

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL
BENCH, NEW DELHI

APPEAL NO. 28 OF 2023

IN THE MATTER OF:
ANJUM

... APPELLANT

VERSUS

UTTAR PRADESH POLLUTION
CONTROL BOARD

.....RESPONDENT

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02.01.2024


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REPLY ON BEHALF OF RESPONDENT, U.P. POLLUTION
CONTROL BOARD.

I, Ankit Singh, S/o. Shri Ajit Singh, aged about 36 years, Regional Officer, U.P. Pollution Control Board, Muzaffarnagar, U.P. at present at New Delhi, do hereby solemnly affirm and declare as under:

1. That I in the capacity abovenoted am conversant with the facts and record of the present case, hence competent to swear this affidavit.
2. That I have gone through the Appeal filed on behalf of the Appellant and have understood the same fully.
3. That at the outset of this reply I deny each and every averment of fact save and except those which are admitted by me specifically hereinafter.

PARAWISE REPLY:

1. That the contents of Para 1 need no reply.
2. That the contents of Para 2 are matter of record, hence need no reply.



3. That the contents of Para 3 are denied for want of knowledge.

4-6. That the contents of Paras 4 to 6 are matter of record, however, nothing contrary to record is admitted. It is further submitted that in police investigation it revealed that the drums containing chemicals were belonging to Appellant and as some gas was emitting therefrom, on the complaint of villagers the SDM got buried the said drum near the canal. After investigation chargesheet has been filed against the Appellant and criminal trial is pending.

7. That in reply to the contents of Para 7 it is submitted that the Appellant was found guilty of storing hazardous chemicals which led to the accident in which a person dies and two got injured. Hence compensation of Rs. 4,15,000/- has been imposed.

8-9. That in reply to the contents of Paras 8 and 9 it is submitted that as the hazardous chemicals were found, hence the replying Respondent has issued notice for imposing compensation for 4 years and 282 days amounting to Rs. 87,10,000/- and thereafter compensation of Rs. 87,10,000/- has been imposed on the Appellant. Since the Appellant has been found guilty and criminal case is also clear from the report of Joint Committee filed on 13.02.2023 before this Hon'ble Tribunal in O.A. No. 744 of 2022; Moharram Ali Vs. State of U.P. True copy of the said report is being enclosed herewith and marked as **Annexure-1** to this reply.

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10-11. That the contents of Paras 10 and 11 are matter of record. However, it is wrong that the said report cannot be relied upon to show that the sample collected from the site were containing chemicals.



12. That in reply to the contents of Para 12 it is submitted that Appellant had stored the drums containing chemicals and on the complaint of the villager about eye burning, the chemicals were dumped on land near the canal and the drums were taken away by the Appellant. Thus Appellant is fully responsible for storage of the hazardous chemicals.

13. That the contents of Para 13 are matter of record and nothing contrary to record is admitted.

14. That the contents of Para 14 are wrong and it is submitted that Appellant was responsible for dumping of hazardous chemicals.

15. That in reply to the contents of Para 15 it is submitted that sample was taken by CSIR-IITK and it was found that the sample contains chemicals.

16-17. That in reply to the contents of Paras 16 and 17 it is submitted that the Appellant has dropped the chemicals out of drum which caused the accident. The drums were in possession of Appellant, hence the Appellant cannot escape from his liability.

18. That the contents of Para 18 are irrelevant for the purpose of present case.

19-20. That the contents of Paras 19 and 20 are absolutely wrong. It is not correct that someone has kept the drums near the house of the Appellant on his land and the Appellant was not aware about such drums



21. That the contents of Para 21 are absolutely wrong, hence denied. The Appellant has brought the drums full of chemicals which caused the accident.

22. That the contents of Para 22 are absolutely wrong, hence denied.

23. That the grounds of challenge are without any merits and thus denied. However, the replying Respondent craves leave to reply the same at the time of hearing.

23. That the limitation clause need no comments being matter of record.

24. That the prayer Clause is wrong, hence denied. The Appellant is not entitled for any relief.

In view of aforesaid facts and circumstances the present Appeal is liable to be dismissed.

Subal S.
DEPONENT

VERIFICATION:

I, the abovenamed deponent, do hereby verify that the contents of above affidavit are true to my knowledge derived from official record. No part of the same is false and nothing has been concealed therefrom.

VERIFIED ON THIS THE 30th DAY OF DECEMBER, 2023 AT NEW DELHI.



30/12/23

ATTESTED
[Signature]
DIPANKAR DAS
ADVOCATE
NOTARY PUBLIC
REGD. NO. 913
GOVT. OF INDIA
LAWYERS CHAMBER
SUPREME COURT OF INDIA
NEW DELHI

Subal S.
DEPONENT

[Signature]
DEPONENT



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Annexure - 1

उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड

-316

UTTAR PRADESH POLLUTION CONTROL BOARD

संदर्भ संख्या: H89027/सी-3/ NGT. 306/2023

दिनांक: 13/02/2023

To,

The Registrar,
The National Green Tribunal,
Principal Bench,
New Delhi
E-mail- judicial-ngt@gov.in

Sub: Report of The Joint Committee and Action Taken Report (ATR) in compliance of the order dated-10.01.2023 passed by Hon'ble National Green Tribunal, New Delhi in Original Application No. 744 of 2022 Moharram Ali Versus State of Uttar Pradesh.

Sir,

That in compliance of the order dated 10.01.2023 passed by the Hon'ble National Green Tribunal, New Delhi in Original Application No. 744 of 2022 Moharram Ali Versus State of Uttar Pradesh. In compliance of the above order the Action Taken Report of Joint Committee of UPPCB and District Administration is annexed herewith and forwarded to you with the request that the same may be placed before the Hon'ble Tribunal.

Enclosure- As above

Yours Sincerely

Abhishek Tripathi
13/2/23
(Abhishek Tripathi)
Incharge, Circle-3

Copy to:

1. Shri Pradeep Mishra, Advocate on Record, Hon'ble Supreme Court/ NGT, New Delhi for necessary action please.
2. Law Officer-1, U.P. Pollution Control Board, Lucknow for information and necessary action please.
3. Regional Officer, U.P. Pollution Control Board, MuzaffarNagar for information and necessary action.

Abhishek Tripathi
13/2/23
Incharge, Circle-3

o/c *[Signature]*

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Report of Joint Committee of UPPCB and District Administration in compliance of order passed by the Hon'ble National Green Tribunal in case of OA 744/2022 Moharram Ali Vs State of U.P. on dated 10.01.2023.

1.0 Background:

Grievance in reference to above was arisen by Mohd. Moharram Ali, complaining 03 paper mills dumping their hazardous waste and coal ash at the bank of Ganga Canal in huge quantity causing serious environmental damage besides health hazards to the residents in the nearby areas.

In the above matter, Hon'ble NGT vide order dated 30.09.2022, directed to constitute a joint committee comprising of State PCB and District Magistrate, Muzaffarnagar with the direction to visit the site and submit report. Accordingly, joint inspection was carried out by the joint committee and joint report was submitted to Hon'ble Tribunal on 07.12.2022. During inspection by the Joint Committee, it was found that highly exothermic reactive chemical mixed fly ash was present in the area. On enquiry with the locals and police officials, it was found that in the year 2018 an unknown highly hazardous chemical was dumped in the area by digging up the land which was then covered by fly ash. For identifying the nature of the chemical present on the land/under the land, on direction of District Magistrate Muzaffarnagar, UPPCB Head Office constituted a joint committee of IITR Lucknow and Scientific Officers of UPPCB Lucknow to visit the area, take the sample of chemical mixed fly ash and analyze it. Accordingly the joint committee visited the site on 30.07.2022, collected the soil samples and analyzed it. According to the analysis, high amount of heavy metals (calcium and potassium, chloride and sulphate) were present. Detailed report along with annexure have been submitted along with the joint report submitted to Hon'ble NGT. Observing immediate risk of health hazard due to high level of contamination in the soil in the site, all the chemical contaminated fly ash was collected, transported and disposed off through TSDF M/S Bharat Oil & Waste Management Pvt. Ltd on dated 29.09.2022. Details of the same have been already mentioned in the previously submitted joint report. Hon'ble Tribunal, after taking cognizance of the joint report, passed order on 10.01.2023 and directed District Administration and UPPCB to submit a action taken report in compliance to order passed by Hon'ble Tribunal on 10.01.2023.

2.0 Order Passed by Hon'ble NGT on 10.01.2023

“.....7. With respect to the fact as to who has dumped chemical and fly ash at site in question which has resulted in death and injuries of individuals, nothing has been said except that this information may be collected from Police. Prevention of illegal dumping of hazardous chemical and fly ash at

unauthorized site is statutory responsibility of officials of State PCB, and if they have failed in observance of their statutory duty, they cannot saddle the said responsibility upon any other authority like police.....”

“.....11. Let a further action taken report be submitted by State PCB and District Magistrate, Mujaffarnagar clearly stating about the person responsible for alleged dumping, including compliance of consent conditions with respect of Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 and authorizations granted under Hazardous & Other Wastes (Management and Transboundary Movement) Rules, 2016. The report needs to clarify on fly ash management plan with respect of each industry and management of hazardous waste as per authorizations granted. Further, report should state about action taken against such person/proponent for remediation and prevention of further damage to environment and also with regard to payment of compensation to the victims/heirs of deceased persons.:.....”

3.0 a) Action Taken Report regarding person responsible for digging and dumping hazardous chemical on land causing casualty

It has been already submitted in the earlier joint report stating that the hazardous chemical was dumped in the year 2018 by an unknown person on the same land in question. Due to reaction of the hazardous chemicals, exothermic reaction occurred after several years in July 2022. 03 persons while crossing the area were trapped in hazardous chemical and due to exothermic reaction were seriously burnt leading to death of 1 person and severe burns on bodies of 02 people.

In view of finding records/proof of person responsible for dumping of hazardous chemical and industries/ person responsible for dumping fly ash on the land in question, a letter was sent to SSP Muzaffarnagar by District Magistrate, Muzaffarnagar vide letter dated 16.01.2022 (**Annexure No. 1**) for providing all records of police investigations which has been carried out in the above matter. In reference to the letter issued, Police department submitted case diaries of investigations which was carried out against 02 persons responsible for dumping hazardous chemicals and fly ash. (Case Diary investigation reports are annexed as **Annexure No. 2**). According to the case diary no 179/2022 and 193/2022, it has been concluded that Shri Anjum S/o Latafat, Village Nangla Bujurg, Thana Bhopa, Muzaffarnagar was found to be mainly responsible and guilty for dumping of hazardous chemicals. The report has statement of the guilty stating that he was carrying out trading of hazardous chemicals, storing it in drums in a premise in village Kasampura, Thana Bhopa, Muzaffarnagar. On 12th November, 2018, chemicals

which were stored in drums, started leaking due to which villagers residing around the area started having severe burning sensations in eyes. On immediate complaints of the villagers, SDM Jansath, C.O. Bhopa and other police officials reached the site immediately. Shri Anjum called excavator, dug up a patch of land belonging to irrigation department and dumped all the chemical from the drums on the land. Drums were again taken back by him. No sign or protective boundary was made around the area by the guilty.

Hence, Shri Anjum S/o Latafat, Village Nangla Bujurg, Thana Bhopa, Muzaffarnagar was found to be mainly responsible and guilty for dumping of hazardous chemicals. Further, he was carrying out the hazardous chemical storage and trading activities illegally without taking permissions from UPPCB under Hazardous Waste Management Rules.

UPPCB has imposed environmental compensation against **Shri Anjum S/o Latafat, Village Nangla Bujurg, Thana Bhopa, Muzaffarnagar** from the date of incident i.e. 09.07.2022 to the date when the fly ash and other waste was disposed of safely in TSDF on 29.09.2022. The environmental compensation of Rs. 4,15,000/- has been imposed on 08.02.2023 (Annexure No. 3), for the above said period but as the fly ash and other waste had been dumped at Village Nangla Bujurg, Thana Bhopa, Muzaffarnagar place since long (period unknown) therefore, UPPCB has issued show cause notice for imposing environmental compensation Rs. 87,10,000/- on 11.02.2023 (Annexure No. 4) for last four years and 282 days in the light of Hon'ble NGT order, passed in O.A. No. 116 of 2014 Meera Shukla Versus Muncipal Corporation Gorakhpur and Others on 29.04.2019, which clearly status that;

".....The UPSPCB may assess the amount of compensation applying the formula laid down by the CPCB not only for the days mentioned in the report of the CPCB but for the actual days of violation from the beginning but not beyond five years from the date of calculation....."

b) Action Taken Report regarding person responsible Shri Irfan alias Bhura S/o Shri Yusuf (Contractor), Village Nangla Bujurg, Thana Bhopa, Muzaffarnagar for dumping industrial fly ash illegally on land

On scrutiny of the case diaries no 179/2022 section 278, 285,338 and 193/2022 section 283, 278, 338 , it has been made clear that Shri Irfan alias Bhura S/o Shri Yusuf, Nangla Bujurg, Thana Bhopa, Muzaffarnagar was carrying out work of contractor of 04 industries generating boiler fly ash under agreement for proper disposal of fly ash but had

illegally and unscientifically dumped fly ash generated from industries on the land in question which falls under jurisdiction of Irrigation Department.

UPPCB has imposed environmental compensation against Shri Irfan alias Bhura S/o Shri Yusuf (Contractor), Village Nangla Bujurg, Thana Bhopa, Muzaffarnagar **from the date of incident i.e. 09.07.2022 to the date when the fly ash and other waste was disposed of safely in TSDF on 29.09.2022. The environmental compensation of Rs. 4,15,000/- has been imposed on 08.02.2023 (Annexure No. 5), for the above said period but as the fly ash and other waste had been dumped at Village Nangla Bujurg, Thana Bhopa, Muzaffarnagar place since long (period unknown) therefore, UPPCB has issued show cause notice for imposing environmental compensation Rs. 87,10,000/- on 11.02.2023 (Annexure No. 6) for last four years and 282 days in the light of Hon'ble NGT order, passed in O.A. No. 116 of 2014 Meera Shukla Versus Muncipal Corporation Gorakhpur and Others on 29.04.2019.**

c) Action Taken Report against industries which generated boiler ash which was illegally and unscientifically disposed on the land in question

On scrutiny of the case diaries no 179/2022 section 278, 285,338 and 193/2022 section 283, 278, 338, it has been found that following industries generating the boiler fly ash had given the fly ash to the contractor (Irfan ilyas Bhura) for disposal of fly ash:-

1. M/s Bindlas Duplex Ltd (Unit- 1), Bhopa Road, Muzaffarnagar
2. M/s Silverton Pulp and Papers Pvt Ltd (Unit- 2), Bhopa Road, Muzaffarnagar.
3. M/s Shri Bhageshwari Papers Pvt Ltd (Unit- 1), Bhopa Road, Muzaffarnagar
4. M/s Bindals Papers Mills Ltd, Bhopa Road, Muzaffarnagar

Above industries were the generators of boiler fly ash, hence it was also the responsibility of the industries to ensure that the fly ash generated in their premises, was scientifically disposed off under the provisions of HWM Rules.

In view of the violation by the above defaulters, Regional Officer, UPPCB Muzaffarnagar has sent report to UPPCB Head Office to impose environmental compensation against above industries vide letter dated 31.01.2023.

In continuation, UPPCB, Lucknow imposed Environmental Compensation against the defaulter units as under :

1. UPPCB has imposed environmental compensation against M/s Bindlas Duplex Ltd (Unit- 1), Bhopa Road, Muzaffarnagar **from the date of incident i.e. 09.07.2022 to the date when the fly ash and other waste was disposed of safely in TSDF on 29.09.2022. The environmental compensation of Rs. 8,08,125/- has been**

- imposed on 09.02.2023 (Annexure No. 7), for the above said period but as the fly ash and other waste had been dumped at Village Nangla Bujurg, Thana Bhopa, Muzaffarnagar place since long (period unknown) therefore, UPPCB has issued show cause notice for imposing environmental compensation Rs. 1,63,31,250/- (Rs. One crore sixty three lac thirty one thousand two hundred fifty) on 11.02.2023 (Annexure No. 8) for last four years and 282 days in the light of Hon'ble NGT order, passed in O.A. No. 116 of 2014 Meera Shukla Versus Muncipal Corporation Gorakhpur and Others on 29.04.2019.
2. UPPCB has imposed environmental compensation against M/s Silverton Pulp and Papers Pvt Ltd (Unit- 2), Bhopa Road, Muzaffarnagar **from the date of incident i.e. 09.07.2022 to the date when the fly ash and other waste was disposed of safely in TSDF on 29.09.2022. The environmental compensation of Rs. 7,78,125/- (Seven Lac Seventy Eight Thousand One Hundred Twenty Five) has been imposed on 08.02.2023 (Annexure No. 9), for the above said period but as the fly ash and other waste had been dumped at Village Nangla Bujurg, Thana Bhopa, Muzaffarnagar place since long (period unknown) therefore, UPPCB has issued show cause notice for imposing environmental compensation Rs. 1,63,31,250/- (Rs. One crore sixty three lac thirty one thousand two hundred fifty) on 11.02.2023 (Annexure No. 10) for last four years and 282 days in the light of Hon'ble NGT order, passed in O.A. No. 116 of 2014 Meera Shukla Versus Muncipal Corporation Gorakhpur and Others on 29.04.2019,**
 3. UPPCB has imposed environmental compensation against against M/s Shri Bhageshwari Papers Pvt Ltd (Unit- 1), Bhopa Road, Muzaffarnagar **from the date of incident i.e. 09.07.2022 to the date when the fly ash and other waste was disposed of safely in TSDF on 29.09.2022. The environmental compensation of Rs. 7,78,125/- (Seven Lac Seventy Eight Thousand One Hundred Twenty Five) has been imposed on 08.02.2023 (Annexure No. 11), for the above said period but as the fly ash and other waste had been dumped at Village Nangla Bujurg, Thana Bhopa, Muzaffarnagar place since long (period unknown) therefore, UPPCB has issued show cause notice for imposing environmental compensation Rs. 1,63,31,250/- (Rs. One crore sixty three lac thirty one thousand two hundred fifty) on 11.02.2023 (Annexure No. 12) for last four years and 282 days in the light of Hon'ble NGT order, passed in O.A. No. 116 of 2014 Meera Shukla Versus Muncipal Corporation Gorakhpur and Others on 29.04.2019,**
 4. UPPCB has imposed environmental compensation against against against M/s Bindals Papers Mills Ltd, Bhopa Road, Muzaffarnagar **from the date of incident**

i.e. 09.07.2022 to the date when the fly ash and other waste was disposed of safely in TSD on 29.09.2022. The environmental compensation of Rs. 7,78,125/- (Seven Lac Seventy Eight Thousand One Hundred Twenty Five) has been imposed on 08.02.2023 (Annexure No. 13), for the above said period but as the fly ash and other waste had been dumped at Village Nangla Bujurg, Thana Bhopa, Muzaffarnagar place since long (period unknown) therefore, UPPCB has issued show cause notice for imposing environmental compensation Rs. 1,63,31,250/- (Rs. One crore sixty three lac thirty one thousand two hundred fifty) on 11.02.2023 (Annexure No. 14) for last four years and 282 days in the light of Hon'ble NGT order, passed in O.A. No. 116 of 2014 Meera Shukla Versus Municipal Corporation Gorakhpur and Others on 29.04.2019,

4.0 Fly ash management being carried out presently by 4 Pulp and Paper Industries in question

Sl no	Name of the Industry	Total fly ash generation/ Month	Transportation of fly ash	Storage/landfill sites	Fly ash Disposal Plan with Quantity / Month	Remarks
1	M/s Bindlas Duplex Ltd (Unit- 1), Bhopa Road, Muzaffarnagar	150-200 MT/Month	Through Closed Containers	1-Stored in Khasra No.01 of Vill. Sikhreda, Muzaffarnagar 2-Total area filled with fly ash approx 0.230 acre out of which total available area for landfill-0.471 Acre	1. Qty. Sent to Cement Plant : 140 MT/Month 2. Qty. used for land filling on own land : 60 MT/Month 3. Qty. temporarily stored on rented land : 700 MT	Approx 0.241 Acre land available for further storage of fly ash. Unit has done agreement with Cement Plant also
2	M/s Silverton Pulp and Papers Pvt Ltd (Unit- 2), Bhopa Road, Muzaffarnagar.	1500-2000 MT/Month	Through Closed Containers	Fly ash stored in premises and Disposed through Cement Plant and Bulk Ash Supplier	1. Qty. Sent to Cement Plant : 1400 MT/Month 2. Qty. sent to Bulk Ash Supplier : 350 MT/Month 3. Quantity temporarily stored of fly ash – Approx. 350 MT	Agreement done with Cement plant and Bulk ash supplier
3	M/s Shri Bhageshwari Papers Pvt Ltd (Unit- 1), Bhopa Road, Muzaffarnagar	600-650 MT/Month	Through Closed Containers	1-Stored in Khasra No. 187, 228, 354 of Vill. Nagla Bujurg, Muzaffarnagar 2-Total area filled with fly ash approx 0.40 Ha. out of which total available area for landfill-3.253 Ha.	1. Qty. Sent to Cement Plant : 440 MT/Month 2. Qty. used for land filling on rented land : 175 MT/Month 3. Qty. temporarily stored on rented land : 1900 MT	Approx 2.853 Acre land available for further storage of fly ash. Unit has also done agreement with Cement Plant

4	M/s Bindals Paper Mills Ltd, Bhopa Road, Muzaffarnagar	1500-2000 MT/Month	Through Closed Vehicles	Fiy ash stored in premises and Disposed through Cement Plant	1-All generated fly ash Sent to Cement Plant : 1800 MT/Month 2. Quantity temporarily stored of fly ash – Approx. 450 MT	Agreement done with Cement plant
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5.0 Hazardous waste management being carried out presently by concerned Pulp and Paper Industries

Sl no	Name of the Industry	Status of Haz. Authorization	Qty. sent to TSDF for disposal	Qty. stored in premises temporarily	Remarks
1	M/s Bindlas Duplex Ltd (Unit-1), Bhopa Road, Muzaffarnagar	Issued and granted upto 16.11.2027 a) Contaminated Cotton Rags or Other Cleaning Material – 0.075 MT b) Empty Barrels/ Containers/Liners contamination with Haz. Chem./Waste – 1.2 MT c) Used or Spent Oil – 0.225 MT	Approx. 0.13 MT collected and disposed through TSDF in previous quarter (As per the manifest of the TSDF)	Total waste stored at present – 0.20 MT	Qty. sent to TSDF is verified from Manifest of TSDF
2	M/s Silverton Pulp and Papers Pvt Ltd (Unit- 2), Bhopa Road, Muzaffarnagar.	Issued and granted upto 02.08.2027 a) Contaminated Cotton Rags or Other Cleaning Material – 0.15 MT b) Empty Barrels/ Containers/Liners contamination with Haz. Chem./Waste – 2.0 MT c) Used or Spent Oil – 0.4 MT	Approx. 0.37 MT collected and disposed through TSDF in previous quarter (As per the manifest of the TSDF)	Total waste stored at present – 0.5 MT	Qty. sent to TSDF is verified from Manifest of TSDF
3	M/s Shri Bhageshwari Papers Pvt Ltd (Unit- 1), Bhopa Road, Muzaffarnagar	Issued and granted upto 13.09.2027 a) Contaminated Cotton Rags or Other Cleaning Material – 0.1 MT b) Empty Barrels/ Containers/Liners contamination with Haz. Chem./Waste – 0.8 MT c) Used or Spent Oil – 0.15 MT	Approx. 0.25 MT collected and disposed through TSDF in previous quarter (As per the manifest of the TSDF)	Total waste stored at present – 0.25 MT	Qty. sent to TSDF is verified from Manifest of TSDF
4	M/s Bindals Paper Mills Ltd, Bhopa Road,	Issued and granted upto 26.04.2027 a) Contaminated Cotton	Approx. 0.26 MT collected and disposed	Total waste stored at present –	Qty. sent to TSDF is verified

Muzaffarnagar	Rags or Other Cleaning Material – 0.1 MT b) Empty Barrels/ Containers/Liners contamination with Haz. Chem./Waste – 3.0 MT c) Used or Spent Oil – 0.425 MT d) Chemical containing residue arising from decontamination – 0.15 MT	through TSDF in previous quarter (As per the manifest of the TSDF)	0.7 MT	from Manifest of TSDF
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Compliance regarding compensation to be provided to the victims

Hon'ble NGT in it's order dated 10.01.2023 has directed to provide payment of compensation to the victims/heirs of deceased persons. In compliance of the directions, District Magistrate Muzaffarnagar has initiated process to provide compensation to the victims as per the law.

5.0 Status of OA no 277/2022 Liyakat Ali & Ors Vs State of U.P

Hon'ble NGT in it's order dated 10.01.2023 has also directed that

“.....”**14. List for further consideration on 17.02.2023 alongwith OA No. 277/2022, Liyakat Ali & Ors vs. State of U.P.....”**

6.0 Background:

In reference to the grievance arisen by Mohd. Liyakat Ali and other residents of Village Dhandhera, Muzaffarnagar, complaining pulp and paper mills discharging highly polluted chemical mixed water in the land abutting their land. It was further stated that the drain was blocked due to negligence of Mr. Dhoom Singh and Mr. Tanveer, Contractors of Public Works Department (PWD) during construction of culvert in the drain which resulted in diversion of industrial waste directly to the agricultural fields of the applicants. Complainant demanded the compensation against the loss of agriculture crop.

7.0 Brief note/compliance in reference to Hon'ble NGT first order dated 28.04.22 in OA No. 277/2022, Liyakat Ali & Ors vs. State of U.P

In the compliance of Hon'ble NGT order dated 21.07.2022, joint committee visited the concerned industries and submitted joint committee report before Hon'ble NGT on dated 20.10.2022 (**Annexure No. 15**). Total 14 Pulp and Paper industries were identified concerning the above O.A. All the industries were inspected by the joint committee

comprising of officials of UPPCB and District Administration. Out of 14 industries 11 industries were found not having proper records w.r.t scientific disposal of fly ash generated from the industries. Hence, all 11 industries were issued show cause notices along with environmental compensation under Air Act 1981. 02 industries were found in violation of PWM rules as it was found that the waste plastic generated from the paper industries were not having proper records for scientific disposal of plastic waste. Hence, show cause notices to 02 industries were issued under the EP Act 1986. Total of Rs. 20.60 Lac Environmental compensation was imposed to 11 Industries and compensation was recovered from all the concerned industries. Details of environmental compensation issued and recovered by individual industries is annexed as **Annexure No. 16**. The joint action taken report was submitted to Hon'ble NGT on 20.10.2022.

8.0 Latest Order Passed by Hon'ble NGT on 21.10.2022 in OA No. 277/2022, Liyakat Ali & Ors vs. State of U.P

On consideration of joint report submitted to Hon'ble NGT, following directions were issued, effective part of which states that:

“.....14. In view of its statutory obligations under the enactments specified in Schedule I of the National Green Tribunal Act, 2010, the UPPCB is directed to verify the factual position regarding discharge of drain water of Muzaffarnagar main drain into river, quality of discharged water going to river, status of installation of STP with conveyance system in Muzaffarnagar, disposal of plastic waste and fly ash and take further remedial action by following due process of law.”

Hon'ble NGT order dated 21.10.2022 sought the factual position regarding discharge of drain water of Muzaffarnagar main drain into river, quality of discharged water going to river, status of installation of STP with conveyance system in Muzaffarnagar, disposal of plastic waste and fly ash and take further remedial action by following due process of law.

9.0 Compliance of latest directions of Hon'ble NGT dated 21.10.2022

As per the directions issued by Hon'ble NGT dated 21.10.2022, Action taken report by UPPCB was submitted to Hon'ble NGT on 02.01.2023 vide letter no. 1310/OA-277/Liyakat Ali/M.Nagar/2023 dated 02.01.2023 which is annexed as **Annexure-17**.

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10.0 Brief report regarding latest report submitted by UPPCB to Hon'ble NGT**(a) Regarding drain water quality**

In compliance to the said orders of the Hon'ble NGT dated 21.10.2022, officials of UPPCB Muzaffarnagar visited the drains into which the concerned pulp and paper industries are discharging treated effluent which in turn joins river Kali West on dated 21.12.2022. During visit, water samples from the drains and River Kali West were collected. Sampling locations are as follows :

1. Kukra drain before confluence to Dhandhera Drain
2. Begrajpur drain / Dhandhera drain (Main Muzaffarnagar drain) near UPSIDC, Begrajpur
3. River Kali West after meeting Begrajpur/Dhandhera Drain (Main Muzaffarnagar Drain)

11.0 Findings from the Analysis Reports :

- The reports showed that high COD levels are present in the Begrajpur drain (Main Muzaffarnagar drain). Major heavy metals (Lead, Chromium, Zinc) present in the drains are within the prescribed limits. However, parameters of Hardness, magnesium and calcium (majorly contributed by untreated sewage/domestic effluent) is above the prescribed limits.
- Chloride and Iron are found above prescribed norms, however, concerned industries majorly Pulp & Paper Industries) do not use raw material having chloride/ iron compound.
- Kukra drain being majorly a domestic drain having around 16.0 MLD domestic untreated sewage and around 1.0 MLD treated Industrial effluent of 02 Nos. Pulp & Paper Industries. In this drain COD has been found 496 mg/l.

Analysis reports are annexed as **Annexure 18**.

12.0 Status of STP Installation

- At present in City Muzaffarnagar, 01 STP of U.P. Jal Nigam capacity 32.5 MLD is operational at Kidwai Nagar on oxidation pond technology for the treatment of sewage generation for city Muzaffarnagar. There are 02 more STPs of U.P. Jal Nigam of capacity 22 MLD at village Sahawali and 32.5 MLD at Kidwai Nagar Muzaffarnagar being constructed by M/s Muzaffarnagar STP Pvt. Ltd. Muzaffarnagar under Namami Gange Project (Email : ashishlahoty@yahoo.com) Address : B-157-158, Scheme No. 10B Gopalpura Bye pass, Jaipur. Untreated sewage will be channelized through tapping of all domestic drains into the sewage treatment plant.

S.No.	STP Capacity and Location	Concerned Drain	Status	Remark
1.	32.5 MLD Kidwai Nagar, Muzaffarnagar	Khadarwala Drain, Krishnapuri Drain, Sujru Drain, Nai Basti Drain	Under Construction	50% work completed.
2.	22 MLD Vill. Sahawali, Muzaffarnagar	Sahawali/Kukra Drain	Under Construction	75% work completed.

- As was observed from the analysis that untreated domestic sewage is also a major contributor of pollution in Begrajpur drain (Main Muzaffarnagar drain) before meeting River Kali West. Once proposed STPs are operational, significant decrease in BOD and COD levels may be observed in Main Muzaffarnagar drain also.

13.0 Compliance Status regarding scientific disposal of plastic waste generated from the concerned pulp and paper industries

S.No.	Name & Address of Industry	Violation Found/Action Taken	Present Compliance Status – Disposal of Fly Ash & Plastic Waste
1.	M/s. Silvertan Papers Ltd. (Unit-1), 9 th Km. Bhopa Road, Muzaffarnagar.	Scientific disposal of fly ash and plastic waste not found during inspection. Env. Compensation imposed of Rs. 2,10,000/- which has been recovered and compliance done by the industry.	Plastic waste generated (Unit-1 & Unit-2) – 34 MT/Month Plastic Waste sent to Cement Plant – 32 MT/Month Rest Plastic waste is temporarily stored within the premises. Fly Ash generated (Unit-1 & Unit-2) – 972 MT/Month Disposal of Fly Ash – 955 MT/Month (Disposal through Cement Plant & Brick Kiln Manufacturer)
2.	M/s. Silvertan Papers Ltd. (Unit-2), 9 th Km. Bhopa Road, Muzaffarnagar.	Scientific disposal of fly ash and plastic waste not found during inspection. Env. Compensation imposed of Rs. 2,10,000/- which has been recovered and compliance done by the industry.	Rest fly ash is temporarily stored within the premises in covered area along with manual water sprinkling facility.
3.	M/s. Silvertan Pulp & Papers Pvt. Ltd., 9 th Km. Bhopa Road, Muzaffarnagar.	Boiler in sister concern unit and generated plastic waste is disposed in Gasifier installed in the unit.	Approx. 115 MT/Month Plastic waste generated from process (Unit-1 & Unit-2) and completely disposed in house through Gasifier. Steam supplied to the unit by the sister concern Unit-2. Hence, fly ash is not generated in this unit.
4.	M/s. Silvertan Pulp & Papers Pvt. Ltd., (Unit-2), 9 th Km. Bhopa Road,	Scientific disposal of fly ash and plastic waste not found during inspection. Env. Compensation	Approx. 115 MT/Month Plastic waste generated from process (Unit-1 & Unit-2) and completely disposed in house through Gasifier.

	Muzaffarnagar.	imposed of Rs. 1,50,000/- which has been recovered and compliance done by the industry.	Fly Ash generated—1500-2000 MT/Month Disposal of Fly Ash - 1750 MT/Month (Disposal through Cement Plant & Bulk Ash Supplier) Rest fly ash is temporarily stored within the premises in covered area along with manual water sprinkling facility.
5.	M/s. Garg Duplex & Paper Mills Pvt. Ltd., 8.5 Km., Bhopa Road, Muzaffarnagar	Scientific disposal of fly ash and plastic waste not found during inspection. Env. Compensation imposed of Rs. 1,50,000/- which has been recovered and compliance done by the industry.	Plastic waste generated – 25 MT/Month Plastic Waste sent to Cement Plant – 23 MT/Month Rest Plastic waste is temporarily stored within the premises. Fly Ash generated – 350-400 MT/Month Disposal of Fly Ash – 380 MT/Month (Disposal through Land Filling by Contractor) Rest fly ash is temporarily stored within the premises in covered area along with manual water sprinkling facility.
6.	M/s. Shree Sidhballi Paper Mills Ltd., Bhopa Road, Muzaffarnagar	Scientific disposal of fly ash and plastic waste not found during inspection. Env. Compensation imposed of Rs. 2,10,000/- which has been recovered and compliance done by the industry.	Plastic waste generated – 20 MT/Month Plastic Waste sent to Cement Plant – 18 MT/Month Rest Plastic waste is temporarily stored within the premises. Fly Ash generated – 300-350 MT/Month Disposal of Fly Ash – 330 MT/Month (Disposal through Land Filling by Contractor) Rest fly ash is temporarily stored within the premises in covered area along with manual water sprinkling facility.
7.	M/s. Meenu Paper Mills Pvt. Ltd., 9.5 Km., Bhopa Road, Muzaffarnagar	Scientific disposal of fly ash and plastic waste not found during inspection. Env. Compensation imposed of Rs. 2,10,000/- which has been recovered and compliance done by the industry.	Plastic waste generated – 40 MT/Month Plastic Waste sent to Cement Plant – 35 MT/Month Rest Plastic waste is temporarily stored within the premises. Fly Ash generated – 280-300 MT/Month Disposal of Fly Ash – 270 MT/Month (Disposal through Land Filling by Contractor) Rest fly ash is temporarily stored within the premises in covered area along with manual water sprinkling facility.
8.	M/s. Tehri Pulp & Paper Ltd. (Unit-1), 9 th Km., Bhopa Road, Muzaffarnagar	Scientific disposal of fly ash and plastic waste not found during inspection. Env. Compensation imposed of Rs. 1,80,000/- which has been recovered and compliance done by the industry.	Plastic waste generated – 30 MT/Month Plastic Waste sent to Cement Plant – 26 MT/Month Rest Plastic waste is temporarily stored within the premises. Fly Ash generated – 350-400 MT/Month Disposal of Fly Ash – 390 MT/Month (Disposal through Cement Plant) Rest fly ash is temporarily stored within the premises in covered area along with manual

			water sprinkling facility.
9.	M/s. Tehri Pulp & Paper Ltd. (Unit-2), 9 th Km., Bhopa Road, Muzaffarnagar	Non-scientific disposal of plastic waste found during inspection. Show cause notice issued under E.P. Act. Compliance have been done.	<p>Steam supplied to the unit by the sister concern of Unit-1. Hence no fly ash is generated in this unit.</p> <p>Plastic waste generated – 30 MT/Month Plastic Waste sent to Cement Plant– 27 MT/Month Rest Plastic waste is temporarily stored within the premises.</p>
10.	M/s. Tirupati Baalaji Fiberr Private Limited, Bhopa Road, Muzaffarnagar	Scientific disposal of fly ash and plastic waste not found during inspection. Env. Compensation imposed of Rs. 2,10,000/- which has been recovered and compliance done by the industry.	<p>Plastic waste generated – 20 MT/Month Plastic Waste sent to Cement Plant – 17 MT/Month Rest Plastic waste is temporarily stored within the premises.</p> <p>Fly Ash generated – 350-400 MT/Month Disposal of Fly Ash – 370 MT/Month (Disposal through Land Filling by Contractor) Rest fly ash is temporarily stored within the premises in covered area along with manual water sprinkling facility.</p>
11.	M/s. Bindals Papers Mills Ltd., Bhopa Road, Muzaffarnagar	Scientific disposal of fly ash and plastic waste not found during inspection. Env. Compensation imposed of Rs. 2,10,000/- which has been recovered and compliance done by the industry.	<p>Unit is based upon Agro waste. Hence, No plastic waste generated from the process.</p> <p>Fly Ash generated–1500-2000 MT/Month Disposal of Fly Ash – 1800 MT/Month (Disposal through Cement Plant) Rest fly ash is temporarily stored within the premises in covered area along with manual water sprinkling facility.</p>
12.	M/s. Shree Bhageshwari Papers Pvt. Ltd. (Unit-1), 9 th Km., Bhopa Road, Muzaffarnagar	Scientific disposal of fly ash and plastic waste not found during inspection. Env. Compensation imposed of Rs. 1,80,000/- which has been recovered and compliance done by the industry.	<p>Plastic waste generated – 25 MT/Month Plastic Waste sent to Cement Plant –23 MT/Month Rest Plastic waste is temporarily stored within the premises.</p> <p>Fly Ash generated – 600-650 MT/Month Disposal of Fly Ash – 615 MT/Month (Disposal through Cement Plant & Land Filling) Rest fly ash is temporarily stored on rented land along with manual water sprinkling facility.</p>
13.	M/s. Shree Bhageshwari Papers Pvt. Ltd. (Unit-2), 9 th Km., Bhopa Road, Muzaffarnagar	Non-scientific disposal of plastic waste found during inspection. Show cause notice issued under E.P. Act. Compliance have been done.	<p>Steam supplied to the unit by the sister concern of Unit-1. Hence, no fly ash generated in this unit.</p> <p>Plastic waste generated – 15 MT /Month Plastic Waste sent to Cement Plant – 14 MT/Month Rest Plastic waste is temporarily stored within the premises.</p>

14.	M/s. Galaxy Papers Pvt. Ltd., Jolly Road, Muzaffarnagar	Scientific disposal of fly ash and plastic waste not found during inspection. Env. Compensation imposed of Rs. 1,40,000/- which has been recovered and compliance done by the industry.	Plastic waste generated – 20 MT/Month Plastic Waste sent to Cement Plant –19 MT/Month Rest Plastic waste is temporarily stored within the premises. <hr/> Fly Ash generated – 180-200 MT /Month Disposal of Fly Ash – 180 MT/Month (Disposal through Land Filling by Contractor) Rest fly ash is temporarily stored within the premises in covered area along with manual water sprinkling facility.
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Pulp & Paper industries which were found not disposing fly ash in scientific manner have now submitted details regarding quantity of fly ash being generated along with details of disposal of fly ash either by proper land filling/brick making etc. Inspection of some fly ash land filling area was also conducted for verification, (Detailed report and relevant annexures are included in joint committee previous report dated 02.01.2023.

Observations/Recommendations

1. Kukra drain being majorly a domestic drain having around 16.0 MLD domestic untreated sewage and around 1.0 MLD treated Industrial effluent of 02 Nos. Pulp & Paper Industries. In this drain COD has been found 496 mg/l.

Higher level of COD may be attributed due to the reasons that the drain passes through major commercial and residential areas of the city having various household activities.

2. The reports showed that high COD levels are present in the Begrajpur drain (Main Muzaffarnagar drain). Major heavy metals (Lead, Chromium, Zinc) present in the drains are within the prescribed limits. However, parameters of Hardness, magnesium and calcium (majorly contributed by untreated sewage/domestic effluent) is above the prescribed limits.

Total 45 water polluting industries are operational in Muzaffarnagar discharging treated effluent directly/ indirectly in River Kali (West) majorly through Dhandera/Begrajpur drain. Violating industries can contribute potential increase in higher COD levels, if partially treated/untreated effluent is discharged in the drain. In view of prevention and control of water pollution in River Kali (West), regular inspections of industries are carried out by UPPCB and District Administration Actions are being taken up against industries under violation w.r.t treated effluent discharge

norms. 02 industries were found violating and discharging untreated effluent in Dhandera/Begrajpur drain. Both industries were issued closure order along with imposition of EC. Details are given below:-

Name of Industry	Sector	Action Taken	EC details
M/s Tehri Pulp & Paper Ltd. (Unit-2), Bhopa Road, Muzaffarnagar	Pulp & Paper	Closure order issued on dt. 10.01.2023	Rs. 1.20 Lac imposed
M/s Magma Industries Ltd., Industrial Area Begrajpur, Muzaffarnagar	Pharmaceuticals	Closure order issued on dt.10.01.2023	Rs. 0.60 Lac imposed

3. Joint team is also identifying illegal industries which have potential to polluting drain and River Kali (West). In continuation, joint committee found 01 board mill operating illegally without having ETP and discharging untreated effluent into Dhandhera drain was closed down till installation and operation of ETP and grant of Consent from Board.

The above report is put up for perusal and necessary action please

INSPECTION TEAM

S.No.	Name of Officials & Details	Signature
1.	Anup Kumar City Magistrate, Muzaffarnagar	
2.	Ankit Singh Regional Officer, UPPCB, Muzaffarnagar	
3.	Vipul Kumar Asstt. Environment Engineer, UPPCB, Muzaffarnagar	