

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

O.A. NO. 248/2023

IN THE MATTER OF:

Varun Gulati

... Applicant

Versus

State of UP & Ors.

... Respondents

INDEX

SL. NO.	PARTICULARS	PAGE NO.
1.	REPLY ON BEHALF OF THE RESPONDENT NO.6/ NISHA PRINTS	1-4
2.	Annexure R-1: True Copy of authorisations/ NOCs/ CTOs received by the applicant from the official respondents alongwith other relevant documents	5-41

At: New Delhi
Dated: 8.2.2024



Kapil Goswami
Advocate
8882226608

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

O.A. NO. 248/2023

IN THE MATTER OF:

Varun Gulati

... Applicant

Versus

State of UP & Ors.

... Respondents

REPLY ON BEHALF OF THE RESPONDENT NO. 6/ NISHA PRINTS

MOST RESPECTFULLY SUBMITTED:

PRELIMINARY SUBMISSIONS

1. That the present petition is an abuse of the process of law and the closure of the respondent's establishment has been ordered without following the due process of law and without observing the principles of natural justice.
2. It is submitted that the Joint Committee constituted on the direction of this Hon'ble Tribunal, vide its report before this Hon'ble Tribunal Dt. 13.7.2023, has confirmed that the respondent's establishment was having a valid CTO and NOC from CGWA. It was also mentioned that the effluents were being discharged through the ETP. ETP was found in operation, and the effluent was within the permissible limits, as per laboratory analysis.
It is submitted that the said committee contained no less than the City Magistrate, a Scientist-C from CPCB, an AEE from the UPPCB.
3. However, in the next report submitted before this Hon'ble Court on 13.10.2023, it is mentioned that the ETP was not functioning properly. That with the report, a show cause notice is annexed, however the same was never received by the respondent.

In the third report, submitted before this Hon'ble Tribunal vide letter Dt. 2.1.2024, its stated that the respondent establishment has been directed to be closed down, alongwith compensation being imposed.

4. It is most respectfully submitted, that the respondent is complying with all the parameters and the department has taken a decision to close down its establishment, behind its back.

It is submitted that not only the answering respondent is having the required consents and NOCs from the department's concerned, as has affirmed by the departments in all three reports, rather, the respondent is also complying with all environmental norms, as has been confirmed by the Joint Committee's report.

It is submitted that not only the livelihood of the proprietor of the establishment is tied to it, but also that of all the workers.

It is submitted that the show cause notice was never received by the establishment, moreover the show cause is missing in details regarding the extent of violation of the parameters, thereby prejudicing the respondent in his defense.

It is submitted that the ETP sludge in the establishment is being periodically removed through a third party M/s Bharat Oil & Waste Manangement Ltd., which is also regularly carrying out tests in the laboratory.

5. It is submitted that this Hon'ble Tribunal is not bound by the reports of the expert committee, more so when the same are contradictory and vague. It is therefore most respectfully submitted that this Hon'ble Tribunal be pleased to order a fresh inspection of the establishment, so that all doubts are put to rest.

In this regard, the Hon'ble Supreme Court has held in Singrauli Super Thermal Power Station v/s Ashwani Kumar Dubey, CA/3856/2022, as under:

“At this stage, we may also observe that the recommendations made by an expert Committee are not binding on the NGT, they

are only by way of assistance to enable the NGT to arrive at a correct decision in the matter”.

6. It is also submitted that the OA filed by the applicant, does not disclose any violations against the respondent, however it has been made a respondent. It is therefore most respectfully submitted that the OA be dismissed with cost.

PRAYER

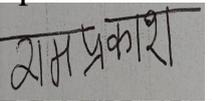
On the basis of the above submissions, it is humbly prayed as under:

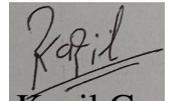
1. That this Hon’ble Court be pleased to order a fresh inspection of the respondent establishment, and the answering respondent undertakes to submit the costs involved in the process.
2. That the environmental compensation amounting to Rs. 11,25,000/-, and the show cause notice and closure notice, be quashed and set aside.
3. That the present OA be dismissed, with cost.

Any other and further orders that this Hon’ble Tribunal deems fit and proper in the facts and circumstances of the present case.

Through

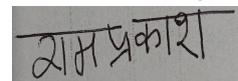
Date: 8.2.2024
Place: New Delhi


DEPONENT


Kapil Goswami
Advocate
8882226608

VERIFICATION

I, the deponent herein, do hereby verify that the contents of the above reply are true and correct to my knowledge based on records. Nothing is false therein.
Verified at New Delhi on 8.2.2024.


DEPONENT

**IN THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
O.A. NO. 248/2023**

IN THE MATTER OF:

Varun Gulati ... Applicant

Versus

State of UP & Ors. ... Respondents

AFFIDAVIT

I, रामप्रकाश, Aged about 56 years, S/o Sh. -
Gore Lal, proprietor of respondent No. 6
Garments, R/o विशाखिन्ध A-11 कपडार कोठी गिफादो do hereby
solemnly affirm and state as under:- Presently at New Delhi

1. I am the answering respondent herein in the above noted matter and am well conversant with the facts and circumstances of the present case and also competent to swear the present affidavit.
2. That the contents of the accompanying reply has been drafted by my counsel as per my instructions and to say that the contents thereof are true and correct.
3. That the annexures are true copy of their respective originals.

रामप्रकाश
DEPONENT

VERIFICATION

I, the deponent herein, do hereby verify that the contents of the above reply are true and correct to my knowledge based on records. Nothing is false therein. Verified at New Delhi on 15 FEB 2024.

रामप्रकाश
DEPONENT



I have read
over & explained to the deponent
Admitted to be correct

[Signature]
Oath Commissioner, New Delhi

15 FEB 2024

My Attorney
 D.37.21/2024
 State of UP & Ors. v. Varun Gulati
 State of UP & Ors. v. Varun Gulati



Uttar Pradesh Pollution Control Board
 Building. No TC-12V Vibhuti Khand Gomti Nagar, Lucknow- 226010
 Phone:0522-2720828,2720831, Fax:0522-2720764, Em. id: info@uppcb.in, Website: www.uppcb.com

176214/UPPCB/Ghaziabad(UPPCBRO)/CTO/both/GHAZIABAD/2023

Date: 20/02/2023

To,

M/s

NISHA PRINTS

Plot No. A-11, Roop Nagar Industrial Area, LLoni, Distt- Ghaziabad,
 201102

Application Id-
 19602633

Consolidated Consent to Operate and Authorisation hereinafter referred to as the CCA (Consolidated Consent & authorization) (Fresh) under Section-25 of the Water (Prevention & Control of Pollution) Act, 1974 and under Section-21 of the Air (Prevention & Control of Pollution) Act, 1981

CCA is hereby granted to NISHA PRINTS located at Plot No. A-11, Roop Nagar Industrial Area, LLoni, Distt- Ghaziabad, 201102. subject to the provisions of the Water Act, Air Act and the orders that may be made further and subject to following terms and conditions :-

1. This CCA NISHA PRINTS granted for the period from 20/02/2023 to 31/12/2024 and valid for manufacturing of following products.

S No	Product	Quantity	Unit
1	Dyeing and Washing of Jeans 600 Pcs/day	600	Numbers/Day
2	Screen printing on cloths 200 meter/day	200 meter/day	Numbers/Day

2. Conditions under Water(Prevention and Control of Pollution) Act -1974 as amended :-

(i) The daily quantity of effluent discharge (KLD) :-

Kind of Effluent	Quantity(KLD)	Treatment facility	Discharge point
Domestic	1.0 KLD	Septic Tank	
Industrial	26 KLD	ETP	

(ii) Trade Effluent Treatment and Disposal :-The applicant shall operate Effluent Treatment Plant consisting of primary/secondary and tertiary treatment as is required with reference to influent quantity and quality.

In case of stoppage of functioning of ETP, production has to be stopped immediately and this Board has to be intimated by fax/phone/email with a report in this regard to be dispatched immediately.

(iii) The treated effluent shall be recycled to the maximum extent and should be reused within the premises for gardening etc. Quality of the treated effluent shall meet to the following general and specific standards as prescribed under Environment (Protection) Rules, 1986 and applicable to the unit from time-to-time :-

Industrial Effluent Quality Standard

S.No.	Parameter	Standard
-------	-----------	----------

(iv) Sewage Treatment and Disposal :- The applicant shall provide comprehensive STP as is required with reference to influent quantity and quality. In case of stoppage of functioning of STP, production has to be stopped immediately and this Board has to be intimated by fax/phone/email with a report in this regard to be dispatched immediately.

(v) The treated sewage shall be reused in gardening as far as possible. The STP shall be maintained continuously so as to achieve the quality of the treated sewage to the following standards.

S No.	Parameters	Standards
-------	------------	-----------

3. Conditions under Air (Prevention and Control of Pollution) Act -1981 as amended :-

i) The applicant shall use following fuel and install a comprehensive control system consisting of control equipment as required with reference to generation of emissions and operate and maintain the same continuously so as to achieve the level of pollutants to the following standards.

Air Pollution Source Details

S No.	Air Pollution Source	Type of fuel	Stack no	Control Device	Height of Stack
1	Baby Boiler 600 Kg/hr	Bio Briquette/P NG	1	Particulate Matter	15 meter from GL with dust collector
2	DG sets 60 KVA and 15 KVA	HSD	1	Sulphur Dioxide	As per EP Act 1986

Emission Quality Standards

S No.	Stack no	Parameters	Standards
1	1	Particulate Matter	As per applicable standards
2	2	Sulphur Dioxide	As per applicable standards

In case of stoppage of functioning of air pollution control equipment, production has to be stopped immediately and this Board has to be intimated by fax/phone/email with a report in this regard to be dispatched immediately

(ii) The unit will not use any type of restricted fuel.

iii) Noise from the D.G. Set and other source(s) should be controlled by providing an acoustic enclosure as is required for meeting the ambient noise standards for night and day time as prescribed for respective areas/zones (Industrial, Commercial, Residential, Silence) which are as follows :-

Day time : from 6.00 a.m. to 10.00 p.m., Night time: from 10.00 p.m. to 6.00 a.m.

Standards for Noise level in db(A) Leq	Industrial Area		Commercial Area		Residential Area		Silence Zone	
	Day Time	Night Time	Day Time	Night Time	Day Time	Night Time	Day Time	Night Time
	75	70	65	55	55	45	50	40

4. Essential documents to be submitted by the Industry/Unit as Applicable :-

(i) Environment Statement in Form-V of Environment (Protection) Rules, 1986.

- (ii) Quarterly compliance report of the CCA, photograph of ETP/APCs/Waste Storage Area.
5. Competent Authority reserves the right to change/modify/add any time any condition of this CCA.
6. Unit has to comply with the following specific & general conditions. Non compliance of any provision of this CCA and provisions of the Water Act, Air Act and Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 will result in legal action under the aforesaid Acts and Rules.
7. In compliance to the G.O 1011/81-7-2021-09 (Writ)/2016 dated.13.10.2021 issued by Department of Environment, Forest and Climate Change, Uttar Pradesh. You are directed to develop Miyawaki Forest as per the SOP available at URL:-<http://www.upecp.in/TrainingSession.aspx> for ensuring timely compliance of this direction, you are hereby directed to submit a bank guarantee with minimum validity of one year of the amount equivalent to the sum of initial consent fees (Air and Water) or Rs. 50,000/- (Rs. Fifty Thousand Only) whichever is more, within 30 days from the date of issuance of this certificate. In case of non-compliance of this direction, your consent will be revoked by the Board.
8. If the unit uses the ground water and requires the permission from SGWA/CGWA for water abstraction then the industry will have to obtain No objection certificate for abstraction of ground water. It will be the responsibility of the industry to comply with the various conditions of the NOC obtained from the competent authority and submit to the Board, within 3 months time failing which CTO will be revoked.

General Conditions:-

1. The applicant shall get analysed the samples of effluent/emission/hazardous wastes at least once in a three month from the laboratory recognized by the MoEF and shall report to the UPPCE.
2. The applicant shall however, not without the prior consent of the Board bring into use any new or altered outlet for the discharge of effluent or gases emission or sewage waste from the unit.
3. Treated Industrial waste water and domestic waste water shall be disposed jointly at one disposal point. The applicant shall provide discharge measurement equipment at final disposal point.
4. The applicant shall strictly comply with conditions of this CCA and submit compliance report of stipulated conditions within 30 days of receipt of this CCA. If at any point of time, it is found that the industry is not complying with stipulated conditions or any further direction/instruction issued by the Board, legal action shall be initiated against the applicant.
5. The applicant shall maintain good house keeping. All valves/pipes/sewer/drains etc. must be leak-proof
6. The industry shall provide uninterrupted entry to the STP/ETP inlet and outlet points, Air Pollution Control equipment and stack for smooth sampling/monitoring of efficiency of pollution control systems.
7. The industry shall provide Inspection Book at the time of inspection to the Board's officials.
8. Whenever due to any accident or other unforeseen act or event, such emission occurs or is apprehended to occur in excess of standards laid down, such information shall be reported to the Board's offices and all other concerned offices. In case of failure of pollution control equipment, the production process connected to it shall be stopped with immediate effect.
9. The industry shall operate in a manner so that all emissions be emitted through designated chimney/stack only.
10. In case of any damage to the agriculture productivity, human habitation etc. by the operation of industry, it shall be imperative to stop production in the industry with immediate effect and such information shall be reported to Board's offices. The industry shall be liable to pay compensation also in such cases as decided by the Competent Authority.
11. The applicant shall apply before the 60 days of expiry of CCA or any change in production types/production capacity/manufacturing process/capacity enhancement etc. or any change in effluent discharge point or emission point
12. The Board reserves the right to revoke/add/modify any stipulated condition issued along with CCA, as may be necessary.

Specific Conditions:-

- 1- The industry shall maintain strict supervision on fluctuations in operating parameters with respect to each treatment unit of the Effluent treatment plant.
- 2- The industry will ensure the continuous and uninterrupted data supply from the OCEFMS to the SPCB and CPCB server.
- 3- The industry should ensure the operation of the ETP in such a manner that it confirm the standards lay down under the notification issued by MOEF&CC vide GSR 978 (E) dated 10/10/2016.
- 4- The treated effluent shall be allowed to be discharged in the ambient environment only after exhausting options for reuse in industrial process/irrigation in order to minimize freshwater usage.
- 5- Flow meter to be installed in all water abstraction points and usage of fresh water to be minimized.
- 6- The industry will have to ensure permission from the CGWA/UPGWD for ground water extraction and it will be the responsibility of the industry to comply with the various conditions of the permission taken.
- 7- The industry shall submit the point wise compliance report of the CTO issued by the Board for year 2024 and audited balance sheet for the current year and the details of fees deposited during last three years within a month otherwise this CTO may be revoked.
- 8- If the CPCB or UPPCB issues the Closure order against the industry this consent order stands automatically suspended for that period.
- 9- The industry shall submit Environmental Statement in prescribed form V as per rule no.14 of E.P Rules, 1986.
- 10- This consent is valid only for products and quantity mentioned above. Industry shall obtain prior approval before making any modification in product/process /fuel/ Plant machinery failing which consent would be deemed void.
- 11- The industry shall abide by orders/directions issued by Hon'ble Supreme Court Hon'ble High Court, Hon'ble National Green Tribunal, Central Pollution Control Board and U.P Pollution Control Board for protection and safeguard of environment from time to time.
- 12- The industry shall comply with various provisions of Air (Prevention and Control of Pollution) Act 1981 as amended, Water (Prevention and Control of Pollution) Act 1974 as amended, and comply with the provisions of Hazardous and Other Wastes (Management and Trans-boundary Movement) Amendment Rules, 2016 and all other applicable rules notified under E.P. Act 1986.
- 13- Unit shall comply with all the direction passed by Hon'ble NGT on dated 13.11.2018 in OA No. 317/2015 and OA No. 231/2014.
- 14- MSW waste should be suitable segregated. A separate and isolated MSW collection center should be provided.
- 15- The quantity of recycled effluent after final treatment to be send to the Board monthly.
- 16- Industry shall send the records of energy meter reading installed on ETP and Flow meter reading regularly on quarterly basis.
- 17- Unit shall comply Plastic Waste Management Rule, 2016 as amended and Solid Waste Rule, 2016 as amended.
- 18- The unit shall recycle as much water as possible within the plant before discharging it after treatment into the ETP.
- 19- Unit shall comply with various Waste Management Rules.as notified by MoEF & CC i.e. Solid Waste Management Rules, 2016, Hazardous and Other Wastes (Management and Trans boundary) Rules, 2016, as amended.
- 20- The industry shall ensure the time bound compliance of stringent norms as published by the UPPCB vide office memorandum No. H 48273/C-1/NGT-83/2020, dated 27.02.2020 (available at URL uppcb.com/pdf/uppcb_28022020.pdf) in compliance of The Hon'ble NGT order dt. 14.11.2019 in C.A. No. 038/2018.
- 21- The unit shall submit test report of ETP outlet and Boiler emission from approved lab after operation of

unit.

- 22- Unit shall install PTZ camera at all air/water effluent/emission generation points and connected to UPPCB control room.
- 23- Any source of emission other than that mentioned in the Air consent seeking application will not be permitted by the Board.
- 24- The industry shall use only approved fuel as per CAQM direction no. 65.
- 25- The industry should ensure the operation of the air pollution control system (APCS) in such a manner that the air emission conforms with the standards prescribed under the E.P Act 1986 as amended.
- 26- The industry will ensure compliance of CPCB Charter.
- 27- The industry shall submit monitoring reports of all stacks and ambient air quality from a certified / approved laboratory under E.P. Act 1986.
- 28- The industry shall obtain prior consents in the event of any addition of new emission generation sources such as- Boiler/ Furnace/ Heaters/ D.G. Sets or alteration of existing emission sources in accordance with section- 21/22 of air Act 1981 (as amended respectively).
- 29- The use of Pet coke and Furnace oil as a fuel is restricted in compliance of the Hon'ble Supreme court order.
- 30- Unit shall establish Miyawaki forest as per the GO no. 101/81-7-2021-09(rit)/2016 dated 13.10.2021 of Deptt. of Environment, forest and climate change and BG of Rs. 50,000/- be deposited within a months time along with the proposal for proposed plantation.
- 31- Unit shall comply with the CAQM (Commission for Air Quality Management in NCR and Adjoining Areas) direction no. 53 and 62-65 and other direction issued time to time regarding use of cleaner fuel.
- 32- Unit shall comply with the CAQM (Commission for Air Quality Management in NCR and Adjoining Areas) direction no. 55 regarding DG sets.
- 33- Unit shall operate and maintain/upgrade the air pollution control device in such manner that emission should be as per norms prescribed by CAQM.

VIVEK
ROY
Date: 2023.02.20
21 51 19 405 10

CEO-1

Copy to:

Regional Officer, UPPCB, Ghaziabad.

VIVEK
ROY
Date: 2023.02.20
21 51 19 405 10

CEO-1



GROUND WATER DEPARTMENT
(Namami Gange & Rural Water Supply Department)
Ministry of Jal Shakti
Government of Uttar Pradesh

Form 8 (C)

[See Rule 8(1)]

**AUTHORIZATION/ NO-OBJECTION CERTIFICATE FOR SINKING OF NEW /
EXISTING WELL FOR INDUSTRIAL/ COMMERCIAL/ INFRASTRUCTURAL OR BULK
USER OF GROUND WATER**

[Under Section 14 of the Uttar Pradesh Ground Water Management and Regulation Act, 2019.]

AUTHORIZATION/ NO-OBJECTION CERTIFICATE NO: NOC037184

VALID FROM 29/05/2023 TO 28/05/2028

{UIS10(1) of the Uttar Pradesh Ground Water Management and Regulation Act, 2019}

Registration No.: 202304000579

Name of the Owner	RAM PRAKASH	Company Name	NISHA PRINTS
Designation पद	PROPRIETOR	कंपनी का नाम	
Company Address कंपनी का पता	A-11, ROOP NAGAR INDUSTRIAL AREA, LONI, GZB	Authorization Letter प्राधिकार पत्र	Download
Address of the Applicant	A-11, Roop Nagar Industrial Area, Loni	Application No.	GZBD0423NIN0587
Date of Submission	18/04/2023	Specimen Signature	
Location Particulars			
District	Ghaziabad	Block	LONI
Plot No./Khasra No.	PLOT NO - A-11, KHASRA NO. - 1477/5	Municipality/Corporation	Yes
Ward No./Holding No.			LONI
Particular of the Existing Well and Pumping Device			
Date of Construction/Sinking of the Well	25/07/2008		
Type of Well	Tube Well/Boring	Depth of the Well (In meter)	60.00
Purpose of well	Industrial	Assembly Size(For Tube Well)	
Strainer Position (For Tube Well)			
Type of Pump Used	Submersible	H.P. of the Pump	5.00
Operational Device	Electric Motor	Rate of Withdrawal (m ³ /hr.)	12.00
Date of Energization (In Case of Electric Pump)		29/07/2008	
Maximum Allowable Rate of Withdrawal (m ³ /hr.):	12.00	Maximum Allowable Running Hours Per Day:	4.00

**Maximum Allowable
Annual Extraction of
Ground Water:**

13920.00

Recharge Required

27840.00

- This No-Objection certificate authorizes the owner applicant (user) to sink a well in the location specified at Sl. (2) for extraction of ground water at a rate not exceeding that as shown at Sl. (3j), for Running Hours per day as shown at Sl. (3k), and for maximum allowable annual extraction of ground water as shown at Sl. (3k) and is valid subject to the observance of the conditions stated overleaf.
- Holder of this NOC is hereby directed to assure annual recharge of 27840.00 cubic meter, as specified under the application form within the given time period.

GENERAL CONDITIONS:

- Holder of this NOC is hereby directed to fill from 1(A) for registering his/her well within 30 days as mentioned in application form shall only started after registration of his/her NOC.
- In case of any change of ownership of the proposed well, fresh authorization has to be obtained.
- All Users abstracting ground water in excess of 100 m³/d shall be required to submit impact assessment report prepared by an accredited consultant from CGWA and National Accreditation Board for Education and Training (NABET). The report should highlight environmental risks and proposed management strategies to overcome any significant environmental issues such as ground water level decline, land subsidence etc. within three months of completion of the same to Ground Water Department Uttar Pradesh. The list of accredited Individuals/ Institutions is available on the official web-portal of CGWA.
- For the purpose of measuring and recording the quantity of ground water extracted, every said user shall affix digital water flow meters (conforming to BIS/ IS standards) having telemetry system in the abstraction structure which record rate and quantum of extraction, at outlet of pumping devices and it shall be presumed that the quantity recorded by the meter has been extracted by the said user, until the contrary is proved. The rate of extraction of ground water from the well shall not exceed to the recorded rate from water meters
- The concerned Authority reserves the right to stop extraction of ground water from the well due to quality hazards or any other reasons, if the situation so demands
- In case of any change of ownership of the existing well, fresh registration has to be obtained.
- No change of location, design, rate of withdrawal and pumping device in respect of the existing well of this certificate shall be made without prior permission of the Competent Authority. Any deviation in this regard shall lead to cancellation of this registration
- In case, any of the particulars / information furnished by the applicant in his application for issuance of this registration is found to be incorrect during verification at any subsequent stage, this registration is liable for cancellation.
- The Certificate of Authorization/ NOC shall be valid for a period of five years from the date of issue. The applicant shall have to apply for renewal through a fresh application, at least ninety days prior to expiry of its validity.
- Construction of piezometers and installation of digital water level recorders with telemetry shall be mandatory for user. Depth and zone tapped of piezometer should be commensurate with that of the pumping well. The data, obtained from digital water level recorders shall be made available to this office on monthly basis
- **Guidelines for Installation of Piezometers and their Monitoring**

Piezometer is a borewell /tubewell used only for measuring the water level by lowering the tape/ sounder or automatic water level measuring equipment. It is also used to take water sample for water quality testing when ever needed. General guidelines for installation of piezometers are as follows:

- The piezometer is to be installed/constructed at the minimum of 50 m distance from the pumping well through which ground water is being withdrawn. The diameter of the piezometer should be about 4" to 6".
- The depth of the piezometer should be same as is case of the pumping well from which ground water is being abstracted. If, more than one piezometers are installed the second piezometer should monitor the shallow ground water regime. It will facilitate shallow as well as deeper ground water aquifer monitoring.
- No. of piezometers to be constructed & Type of water level monitoring mechanism shall be as per below table:

S.No	Quantum of Ground water withdrawal (cum/day)	No. of piezometers required	Monitoring Mechanism	
			Manual	DWLR with Telemetry
1	< 10	0	0	0
2	11 - 50	1	1	0
3	50- 500	1	0	1
4	> 500	2	0	2

- The measuring frequency should be monthly and accuracy of measurement should be up to cm. the reported measurement should be given in meter upto two decimal.
- For measurement of water level sounder or automatic water level recorder (AWLR)/ Digital Automatic water level recorder (DWLR) with telemetry system should be used for accuracy.
- The measurement of water level in piezometer should be taken, only after the pumping from the surrounding tube wells has been stopped for about four to six hours.
- All the details regarding coordinates, reduced level (with respect to mean level), depth, zone taped and assembly lowered should be provided for bringing the piezometer into the Hydrograph Monitoring System for Ground Water Department, Uttar Pradesh, and for its validation.

- The ground water quality has to be monitored twice in a year during pre-monsoon (May/June) and post-monsoon (October/November) periods. Quality may be got analyzed from NABL approved lab. Besides, one sample (1 lt capacity bottle) to the concerned Director, Ground Water Department, Uttar Pradesh, for chemical analysis.
- A Permanent display board should be installed at piezometer/Tube wells site for providing the location, piezometer/ tube well number, depth and zone tapped of piezometer/tube well for standard referencing and identification.
- Any other site specific requirement regarding safety and access for measurement may be taken care of.
- Any other condition(s) that may be imposed by the concerned Authority.
- In case, any of the particulars / information furnished by the applicant in his application for issuance of this permit is found to be incorrect during verification at any subsequent stage, this permit is liable for cancellation.

SPECIFIC CONDITIONS:

- **(A) For Industrial User:** No Objection Certificate for ground water extraction by industries shall be granted subject to the following specific conditions:
 - i) No Objection Certificate shall be granted only in such cases where local government water supply agencies are not able to supply the desired quantity of water.
 - ii) All industries shall be required to adopt latest water efficient technologies so as to reduce dependence on ground water resources.
 - iii) All industries abstracting ground water in excess of 100 m³/d shall be required to undertake annual water audit through Confederation of Indian Industries (CII)/ Federation Indian Chamber of Commerce and Industry (FICCI)/ National Productivity Council (NPC)/ PHD Chamber of Commerce & Industries / Laghu Udyog Bharati certified auditors and submit audit reports within three months of completion of the same to Ground Water Department Uttar Pradesh. All such industries shall be required to reduce their ground water use by at least 20% over the next five years through appropriate means.
 - iv) Construction of observation well(s) (piezometer)(s) within the premises and installation of appropriate water level monitoring mechanism as mentioned in General Condition no.10 shall be mandatory for industries drawing/ proposing to draw more than 10 m³ /day of ground water and. Monitoring of water level shall be done by the project proponent. The piezometer (observation well) shall be constructed at a minimum distance of 50 m from the bore well/production well. Depth and aquifer zone tapped in the piezometer shall be the same as that of the pumping well/ wells. Monthly water level data shall be submitted online to the Ground Water Department, UP.
 - v) The proponent shall be required to adopt roof top rain water harvesting/ recharge in the project premises. Industries which are likely to pollute ground water (chemical, pharmaceutical, dyes, pigments, paints, textiles, tannery, pesticides/ insecticides, fertilizers, slaughter house, explosives etc.) shall store the harvested rain water in surface storage tanks for use in the industry.
 - vi) Injection of treated/ untreated waste water into aquifer system is strictly prohibited.
 - vii) Industries which are likely to cause ground water pollution e.g. Tanning, Slaughter houses, Dye, Chemical/ Petrochemical, Coal washeries, other hazardous units etc. (as per CPCB list) need to undertake necessary well head protection measures to ensure prevention of ground water pollution.
- **(B) Infrastructural User:** The No Objection Certificate for ground water abstraction will be granted subject to the following specific conditions:
 - i) In case of infrastructure projects that require dewatering, proponent shall be required to carry out regular monitoring of dewatering discharge rate (using a digital water flow meter) and submit the data online to Ground Water Department, UP as applicable. Monitoring records and results should be retained by the proponent for two years, for inspection or reporting as required by District Ground Water Management Council.
 - ii) Installation of Sewage Treatment Plants (STP) shall be mandatory for new projects, where ground water requirement is more than 20 m³ /day. The water from STP shall be utilized for toilet flushing, car washing, gardening etc.

Date :16/01/2024

Place:Ghaziabad

This certificate is electronically generated and does not require digital signature



UTTAR PRADESH POLLUTION CONTROL BOARD

FORM 1

Application required for grant/renewal of authorisation for generation or collection or storage or transport or reception or recycling or reuse or recovery or pre-processing or co-processing or utilisation or treatment or disposal of hazardous and other waste

Part A: General(to be filled by all)

1. (a)	Name and address of the unit and location of facility:	NISHA PRINTS Plot No. A-11, Roop Nagar Industrial Area, Loni, Distt- Ghaziabad, 201102
(b)	Name of the Occupier of the facility or operator of disposal facility with designation, Tel, Fax and e-mail:	R.M PRAKASH/Proprietor/9818428017/nishapri ntsa11@gmail.com
(c)	Authorisation required for(Please tick mark appropriate activity or activities:)	Generation, Storage, Disposal
(d)	In case of renewal of authorization previous authorization numbers and dates and provide copies of annual returns of last three including the compliance reports with respect to the conditions of Prior Environmental Clearance, wherever applicable:)	
2.	Nature and quantity of Hazardous waste handled in T/Annum (or) KL/Annum	

Name of Process	Name of Hazardous Waste (Category No)	Quantity	Waste Type	Waste Storage	Waste Disposal	Source of generation of waste	Physical status	Quantity stored at any time	Quantity accumulated as on 31st March
Purification and treatment of exhaust air/gases, water and waste water from the processes in this schedule and common industrial effluent treatment plants (CETP's)	Chemical sludge from waste water treatment	2 T/Annually	Landfillable	Inside Covered Shade	Through TSDF	ETP SLUDGE from treatment of Industrial effluent generate from Dyeing and Washing of Jeans & Ready made Garments	Semi solid	0.5 T	0.2 T
3.(a)	Year of commissioning and commencement of Production?				2019				
(b)	Whether the industry works 1 shift/2 shifts/round the clock?				Round the clock				
4.	<p>Provide copy of the Emergency Response Plan (ERP) which should address procedures for dealing with emergency situations (viz. Spillage or release or fire) as specified in the guidelines of Central Pollution Control Board. Such ERP shall comprise the following, but not limited to:</p> <ul style="list-style-type: none"> • Containing and controlling incidents so as to minimise the effects and to limit danger to the persons, environment and property; • Implementing the measures necessary to protect persons and the environment; • Description of the actions which should be taken to control the conditions at events and to limit their consequences, including a description of the safety equipment and resources available; • Arrangements for training staff in the duties which they are expected to perform; • Arrangements for informing concerned authorities and emergency services; and • Arrangements for providing assistance with off-site mitigatory action. (To be attached separately)				Not Attached				
5.	<p>Provide undertaking or declaration to comply with all provisions including the scope of submitting bank guarantee in the event of spillage, leakage or fire while handling the hazardous and other waste</p> (To be attached separately)				Not Attached				

Part B: To be filled by hazardous waste generators

(a) Products Details								
Product Name			Quantity			Unit		
DYEING AND WASHING OF JEANS AND READYMADE GARMENTS			600.0			Numbers/Day		
(b) By Products Details								
Raw-Material Name			Raw-Material Quantity			Unit		
GREY JEANS AND GARMENTS			600.0			Numbers/Day		
COLOURS, DYES, COMMON SALT, PEROXIDE, CAUSTIC, SODA ASH etc			120.0			Kg/Day		
(c) Process description including process flow sheet indicating Inputs and Outputs (raw materials, chemicals, products, by-products,wastes, emissions, wastewater etc.) Please attach separate sheets:)						Not Attached		
(d) Characteristics(waste-wise) and Quantic of waste generation per annum:								
Schedule	Name of Process	Name of Hazardous Waste (Category No)	Quantity	Characteristics of each waste	The details of utilization with in the plants such as Re se/ Recycling/ Recovery/R eprocessing etc	If not utilised within the plant, provide details of what is done with this waste	Details of arrangements for transportation to actual users/ TSDF	Details of the environmental safeguards and environmental facilities provided for safe handling
Schedule I	Purification and treatment of exhaust air/gases, water and waste water from the processes in this schedule and common industrial effluent treatment plants (CETP's)	Chemical sludge from waste water treatment	2 T/Annun	ETP Sludge-Semi Solid	NA	Disposed through TSDF	By TSDF Facility	As per factories Act 1948

(e) Hazardous and other wastes generated from storage of hazardous chemicals as defined under the Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989.	,Plot No. A-11, Roop Nagar Industrial Area, LLoni, Distt- Ghaziabad, 201102,Plot No. A-11, Roop Nagar Industrial Area, LLoni, Distt- Ghaziabad, 201102,Plot No. A-11, Roop Nagar Industrial Area, LLoni, Distt- Ghaziabad, 201102 ;
---	---

Part C: To be filled by Treatment, storage and disposal facility operators

1.	Provide details of the facility including:	
(i)	Location of site with layout map:	Plot No. A-11, Roop Nagar Industrial Area, LLoni, Distt- Ghaziabad, 201102
(ii)	Safe storage of the waste and storage capacity	
(iii)	The treatment processes and their capacities	
(iv)	Secured Landfills	
(v)	Incineration, if any	
(vi)	Leachate Collection and Treatment System	
(vii)	Fire Fighting Systems	
(viii)	Environmental management plan including monitoring	
(ix)	Arrangement for transportation of waste from generators	
2.	Provide details of Any other activities undertaken at the Treatment, storage and disposal facility site.	
3.	Attach a Copy of prior Environmental Clearance	Not Attached

Part D: To be filled by recyclers or pre-processors or co-processors or users of hazardous or other wastes

1.	Nature and quantity of different wastes received per annum from domestic sources or imported or both:		
	Hazardous Wastes Type	Quantity	Source (Domestic/Imported)
2.	Installed capacity as per registration issued by the District Industries Centre or any other authorised Government agency. Provide copy:		Not Attached
3.	Provide details of secured storage of wastes including the storage capacity		
4.	Process description including process flow sheet indicating equipment details, inputs and outputs (input wastes, chemicals, products, by-products, waste generated, emissions, waste water, etc.) Attach separate sheets:		Not Attached

5.	Provide details of end users of products or by-products	
6.	Provide details of pollution control systems such as Effluent Treatment Plant, scrubbers, etc. including mode of disposal of waste	
7.	Provide details of occupational health and safety measures	
8.	Has the facility been set up as per Central Pollution Control Board guidelines? If yes, provide a report on the compliance with the guidelines:	
9.	Arrangements for transportation of waste to the facility	

Place:

Date:

Signature of the Applicant
Name and Designation

Enclosures :

1. Copy of Air Consent (Attached)
2. Copy of Water Consent (Attached)

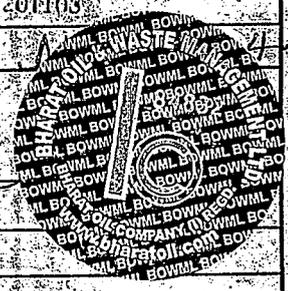
FORM 10

[See rule 19 (1)]

MANIFEST FOR HAZARDOUS AND OTHER WASTE

S.No.: 84079

1. Occupier's Name & Mailing Address (including Phone No. and email)	NISHA PRINTS Fac. II-A, Rison Nagar, Indl. Estate, Dist. Ghaziabad (U.P.)-201103			
2. Sender's Authorization No.				
3. Manifest Document No.	chullam No.			
4. Transporter's Name & Address (including Phone No. and email)	Bowl ML			
5. Type of Vehicle	(Truck/Tanker/Special Vehicle)			
6. Transporter's Registration	Bowl ML			
7. Vehicle Registration No.	UPHRT 6943			
8. Receiver's Name & Mailing Address (including Phone No. and email)	(i) BHARAT OIL COMPANY (I) REGD. E-18 Site-IV, Sahibabad Industrial Area, Ghaziabad, UP-201010 Tel: 9899692899 e-mail:sales@bharatoil.com			
(ii) BHARAT OIL & WASTE MANAGEMENT LTD. Mauza Mukimpur, Roorkee-Lakshar Road, Roorkee, Haridwar-247664 Uttarakhand Tel: 8874087866 e-mail:sales@bharatoil.com	(iii) BHARAT OIL & WASTE MANAGEMENT LTD. Gata# 6, 2 & 706 Cha, Sikandra Road, NH-2, Kumbhi Vill., Tehsil Awarapur, Kanpur Dehat, UP, Tel: 8874207652, e-mail:sales@bharatoil.com			
9. Receiver's Authorization No.	(i) 174437/UPP/B/Ghaziabad(UPPCBRO)/CTO/Both/GHAZIABAD/2023 Valid Upto: 31/12/2027			
(ii) UKPCB/HO/Con-B-84(Vol-III)/2023/233 Valid Upto: 31/03/2028	(iii) 177172/UPP/B/KanpurDehat(UPPCBRO)/CTO/Both/KANPURDEHAT/2023 Valid Upto: 31/12/2027			
10. Waste Description	ETP Sludge			
11. Total Quantity No. of Containers	80 kgm ³ or MT Nos.			
12. Physical Form	(Solid/Semi-Solid/Sludge/Oily/Tarry/Slurry/Liquid)			
13. Special Handling Instructions & Additional Information	Do not throw Drums from truck. In case of leakage/seepage, use Washing soap at point of leak to stop its leakage.			
14. SENDER'S CERTIFICATE	I hereby declare that the contents of the consignment are fully and accurately described above, proper shipping name and are categorised, packed, marked and labeled, and are in all respects in proper condition for transport by road according to applicable national government regulations.			
Typed Name & Stamp	Signature	Month	Day	Year
NISHA PRINTS Fac. II-A, Rison Nagar, Indl. Estate, Dist. Ghaziabad (U.P.)-201103	<i>B. S. Bhatnagar</i>	01	11	2024
15. Transporter Acknowledgement of Receipt of Waste				
Typed Name & Stamp	Signature	Month	Day	Year
		01	11	2024
16. Receiver's Certificate for Receipt of Hazardous and other Waste				
Typed Name & Stamp	Signature	Month	Day	Year
	<i>Singh</i>	01	11	2024



MANIFEST FOR HAZARDOUS AND OTHER WASTE

S.No.: 81171

1 Occupier's Name & Mailing Address (including Phone No. and email)	Narsha Prints, 11-A Rourpagan Ind. Area, Ghaziabad, UP		
2 Sender's Authorization No.			
3 Manifest Document No.	BT-07/11/23		
4 Transporter's Name & Address (including Phone No. and email)	BOWML		
5 Type of Vehicle	(Truck / Trailer / Special Vehicle)		
6 Transporter's Registration	BOWML		
7 Vehicle Registration No.	UP 19 BT 8629		
8 Receiver's Name & Mailing Address (including Phone No. and email)	(I) BHARAT OIL COMPANY (I) REGD. E-18, Site-IV, Sahibabad Industrial Area, Ghaziabad, UP-201010, Tel: 9899692899, e-mail: sales@bharatoil.com		
(II) BHARAT OIL & WASTE MANAGEMENT LTD. Mauza Mukimpur, Roorkee-Lakshar Road, Roorkee, Haridwar - 247664, Uttarakhand, Tel: 8874087866, e-mail: sales@bharatoil.com	(III) BHARAT OIL & WASTE MANAGEMENT LTD. Gate# 672 & 706, Chak, Sikandra Road, NH-2, Kumbhari Vill., Tehsil Akbarpur, Kanpur Dehat, UP, Tel: 8874207652, e-mail: sales@bharatoil.com		
9 Receiver's Authorization No.	(I) 174437/UPPCB/Ghaziabad (UPPCBRO)/CTO/Both/GHAZIABAD/2023 Valid Upto: 31/12/2027		
(ii) UKPCB/HO/Con-B-84 (Vol-III)/2023/233 Valid Upto: 31/03/2028	(iii) 177172/UPPCB/Kanpur Dehat (UPPCBRO)/CTO/Both/KANPURDEHAT/2023 Valid Upto: 31/12/2027		
10 Waste Description	ETP sludge		
11 Total Quantity No. of Containers	102 kg m ³ or MT Nos		
12 Physical Form	(Solid/Semi-Solid/Sludge/Oily/Tarry/Slurry/Liquid)		
13 Special Handling Instructions & Additional Information	Do not throw Drums from truck. In case of leakage/seepage, use Washing soap at point of leak to stop its leakage.		
14 SENDER'S CERTIFICATE	I hereby declare that the contents of the consignment are fully and accurately described above by proper shipping name and are categorised, packed, marked and labeled, and are in all respects in proper condition for transport by road according to applicable national government regulations.		
Typed Name & Stamp	Signature		
Fac. 11-A, Rourpagan, Ind. Area, Ghaziabad, U.P. 201010			
15 Transporter Acknowledgement of Receipt of Waste	Month Day Year		
Typed Name & Stamp	Signature		
16 Receiver's Certificate for Receipt of Hazardous and other Waste	Month Day Year		
Typed Name & Stamp	Signature		



Application for "Sample Analysis" by UPPCB laboratory

From ,
M/s NISHA PRINTS
A-11, Roop Nagar Industrial Area, Loni
District: GHAZIABAD

To ,
The Member Secretary,
Uttar Pradesh Pollution Control Board,
Lucknow-226010

Sir,

I/We hereby apply for testing/analysis of sample : WasteWater for Self Purpose purpose. The sample proforma is being filled and selection of parameter is being done as per our requirement. The following parameters selected for analysis and the details of fees is as below

"Parameter charges & Fee Details"

Parameters	Charges
Color	150
pH	113
Oil Grease	375
Dissolved Solids	188
Suspended Solids	188
BOD	1125
COD	656
Grab sampling/sample/place	1031

Transaction Id	Payment Date	Transaction Status	payment mode	Ammount
401372560	18/10/2023	Successful	Online	3826.0

Declaration

I hereby declare that the information given in this application is true and correct to the best of my knowledge and belief. In case any information given in this application proves to be false or incorrect, I shall be responsible for the consequences

Name: RAM PRAKASH

Email and Contact no: nishaprints11@gmail.com ,9818428017

Address:

Address of Industry: A-11, Roop Nagar Industrial Area, Loni

Place:

Date:



Uttar Pradesh
Pollution Control Board

Laboratory Information Management System

Ministry of Environment, Forest and Climate Change
Government of India



On-line Payment Receipt

Receipt No.	21121816691126
Depositor Name	NAM FRAE ASH
Bank Id.	NA
Bank Name.	
Application No.	23226672
Name and Address of Industry	NISHA PRINTS, A-11 Pooa Nagar Industrial Area, 17th, 10th, GHAZIABAD
Name of Regional Office	Ghaziabad
Applied For	WasteWater - Sew Purpose - Board
Payment Date	Wed Oct 18 09:21:02 IST 2023
Total Amount Paid (Rs.)	3826.00
Transaction Status	Successfully Completed

REGIONAL LABORATORY GHAZIABAD, U.P. POLLUTION CONTROL BOARD
 INS-2, SECTOR-16, YASUNDHA, GHAZIABAD-201012, Phone: 0120-2883720

TEST REPORT: WATER LABORATORY (WASTE WATER)

Certificate No. TC-9573

Customer/Unit Name & Address M/s Nisha Print A-11 Roof Nagan I/A Gzb	ULR No. TC957323000000
	Report No.
	Report Issue Date (dd/mm/yyyy) 11/03/23
	Customer Ref. No: Any other information

Sample Receiving Date:	28/10/23
Date of Analysis Started:	28/10/23
Date of Completion of Analysis:	03/11/23
Date of Sampling:	28/10/23

Sample Type: Grab
 Sampling Location: Final outlet of E.T.P.
 Collected by: N.K. Pandey, A.C.E & D.D. Verma

Method of Analysis: APHA, AWWA, WEF, 23 Edition, IS 3025 (Part-44) for BOD
 Method of Sampling: Standard Methods for the Examination of Water and Wastewater; APHA, AWWA, and WEF, Ed24, 2023.

Name of test Parameters	Standards prescribed by C.P.C.B	Unit	Result	Test Method
pH at 25°C	5.5-9.0		7.2	4500 H+ B Electrometric Method
Total Suspended Solids	100.0	mg/L	94.0	2540 D Total Suspended Solids dried at 103-105°C
Total Dissolved Solids		mg/L	2000.0	2540 C Total Dissolved Solids dried at 180°C
Total Solids		mg/L	2094.0	2540 B Total Solids dried at 103-105°C
B.O.D	30.0	mg/L	26.0	3 days 27°C IS 3025 (Part 44): 1993 Bio Chemical Oxygen Demand
COD	250.0	mg/L	201.0	5220 B Open Reflux Method

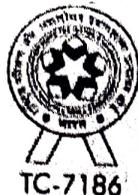
Analysed By: *[Signature]*
 03/11/23
 S.A.

Reviewed By:
 Officer/Quality Manager)

Authorized Signatory

[Signature]
 (Regional Officer/Technical Manager)

Result in the Test Report relate only to the items listed. The report shall not be reproduced, except in full, without permission of laboratory. 3. The test report pertains to the sample as received in Lab.



716 GLOBAL ENVIRO Laboratories

PLOT NO. 4, KHASRA NO. 46, OPPOSITE SHREE MANAN DHAM TEMPLE,
8TH K.M. MILE STONE, INDUSTRIAL AREA, MEERUT ROAD, GHAZIABAD -201003 (U.P.)
MOBILE : +91-9810317145, +91-8826028116
E-mail : global_enviro@rediffmail.com, globalenvirolab@gmail.com

TEST REPORT

ISSUED TO	:	M/S. NISHA PRINTS. PLOT NO. A-11, ROOP NAGAR INDUSTRIAL AREA, LONI, DISTRICT - GHAZIABAD (U.P.).
Sample Identification No.	:	WW-231010/0010
Test Report No.	:	GEL-2310/8563
ULR Number	:	TC-718623000018965F
Date of Issue of the Report	:	14.10.2023
Sampling Method	:	IS:17614:2021
Testing Location	:	PERMANENT FACILITY
Type of Sample	:	EFFLUENT WATER
Sample Collection Date	:	10.10.2023
Sample Collected by	:	GEL STAFF
Sampling Location	:	OUTLET OF ETP
Sample Quantity	:	2.0 LTR + 1.0 LTR
Sample Description	:	LIQUID
Date of Sample Receipt	:	10.10.2023
Sample Condition	:	SEALED
Analysis Duration	:	10.10.2023 To 14.10.2023

ANALYSIS RESULT

S. NO.	PARAMETER	RESULTS	UNIT	AS PER CPCB LIMIT	TEST METHOD
1.	pH	7.35	—	6.0-9.0	IS:3025(part-11): 2022
2.	Total Suspended Solids	62	mg/L	100	IS:3025(part-17): 2022
3.	Chemical Oxygen Demand	149	mg/L	250	IS:3025(part-58):2023
4.	Biochemical Oxygen Demand (at 27°C for 3 days)	26	mg/L	30	IS:3025(part-44): 2023
5.	Oil & Grease	4	mg/L	10	IS:3025(Part-39):2021


(Checked By)

INTEKHAB KHAN (Technical Manager)


ARVIND KUMAR
(Authorized Signatory)
Ghaziabad

- Note: 1. The results listed refer only to the tested samples and applicable parameters.
2. The samples will be destroyed after 15 days of sampling.
3. This report cannot be used as evidence in the court of law and cannot be used in part or full in any media without prior permission.
4. Subject to Ghaziabad Jurisdiction only.



END OF REPORT



2023 INSC 618

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTIONCIVIL APPEAL NO. 3856/2022

SINGRAULI SUPER THERMAL POWER STATION

APPELLANT(S)

VERSUS

ASHWANI KUMAR DUBEY & ORS.

RESPONDENT(S)

WITH

CIVIL APPEAL No.4529/2022CIVIL APPEAL No.4525/2022CIVIL APPEAL No.4581/2022J U D G M E N TNAGARATHNA J.

Since the grievances ventilated by the appellant(s) in these appeals are common, they have been clubbed and heard together and are disposed of by this common judgment.

2. The appellants(s) herein are aggrieved by the order passed by the National Green Tribunal, Principal Bench, New Delhi (hereinafter referred to as "NGT" for the sake of convenience) dated 18.01.2022. By the said order the following directions have been issued against the appellant(s) herein:-

"Directions:

21. In the light of above discussion, it is patent that remedial measures are required in terms of recommendations set out in para 15 above in respect of individual TPPs or other projects as well as general issues applicable to all the TPPs such as timely installation of air pollution control and monitoring devices, timely utilization and disposal of fly ash, scientific designing of fly ash dykes and safety norms, addressing public health issues, steps for restoration of deteriorated environment by bringing down CEPI scores in the entire area, restoration of Rihand Reservoir and other damaged/degraded areas, providing arrangement for

public health facilities, including water supply and by coordinated and concerted efforts and high level monitoring. The PP are to be accountable for past violations and are under obligation to remedy the violations and follow the norms for future. The regulators are to enforce the same and higher authorities are to oversee. Accordingly, following direction are issued:

i. We direct constitution of a fly ash management and utilization Mission to be jointly headed by the Secretaries, MoEF&CC, Coal and Power, GoI and Chief Secretaries of UP and MP. The Secretary, MoEF&CC will be the nodal agency for coordination and compliance. The Mission will coordinate and monitor issues relating to handling and disposal of flyash as well as all associated issues in the light of above discussion. It may hold its first meeting within one month to take stock of the situation and to prepare action plan in the light of recommendations of Joint Committees quoted earlier in para 15 above in respect of individual plants as well as road map generally. Thereafter, it may meet at least once in a month for one year to review the progress. The resolutions of the Mission and quarterly progress may be placed on the website of MoEF&CC for information of the stake holders and inhabitants in the area. The Mission will be free to interact with the concerned Government Departments/ Expert institutions/individuals/other stakeholders. The Mission may in its first meeting require voluntary financial contribution by all the projects in proportion of the financial capacity of the projects out of CSR funds or otherwise. The contribution, alongwith compensation which may be collected may be credited to a separate environment restoration account for restoration of environment and relief to the victims of damage to the environment in such manner as may be found necessary by the Mission. Any victim or aggrieved party will be free to approach the Mission for providing such relief. The Mission may also consider the safeguards laid down in the Notification dated 31.12.2021, particularly for safety audits of sh dykes which should be conducted particularly for structural stability, as far as possible within six months. Advisory issued by the Ministry of Power dated 22.9.2021 will not be enforced being against the spirit of notification dated 31.12.2021 and obstructing much needed speedy utilisation/disposal of legacy flyash. The Mission may evolve mechanism for interaction with stake holders, including associations of brick kiln owners. Guidelines be also issued for siting, design and engineering standards for the location, disposal, maintenance and regulation of Ash Ponds as breach of a fly ash pond result in great disaster. Public health and risk impact

assessment in the areas of operation of TPPs and generators of fly ash may be got conducted. The Mission may also monitor scientific management and utilization of fly ash by power projects outside Singrauli and Sonebhadra, in coordination with Chief Secretaries of concerned States and adopting safety measures for ash dykes, installing devices to control air pollution, (including FGDs, OCEMS) in a time bound manner and restoration of environment and public health. The Mission may also consider use of beneficiated coal. It may in particular consider on-site and off-site crisis management plans with regard to fly ash ponds and dykes. As noted earlier, legacy fly ash is 1670.602 Million Tonnes as on.31.12.2021 and data of ash generation and utilization of legacy fly ash is as follows:

"Summary of of Ash Generation and Utilization during year 2020-21

No. of Thermal Power Stations	191
Capacity (MW)	2,13,030 MW
Coal Consumed	672.130 Million Tonnes
Fly Ash Generation	222.789 Million Tonnes
Fly Ash Utilization	205.098 Million Tonnes
Percentage Utilization	92.06%
Legacy Flyash	1670.602 Million Tonnes

The Committee of Secretaries, in coordination with PPs and statutory regulators, may draw a road map for utilization and disposal of entire legacy fly ash for Sonebhadra and Singrauli areas as well as for all the Power Plants located in clusters or standalone with tagging the sources to utilize fly ash on voluntary and compulsion mode for which required mechanism be laid down.

ii. With regard to past violations, the PPs remain liable and the Joint Committee of CPCB, State PCB and jurisdictional District Magistrates may determine compensation following due process, on the principles laid down inter alia in M.C. Mehta, (1987) 1 sec 395, Sterlite (2013) 4 sec 575 and Goel Ganga (2018) 18 SCC 257, having regard to the period of violation and financial capacity of the unit. The PPs may take remedial measures as per recommendations of the Committee and as per law, failing with coercive measures for continuing or future violations be taken by concerned authorities.

iii. Statutory regulators may take action in terms of need for compliances in the light of recommendations with regard to individual Plants as well as generally so as to require the concerned PPs to comply, failing which coercive measures be taken by the statutory regulators in accordance with law.

iv. In respect of incident dated 10.04.2020, compensation paid to heirs of the deceased at the rate of Rs. 10 lakhs per death is increased to Rs. 15 lakhs on principles laid down inter alia in Sarla Verma (2009) 6 SCC 121 and Uphar Cinema (2011) 14 SCC 481. We direct the remaining amount to be paid within one month. This order will not debar the heirs of the victims to claim higher compensation by approaching appropriate forum. If the salaries to persons appointed as compensation to the victims are below minimum wages, the PP may ensure compliance of law on the subject which may be also looked into by the concerned Labour Departments of the State of UP and MP. The statutory regulators may take further remedial action in terms of recommendations of the Committee in OA 148/2020, quoted earlier for restoration of environment and preventing such incidents.

v. With regard to breach of Rihand Reservoir also, further remedial measures be taken in terms of recommendations on the subject, quoted in para 15 above.

All the matters (including IAs) will stand disposed of accordingly. If any grievance survives, aggrieved parties are free to take remedies as per law.

A copy of this order be forwarded to the Secretaries, MoEF&CC, Coal and Power, GoI and Chief Secretaries of UP and MP, CPCB, State PCBs, SEIAAs, PCCFs (HoFF) UP and MP, District Magistrates, Singrauli and Sonebhadra, Labour Commissioners, UP and MP, State Disaster Management Authorities of UP and MP and SSPs by e-mail for compliance. CPCB may also circulate the same by email to all TPPs or other concerned to facilitate compliance.

Adarsh Kumar Goel, CP

Sudhkr Agarwal, JM

Brijesh Sethi, JM

Prof. A. Senthil Ve!, EM

Dr. Afroz Ahmad, EM

January 18, 2022

3. Being aggrieved by the directions issued by the NGT and the manner in which the original petition has been disposed of, the appellants have filed these appeals.

4. At this stage itself it may be noted that the first respondent, the original applicant before the NGT has been served in all the cases and has not appeared in these cases. In the circumstances, the appeals have been heard and decided, by taking into consideration, the submissions of the learned counsel appearing for the appellants herein.

5. Learned Solicitor General appearing for the appellants in C.A. No.3856/2022 at the outset submitted that the proceedings of the NGT are judicial proceedings and compliance of principles of natural justice is a hallmark of all judicial proceedings. That in the instant case, while the NGT was well within its powers to constitute an expert Committee and to seek a report with regard to the alleged violations complained of by the first respondent herein, on receipt of the said report, it was necessary that the alleged violators were given an opportunity to object to the said report and after consideration of the objections, the NGT ought to have passed a considered order and issued only those directions which were appropriate having regard to the facts of each industry that was made a respondent before the NGT.

He further submitted that Section 19(1) of the National Green Tribunal Act, 2010 (hereinafter referred to as the "Act" for the sake of convenience) categorically states that the Tribunal, though not bound by the procedure laid down by the Code of Civil Procedure, 1908, shall nevertheless be guided by the principles of natural

justice.

According to learned Solicitor General in the instant case, there has been gross violation of the principles of national justice on two counts: firstly, the report of the Committee constituted by the NGT and the recommendations made by the said Committee could not be objected to by the appellant(s) herein as there was hardly any time given to the appellants to even peruse the same. In this regard, he drew our attention to the fact that the report and the recommendations of the Committee constituted by the NGT were put up on the website of the NGT on 15.01.2022 and three days thereafter i.e., on 18.01.2022 the impugned directions have been issued. Secondly, he submitted that the fact that in such a short span of time the matters were considered and disposed of by the NGT, in the absence of there being objections filed by the appellants herein nor having heard the appellants herein, would also imply that there has been no consideration by the NGT of the *pros* and *cons* vis-a-vis the recommendations made by the expert Committee and as to whether the directions issued were appropriate to the case of each of the appellant(s) herein or not.

It was submitted that had the appellants herein had an opportunity of filing their objections to the recommendations made by the Committee constituted by the NGT and had the appellants been heard in the matter, possibly appropriate directions could have been issued as against the appellant(s) herein.

In conclusion, learned Solicitor General submitted that the impugned order may be set aside and the matter may be remanded to the NGT for re-consideration of the entire case of the first

respondent herein in compliance with the principles of natural justice, that is, firstly by giving an opportunity to the appellants herein to file their objections, if any, to the recommendations of the Committee constituted by the NGT and secondly, by giving a further opportunity of hearing to the appellants herein.

In this regard, learned Solicitor General relied upon a decision of this Court in Sanghar Zuber Ismail vs. Ministry of Environment, Forest and Climate Change and Another reported in (2021) SCC Online SC 669.

6. Learned senior counsel Mr. Sanjay Jain and Mr. Nazki adopted the submissions of learned Solicitor General and also contended that the manner in which the original petition has been disposed of by the NGT in these cases was in gross violation of the principles of natural justice. In this regard, reliance is also placed on another decision of this Court in case of Kantha Vibhag Yuva Koli Samaj Parivartan vs. State of Gujarat reported in 2022 SCC online SC 120.

7. The other learned counsel who have appeared, brought to our notice that in the instant case, there were two reports filed and therefore, it was all the more necessary that the said reports had to be considered in order to examine as to whether there were contradictions in them and were in accordance with law.

8. Learned ASG appearing for the respondent No.2 as well as other learned counsel for private respondents also supported the arguments of learned Solicitor General.

9. We find substance in the submissions made by learned Solicitor General, learned senior counsel and learned counsel for the respective parties.

As already noted, the first respondent is the contesting respondent herein who has been served and has failed to appear in these cases.

10. The directions issued by the NGT have been extracted above. The aforesaid directions are in light of the recommendations made by the expert Committee vide two reports submitted to the NGT. It is noted that the NGT has extracted the report/s as well as the recommendations at paragraphs 14-16 of the impugned order and has observed as under:

"14. Points for determination are remedial action against pollution due to failure to scientifically manage and utilise the flyash, accountability for damage due to breach of Rihand reservoir and due to breach of ash pond, resulting in deaths and injuries and damage to the crops and environment. As already mentioned, legacy fly ash is 1670.602 Million Tonnes as on 31.12.2021 which has potential for serious damage to the environment as shown by incidents of dyke breaches contaminating sources of water and air pollution making industrial areas critically polluted. Air control devices are not installed in many TPPs. There are incidents of deaths, injuries and loss of flora and fauna.

15. We have considered the data furnished in the reports furnished in pursuance of earlier orders of this Tribunal dated 04.11.2020 in OA No. 117/2014, 14.07.2020 in OA No. 164/2018 and 29.6.2020 in OA No. 148/2020, including the recommendations for remedial action. The compliance status as projected in the reports of the Joint Committees/Oversight Committees shows huge gap in storing, handling, management and utilization of fly ash and consequential continuing damage to the environment and public health. Such huge gaps are patent from the recommendations part in the reports. Deficiencies noted in respect of some individual TPPs appear to be of representative nature and may exist in almost all TPPs, unless shown otherwise on the ground and not in the form of self-serving denial. In the light of the said recommendations, further remedial action needs to be taken to enforce the principle of sustainable development under section 20 of the NGT Act. The recommendations are reproduced below:

"M/s NTPC Limited Shakti Nagar Sonbhadra:
Recommendations of the Committee

xxx

M/s NTPC Limited Rihand Super Thermal Power (Power Plant)

Recommendations of the Committee

xxx

M/s Anpara Thermal Power Plant (Power Plant)

Recommendations of the Committee

xxx

M/s Anpara 'C' Lanco Thermal Power Station

Recommendations of the Committee

xxx

M/s Renusagar Thermal Power Plant

Recommendations of the Committee

xxx

M/s Obra Thermal Power Station (Power Plant)

Recommendations of the Committee

xxx

Coal Mines of M/s Northern Coalfields Limited (NCL)

1. NCL Dudhichuwa Project, Sonbhadra

Recommendations of the Committee

xxx

2. NCL Bina Project, Bina, Sonbhadra

Recommendations of the Committee

xxx

3. NCL Krishna Shila Project

Recommendations of the Committee

xxx

4. M/s NCL Kakri Project, Sonbhadra

Recommendations of the Committee

xxx

5. NCL Khadia Project Sonbhadra

Recommendations of the Committee

xxx

Aluminum Smelter: M/s HINDALCO Industries Ltd.,
Renukoot, Sonbhadra

Recommendations of the Committee

xxx

M/s Grasim Industries Limited Chemical Division,
Renukoot, Sonbhadra

Recommendations of the Committee

xxx

M/s Birla Carbon India Pvt. Ltd., Renukoot,
Sonbhadra

Recommendations of the Committee

xxx

Stone Crusher

Recommendations of the Committee

xxx

A. Thermal Power Plants (TPPs) and Industries

B. Coal Mines of M/s Northern Coalfields Limited
(NCL)
C. Stone Crushers
Recommendations"

16. From the above, it is seen that there is a long way to go for protecting environment and public health. The failures of the TPPs are alarming. We find no reason not to accept all the recommendations and to direct remedial action. Thus, all recommendations are accepted and further remedial action is directed to be taken by the statutory regulators which also be overseen by the joint Committees of CPCB, State PCB and the jurisdictional District Magistrates, with CPCB and State PCBs being nodal agencies. Quarterly reports may now be filed with the MoEF&CC to be considered by the Coordinating Committee being hereby constituted."
11. In other words, the NGT has simply accepted the recommendations as remedial action suggested by the Committee but the same is in the absence of there being objections filed by the appellants herein who were the respondents before the NGT and without giving any hearing to them and against whom directions impugned in these cases have been passed by the NGT. We find that the procedure adopted by the NGT is an instance of violation of the principles of natural justice. Section 19(1) of the NGT Act, 2010 reads as under:
- "19.(1) The Tribunal shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 (5 of 1908) but shall be guided by the principles of natural justice."
- At this stage, we may also observe that the recommendations made by an expert Committee are not binding on the NGT, they are only by way of assistance to enable the NGT to arrive at a correct decision in the matter.
12. In this regard reliance may be placed on paragraph 7 and 8 of the judgment of this Court in Sanghar Zuber Ismail (supra) wherein it has been stated as under:

"7. Having regard to the nature of its appellate power, the NGT has to apply its mind to the substantive grounds of challenge. The NGT has merely based its conclusion on the statement which has been made by the project proponent and has not conducted an independent appraisal of the grounds of challenge.

8... the NGT has not dealt with the substantive grounds of challenge in the exercise of its appellate jurisdiction. Constitution of an expert committee does not absolve the NGT of its duty to adjudicate. The adjudicatory function of the NGT cannot be assigned to committees, even expert committees. The decision has to be that of the NGT. The NGT has been constituted as an expert adjudicatory authority under an Act of Parliament. The discharge of its functions cannot be obviated by tasking committees to carry out a function which vests in the tribunal."

13. Furthermore, in Kantha Vibhag (supra), this Court had criticized the practice of delegation of core adjudication to the joint committee:

15. It is first important to differentiate expert committees which are set by the courts/tribunals from those set up by the Government in exercise of executive powers or under a particular statute. The latter are set up due to their technical expertise in a given area, and their reports are, subject to judicially observed restraints, open to judicial review before courts when decisions are taken solely based upon them. The precedents of this court unanimously note that courts should be circumspect in rejecting the opinion of these committees, unless they find their decision to be manifestly arbitrary or mala fide. On the other hand, courts/tribunals themselves set up expert committees on occasion. These committees are set up because the fact-finding exercise in many matters can be complex, technical and time-consuming, and may often require the committees to conduct field visits. These committees are set up with specific terms of reference outlining their mandate, and their reports have to conform to the mandate. Once these committees submit their final reports to the court/tribunal, it is open to the parties to object to them, which is then adjudicated upon. The role of these expert committees does not substitute the adjudicatory role of the court or tribunal. The role of an expert committee appointed by an adjudicatory forum is only to assist it in the exercise of adjudicatory functions by providing them better data and factual clarity, which is also open to challenge by all concerned parties. Allowing for objections to be raised and considered makes the process fair and participatory for all stakeholders.

16. Sections 14 and Section 15 entrust adjudicatory functions to the NGT. The NGT is a specialized body comprising of judicial and expert members. Judicial members bring to bear their experience in adjudicating cases. On the other hand, expert members bring into the decision-making process scientific knowledge on issues concerning the environment. In *Hanuman Laxman Aroskar v. Union of India*⁹, a two-Judge Bench of this Court noted that the NGT is an expert adjudicatory body on the environment. The Court held:

"133. The NGT Act provides for the constitution of a tribunal consisting both of judicial and expert members. The mix of judicial and technical members envisaged by the statute is for the reason that the Tribunal is called upon to consider questions which involve the application and assessment of science and its interface with the environment...

134. NGT is an expert adjudicatory body on the environment."

17. The NGT does not have a dearth of 'expertise' when it comes to the issues of environment.

18. Section 15 empowers the NGT to award compensation to the victims of pollution and for environmental damage, to provide for restitution of property which has been damaged and for the restitution of the environment. The NGT cannot abdicate its jurisdiction by entrusting these core adjudicatory functions to administrative expert committees. Expert committees may be appointed to assist the NGT in the performance of its task and as an adjunct to its fact-finding role. But adjudication under the statute is entrusted to the NGT and cannot be delegated to administrative authorities. Adjudicatory functions assigned to courts and tribunals cannot be hived off to administrative committees.

19. The NGT has in the present case abdicated its jurisdiction and entrusted judicial functions to an administrative expert committee. An expert committee may be able to assist the NGT, for instance, by carrying out a fact-finding exercise, but the adjudication has to be by the NGT. This is not a delegable function. Thus, the order impugned in the appeal cannot be sustained. The consequence of the impugned order is to efface the meticulous exercise which was carried out by the earlier Benches. Valuable time has been lost in the meantime and crucial issues pertaining to the environment in the present case have been placed on the back-burner."

14. In a recent landmark decision, Madhyamam Broadcasting Limited v. Union of India (2023) SCC Online 366, the principles of natural justice have been crystalized in the words of Hon'ble CJI-Dr Dhananjaya Y Chandrachud as under:

"53. ...The facet of *audi alterum partem* encompasses the components of notice, contents of the notice, reports of inquiry, and materials that are available for perusal. While situational modifications are permissible, the rules of natural justice cannot be modified to suit the needs of the situation to such an extent that the core of the principle is abrogated because it is the core that infuses procedural reasonableness..."

15. A reading of the above, clearly indicates that the NGT is a judicial body and therefore exercises adjudicatory function. The very nature of an adjudicatory function would carry with it the requirement that principles of natural justice are complied with, particularly when there is an adversarial system of hearing of the cases before the Tribunal or for that matter before the Courts in India. The NGT though is a special adjudicatory body constituted by an Act of Parliament, nevertheless, the discharge of its function must be in accordance with law which would also include compliance with the principles of natural justice as envisaged in Section 19(1) of the Act.

16. In this context, it would be useful to refer to what is known as the 'official notice' doctrine, which is a device used in administrative procedure. Although an authority can rely upon materials familiar to it in its expert capacity without the need formally to introduce them in evidence, nevertheless, the parties ought to be informed of materials so noticed and be given an opportunity to explain or rebut them. The data on which an authority

is acting must be apprised to the party against whom the data is to be used as such a party would then have an opportunity not only to refute it but also supplement, explain or give a different perspective to the facts upon which the authority relies. This has been explained by Schwartz in his work on Administrative Law. The aforesaid doctrine applies with greater force to a judicial / adjudicatory body.

Therefore, applying the aforesaid principle to the cases that come up before the NGT, if the NGT intends to rely upon an expert Committee report or any other relevant material that comes to its knowledge, it should disclose in advance to the party so as to give an opportunity for discussion and rebuttal. Thus, factual information which comes to the knowledge of NGT on the basis of the report of the Committee constituted by it, if to be relied upon by the NGT, then, the same must be disclosed to the parties for their response and a reasonable opportunity must be afforded to present their observations or comments on such a report to the Tribunal.

17. It is needless to observe that the experts' opinion is only by way of assistance in arriving at a final conclusion. But we find that in the instant case the report of the expert Committee as well as the recommendations have been made the basis of the directions and such an approach is improper.

18. We have perused the impugned order of the NGT and particularly paragraph '16' which has been extracted above. It is apparent that the appellant(s) herein who were respondents before the NGT were not given an opportunity to file their objections to the recommendations made by the Committee constituted by the NGT which is apparent by the fact that the recommendations were uploaded on 15.01.2022 and

the final order of the NGT was passed three days later on, i.e. 18.01.2022. Thus, this is a clear case of there being non compliance with the principles of natural justice. On the said ground alone the impugned order is set aside, the matter is remanded to the NGT for re-consideration from the stage of the recommendations filed by the expert Committee constituted by the NGT. The appellant(s) herein are permitted to file their objections, if they are so advised. The NGT shall consider the objections, if any, filed to the recommendations and thereafter dispose of the applications in accordance with law and after giving a reasonable opportunity to all parties.

19. The appeals are allowed and disposed of in the aforesaid terms. Pending application(s), if any, shall stand disposed of.

.....J.
(B.V. NAGARATHNA)

.....J.
(PRASHANT KUMAR MISHRA)

NEW DELHI;
JULY 05, 2023

Bhagwan Shukla S/O Sh. Sarabjit Shukla vs Union Of India And Ors on 5 August, 1994

Equivalent citations: AIR 1994 SUPREME COURT 2480, 1994 (6) SCC 154, 1994 AIR SCW 3503, 1994 LAB. I. C. 2493, (1995) 2 SERVLJ 30, (1994) 5 JT 253 (SC), (1994) 28 ATC 258, (1995) 2 LABLJ 726, (1994) 69 FACLR 570, (1994) 2 LAB LN 1074, (1995) 1 PAT LJR 6, (1994) 4 SCT 406, 1994 SCC (L&S) 1320, (1994) 4 SERVLR 614, (1994) 2 CURLR 645

CASE NO. :

Appeal (civil) 5447 of 1994

PETITIONER:

BHAGWAN SHUKLA S/O SH. SARABJIT SHUKLA

RESPONDENT:

UNION OF INDIA AND ORS.

DATE OF JUDGMENT: 05/08/1994

BENCH:

A.S. ANAND & FAIZAN UDDIN

JUDGMENT:

JUDGMENT 1994 SUPPL. (2) SCR 419 The following Order of the Court was delivered :

Leave granted.

The controversy in this appeal lies in a very narrow compass. The appellant who had joined the Railways as a Trains Clerk w.e.f. 18.12.1955 was promoted as Guard, Grade-C w.e.f. 18.12.1970 by an order dated 27.10.1970. The basic pay of the appellant was fixed at Rs. 190 p.m. w.e.f. 18.12.1955 in a running pay scale. By an order dated 25th July, 1991, the pay scale of the appellant, was sought to be refixed and during the refixation his basic pay was reduced to Rs. 181 p.m. from Rs. 190 p.m. w.e.f. 18.12.1970. The appellant questioned the order reducing his basic pay with retrospective effect from 18.12.1970 before the Central Administrative Tribunal, Patna Bench. The justification furnished by the respondents for reducing the basic pay was that the same had been wrongly fixed initially and that the position had continued due to "administrative lapses" for about twenty years, when it was decided to rectify the mistake. The petition filed by the appellant was dismissed by the Tribunal on 17.9.1993.

We have heard learned counsel for the parties. That the petitioner's basic pay had been fixed since 1970 at Rs, 190 p.m. is not disputed. There is also no dispute that the

basic pay of the appellant was reduced to Rs. 181 p.m. from Rs. 190 pan. in 1991 retrospectively w.e.f. 18.12.1970. The appellant has obviously been visited with civil consequences but he had been granted no opportunity to show cause against the reduction of his basic pay. He was not, even put on notice before his pay was reduced by the department and the order came to be made behind his back without following any procedure known to law. There, has, thus, been a flagrant violation of the principles of natural justice and the appellant has been made to suffer huge financial loss without being heard. Fair play in action warrants that no such order which has the effect of an employee suffering civil consequences should be passed without putting the concerned to notice and giving him a hearing in the matter. Since, that was not done, the order (memorandum) dated 25.7.1991. which was impugned before the Tribunal could not certainly be sustained and the Central Administrative Tribunal fell in error in dismissing the petition of the appellant. The order of the Tribunal deserves to be set aside. We, accordingly, accept this appeal and set aside the order of the Central Administrative Tribunal dated 17.9.1993 as well as the order (memorandum) impugned before the Tribunal dated 25.7.1991 reducing the basic pay of the appellant From Rs. 190 to Rs. 181 w.e.f. 18.12.1970.