contentions of the Applicant regarding the Respondent No. 4's unit causing contamination of the ground water are completely false since evidently, Respondent No. 4's unit has not caused any groundwater contamination.

13. By way of the captioned application, the Applicant has also alleged that they are the direct victim of toxic waste purportedly discharged openly by the Respondent No. 4 in the nearby fields and kachha nallah (drain).
14. In this regard, it is also relevant to note the following conclusion drawn in the inspection report dated 04.09.2023:

“o. Analysis results of the samples collected from the Jat Mujheda drain indicates that the drain is carrying industrial effluent. The change in BOD & COD values between upstream & downstream sampling locations of the Jatt Mujheda drain is not significant enough to reflect the impact of distillery effluent. Also, during visit joint team didn't found any provision of discharge from the unit M/s Triveni Engineering & Industries Ltd., Alco-Chemical Complex in drain. Hence, the deterioration in the water quality of Jat Mujedha drain is a cumulative effect due to industries located in the vicinity of the drain.”

15. In view of the above, the report dated 04.09.2023 records that: (a) the analysis of samples from Jat Mujheda drain shows it carries industrial effluent, but the change in BOD & COD values is not significant enough to reflect the impact to distillery effluent; (b) during the visit, no provision of discharge from M/s Triveni Engineering & Industries Ltd., Alco-Chemical Complex / Respondent No. 4 's unit into the drain was found; and (c) the deterioration in Jat Mujheda drain's water quality is attributed to industries in its vicinity, indicating a cumulative effect. The report establishes that Respondent No. 4 did not cause pollution, as there

was no evidence of discharge from their unit into the drain. The pollution in the drain is a result of various industries nearby, and thus, the allegations against Respondent No. 4 are baseless.

16. By way of the captioned application, the Applicant has also alleged that the pond at Khasra No. 333 in village Nirana, whose area is 30 Bigha, has completely turned toxic due to high toxic contents. In this regard, it is submitted that the aforesaid contentions are false and denied and the same has also been confirmed by the Joint inspection report dated 04.09.2023.
17. In this regard, it is also relevant to note the following conclusions drawn in the inspection report dated 4.09.2023:

“n. The water quality of pond located at Khasra No. 333 in Nirana village doesn't indicate the characteristics of industrial effluent however it shows the characteristics of domestic wastewater. Solid waste dumping was observed on the banks of pond. Team observed that domestic wastewater is being discharged into this pond.”

18. As regards the Applicant's contention of the pond at Khasra No. 333 in village Nirana, turning toxic on account of Respondent No. 4's actions, it is submitted that the aforesaid report clearly records that the water quality at the pond **does not indicate the characteristics of industrial effluent.** In such circumstances, any toxicity observed in the pond cannot be attributed to Respondent No. 4's unit. However, the report notes the presence of solid waste dumping on the pond's banks and the discharge of domestic wastewater into it, suggesting other factors contributing to environmental concerns, for which, Respondent No. 4's unit cannot be held responsible.

19. In view of the foregoing, it is evident that the unit has effectively managed its effluent and operations, with no indication of environmental pollution directly attributable to its activities. In such circumstances, deaths, if any, cannot be attributed to Respondent No. 4's unit nor can the numerous individuals fighting cancer be linked to Respondent No. 4's activities.
20. Additionally, the averments of the Applicant with respect to the cause of death allegedly due to pollution discharged by the Respondent No. 4 is also negated by the reports of In-charge Medical Officer dated 08.09.2023, which categorically mentions that in nearby 4 villages, there were no patients who were affected by the pollution allegedly discharged by the Respondent No. 4. A copy of the report of the Medical Officer dated 08.09.2023 is annexed herewith and marked as **Annexure R-1**.
21. It is important to note that some of the medical reports submitted in the captioned matter are of the persons suffering from oral cancer, which is due to chewing of tobacco and not due to the purported pollution allegedly from the unit of Respondent No. 4. For instance, the medical report of Mr. Anis, explicitly states that: "He is a bidi smoker 10-12 / day and a chronic ghutka chewer". Therefore, it is evident that such persons are not suffering from cancer due to the purported pollution allegedly caused by Respondent No. 4's unit but due to chewing of tobacco.

PARA-WISE REPLY

1. The contents of paragraph 1 of the Original Application are denied as being false and baseless. It is denied that the Applicant is a direct victim of toxic waste discharged openly by the Respondent no. 4 in

the nearby fields and kachcha nallah (drain) and into the underground through borewell. It is specifically denied that toxic waste discharged has been openly discharged by the Respondent no. 4 in the nearby fields and kachcha nallah (drain) and into the underground through borewell. It is also vehemently denied that Respondent No. 4 has been continuously engaged in serious violation of environment laws through illegal disposal of toxic waste water. It is denied that the Respondent No. 4 has caused the groundwater in the village Bhikki and Nirana to become highly toxic. It is also denied that 30 deaths due to cancer have occurred in last one year only and hundreds of families are fighting with cancer related diseases on account of Respondent No. 4's unit. It is reiterated that since no effluent has permeated through the lagoon, there has been no contamination of ground water, as has also been recorded in the inspection reports. Further, it is evident that Respondent No. 4's unit has effectively managed its effluent and operations, with no indication of environmental pollution or groundwater contamination directly attributable to its activities. Further, the report dated 04.09.2023 establishes that Respondent No. 4 did not cause pollution, as there was no evidence of discharge from their unit into the drain. The pollution in the drain is a result of various industries nearby, and thus, the allegations against Respondent No. 4 are not merited.

2. The contents of paragraph 2 of the Original Application are denied as being false and baseless. It is denied that Respondent No. 4 has caused any mayhem. It is specifically denied that the mayhem purportedly caused by Respondent no. 4 unit is no less than disaster caused by Bhopal Gas Tragedy. It is also denied that permanent

damage has been caused to the ground water which has become highly toxic and thus a killer agent to the villagers of Bhikki and Nirana. It is reiterated that since no effluent has permeated through the lagoon, there has been no contamination of ground water, as has also been recorded in the inspection reports.

3. The contents of paragraph 3 of the Original Application do not merit any response. It is however denied that Respondent No. 4 is increasing its production capacity by each passing day. It is denied that the unit has expanded its production capacity many folds in last few years with corresponding increase in toxic waste production.
4. The contents of paragraph 4 of the Original Application are false and baseless and hence, denied. It is denied that from the unit of Respondent no.4, waste effluent called as spent wash is released in the nearby fields which causes widespread soil and water pollution due to high BOD and COD levels, and the presence of toxic materials such as phenolic compounds. It is submitted that not a single drop of effluent has either permeated through the lagoon nor overflowed from lagoon at any point of time. In this regard, it is relevant to note that the report dated 03.08.2023 explicitly records that that during the inspection, no effluent was found being discharged outside the premises. Further, it is submitted that since no effluent has permeated through the lagoon, there has been no contamination of ground water, as has also been recorded in the inspection reports.
5. The contents of paragraph 5 of the Original Application do not merit any response. It is submitted that not a single drop of effluent / spent wash has either permeated through the lagoon nor overflowed from

lagoon at any point of time. The contents of the preliminary submissions are reiterated in this regard and are not repeated here for the sake of brevity.

6. The contents of paragraph 6 of the Original Application are denied as being false, vexatious, and concocted. It is submitted that that images showing huge open fields where waste dark coloured spent wash was lying untreated for years as legacy waste, if any, can be attributable to Respondent No. 4's unit. It is denied that for all these years significant amount has already percolated in the ground causing the ground water in entire Bhikki and Nirana village to turn brown in colour. It is specifically denied that Respondent No. 4 has caused heavy ground water contamination. It is reiterated that the inspection reports have confirmed that the Respondent No. 4's unit has not caused groundwater contamination.
7. The contents of paragraph 7 of the Original Application are denied as being false, concocted and baseless. It is denied that Respondent No. 4's unit is is also discharging its substantial portion of waste water in the nearby nallah(Drain) which in the downstream flows along the villages Bhikki and Nirana. It is denied that Respondent No. 4's unit has contaminated the ground water. It is submitted that the neither has Respondent No. 4 caused any groundwater contamination in the village Bhikki and Nirana nor has any spent wash generated by the Respondent No. 4's unit percolated in the ground to cause any contamination whatsoever. The aforesaid has also been confirmed by the Joint inspection reports dated 03.08.2023 and 04.09.2023, which is explained in detail in the preliminary submissions and are not being repeated here for the sake of brevity.

8. The contents of paragraph 8 of the Original Application are denied as being false, concocted and baseless. It is denied that the colour of ground Water from the tube wells 150 ft deep near the Respondent unit has turned brown. It is submitted that any such contamination, if at all, can be attributed to Respondent No. 4's unit.
9. The contents of paragraph 9 of the Original Application are denied as being false and baseless. While it is not denied that the compound referred to in the para under reply have serious environment impacts and the high COD and BOD inhibits seed germination and depletes vegetation in agricultural land, it is submitted that such environmental impact, if any, is not attributable to the Respondent No. 4's unit. It is reiterated that the aforesaid submissions are unsubstantiated and meritless. In this regard, it is submitted that the Inspection report dated 04.09.2023 specifically notes that: “the District Agriculture officer Muzaffarnagar intimated that no adverse impact was found on nearby agriculture crops in the radius of 5 km.”
10. The contents of paragraph 10 of the Original Application are denied as being false and baseless. It is denied that apart from many invisible negative impact of the ground water contamination and surface run off of this waste water, one visible impact can be seen in the pond at Khasra no.333 in village Nirana whose area is 30 Bigha, which has completely turned toxic due to high toxic contents. It is denied that pond at Khasra no.333 in village Nirana has completely turned toxic on account of the Respondent No. 4's unit. It is also denied that the source of this toxic water is the waste water from the Respondent No. 4's industry, which has reached through surface run off and through underground channels in this pond. It is specifically denied that Respondent No. 4's unit has generated toxic waste water,

which has reached through surface run off and through underground channels in this pond. It is submitted that the report dated 04.09.2023 clearly records that the water quality at the pond **does not indicate the characteristics of industrial effluent.** Therefore, any toxicity observed in the pond cannot be attributed to Respondent No. 4's unit.

11. The contents of paragraph 11 of the Original Application do not merit any response. It is however submitted that the adoption of pond in 2017 by Respondent No. 4's unit was not done with a mala fide intention or to fool the villagers that it will improve the water quality of the pond. It is denied that the said act of adoption was just an eyewash.
12. The contents of paragraph 12 of the Original Application are false, unsubstantiated, and baseless. It is denied that the water hyacinth has taken over the pond due to Eutrophication of pond and thus whole aquatic life underneath has been lost. It is vehemently denied that this has occurred due to low pH value of soil and water in that area and abundance of phosphorus and nitrates in the water sourced from the waste water of Respondent Unit. It is reiterated that the aforesaid submissions are unsubstantiated and meritless. In this regard, it is submitted that the Inspection report dated 04.09.2023 specifically notes that: "the District Agriculture officer Muzaffarnagar intimated that no adverse impact was found on nearby agriculture crops in the radius of 5 km."
13. The contents of paragraph 13 of the Original Application are false, concocted, unsubstantiated, and baseless. It is denied that many animals drink this liquid toxic waste which is lying open and this is causing bad impact on their health. It is specifically denied that

liquid toxic waste, if any can be attributed to Respondent No. 4's unit. It is denied that there is increased livestock mortality, poor health, and decreased milk yield, on account of Respondent No. 4's unit. It is denied that people who are living in these villages suffer from skin allergies, headaches, vomiting sensations, itchy eyes, fever, and stomach pain and cancer, on account of Respondent No. 4's unit. Therefore, it is evident that the unit has effectively managed its effluent and operations, with no indication of environmental pollution directly attributable to its activities. In such circumstances, deaths, if any, cannot be attributed to Respondent No. 4's unit nor can the numerous families fighting cancer be linked to Respondent No. 4's activities.

- 14.** The contents of paragraph 14 of the Original Application are denied as being false and baseless. It is denied that there has been any toxic waste waster discharge from Respondent No. 4's unit. It is denied that Respondent No. 4 has used money and muscle power to get away from the clutches of the law at all times. The aforesaid allegations are fabricated and has no basis whatsoever. It is submitted that the Respondent No. 4 is compliant with the relevant regulations, and not a single drop of effluent has either permeated through the lagoon nor overflowed from lagoon at any point of time.
- 15.** The contents of paragraph 15 of the Original Application are denied as being false and baseless. It is denied that Respondent No. 4 has crossed all limits of environmental violations. It is submitted that the Respondent No. 4 is compliant with all the relevant regulations applicable to it. It is denied that Respondent No. 4 dug up the ground inside the premises of Unit and inserted pipes/borewell in it and

started discharging the toxic waste water directly into the ground through these pipes.

16. The contents of paragraph 16 of the Original Application are denied as being false, concocted and baseless. It is vehemently denied that the Respondent industry has used its money power and political influence and always reported falsely and got away from any penal action regarding violation of the environment laws.
17. The contents of paragraph 17 of the Original Application are denied as being false, concocted and baseless. It is denied that the Respondent unit has effluent treatment plant only for name sake and to fool the authorities. It is denied that any damage to ground water has been caused by Respondent No. 4's unit. It is denied that Respondent No. 4 has fooled the villagers and have managed the pollution control authorities and district administration in order to escape adverse action. It is submitted that no part of the wastewater generated during the manufacturing process is discharged into the environment and the industry is a **Zero Liquid Discharge (ZLD)** unit. The contents of the preliminary submissions are reiterated in this regard and are not being repeated here for the sake of brevity.
18. The contents of paragraph 18 of the Original Application are denied as being false, and baseless. It is denied that the ground water of the villages Nirana and Bhikki have turned poison because of illegal discharge of such toxic waste water in the environment without any concern to lives of people. It is specifically denied that Respondent No. 4's unit has caused any groundwater pollution. The contents of the preliminary submissions are reiterated in this regard and are not being repeated here for the sake of brevity.

- 19.** The contents of paragraph 19 of the Original Application are denied as being false, and baseless. It is denied that this spent wash is getting percolated in the ground for last many decades and has got well settled in the ground water and colour off ground water has permanently changed to brown and has caused serious contamination of ground water and resultantly 30-40 deaths have occurred due to cancer in the nirana village itself in last one year only. It is submitted that the neither has Respondent No. 4 caused any groundwater contamination in the village Bhikki and Nirana nor has any spent wash generated by the Respondent No. 4's unit percolated in the ground to cause any contamination whatsoever. The aforesaid has also been confirmed by the Joint inspection reports dated 03.08.2023 and 04.09.2023. It is submitted that the deaths, if any, caused by cancer cannot be attributed to Respondent No. 4's unit since no pollution has been caused by it. Further, the averments of the Applicant with respect to the cause of death allegedly due to pollution discharged by the Respondent No. 4 is also negated by the reports of In-charge Medical Officer dated 08.09.2023, which categorically mentions that in nearby 4 villages, there were no patients who were affected by the pollution allegedly discharged by the Respondent No. 4. Additionally, the medical reports submitted in the captioned matter are of the persons suffering from oral cancer, which is due to chewing of tobacco and not due to the purported pollution allegedly from the unit of Respondent No. 4.
- 20.** As regards the contents of paragraph 20 of the Original Application, it is submitted that the purported list of injured and deceased persons cannot be attributed to Respondent No. 4's unit since the unit has not caused any groundwater pollution. The contents of the preliminary

submissions are reiterated in this regard and are not being repeated here for the sake of brevity.

REPLY TO GROUNDS

21. The contents of grounds A to C merit no response. It is however denied that the Respondent No. 4's unit has maintained false data which do not match with the ground reality.
22. The contents of grounds D are vehemently denied as being false and baseless. It is denied that Respondent No. 4 is discharging the untreated effluents in the nearby fields, in the nallah (drain) flowing through all these villages and into ground water through borewell. It is denied that the act and omission of the Respondent No. 4's unit have become a disaster to the ground water and soil and ecology of the villages of Bhikki and Nirana. It is submitted that the neither has Respondent No. 4 caused any groundwater contamination in the village Bhikki and Nirana nor has any spent wash generated by the Respondent No. 4's unit percolated in the ground to cause any contamination whatsoever. The aforesaid has also been confirmed by the Joint inspection reports dated 03.08.2023 and 04.09.2023. The contents of the preliminary submissions are reiterated in this regard and are not being repeated here for the sake of brevity.
23. The contents of grounds E are denied as being false and baseless. While it is not denied that it is obligatory on part of the industry to install Effluent Treatment Plants and maintain discharge standards as prescribed by the CPCB, it is denied that the same are not been maintained by the Respondent Unit. It is submitted that no part of the wastewater generated during the manufacturing process is

discharged into the environment and the industry is a **Zero Liquid Discharge (ZLD)** unit. The contents of the preliminary submissions are reiterated in this regard and are not being repeated here for the sake of brevity.

24. The contents of grounds F and G merit no response. It is reiterated that that the neither has Respondent No. 4 caused any groundwater contamination in the village Bhikki and Nirana nor has any spent wash generated by the Respondent No. 4's unit percolated in the ground to cause any contamination whatsoever. The aforesaid has also been confirmed by the Joint inspection reports dated 03.08.2023 and 04.09.2023.
25. The contents of grounds I merit is false and hence, denied. It is denied that pond of 30 Bigha area, which used to be community resource has now turned into poisonous lake by Respondent No. 4's unit.
26. The contents of grounds I merit is false and hence, denied. It is denied that the ground water in the village Nirana has been so deteriorated that it has turned poison on account of Respondent No. 4' actions. It is reiterated that that the neither has Respondent No. 4 caused any groundwater contamination in the village Nirana. The contents of the preliminary submissions are reiterated in this regard and are not being repeated here for the sake of brevity.
27. In response to contents of Ground J, it is submitted that neither has Respondent No. 4 caused any groundwater contamination in the village Bhikki and Nirana nor has any spent wash generated by the Respondent No. 4's unit percolated in the ground to cause any

contamination whatsoever. The aforesaid has also been confirmed by the Joint inspection reports dated 03.08.2023 and 04.09.2023.

28. In response to contents of Ground K, it is denied that the open fields surrounding the Respondent No. 4's Unit has land, which is full of dark brown waste material lying openly.
29. The contents of grounds L to P merit no response.
30. The contents of grounds Q and R merit no response. It is however submitted that the principle of absolute liability and strict liability are not applicable to the present case. Even otherwise, it is reiterated that neither has Respondent No. 4 caused any groundwater contamination in the village Bhikki and Nirana nor has any spent wash generated by the Respondent No. 4's unit percolated in the ground to cause any contamination whatsoever. The aforesaid has also been confirmed by the Joint inspection reports dated 03.08.2023 and 04.09.2023.
31. The contents of the Prayer section of the Original Application are denied in their entirety. The reliefs sought by the Applicants are misconceived and baseless for the reasons set forth above.

PRAYER

In view of facts and circumstances, it is prayed that this Hon'ble Court may be pleased to:-

1. Dismiss the instant Original Application filed by the Applicant;

2. Pass any other order/direction as this Hon'ble Court may deem fit.



**RESPONDENT NO. 4
THROUGH**

Anunaya Mehta

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ADVOCATES FOR RESPONDENT NO. 4
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NEW DELHI
DATED: 16.04.2024

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 406 OF 2023**

IN THE MATTER OF:

BABAR ALI

... APPLICANT

VERSUS

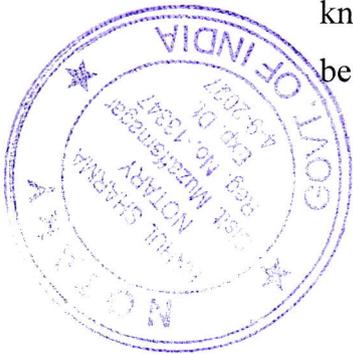
STATE OF UTTAR PRADESH & ORS.

... RESPONDENTS

AFFIDAVIT

I, Rajeev Vihan, aged about 58 years, s/o Rajan Singh, presently working as General Manager of Respondent No. 4, resident of A-402, Ivory Tower GH-4, Sector -5, Vasundhra, Ghaziabad, Uttar Pradesh – 201012, India do hereby solemnly affirm and declare as under:

1. That I am the authorised representative of the Respondent No. 4 in the above-mentioned Reply and am well conversant with the facts and circumstances of the case and as such I am competent to swear this affidavit.
2. That I state that I have read and understood the contents of the accompanying Reply. The same has been drafted by counsel under my instructions. I state that the contents are true and correct to my knowledge, and on the basis of legal advice received and believed to be true. Nothing material has been concealed.



RAHUL SHARMA
NOTARY
Distt. Muzaffarnagar (U.P.)

16 APR 2024



DEPONENT

VERIFICATION:-

Verified at MUZAFFAR NAGAR on this 16th day of April 2024 that the contents of my above affidavit are true and correct to my knowledge and no part thereof is false and nothing material has been concealed therefrom.

NOTARY

Identified by


PARDEEP KUMAR
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Mobile-9411030575
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DEPONENT

Muzaffarnagar

Rajeev Vishan
Sworn before me today above.....
the deponent is/are identified by Shri
Pardeep Kumar
I have satisfied myself to examine the
deponent who understand the contents of
the affidavit which has been read out and
explained by me to the deponent fee
charged Rs.....
NOTARY, DISTRICT MUZAFFARNAGAR

GOVT. OF INDIA
RAHUL SHARMA
Dist. Muzaffarnagar
Reg. No.-13347
4-9-2023
NOTARY


RAHUL SHARMA
NOTARY
Dist. Muzaffarnagar (U.P.)

16 APR 2024

पत्रांक- प्र0चि0अ0/मेघा0/प्र0नि0बो0 सूचना/2023-24/137

दिनांक-08/09/2023

प्रेषक-

प्रभारी चिकित्सा अधिकारी,
प्रा0स्वा0 केन्द्र मेघाखेडी,
मुजफ्फरनगर

सेवा मे,

श्रीमान मुख्य चिकित्सा अधिकारी
मुजफ्फरनगर

विषय- उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड मु0नगर द्वारा चाही गई सूचना के संबंध मे।

महादेय

उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड मु0नगर के पत्रांक संख्या 489/ओ0एन 406/बाबर अली मु0नगर/2023 दिनांक 28/08/2023 के संबंध मे महोदय उपरोक्त पत्र दिनांक 30/08/2023 को आपके द्वारा मुझको भेजा गया था, महादेय इस पत्र मे उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड ने त्रिवेणी इंजीनियरिंग एण्ड इण्डस्ट्रीज लि0 भिककी, बिलासपुर जौली रोड मु0नगर से हो रहे प्रदूषण के कारण आस पास ग्रामों के निवासियों के स्वास्थ्य पर विपरित प्रभाव पड रहा है के संबंध मे आख्या निम्नवत् है, महोदय इस इण्डस्ट्री के आस पास निम्न चार गांव है बिलासपुर, धन्धेडा, भिककी, व निराना इन गांव हमारे हैल्थ एण्ड वैलनेस सैन्टर स्थित है जहा पर सामु0स्वा0 अधिकारी(सीएचओ) नियुक्त है।

महोदय इन हैल्थ एण्ड वैलनेस सैन्टर पर आने वाले मरीजों का ब्यौरा उन हैल्थ एण्ड वैलनेस सैन्टर के सामु0स्वा0 अधिकारी(सीएचओ) से लिया गया है, सीएचओ से प्राप्त की गई सूचना इस प्रकार है :-

Name of CHO- Akram Ali		HWC Name- Dhandhera	
S.No.	Detail	No. Of Patient	Percentage
1	Fever	220	14.72
2	Skin Decease	199	13.31
3	Cough & Cold	252	16.86
4	Eye Flu	244	16.33
5	Hypertention	12	0.80
6	Diabetes mellitus	08	0.53
7	Diarrhea	25	01.67
8	Pain	502	33.60
9	Minor Injuries	32	02.14
Total		1494	

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Name of CHO- Varun Saini		HWC Name- Nirana	
S.No.	Detail	S.No.	Detail
1	Fever	155	18.69
2	Skin Decease	77	9.28
3	Cough & Cold	261	31.48
4	Eye Flu	104	12.54
5	Hypertention	34	4.10
6	Diabetes mellitus	29	3.49
7	Diarrhea	23	2.77
8	Pain	146	17.61
Total		829	

Name of CHO- Anvisha Chaudhary		HWC Name- Bilaspur	
S.No.	Detail	No. Of Patient	Percentage
1	Fever	160	18.18
2	Tonsilitis	15	1.70
3	Cough & Cold	110	12.5
4	Eye Flu	200	22.72
5	Pain	105	11.93
6	Abdominal Infection	40	4.54
7	Hypertention	12	1.36
8	Skin Decease	220	25
9	Diabetes mellitus	18	2.04
Total		880	

Name of CHO- Sarita		HWC Name- Bhikki	
S.No.	Detail	No. Of Patient	Percentage
1	Fever	220	25.7
2	Skin Decease	99	11.57
3	Cough & Cold	127	14.85
4	Eye Flu	147	17.19
5	Hypertention	69	8.07
6	Diabetes mellitus	18	2.10
7	Diarrhea	25	2.92
8	Pain	150	17.54
Total		855	

महोदय मेरे द्वारा इन चारो ग्रामो(निराना, बिलारापुर, भिक्की व धन्धेडा) मे स्थलीय निरिक्षण किया गया व ग्रम मे ऐसे किसी भी मरीज का सीएचओ के पास मे रिकोर्ड नही पाया गया जिसकी बिमारी इण्डस्ट्री से होने वाले उत्सार्जन से होती हो, महोदय इन चार ग्रम(निराना, बिलारापुर, भिक्की व धन्धेडा) के प्रधानो से वार्ता करने पर इस इण्डस्ट्रीज से होने वाले उत्सार्जन से गांव मे होने वाली बीमारी का पता नही चला है। संबधित ग्रम प्रधानो ने प्रदूषण नियत्रण बोर्ड के नाम पत्र भी लिखे है जिसकी प्रति पत्र के साथ संलग्न है

महोदय प्रथम दृष्टि मे इस इण्डस्ट्री से होने वाले उत्सार्जन से गांव मे ऐसी किसी बीमारी के होने का प्रमाण नही मिला है।

सूचना आपकी सेवा मे सादर प्रेषित है।

संलग्नक—

- 1—सीएचओ की रिपोर्ट की कॉपी
- 2—ग्रम प्रधानो द्वारा दिये गये पत्र की कॉपी

Wale
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Please find below the Reply to OA and Objections to reports being filed in the matter (Babar Ali v. State of UP & ors. OA 406 of 2023)

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PRINCIPAL BENCH, NEW DELHI
OA No. 406 OF 2023



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Advocate-on-Record, Supreme Court of India

9 Aug 2023



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