

BEFORE THE NATIONAL GREEN TRIBUNAL,

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 326 OF 2024

IN THE MATTER OF:

JOGINDRA KUMAR

...APPLICANT

VERSUS

STATE OF UTTAR PRADESH & ORS.

...RESPONDENTS

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**COUNSELS FOR RESPONDENT NO. 4: SOURAV ROY &
RUCHIR RANJAN RAI**

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VERSUS

STATE OF UTTAR PRADESH & ORS. ...RESPONDENTS

**REPLY ON BEHALF OF RESPONDENT NO. 4, M/s.
TRIVENI ENGINEERING AND INDUSTRIES LTD, TO
THE REPORT DATED 16.12.2024 SUBMITTED BY THE
JOINT COMMITTEE ALONG WITH SUPPORTING
AFFIDAVIT**

MOST RESPECTFULLY SHOWETH:

1. That the captioned application has been filed by the Applicant alleging that the answering Respondent's Sugar Unit located in Village Khatauli, District Muzaffarnagar, Uttar Pradesh is illegally dumping fly ash generated from its Unit on both sides of Khatauli -Miranpur Road and Jansath – Flawda Road in district Muzaffarnagar.
2. That this Hon'ble Tribunal was pleased to issue notice on the application preferred by the Applicant *vide* Order dated 22.03.2024 and Respondent No. 2 i.e., Uttar Pradesh Pollution

Control Board (“UPPCB”) was directed to file a comprehensive report in respect of the allegations made by the Applicant.

3. That UPPCB *vide* its Report dated 17.05.2024 submitted before this Hon’ble Tribunal its findings on the allegation which are summarized as follows:

- a. *Boilers operating in the unit are being operated within the prescribed parameters for emissions generated from the stack.*
- b. *Records of generation and disposal of fly ash were duly maintained for the crushing season (2022-23) and (2023-24) and was provided to the inspecting team.*
- c. *Fly ash generated by the unit was either taken by the farmers as per agreement and used by them for land filling on their own lands, for use in brick kilns or on industrial premises.*
- d. *The place of incident as reported by the applicant was inspected and it was found that fly ash was properly levelled and the layer of soil was disposed to cover the fly ash.*
- e. *No complaint was lodged by the applicant or persons who reported that they suffered burns at the local police station*
- f. *Fly Ash generated by the unit was being properly disposed by the unit.*

4. That this Hon’ble Tribunal *vide* its order dated 22.05.2024 formed a Joint Committee comprising of a Representative of the Member Secretary, CPCB, RO, MoEF & CC, Lucknow, U.P. and District Magistrate, Muzaffarnagar

5. That the Hon'ble Tribunal *vide* its Order dated 22.05.2024 had directed the Joint Committee to ascertain the truthfulness of the allegation, extent of dumping of fly ash at the public places and persons/mill/industrial unit responsible for the same, guidelines/protocol on disposal of ash applied to sugar units, burn injuries, if any and submit the report before this Hon'ble Tribunal.
6. That the Joint Committee submitted an interim report dated 09.09.2024 in which after reporting the progress made by the it, the Joint Committee sought for some more time for submission of the final report.
7. That the Joint Committee on 16.12.2024 filed its final report before this Hon'ble Tribunal against which the answering Respondent is filing the present Reply.

Re: Allegation of fly ash being dumped on both side of the Khatauli -Miranpur Road and Jansath – Flawda Road

8. That the Joint Committee in its report has indicated that it had surveyed the locations as mentioned by the Applicant in his application, as well as surrounding areas of Unit in addition to the site where the incident resulting in burn injuries to the injured

persons is alleged to have taken place (located between village Ladpur and Village Umarpur Lisora) and found:

- a.* On the Khatauli-Mirapur Road, no fly ash was found dumped along the roadside, as against the allegation of the Applicant that the Unit of Respondent No. 4 was illegally dumping fly ash on both sides of this road.
- b.* On the Jansath-Flawda Road and agricultural land located including village Ladpur and Umarpur Lisora the Committee stated that no fly ash was visible on the site in question and the site was covered with green grass and shrubs.
- c.* Furthermore, the Committee reported that after interacting with Gram Pradhan and former Gram Pradhan of the Ladpur Village, it was revealed that the Gram Panchayat had used the fly ash, construction and demolition waste etc. a few years back for filling of potholes along the road formed during the levelling of Khatauli-Jansath Road.

d. Apart from the GPS Location provided by the Applicant, the Committee also surveyed adjoining areas and found no evidence of fly ash being dumped as had been alleged by the Applicant.

9. Therefore, insofar as the allegation regarding illegal dumping of fly ash by Respondent No. 4 along the roads mentioned hereinabove is concerned, the allegation is completely frivolous and baseless.

Re: Burn injuries suffered by applicant and others

10. That the Joint Committee has noted in its report that pursuant to its interaction with the Applicant and relative of another injured person named Munesh Devi referred to in the Application, neither was any police case filed by them, nor is there any record of any medical treatment taken for the burn injuries in the nearby Primary Health Centre.

11. That it is pertinent to note at this juncture, the conduct of the Applicant. It is submitted that as stated in paragraph 4 of the Original Application filed by the Applicant, the Applicant has stated that his financial condition became very pitiable and at present the Applicant is forced to beg and Applicant's children

are at the verge of dying of hunger. Seemingly, the Applicant has tried to make out a case that due to injuries sustained by him, his family has been pushed to penury, however, the said position is contradictory to the facts recorded in the Joint Committee's Report which has found the Applicant to be running a small food chaat cart and that too adjacent to the boundary wall of Sugar mill of Respondent No. 4. Such misleading statement by the Applicant itself demonstrates that the Applicant has not approached this Hon'ble Tribunal with clean hands and it trying to mislead the Hon'ble Tribunal in order to achieve some ulterior motive.

12. The answering Respondent would like to further submit that it would not be out of place to refer to hand written statement given by the Applicant to the Joint committee which is appended as Annexure 3 with the Report of the Joint Committee. In the said statement the Applicant has submitted that he got injured by stepping in fly ash on side of Jansath – Flawda Road. However, in view of the findings made by the Joint Committee, it cannot be made clear whether it was the fly ash which caused the injury or ash from burning of some other substance. Strangely enough, while writing for himself the Applicant also writes the same for

Smt. Munesh Devi claiming that she got injured in fly ash disposed from mill of the answering Respondent.

13. That it most respectfully submitted that in view of the clear finding in the Joint Committee Report, it is clear that the application is nothing but a bundle of lies just to extract monies from the answering Respondent by gaining sympathy of this Hon`ble Tribunal on the basis of falsehood presented in the Application preferred by the Applicant.

Re: Ash Generation and disposal by Respondent No. 4

14. That the Joint Committee in paragraph 5.1 of its report has remarked that for the expansion of the project (sugar industry), Environmental Clearance from MoEF&CC / SEIAA has not been obtained so far. The answering Respondent at the very outset states that such observation is far from fact and is in fact, contrary to the records. It is pertinent to mention here that the requirement of such approval as referred by the Joint Committee was necessitated by the EIA notification dated 14.09.2006 issued by the MoEF&CC. *Vide* this notification, the MoEF&CC required that from the date of publication of such notification, construction of all new projects and expansion of existing projects shall require environmental clearance. However, the

expansion of the subject Sugar Mill of the answering respondent from 9000 TCD to 160000 TCD had happened much prior to said MoEF&CC Notification coming into effect. It is submitted that the expansion of the sugar unit of the answering Respondent happened after due permission was obtained by the answering Respondent pursuant to their IEM dated 19.05.2005 for expansion which was submitted to the Ministry of Commerce and Industry, Government of India under the Industries (Development and Regulation) Act, 1951 which was duly approved *vide* its acknowledged permission dated 30.12.2005. A true copy of acknowledgement permission issued by the Ministry of Commerce and Industry, Government of India is annexed herewith and marked as **Annexure R/4 – 1**.

15. Further, in this regard it is important to place on record an order dated 08.12.2005 passed by Government of Uttar Pradesh through its Principal Secretary, Sugar Cane Development and Sugar Industries, on a Revision Application filed by the answering Respondent wherein crushing capacity of the subject sugar mill was clearly acknowledged to be 16000 TCD and since then no expansion has happened. A true copy of the Order dated 08.12.2005 passed by the Government of Uttar Pradesh

acknowledging the capacity of the sugar unit to 16000 TCD alongwith its translation is annexed herewith and marked as **Annexure R/4 – 2.**

16. That the Committee in para 5.3.5 has observed in respect of the observation that the unit does not have any facility to store the ash generated from the bagasse fired boilers. In respect of this observation the answering Respondent humbly submits that the Unit has ensured that the boiler ash disposal facility is located outside the premises, which is reflected from the documents and agreements provided to Joint Committee some of which are listed in Table 5 of the Report. In this regard it would not be out of place to state that there are no provisions /guidelines which mandate ash storage facilities to be made inside the premises.

17. That another observation of the Joint Committee in para 5.3. itself that Respondent No. 4 has installed ash decanter only after the incident was reported by the applicant is completely false and is vehemently denied in the manner the same has been presented. The answering Respondent humbly submits that the unit had already installed the ash clarifier and ash handling tank (sedimentation tanks) for handling & safe disposal of the boiler ash. It is further submitted that the Unit installed the Ash

Decanter in order to upgrade its existing system to improve the recirculated water quality and reduce the moisture content before Ash disposal and this upgrade *albeit* may have happened at a point in time which was after the date when the alleged incident took place, but such installation is in no manner connected to the alleged incidence. The observation made by the Joint Committee made in respect of the installation of the ash decanter are therefore, only speculative, more so in the light of their own observation that the Committee did not find any fly ash at the location pointed by the Applicant or could not find any reason to believe that the injuries caused to the applicant is by fly ash burning by the answering Respondent. It is submitted that the Unit therefore has Boiler Ash Clarifier followed by a mechanical conveyor system (Ash Decanter) for ash conditioning, thickening and an auto Ash loading system in dumpers/Trolleys. It is therefore submitted that the allegation made by the Joint Committee is just speculative and baseless.

- 18.** That the Joint Committee in paragraph 5.3.3 of its Report, in sub-para (a) has recorded in Table 2 the estimate of ash generated during the crushing season 2022-2023 based on the final manufacturing report RT 8 (C). Further the Committee in sub-

para 5.3.3 has recorded the disposal as per the records maintained and provided and mentioned in the UPPCB's Report dated 17.05.2024. Thereafter, in sub-para 5.3.3, the Committee has compared the ash generated at 9878.77 MT against the ash disposed at 10554.33 MT to state that there is variation of 6% in the calculated and logbook record. The answering Respondent most respectfully submits that the Joint Committee while calculating the ash generated has based its finding only on the RT 8 (C) which records that fly ash generated only from sugar plant and has not taken total Ash generated by sugar unit as well as Cogen plant which was done by the UPPCB, which is why the total ash in Table 2 of the Joint Committee report is different from what UPPCB reported in its report dated 17.5.2024 (please refer page 2 of UPPCB report dated 17.05.2024). It is submitted that the Joint Committee committed the same error for the year 2023-2024 where-after it reached the erroneous conclusion that legacy fly ash was also disposed in the crushing season 2023-2024.

19.It is further submitted that the total ash disposal of or dumped in the field belonging to different farmers or given to brick kilns has been stated in the Report in Table 5 as 11787.60 MT on the basis

of density. However, as per the logbooks maintained by the Unit, the total ash disposed for the crushing season 2023-2024 is stated as 12630.09 MT. Accordingly the joint Committee has concluded that the record of 842.45 MT of ash disposal was not available with the Unit. This conclusion is completely incorrect and merely speculative. In this respect, the answering Respondent humbly submits that for bagasse ash density the Joint Committee has taken the same to be as 0.3 Tons/m³, however, in the case of bagasse ash, density will not be constant and will change with the boiler operation condition from time to time. It is submitted that even with a minor change in density, such as 0.322 Tons/m³, the same will result in the actual quantity of the ash disposed by the Unit as reflected in the logbook. Accordingly the answering respondent most humbly submits that all fly ash generated has been disposed of in terms of the details provided to the Joint Committee and no amount of fly ash generated at the answering Respondent's Units has been disposed of without any agreement.

20. That in respect to the observations made by the Committee in paragraph 5.3.5 stating that fly ash was disposed without agreement it is submitted that the allegation is baseless and shows the non-application of mind by the Joint Committee while

examining the documents provided to them by the answering Respondent. It is submitted that for the subject parcel of land which is being referred to in the paragraph under reply, the fly ash on the plot came to be dumped only after a requisition letter from the owner of the said land namely Shri Baburam, R/o Village Sheikhpura was received by the answering Respondent. A true copy of the requisition letter received from Shri Baburam alongwith its true translated copy and photograph showing the status of the land in question is annexed herewith and marked as **Annexure R/4 – 3**.

21. That in reply to the contents mentioned in the Conclusions stated in paragraph 6 of the Report, it is submitted that all the points have been answered in the paragraph hereinbefore and therefore the answering Respondent is not repeating the submissions for the sake of brevity.

22. That in reply to the Recommendations stated in paragraph 7 of the Joint Committee Report, the answering Respondent has the following submissions to make:

- a.** Unit is regularly maintaining ash disposal and generation records and in fact the same were duly provided to the Joint

Committee when the said Committee came for inspection to prepare its Report.

- b. That Unit has developed the ash disposal facility as per the design requirement.
 - c. That Unit regularly monitors ash disposal facilities.
 - d. That after disposal of the fly ash the Unit ensures that the site is covered with good earth after site saturation.
 - e. The Unit only uses covered and closed vehicles in the transportation of ash to the disposal site which is disposed only pursuant to a valid request letter / valid agreement of boiler ash disposal site.
 - f. As regards the approval from SPCB for site selection for disposal is concerned, it is submitted that no provision of law mandates that the answering Respondent has to seek an approval from the SPCB for site selection for disposal of fly ash.
23. That in view of the foregoing submissions it becomes clear that the O.A. was based on pure surmises and conjectures and therefore deserves to be set aside.

Filed Through
Counsels for Respondent No. 4



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Drawn on: 10.04.2025

Filed On: 14.04.2025

Place: New Delhi

BEFORE THE NATIONAL GREEN TRIBUNAL,
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VERSUS

STATE OF UTTAR PRADESH & ORS.

...RESPONDENTS

AFFIDAVIT

I, Dr. Ashok Kumar, S/o Shri Rajendra Kumar, aged about 60 years, working as Vice President (Sugar), M/s. Triveni Engineering and Industries Limited, Khatauli, Muzaffarnagar, Uttar Pradesh do hereby solemnly affirm and state on oath as under:

1. I say that I the authorized representative of Respondent No. 4 in the instant Original Application, having been duly authorised by Board Resolution dated 16.07.2014 and I say that I am well conversant with the facts and circumstances of the case based on the records maintained by the Respondent No. 4 and hence competent to swear the instant affidavit.
2. I say that I gone through the contents of the accompanying Reply and I say that the facts stated therein are true to my knowledge.
3. I say that the Annexures along with the Reply are true copies of its respective originals.



DEPONENT

NOTARY

VERIFICATION

I, the deponent above named do hereby verify and state that the contents of the Paragraph 1 to 3 hereinabove are true and correct to the best of my knowledge and belief.

NOTARY

Verified at Tehsil Khatauli, District Muzaffarnagar, Uttar Pradesh on 10th day of April 2025.

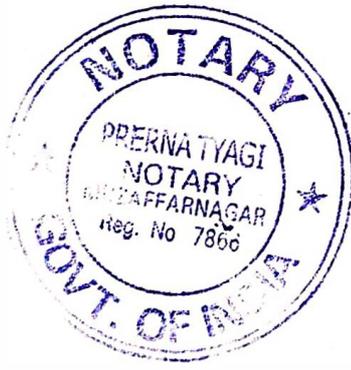
NOTARY

DEPONENT

Identified by

PARDEEP KUMAR
Advocate
Ex.D.G.C. (Civil)
Ch.No.C-28,Reg.No.-1978/95
Collectorate,Muzaffarnagar
Mobile-9411030575
Email-advocatepradeepkumarmzn@gmail.com

The deponent
is/are identified by Shri.
I have satisfied myself by examining the
deponent who understands the contents
of the affidavit which has been read out and
explained by me to the deponent Fee....
Charged Rs.....
NOTARY DISTRICT MUZAFFARNAGAR



PRERNA TYAGI
NOTARY
MUZAFFARNAGAR

11.0 APR 2025

Government of India
Ministry of Commerce & Industry
Department of Industrial Policy & Promotion
(Public Relation and Complaints Section)

No. 398/IIM/PROD/2005

New Delhi, 30/12/2005

Reference No 3451/IMO/SIA/2005

ACKNOWLEDGEMENT

The receipt of your memorandum intimating commencement of Commercial Production of the products against the following item codes :

Item Code : 2060	Date of Production : 15/10/2005	
	Installed Capacity : 90000.00	Unit : TONNES
	Existing Capacity : 198000.00	Unit : TONNES
	Total Capacity : 288000.00	Unit : TONNES
	After Expansion	
Item Name : MANUFACTURE AND REFINING OF SUGAR (VACUUM PAN SUGAR FACTORIES)		
Item Name(User Des.) : WHITE CRYSTAL SUGAR		

Located at :

Place/ Town	: KHATAULI
Tehsil/ Taluk	: JANSATH
District	: MUZAFFAR NAGAR
State	: UTTAR PRADESH
Pin Code	: 0

is hereby acknowledged. It is noted that the commercial production of installed capacity(s) of items mentioned above commenced on dates indicated against each item.

You are required to submit Monthly Production Return in the revised form, (enclosed) to the Ministry/Department of FOOD (SUGAR DIV.) as well as to the Joint Director(Statistics), Department of Industrial Policy & Promotion, New Delhi.

In case Factory/Product codes are not known, return may be filed without these Codes, and the Joint Director (Statistics), Department of Indl. Policy & Promotion, Udyog Bhavan, New Delhi, may be contacted for these codes.


(T.C.SHARMA)
UNDER SECRETARY TO THE GOVERNMENT OF INDIA
Tel : 3063088

To

TRIVANI ENGINEERING AND INDUSTRIES LIMITED,
8TH FLOOR, EXPRESS TRADE,
TOWERS, 15-16 SEC-16-A,,
NOIDA 201301,,
UTTAR PRADESH.,

उत्तर प्रदेश शासन
गन्ना विकास एवं चीनी उद्योग अनुभाग-3
संख्या-5ग0सु0अ0-5(5)/2005
लखनऊ :: दिनांक 8 दिसम्बर, 2005

आदेश

मेसर्स त्रिवेणी इंजीनियरिंग एण्ड इण्डस्ट्रीज लि० की खतौली इकाई जनपद मुजफ्फरनगर द्वारा गन्ना आयुक्त के आदेश दिनांक 10.11.2005 के विरुद्ध यह पुनरीक्षण याचिका उत्तर प्रदेश गन्ना (आपूर्ति एवं खरीद विनियमन) अधिनियम, 1953 की धारा-12(3) एवं उत्तर प्रदेश गन्ना (आपूर्ति एवं खरीद विनियमन) नियमावली, 1954 के नियम-23 के अंतर्गत प्रस्तुत की गयी है।

मेसर्स त्रिवेणी इंजीनियरिंग एण्ड इण्डस्ट्रीज लि० ने इस पुनरीक्षण याचिका को प्रस्तुत किये जाने में हुए विलम्ब की क्षमा हेतु भी एक प्रार्थना-पत्र प्रस्तुत किया है।

याची का यह कथन है कि गन्ना आयुक्त का आदेश दिनांक 10.11.2005 जिसके द्वारा उसके प्रतिवेदन दिनांक 18.7.2005, 19.7.2005 एवं 27.9.2005 को अस्वीकार किया गया है, त्रुटिपूर्ण एवं विधिसम्मत नहीं है। गन्ना आयुक्त ने उसके द्वारा अपनी पुनरीक्षित पेराई क्षमता के संबंध में प्रस्तुत किये गये अभिलेखों पर बिना ध्यान दिये हुए यह आदेश पारित किया है। उनका यह भी कथन है कि उनकी खतौली स्थित चीनी मिल वर्ष 1933 में 500 टो0सी0डी0 क्षमता के आधार पर स्थापित हुई थी और समय-समय पर इसकी पेराई क्षमता में वृद्धि की जाती रही जो कि वर्तमान में विस्तारित होकर 16000 टो0सी0डी0 हो गयी है। दिनांक 11.9.98 के केन्द्र सरकार के आदेश द्वारा चीनी उद्योग के लिए लाइसेंस व्यवस्था समाप्त कर दी गयी है और उनकी चीनी मिल ने अपनी उत्पादन क्षमता 11000 टो0सी0डी0 से बढ़ाकर 16000 टो0सी0डी0 कर दी है, जिसके लिए उन्होंने भारत सरकार को दिनांक 19.7.2005 को आई0ई0एम0 भी प्रस्तुत कर दिया है। गन्ना (नियंत्रण) आदेश, 1966 के क्लॉज-6 में भारत सरकार के लिए इस संबंध में दिये गये निर्देशों का उल्लेख है। गन्ना आयुक्त को अधिनियम की धारा-15 के अंतर्गत गन्ना क्षेत्रफल सुरक्षित/अभ्यर्पित किये जाने से पूर्व उनकी पुनरीक्षित पेराई क्षमता के आधार पर गन्ने की आवश्यकता का आकलन करना चाहिए था और उसके उपरांत ही गन्ना सुरक्षण/अभ्यर्पण आदेश पारित किये जाने चाहिए थे। इस अधिनियम की धारा-14 के अंतर्गत इसीलिए सर्वेक्षण का प्राविधान भी रखा गया है और ऐसा न किये जाने के फलस्वरूप ही यह पुनरीक्षण याचिका प्रस्तुत की जा रही है।

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उनका यह भी कथन है कि वर्ष 2003 में गन्ना आयुक्त ने प्रदेश की सभी चीनी मिलों से अपनी गन्ने की आवश्यकता का आकलन पेरार्ड सत्र 2003-04 से पेरार्ड सत्र 2007-08 के लिए मांगा था और इसके उत्तर में उनकी चीनी मिल के लिए गन्ना आयुक्त के पत्र दिनांक 17.7.2003 द्वारा इन 5 पेरार्ड सत्रों के लिए गन्ने की आवश्यकता निर्धारित की गयी थी। उल्लेखनीय है कि यह गन्ने की आवश्यकता उसकी 11000 टो0सी0डी0 पेरार्ड क्षमता पर आधारित थी जब कि वर्तमान में उनकी पेरार्ड क्षमता 11000 टो0सी0डी0 से अधिक हो गयी है, अतः विस्तारित पेरार्ड क्षमता के आधार पर वर्तमान सत्र के लिए गन्ने की आवश्यकता का निर्धारण किया जाना चाहिए था। राज्य सरकार की चीनी उद्योग प्रोत्साहन नीति-2004, जो निजी पूंजी निवेश को प्रोत्साहित किये जाने के लिए बनायी गयी है, में भी नई चीनी मिलों की स्थापना के साथ-साथ क्षमता विस्तारोत्तरण किये जाने में होने वाले पूंजी निवेश को भी सम्मिलित किया गया है और इसके आलोक में ही गन्ना आयुक्त ने दिनांक 5.7.2005 को सभी चीनी मिलों से उनकी उत्पादन क्षमता के आधार पर गन्ने की आवश्यकता का आकलन पेरार्ड सत्र 2005-06 के लिए मांगा था, जो कि उसकी चीनी मिल ने दिनांक 20.7.2005 को प्रस्तुत कर दिया था। उनकी मिल द्वारा दिनांक 18.7.2005 को सचिव, गन्ना विकास एवं चीनी उद्योग को भी यह अवगत कराया गया था कि राज्य सरकार की चीनी उद्योग प्रोत्साहन नीति के अंतर्गत उसके द्वारा किये जा रहे पूंजी निवेश में खतौली इकाई की पेरार्ड क्षमता विस्तारित करके 16000 टो0सी0डी0 की जा रही है और यह सितम्बर, 05 में चालू हालत में आ जायेगी। इसी आधार पर दिनांक 19.7.2005 को उन्होंने गन्ना आयुक्त को वर्तमान पेरार्ड सत्र 2005-06 के लिए अपने गन्ने की आवश्यकता 288 लाख कुंतल बताई थी और अपने पुनरीक्षित पेरार्ड क्षमता के संबंध में सभी आवश्यक अधिलेख भी प्रस्तुत किये थे। इस संबंध में गन्ना आयुक्त को अपने पत्र दिनांक 20.6.2005 व दिनांक 27.9.2005 द्वारा पुनः सूचित भी किया गया था। उनका यह भी कथन है कि उनकी पुनरीक्षित पेरार्ड क्षमता का मूल्यांकन राष्ट्रीय शर्करा संस्थान, कानपुर द्वारा किया गया है और उनकी अंतरिम रिपोर्ट दिनांक 28.9.2005 में यह प्रमाणित किया गया है कि उनकी चीनी मिल पेरार्ड सत्र 2005-06 में 16500 टो0सी0डी0 गन्ना पेरने की क्षमता रखती है और इस संस्थान की इस रिपोर्ट को गन्ना आयुक्त को दिनांक 28/29 सितम्बर, 2005 द्वारा प्रेषित कर दिया गया था। राष्ट्रीय शर्करा संस्थान, कानपुर ने अपनी अंतिम रिपोर्ट दिनांक 6.10.2005 को दी है और इसमें भी यह प्रमाणित किया गया है कि उनकी खतौली चीनी मिल पेरार्ड सत्र 2005-06 में 16500 टो0सी0डी0 गन्ना पेरने की क्षमता रखती है। 16000 टो0सी0डी0 क्षमता के आधार पर उनकी गन्ने की आवश्यकता 288 लाख कुंतल होती है जब कि गन्ना आयुक्त ने उसकी गन्ने की आवश्यकता 211 लाख कुंतल मानी है। गन्ना



FROM : BILL

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FRX NO. : 05222236883

आयुक्त के आदेश दिनांक 9.10.2005 के विरुद्ध उसने मा0 उच्च न्यायालय में रिट याचिका संख्या-6775/2005 लखनऊ खण्डपीठ के समक्ष प्रस्तुत की थी, जिसमें मा0 उच्च न्यायालय ने अपने आदेश दिनांक 26.10.2005 में गन्ना आयुक्त को यह निर्देश दिये थे कि उनके प्रतिवेदनों को 10 दिन के अंदर पुनः विचार कर निस्तारित किया जाय। मा0 उच्च न्यायालय के इस आदेश के अनुपालन में गन्ना आयुक्त द्वारा उनके प्रतिवेदन दिनांक 18.7.2005, दिनांक 19.7.2005 एवं दिनांक 27.9.2005 का निस्तारण अपने आदेश दिनांक 10.11.2005 के द्वारा किया गया है। इसीलिए अब इस आदेश के विरुद्ध पुनरीक्षण याचिका प्रस्तुत करने की आवश्यकता हुई है।

मैंने पत्रावली का अवलोकन किया तथा दोनों पक्षों के अधिवक्ताओं/प्रतिनिधियों के तर्कों को सुना। सर्वप्रथम मेसर्स त्रिवेणी इंजीनियरिंग एण्ड इण्डस्ट्रीज लि0 के द्वारा इस पुनरीक्षण याचिका को दायर किये जाने में हनु विलम्ब के लिए प्रस्तुत किये गये प्रार्थना-पत्र को न्याय हित में स्वीकार किया जाता है। याची के विद्वान अधिवक्ता का यह तर्क है कि पेरार्ई सत्र 2003-04 से 2007-08 के लिए 17 जुलाई, 2003 को उसकी चीनी मिल के लिए निर्धारित गन्ने की आवश्यकता निर्धारित की गयी थी। अब विस्तारित क्षमता के आधार पर गन्ने की आवश्यकता निर्धारित की जानी चाहिए, क्योंकि वर्तमान में उसकी पेरार्ई क्षमता 16000 टो0सी0डी0 हो गयी है। उन्होंने इसके समर्थन में भारत सरकार को प्रस्तुत किये गये आई0ई0एम0 तथा राष्ट्रीय शर्करा संस्थान, कानपुर के द्वारा दिये गये प्रमाण-पत्र का उल्लेख किया है। उनका यह कहना है कि वर्तमान पेरार्ई क्षमता के अनुसार उन्हें उनकी मिल के लिए 180 दिवस पेरार्ई मानते हुए गन्ने की आवश्यकता 288 लाख फुंतल होती है। अतः गन्ना आयुक्त ने इसके अनुसार उसे गन्ने की आवश्यकता का निर्धारण न करके त्रुटि की है। गन्ना आयुक्त के प्रतिनिधि का यह तर्क है कि वर्तमान पेरार्ई सत्र के लिए गन्ना आयुक्त द्वारा केवल नई चीनी मिलों के लिए उनकी पेरार्ई क्षमता के आधार पर गन्ने की आवश्यकता निर्धारित की है। जिन चीनी मिलों के लिए वर्ष 2003 में आगामी पाँच वर्षों के लिए गन्ने की आवश्यकता उनकी पेरार्ई क्षमता के आधार पर निर्धारित की जा चुकी थी, उसका कोई पुनरीक्षण नहीं किया गया है क्योंकि प्रदेश में नई चीनी मिलों की स्थापना के फलस्वरूप प्रत्येक मिल के लिए गन्ने की उपलब्धता कम हो गयी है।

याची द्वारा प्रस्तुत किये गये अभिलेखों के अवलोकन से विदित होता है कि वर्तमान पेरार्ई सत्र में उनकी पेरार्ई क्षमता 11000 टो0सी0डी0 से बढ़ाकर 16000 टो0सी0डी0 हो गयी है। इसकी पुष्टि में उनके द्वारा भारत सरकार को प्रस्तुत आई0ई0एम0 तथा राष्ट्रीय शर्करा संस्थान कानपुर द्वारा दिये गये प्रमाण-पत्र पर्याप्त साक्ष्य है। पुनरीक्षित पेरार्ई क्षमता के अनुसार उनकी चीनी मिल ने वर्तमान पेरार्ई

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सत्र में कार्य करना प्रारम्भ किया है और इसलिए वर्ष 2003 में 5 वर्षों के लिए निर्धारित उनकी गन्ने की आवश्यकता का पुनरीक्षण किया जाना भी आवश्यक हो गया है। 16000 टोसी0डी0 पेराई क्षमता के आधार पर 180 दिन पेराई किये जाने की स्थिति में उनकी गन्ने की आवश्यकता का आकलन 288 लाख कुंतल होता है। गन्ना आयुक्त ने अपने आदेश दिनांक 10.11.2005 में जिना याची के द्वारा प्रस्तुत अभिलेखों पर ध्यान दिये हुए 16000 टोसी0डी0 पर याची की मिल की गन्ने की आवश्यकता 288 लाख कुंतल निर्धारित करने की मांग को औचित्यपूर्ण नहीं पाया है तथा अपने आदेश दिनांक 17.7.2005 में किसी प्रकार के संशोधन की आवश्यकता अनुभव नहीं की है। मेरे विचार से गन्ना आयुक्त का आदेश दिनांक 10.11.2005 न्यायसंगत नहीं है। याची की मिल की विस्तारित क्षमता के संबंध में गन्ना आयुक्त ने अपने आदेश दिनांक 10.11.2005 में जो टिप्पणी की है वह भी स्वीकार योग्य नहीं है। वर्तमान पेराई सत्र के लिए याची की चीनी मिल ने अपनी पेराई क्षमता के विस्तारीकरण के आधार पर ही गन्ने की आवश्यकता के निर्धारण की याचना गन्ना आयुक्त से की थी, अतः उसे ध्यान में रखा जाना चाहिए। उपरोक्त विवेचना के आधार पर याची की पुनरीक्षण याचिका स्वीकार करते हुए गन्ना आयुक्त का आदेश दिनांक 10.11.2005 अपास्त किया जाता है। मेसर्स त्रिवेणी इंजीनियरिंग एण्ड इण्डस्ट्रीज लि0 की खतौली इकाई की पेराई क्षमता 16000 टोसी0डी0 को स्वीकार करते हुए उनकी गन्ने की आवश्यकता 180 दिवस पेराई के आधार पर गन्ने की आवश्यकता 288 लाख कुंतल आंकलित की जाती है।

(अनिल कुमार गुप्ता)
प्रमुख सचिव।

प0प0सं0-5ग0स0अ0-5(5)/2005/तद दिनांक।

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-
1- अध्यासी, त्रिवेणी इंजीनियरिंग एण्ड इण्डस्ट्रीज लि0 देवबंद, सहारनपुर।
2- गन्ना आयुक्त, उत्तर प्रदेश लखनऊ।

आज्ञा से,
(अनिल कुमार गुप्ता)
प्रमुख सचिव।

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UTTAR PRADESH GOVERNMENT

Sugarcane Development and Sugar Industries Section-3,

No.-G.Su.A.-5(5)/2005

Lucknow: Dated 08 December, 2005

ORDER

This Revision Petition under Section 12(3) of the Uttar Pradesh Sugarcane (Supply and Purchase Regulation) Act, 1953 and Rule-23 of the Uttar Pradesh Sugarcane (Supply and Purchase Regulation) Rules, 1954 has been filed by the Khatauli Unit, District Muzaffarnagar of M/s. Triveni Engineering & Industries Limited against the Order dated 10.11.2005 of the Cane Commissioner.

M/s. Triveni Engineering & Industries Limited has submitted an application also for condonation of delay in filing this Revision Petition.

It is the submission of the petitioner that the Order dated 10.11.2005 of the Cane Commissioner through which representations dated 18.07.2005, 19.07.2005 and 27.09.2005 of the petitioner have been rejected is erroneous and is not in accordance with law. The Cane Commissioner has passed this order without paying attention to

records submitted by the petitioner regarding its revised crushing capacity. It is also its submission that its sugar mill situated at Khatauli was established in the year 1933 based on 500 T.C.D. and its crushing capacity kept on increasing from time to time which being expanded at present has become 1600 T.C.D. The License System has been finished for the sugar industries vide Order dated 11.09.1998 of the Central Government and its sugar mill by extending its crushing capacity from 11000 T.C.D. has done 16000 T.C.D. for which it has submitted the I.E.M. also on 19.07.2005 to the Government of India. The directions given by the Government of India in this regard are mentioned in Clause-6 of the Sugarcane (Control) Order, 1966. The Cane Commissioner under Section 15 of the Act had to estimate the necessity of sugarcane based on its revised crushing capacity before protecting/surrendering the sugarcane area under Section 15 of the Act and just after it, the orders for sugarcane protection/supply had to be passed. Provision of survey also has been kept for it under Section 14 of this Act and just as a result of not doing so, this revision petition is being filed.

It is also its submission that in the year 2003, the Cane Commissioner had ordered for estimate of necessity of sugarcane from the Crushing Session 2003-04 to the Crushing Session 2007-08

from all the sugar mills in the State and in reply to it, the necessity for sugarcane for 5 Crushing Seasons for their sugar mill had been fixed. It is pertinent to mention that this necessity of sugarcane was based on its 11000 T.C.D. Crushing Capacity whereas at present, its Crushing Capacity has become more than 11000 T.C.D., hence, the assessment for the necessity of sugarcane had to be done based on its expanded Crushing Capacity. Even in the Sugar Industries Promotion Policy-2004 of the State Government which has been formed for private capital investment, the capital investment also being done in doing the capacity expansion along with establishment of the sugar mills has been included and just in the light of it, the Cane Commissioner had ordered on 05.07.2005 for the necessity of sugarcane from the Crushing Session 2005-06 from all the sugar mills on the basis of their production capacity which their sugar mill had submitted on 20.07.2005. It had been informed on 18.07.2005 by its sugar mill to the Secretary, Sugarcane Development & Sugar Industries also that in the capital investment being done by it under the Sugar Industries Promotion Policy of the State Government, the Crushing Capacity of Khatauli Unit is being done 16000 T.C.D. by expanding it and it will come in running condition in the month of September, 2005. Just on this ground, it had told 288 quintal sugarcane necessity to the

Sugarcane Commissioner on 19.07.2005 for the current Crushing Season 2005-06 and had submitted all the necessary documents also regarding its revised Crushing Capacity. In this regard, the Cane Commissioner had been again informed also vide its Letters dated 20.06.2005 and 27.09.2005. It is also its submission that the valuation of its revised Crushing Capacity has been done by the National Sugar Institute, Kanpur and it has been proved by the Interim Report dated 28.09.2005 that its sugar mill has the capacity of crushing 16500 T.C.D. sugarcane in the Crushing Session 2005-06 and this Report of this Institute had been forwarded on 28/29 September, 2005 to the Cane Commissioner. The National Sugar Institute, Kanpur has submitted its Interim Report on 06.10.2005 and it also has been proved in it that its Khatauli Sugar Mill has the capacity of 16500 T.C.D. in the Crushing Season 2005-06. Their sugarcane necessity is 255 Lakh quintal based on 16000 T.C.D. capacity whereas the Cane Commissioner has held their sugarcane necessity as 211 Lakh quintal. The Writ Petition No.6775/2005 had been filed in the Hon'ble High Court of Judicature at Allahabad Bench at Lucknow against the Order dated 09.10.2005 of the Cane Commissioner, in which the Hon'ble High Court in its Order dated 26.10.2005 had ordered it to the Cane Commissioner that its representation be decided by reviewing it

within 10 days. In compliance of this Order of the Hon'ble High Court, its representations dated 18.07.2005, 1.07.2005 and 27.09.2005 has been disposed of by the Cane Commissioner vide his order dated 10.11.2005. hence, Revision Petition has been needed to file against this Order.

I perused the file and heard the arguments of the learned counsels/representatives of both sides. First of all, the application for condonation of delay filed by M/s. Triveni Engineering & Industries Limited in filing the Review Petition is allowed in the interest of justice. It is the argument of the learned counsel for the petitioner that the necessity of fixed sugarcane for its sugar mill was ascertained on 17 July, 2003 for the Crushing Season 2003-04 to 2007-08. Now the necessity of sugarcane should be ascertained based on extended capacity because presently its Crushing Capacity has become 16000 T.C.D. In support of it, he has mentioned the I.E.M. given to the Government of India and the Certificate given by the National Sugar Institute, Kanpur. It is his submission that as per the present crushing capacity, they need 288 Lakh quintal sugarcane by holding 180 days crushing for their mill. Hence, the Cane Commissioner by assessing the necessity of sugarcane according to it has committed an error. It is the argument of

the representative for the Cane Commissioner that the Cane Commissioner has assessed the necessity of sugarcane based on their crushing capacity for the new sugar mills for the present Crushing Season. The necessity of sugarcane had been fixed in the year 2003 for which sugar mills for the next five years based on their crushing capacity, no revision of them has been done, because as a result of establishment of new sugar mills in the State, availability of sugarcane for every sugar mill has become less.

It transpires from the records submitted by the petitioner that in the current Crushing Season, its crushing capacity has become 16000 T.C.D. by extending it from 11000 T.C.D. In confirmation to it, the I.E.M. submitted to the Government of India and the certificate given by the National Sugar Institute, Kanpur are the sufficient evidence. As per the revised crushing capacity, its sugar mill has started working in the present Crushing Season and hence, revising its sugarcane necessity fixed in the year 2003 for 5 years has become compulsory. In situation of crushing for 180 days based on 16000 T.C.D. crushing capacity, the estimate of the sugarcane necessity is 288 Lakh quintals. The Cane Commissioner without paying attention to the records submitted by the petitioner has not found it appropriate in his order dated 10.11.2005 to the demand of the petitioner's sugar mill to fix its

necessity of sugarcane 288 quintal on 16000 T.C.D. and has not felt necessity of any type amendment in his order dated 17.07.2005. In my view, the Order dated 10.11.2005 is not just and appropriate. The Cane Commissioner has made which observation in his Order dated 10.11.2005 regarding the expanded capacity of the petitioner's sugar mill, that is also not acceptable. The petitioner's sugar mill had prayed from the Cane Commissioner for assessment of sugarcane necessity just based on the expansion of crushing capacity for the current Crushing Season, hence, it should be kept in mind. Based on the aforesaid analysis, the order dated 10.11.2005 of the Cane Commissioner is set aside by allowing the revision of the petitioner. By accepting the Crushing Capacity 16000 T.C.D. of Khatauli Unit of M/s. Triveni Engineering & Industries Limited, its sugarcane necessity is estimated as 288 Lakh Quintal based on its 180 days crushing.

Sd/- Illegible

(Anil Kumar Gupta)

Principal Secretary.

Letter No.5G.Su.A.-5(5)/2005/dated as above.

Copy forwarded to the following for their kind notice and necessary action: -

- 1- Owner, Triveni Engineering & Industries Ltd., Deoband,
Saharanpur.
- 2- The Cane Commissioner, Uttar Pradesh, Lucknow.

By Order

Sd/- Illegible

(Anil Kumar Gupta)

Principal Secretary.

(TRUE TRANSLATED COPY)

Triveni Engineering & Industries Limited, Sugar unit -Khatauli

Sir,

Ash dumping plot of Mr.Baburam R/o Village Sheikhpura,khatauli,Muzaffarnagar

Volume of Plot = 29500 m³(L-250 meter,B-59 meter,D-2 meter)

Lat = 29.26764

Long = 77.741651

So ash generation of the crushing season dumped in this plot. Photographs attached



जीमान मिश्र पुरासान
शुगर मिश्र खतौली

(मु. नगर)

माधवर

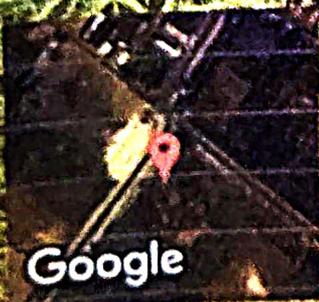
निवेदन यह है कि आपके द्वारा शु
मिल के निकट में राखी ठेकेदार द्वारा मुझे
आपने खेत में भराब कराने हेतु जाकर
जिस खेत का मालिक वायूराम राम शिवपुर
आपसे अनुरोध है कि मेरे खेत की राख
का भराब कराने की कृपा करें

आपकी कृति कृप्य होगी
आपकी कृति का धुंध मालिक
मेरे आपने खेत का मालिक वायूराम
भराब आपकी सहमति से वायूराम / शिवपुर
कराया है। शिवपुर
पुनः वायूराम

843022999
30-10-2023



GPS Map Camera



Khatauli, Uttar Pradesh, India
7P9R+6PC, Tilak Nagar, Khatauli, Shekhpura, Uttar Pradesh 251201,
India
Lat 29.26764°
Long 77.741651°
04/09/24 03:20 PM GMT +05:30

Sugar
Rajendra Singh

To
The Mill Administration,
Sugar Mill, Khatauli,
(Muzaffarnagar)

Sir,

I need filling ash in my field near the Sugar Mill by you through the Ash Contractor, the owner of which field is Baburam of Village Sheikhpura. You are requested for filling ash in my field.

There will be a great kindness of you.

The applicant himself is the owner of his land.

Applicant Baburam

I Baburam son of Ramchandar has caused filling ash into my field with my own consent.

Sheikhpura

Veer Singh

8430229991

30.10.2023

(TRUE TRANSLATED COPY)



O.A. No. 326 of 2024 | Joginder Kumar v. State of U.P. & Ors.

From Ruchir Rai <ruchir.raï@outlook.com>

Date Mon 14/04/2025 22:05

To rkhuranalegal@gmail.com <rkhuranalegal@gmail.com>; advjain25@gmail.com <advjain25@gmail.com>; pradeepmisra@yahoo.com <pradeepmisra@yahoo.com>

 1 attachment (7 MB)

Reply_TEIL_Jogindra_Filed_14.04.2025.pdf;

Dear Sir,

Please find attached the reply being filed on behalf of Respondent No. 4 in the captioned matter.
Thank you.

Regards,

Ruchir Ranjan Rai

Advocate

D-413 (Basement), Defence Colony,

New Delhi - 110024

Mobile - +91-8090034662

Landline - +91-11-40450446

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