

**REPORT OF THE OVERSIGHT COMMITTEE, NGT, U.P, LUCKNOW**

**IN THE MATTER OF:-**

**ORIGINAL APPLICATION NO. 324/2016**

**SHAILESH SINGH VERSUS STATE OF UP & ORS**

**WITH**

**O.A. NO. 361/2017 IN RE: DR. TANZEEN FATIMA VERSUS MINISTRY OF  
ENVIRONMENT AND FOREST & CLIMATE CHANGE ORS.**

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**REPORT OF OVERSIGHT COMMITTEE IN COMPLIANCE OF ORDER OF HON'BLE  
NATIONAL GREEN TRIBUNAL PASSED IN O.A. NO. 324/2016 IN RE: SHAILESH  
SINGH VERSUS STATE OF UP & ORS WITH O.A. NO. 361/2017 IN RE: DR.  
TANZEEN FATIMA VERSUS MINISTRY OF ENVIRONMENT AND FOREST &  
CLIMATE CHANGE ORS.**

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**1. Introduction:**

The issue for consideration is pollution being caused in Kosi River in Rampur District by polluting industrial activities. River Bhella in Moradabad is a tributary of Kosi River in Rampur which is a tributary of Ramganga which in turn is a tributary of river Ganga. Though pollution is caused in these rivers by industries situated both in UP and Uttarakhand, this Oversight Committee considered the units situated only in UP because there is a separate Oversight Committee for Uttarakhand which may like to take up this issue with the industrial units situated there.

1. A news article was published in Down to Earth by Kiran Pandey dated 06 June 2019 titled "*Grossly polluting industries more than doubled in 8 years: SOE in Figures*". As per the news article, '11% of these industries continue to flout pollution control standards in the country; nearly half of these are in Uttar Pradesh' and 'Around 84 percent of the GPIs were found to be located in four states — Uttar Pradesh (1,079), Haryana (638), Andhra Pradesh (193) and Gujarat (178)'. GPIs are industries that discharge more than 1,00,000 liters of wastewater and/or hazardous chemicals into the rivers and include pulp and paper mills, distilleries, sugar mills, textile units, tanneries, thermal power plants, food, dairy and beverage industries, chemical units, slaughterhouses, etc. There are 851 industrial units in UP situated near the mainstream of Ganga and its tributaries, Kali and Ramganga. According to the National Mission for Clean Ganga (NMCG), industrial pockets in the catchments of Ramganga, Kali and those in Kanpur city are

significant sources of industrial pollution. The major contributors are tanneries in Kanpur; and distilleries, paper mills and sugar mills in Kosi, Ramganga and Kali river catchments. Amongst these, the sugar industry is the key violator.

- Simbhaoli Sugar Ltd in Hapur was found discharging partially treated effluents into River Ganga, thus posing a potential threat to river water quality. As per the report of the Central Pollution Control Board (CPCB) published on May 31, 2019, EC of Rs 32.40 lakh was imposed on this industry which was supposed to be deposited by June 15, 2019. Also, it was asked to explain why it should not be closed down until it meets all the pollution control norms specified by CPCB.
  - In August 2018, NGT had directed NMCG to prepare a detailed status report on the grossly and severely polluting industries situated along Ganga from Unnao to the Bay of Bengal, along with the treatment facilities and drains falling into it, within four months.
2. Another news article was published in Down to Earth by Kiran Pandey, Rajit Sengupta and Isha Bajpai on 5 June 2018 titled "*42 rivers have extremely high concentration of neurotoxic heavy metals*". As per the news article, Ganga was found to be polluted with five heavy metals, namely chromium, copper, nickel, lead and iron. The main sources of heavy metal pollution in the rivers are mining, milling, plating and surface finishing industries. Further, the report quotes that "Consequently, concentrations of toxic metals in grains and vegetables grown in contaminated soils have increased at alarming rates. This poses a serious threat to humans and the environment because of its toxicity, non-biodegradability and bioaccumulation". Other sources of metal pollution into the rivers are domestic wastewater effluents, storm water runoff from urbanized areas, industrial waste, sanitary landfills, agricultural runoff and fossil fuel combustion.
  3. A study was done by Yogita Kharayat in 2012 which was published in Journal of Integrative Environmental Sciences titled "*Distillery wastewater: bioremediation approaches*". As per the study, the widespread industrial applications of alcohol such as in chemicals, pharmaceuticals, cosmetics, beverages, food and perfumery industry, etc.

are the reason for the growth of alcohol distillery worldwide. Distilleries are one of the most polluting industries as 88% of their used raw material gets converted into waste and is discharged into the water bodies, causing water pollution. The wastewater generated is one of the most polluted waste products to dispose because of the low pH, high temperature, dark brown colour, high ash content and high percentage of dissolved organic and inorganic matter with high biochemical oxygen demand (BOD) and chemical oxygen demand (COD) values. The characteristics of the wastewater are based upon the feedstock and various aspects of the ethanol production process. The Spent wash produced during the process pollutes the water bodies in many ways:

- Firstly, the highly colored nature which can block out sunlight, thus reducing oxygenation of the water by photosynthesis and hence becomes detrimental to aquatic life.
- Secondly, it has a high pollution load which would result in eutrophication of contaminated water sources.

The study further highlighted the amount of wastewater generated in various operations. The details are as follows:

Distillery operations	Average wastewater generation (kLD/distillery)	Specific wastewater generation (kL wastewater/kL alcohol)
Spent wash (from distillation)	491.9	11.9
Fermenter cleaning	98.2	1.6
Fermenter cooling	355.1	2.0
Condenser cooling	864.4	7.9
Floor wash	30.8	0.5
Bottling plant	113.8	1.3
Others	141.6	1.2

This study also presents the characteristics of different wastewater streams. The details are as follows:

Parameter	Spent wash	Spent wash	Fermenter cleaning	Condenser cooling	Fermenter wash	Bottling plant
Colour	Dark brown	Colourless	Colourless	Colourless	Faint	Colourless
pH	4–4.5	6.26	5.0–5.5	6.8–7.8	6	7.45
Alkalinity (mg/L)	3500	300	Nil	--	40	80
Total solids (mg/L)	100,000	1000–1300	1000–1500	700–900	550	400
Suspended Solids (mg/L)	10,000	220	400–600	180–200	300	100
BOD (mg/L)	45,000–60,000	100–110	500–600	70–80	15	5
COD (mg/L)	80,000–120,000	500–1000	1200–1600	200–300	25	15

4. As per the NMCG report titled '*Pollution assessment: River Ganga*', it was mentioned that there are 764 grossly polluting industries (GPI) in the mainstream of Ganga and its tributaries i.e. Kali (E) and Ramganga. Out of these 687 industrial units are situated in Uttar Pradesh. The highlights of the report are as follows:

- **Status of water consumption and wastewater generation:** Total water consumption in the 764 GPIs is 1123 MLD and wastewater generation is 501 MLD. Uttar Pradesh is the dominant state with respect to water consumption (62 % of the total water consumed) and wastewater generation (45% of total wastewater generated) followed by Uttarakhand.

State	Number of Industry	Water consumption (MLD)	Wastewater generation (MLD)
Uttar Pradesh	687	693	269
Uttarakhand	42	224	127

Bihar	13	91	17
West Bengal	22	116	87
Jharkhand	0	0	0
<b>Total</b>	<b>764</b>	<b>1123</b>	<b>501</b>

- Sector-wise water consumption and wastewater generation from grossly polluting industries (GPI) are as follow:

Type of industry	Total Unit	Water Consumption (MLD)	Wastewater Generation (MLD)
Chemical	27	210.9	97.8
Distillery	33	78.8	37
Food, Dairy & Beverage	22	11.2	6.5
Pulp & Paper	67	306.3	201.4
Sugar	67	304.8	96.0
Textile, Bleaching & Dyeing	63	14.1	11.4
Tannery	444	28.7	22.1
Others	41	168.3	28.6
<b>Total</b>	<b>764</b>	<b>1123</b>	<b>501</b>

- **Status of UP in terms of water consumption and wastewater generation from grossly polluting industries:** There are 687 grossly polluting industries discharging 269 MLD wastewater. Sugar, Pulp and Paper and Chemical industries are the major industrial sector which discharges 70% of total wastewater generated in the state. Out of 688 industries, 594 are located in the mainstream of the Ganga River. It is also observed that 442 industries are tanneries. Volume-wise highest wastewater (85.7 MLD) is coming from the sugar industry.
- With respect to River Kali-East sugar, distillery and pulp & paper are the major industrial sectors which are discharging into the river. In comparison number of

industries discharging wastewater in Ganga is small (53) discharging 71.4 MLD wastewater. Pulp & paper industries are discharging 36.8 MLD wastewater, which is 52% of the total wastewater discharged into the river Kali-East by grossly polluting industries. Next to Pulp & paper is Sugar industry (15) discharging 14.8 MLD.

- Ramganga houses 44 industries discharging 106 MLD wastewater and majority of them are sugar industries that are discharging 50% of total wastewater discharged into the river Ramganga in Uttar Pradesh.
- The percentage-wise wastewater generation in these three riverine systems and sector-specific wastewater generation in Uttar Pradesh: The status of sector-specific water consumption and wastewater generation in Uttar Pradesh and the three riverine systems in Uttar Pradesh is given in tables below:

Table: Status of water consumption and wastewater generation in Uttar Pradesh

Category of Industry	Number of Industry	Water Consumption (KLD)	Waste-water Generation (KLD)
Chemical	20	113.0	29.6
Distillery	27	69.2	33.0
Food, Dairy & Beverage	15	6.3	3.8
Others	35	90.7	18.1
Pulp & Paper	33	96.3	68.1
Sugar	56	278.4	85.7
Textile, Bleaching & Dyeing	59	11.4	9.0
Tannery	442	27.4	21.6
<b>Total</b>	<b>687</b>	<b>693</b>	<b>269</b>

Table: Status of wastewater generation in the riverine system of Uttar Pradesh

Water Bodies	Ganga		Kali-East		Ramganga	
	Number of Industry	Wastewater Generation (KLD)	Number of Industry	Waste-water Generation (KLD)	Number of Industry	Waste-water Generation (KLD)
Chemical	15	21.0	3	3.8	2	4.8
Distillery	10	8.7	10	13.15	7	11.2
Food, Dairy & Beverage	12	1.9	2	1.5	1	0.5
Others	27	5.2	6	0.5	2	12.4
Pulp & Paper	9	8.3	16	36.8	8	23
Sugar	18	18.4	15	14.8	23	52.5
Textile, Bleaching & Dyeing	57	6.7	1	0.8	1	1.5
Tannery	442	21.6	0	0	0	0
<b>Total</b>	<b>590</b>	<b>91.73</b>	<b>53</b>	<b>71.4</b>	<b>44</b>	<b>105.9</b>

- **Comparison of industrial wastewater discharges among three riverine systems- Kali- East, Ramganga & main stem of Ganga:** A comparison of wastewater discharged in river Ganga, Kali-East and Ramganga in Uttarakhand and Uttar Pradesh (up to Kannauj Downstream) altogether is shown in the table below:

**Table:** Status of wastewater generation in the three riverine systems from Uttarakhand to Uttar Pradesh

Water Bodies	Ganga		Kali-East		Ramganga	
	Number of Industry	Waste-water Generation (KLD)	Number of Industry	Waste-water Generation (KLD)	Number of Industry	Waste-water Generation (KLD)
Chemical	5	3.1	3	3.8	2	4.8
Distillery	7	6.9	10	13.2	9	13.3
Food, Dairy & Beverage	1	0.7	2	1.5	1	0.5
Others	0	0	6	0.5	2	12.4
Pulp & Paper	6	9.0	16	36.8	35	135.6
Sugar	13	11.8	15	14.8	30	60.4
Textile, Bleaching & Dyeing	0	0	1	0.8	1	1.5
<b>Total</b>	<b>32</b>	<b>31.5</b>	<b>53</b>	<b>71.3</b>	<b>80</b>	<b>228.5</b>

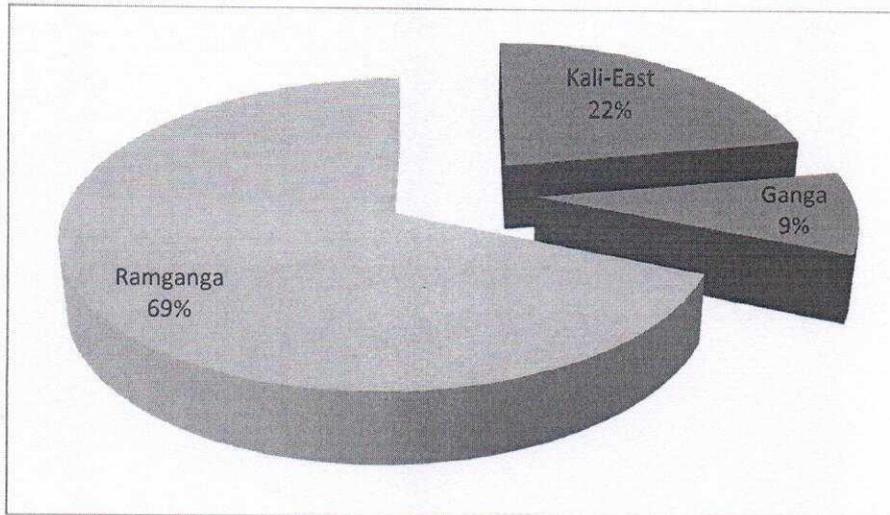


Figure: Percentage of wastewater discharge in River Ganga, Kali-East and Ramganga from Uttarakhand to Uttar Pradesh (upto Kannauj downstream)

- However, if we take the whole stretch of River Ganga the percentage of total wastewater discharged into river Ramganga is 46% followed by Ganga (40%) and Kali-East (14%).
  - In terms of the number of industrial units, tannery sector is dominating whereas in terms of wastewater generation Pulp & paper sectors dominate followed by the chemical and sugar sector. It is observed that GPI in Bihar generates minimum wastewater (19%) in terms of water consumed whereas GPI in West Bengal generates maximum wastewater 75.5% in terms of water consumed followed by Uttarakhand (56.7%) and Uttar Pradesh (39%).
  - In the riverine system, Ramganga carries maximum industrial wastewater followed by the mainstream of river Ganga and Kali-East respectively.
5. As per the report of Centre for Science and Environment titled '*Ganga: The River, Its pollution and what we can do to clean It*', It is reported that the total length of the river Ganga in UP is about 1,000 km. Around 687 grossly polluting industries in UP are located near river Ganga discharging 270 of MLD wastewater. The salient points of the report are as follow:

- Around 442 industries are tannery industries that contribute 8% of total generated wastewater by GPIs. This tannery industry generating highly toxic wastewater is mainly concentrated in Kanpur.
- Sugar, pulp, paper and distillery plants are discharging up to 70% of the wastewater.
- As per the inspection report of CPCB, out of 404 inspected industrial units, only 23 were found compliant. Rest 381 (94.3%) industrial units were found non-compliant in terms of Law.
- As per the report action taken against erring industries which are polluting Ganga in UP is as follows:

S. No.	Action	No. of Industries
1	Direction under Section 5 of the Environment Protection Act, 1986	142
2	Directions under Section 18 (1) (b) of Water Act 1974	12
3	Letter issued for ensuring compliance	25
4	Action under process	191
	<b>Total</b>	<b>370</b>
5	Found closed during inspection	11
6	No action required	23

6. A study was conducted by Upma Singh et al., 2018 which was published in the Journal International Archive of Applied Sciences and Technology entitled "Water Pollution due to Discharge of Industrial Effluents with special reference to Uttar Pradesh, India – A review". The study mentioned that around 210000 tons of fly ash (containing toxic heavy metals such as lead and copper) from coal-based power plants was dumped at Kanpur in Pandu River, a tributary of Ganges. The details of industries distributed in seventy-four districts of Uttar Pradesh and their major discharges responsible for the deterioration of water quality are as follow:

S.No.	Industries	Major components of effluent/industrial waste	Distribution (Districts) R
1	Sugar	Sugar, Molasses, Alcohol and Heavy Metals	Deoria, Gorakhpur, Barabanki, Basti, Sitapur, Muzaffarnagar, Ghaziabad, Kanpur, Faizabad, Jaunpur
2	Paper and pulp	Chlorinated complex products, dibenzo-p-dioxin and benzofuran	Meerut, Saharanpur, Muzaffarnagar
3	Aluminium	Heavy metals (Cd, Mn, Pb and Zn)	Renukoot
4	Chemical fertilizer	Ammonia, urea, heavy metals	Gorakhpur, Varanasi, Allahabad, Pratapgarh
5	Glass	Chloride, Fluoride, Heavy metals (Iron, Chromium, Cadmium and Nickel)	Firozabad, Naini, Shikohabad
6	Leather	Acids, alkalis, chromium salts, tannins, solvents, sulfides, dyes, heavy metals etc.	Kanpur, Agra
7	Plastic	Polyolefins and polyethylene terephthalate (PET)	Kanpur, Varanasi
8	Petrochemical	Polycyclic and aromatic hydrocarbons, phenols, metal derivatives, surface-active substances, sulphides, naphthylenic acids and other chemicals	Lucknow
9	Textile	Dyes and pigments, presence of detergents and surfactants	Kanpur, Allahabad, Noida, Ghaziabad, Lucknow, Agra, Saharanpur, Gorakhpur, Modinagar, Varanasi, Rampur.
10	Thermal-power plant	Coal dust, CO <sub>2</sub> , fly ash, chlorinated water, heavy metal residues (Hg, Bi, As, Cr, Cu, Pb)	Unchahar, Rihandnagar, Shahjahanpur, Jhansi, Aligarh, Renuagar, Obra, Anpara
11	Engineering (Heavy machines and spares)	NA	Naini
12	Cycle	NA	Kanpur, Agra, Varanasi,

## 2. NGT Orders:

The matter was considered on 27.03.2019 and the directions of Hon'ble NGT in the light of reports of CPCB dated 05.07.2019 and joint committee report dated 05.06.2016 are as follows:

1. "The report is to the effect that closure direction was issued by the CPCB on 24.12.2018 against M/s Radico Khaitan Limited (Distillery Unit), Rampur under Section 5 of the Environment (Protection) Act, 1986 but the said unit continued to operate illegally in collusion with the concerned authorities. On 05.06.2019, the joint Committee carried out an inspection which was overseen by Justice Arun Tandon, former Judge of Allahabad High Court. An inspection was also carried out in respect of the said unit and other industries in the catchment area of river Bhella and river Kosi from 10.06.2019-12.06.2019. Based on the said report, the CPCB, vide letter dated 03.07.2019, required M/s Radico Khaitan Limited to submit time-bound action plan to restrict the capacity of lagoon by filling/leveling/dismantling the excess capacity of the lagoons. CPCB re-calculated the environmental compensation and assessed the same at Rs. 7,29,00,000/- out of which amount Rs. 1,45,80,000/- was deposited and the remaining amount of Rs. 5,83,20,000/- is yet to be deposited" (this amount was subsequently paid by the unit).
2. Explaining the reason how in spite of the closure order, the unit continues to function, it was submitted by CPCB that the Principal Secretary, Excise Department, U.P. requested CPCB to review the order. The Unit made prayer for revoking the closure direction on 20.02.2019 and 01.03.2019. Recommendation for revocation of closure was made. The Member Secretary, UPPCB vide letter dated 01.04.2019 asked CPCB to review the closure direction. Principal Secretary, Excise Department also repeated such requests on 02.04.2019. Conditional revocation was allowed on 17.05.2019 but the unit continued to operate thereafter. The Unit representative informed during inspection from June 10-12, 2019 that the 'highest Officers of the State' had orally instructed the Officers and Managers of M/s Radico Khaitan Limited to continue the production even after the closure order passed by the CPCB. A letter has been written by the CPCB to the Chief Secretary, Uttar Pradesh on 24.06.2019 to identify and provide names of Officers who

allowed illegal operation of the unit in spite of the closure direction. No reply has been received.

3. Hon'ble NGT in the order OA No. 361/2017 in re: Dr. Tanzeen Fatima versus Ministry of Environment and Forest Climate Change & ors. dated 23.07.2019 considered the inspection reports of the committee headed by Justice Arun Tandon. Compilation – I records the proceedings during the inspection and Compilation – II records the suggestions and observations. It will be appropriate to reproduce the said suggestions and observations:

**M/s Radico Khaitan Limited:**

1. Manufacturing of alcohol by the unit even after the closure order of the CPCB, i.e., between 17.02.2019 to 11.05.2019 is unjustified and virtually amounts to a negation of rule of law.
2. Officers of the State of Uttar Pradesh who failed to enforce the closure orders must be identified by the Chief Secretary of the State of Uttar Pradesh and suitable action should be taken.
3. Open lagoons must be replaced by covered storage Steel tanks for receiving the spent wash of molasses with provision for controlled discharge of gases therefrom. This is necessary, as a large open surface area of existing lagoons leads to more amount of air being polluted after coming into contact with spent wash. All suitable amendments may be carried by CPCB in guidelines.
4. The primitive method of marking with red at a particular height in the lagoons be eliminated and if necessary, then, only lagoon of required capacity, duly calibrated, be permitted. Excess capacity must be filled or dismantled scientifically.
5. Withdrawal of underground water must be restricted to the minimum required quantity with a condition of payment of water charges on the principle of 'more the consumption higher the rate'. This will act as a deterrent for withdrawal of underground water beyond what is necessarily required by the unit.

6. Strict monitoring on readable parameters be done in respect of recharging the underground water through rainwater harvesting by the unit.
7. Calibration of water flow meters be ensured by government agencies with verification at least once in a year.
8. The unit must utilize the land which will become available after removal of the lagoons or other wise for thick forestry in the ensuing rainy season.
9. The industry must be asked to control its production so as to ensure that in no case spent wash collected in the lagoons exceeds its fixed capacity on a monthly basis.
10. The land area necessarily required for bio-composting in respect of disposal of spent wash must be calculated and the industry must keep that land area fully covered with provision of leachate collection drains. No composting be permitted on uncovered land.
11. The unit must maintain specific verifiable records, which can be examined at any given point of time in respect of the total quantity of bio-compost generated and sold to the known purchasers. The distillery must maintain similar records in respect of solid waste and disposal thereof to known vendors.
12. CPCB has calculated the Environmental compensation amount (as per the methodology of EC) in compliance of the NGT order dated 20.05.2019 which is Rs.7.29 Crores.
13. In addition, the entire price money received in respect of alcohol/products generated by the industry during the period of the CPCB closure order, i.e., between 17.02.2019 to 11.05.2019 be recovered as Environmental Compensation (EC).
14. Separate electricity meter exclusively for ETP shall be installed and its bill must be kept on-site for verification.
15. The Hon'ble NGT also pointed out that:
  - 'Not even a single penny is being paid towards withdrawal of the underground water since 30.11.2016.'

**All Industries:**

1. Applications for 'no objection certificate' should be considered and decided within a month by CGWA and if the applications are not found satisfactory then the same must be rejected with a further direction to stop water extraction.

2. The charges payable by the company for withdrawal of underground water must be fixed on the principle 'more the withdrawal, higher the rates'. The water charges which have not been paid for years must be recovered together with the interest at the rate of 18% per annum.
3. The norms for recharge of underground water and rainwater harvesting etc. must be fixed. Flow meters must be calibrated by Government agencies and verified at least once in a year.
4. The industries encroaching upon the drains must be asked to clear the encroachments and drains must be left free to flow in their natural course.
5. The actual requirement of underground water by the industry must be verified through independent Government agencies.
6. All industries must be asked to maintain verifiable records of ETP waste and other solid waste generated as well as its disposal to the known buyers.
7. No additional pump with loose connection be permitted as stand by at ETP of any of the industry.
8. CPCB/SPCB shall take necessary actions against the non-complying industries in Uttar Pradesh namely:
  - **M/s Damya PJ Foods Pvt. Ltd.**, was issued notice on 19.07.2019 by UPPCB under Water Act, 1974 for the non-compliances observed during the joint inspection dated 12.06.2019. UPPCB has also levied Environment compensation of Rs. 2.5 lacs on the unit. The unit has deposited the complete amount. Further, the unit was given notice for not having NOC of CGWA. UPPCB has carried out inspections on 22.10.2019 and 12.11.2019. The sample of treated effluent from ETP outlet was collected on 22.10.2019 and as per UPPCB analysis report, the unit is in compliance of provisions of Water Act, 1974 and Air Act, 1981. No untreated effluent was found discharged outside of the premises during inspection dated 12.11.2019. The unit has installed separate energy meter and flow meters at inlet and outlet of the ETP.

- **M/s Varun Steel** was issued a Show Cause notice by UPPCB under Water Act, 1974 on 19.07.2019 for the non-compliances observed during the joint inspection dated 12.06.19 and EC of Rs. 2.5 lacs was imposed. The unit has deposited the entire amount to UPPCB. On 29.07.2019, UPPCB issued Show Cause Notice under Air Act, 1981 for the non-compliances observed during the joint inspection dated 12.06.19. Another Show Cause Notices were issued to the unit on 09.11.2019 and 02.11.2019 for not having Hazardous waste authorization as per Hazardous Waste Management Rules, 2016 and for not having NOC of CGWA, respectively. UPPCB has carried out inspections on 22.10.2019 and 12.11.2019. The sample of treated effluent from ETP outlet was collected by UPPCB on 22.10.2019 and as per UPPCB analysis report, the unit complies with provisions of Water Act, 1974 and Air Act, 1981. No untreated effluent was found discharged outside of the premises during inspection dated 12.11.2019.
- **M/s Rana Sugar Ltd.** was granted 'no objection certificate' on 14.10.2016. An inspection was made by the CGWA on 30.04.2018 when the sugar plant of the unit was found to be non-operational and the distillery had not been set up. An order for cancellation of the 'no objection certificate' was issued by the CGWA on 10 December 2018. However, on 17.04.2019 permission was granted to run the distillery by the various departments of State of Uttar Pradesh. Similarly, permission to operate has also been granted by U.P. Pollution Control Board. The unit is drawing underground water both in respect of the sugar unit as well as its distillery unit despite the order of cancellation of 'no objection certificate' by CGWA dated 10.12.2018 on the pretext that their application for reconsideration of the cancellation of 'no objection certificate' was pending before the CGWA.
- **M/s Swati Menthol & Allied Chemicals Ltd.** was admittedly extracting underground water to the tune of 15 cubic meters per day for its unit despite having neither applied for nor having been granted any permission or 'no objection certificate' by the CGWA.

**Others directions are as follows:**

1. De-silting of drains must be completed at the earliest with a direction to transport the removed silt to a safe identified place.
2. Joint inspection of all 86 GPI industries be undertaken afresh in light of issues considered in the report.
3. Wherever timelines have been fixed for works to be undertaken by industries, performance guarantee must be insisted upon as a condition of revocation.
4. Necessary and suitable review and revision of these Guidelines and Charters keeping in view the observations, in this case, maybe carried out by Central and State PCBs in fixed time frame of four months.”
5. The report of the committee headed by Justice Arun Tandon also recommends that:
  - Groundwater extraction must be taken before consent to establish and consent to operate granted by the SPCB. The CGWA must frame SOP on the subject of regulating and protecting groundwater.
6. Hon’ble NGT, accepted the above report of the Joint Committee, including the amount of compensation to be recovered and directed it to be implemented. The Chief Secretary, Uttar Pradesh was asked to give response to the observations and suggestions of Justice Tandon indicating why higher amount of compensation and interest be not recovered from Radico Khaitan in view of illegal operation of the said unit in collusion with the authorities of the state. The Chief Secretary, Uttar Pradesh was also directed to give his response to the letter of the CPCB and identify the persons who interfered with the process of law to benefit the said polluting unit and action taken against such persons by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in).

### 3. Compliance report submitted by CPCB:

As per the compliance report submitted by the CPCB the compliance with regard to the directions of Hon'ble NGT is as follows:

1. CPCB has sought time and mentioned that the inspection of the units enlisted in reports dated 23.10.2019&06.12.2019 by the Ganga Committee and report dated 27.11.2019 by the CPCB maybe carried out once these units start operating on a regular basis after the situation arising due to COVID -19 is over.
2. The non-operational status of the units was also confirmed by five Ganga state SPCBs (UPPCB, UEPPCB, BSPCB, JSPCB and WBPCB) in the video conference meeting held by CPCB on 18.06.2020. Recommendation of the SPCBs is as follows:
  - "SPCBs suggested that considering safety reasons, next round of annual inspections may be commenced after 15<sup>th</sup> September 2020 after monsoon season. It was also informed by SPCBs that most of the industries are still under closure and not operating on a regular basis."
3. In pursuance to Hon'ble NGT order dated 15.01.2020, CPCB has submitted a compliance report dated 18.05.2020 to Hon'ble NGT requesting to grant an extension of time of 60 days for carrying out inspection of the units once this lockdown is over for submission of final compliance status in Hon'ble NGT. Compliance report submitted in Hon'ble NGT is annexed as **Annexure 1**.
4. The latest Compliance status of the units shall be submitted to Hon'ble NGT after carrying out inspection of these units.

### 4. Compliance status of CGWA:

The Member Secretary, CGWB informed that they have issued a letter to the UPPCB to conduct quarterly inspections of the GPIs. **The Chairman, Oversight Committee during the Video Conferencing held on 24.07.2020 in the NGT matter of OA No. 324/2016, raised some queries to the CGWA. The queries and responses are as follows:**

1. **What are the criteria for assessing water requirement of industries by CGWA for issuing NOC:** Water requirement for domestic and greenbelt for industries, as well as infrastructure projects, is calculated on the basis of NBCC/ CPHEEO norms. For industrial use, the water requirement is not assessed by CGWA as the same depends on various factors controlling industrial production.
2. **Why M/s Radico Khaitan Ltd, Rampur, UP is extracting groundwater without NOC:** Since M/s Radico Khaitan, Rampur, UP had submitted its application for renewal of NOC in time and had complied with all the conditions laid down in NOC, the application was forwarded from Regional office to CGWA, New Delhi for further necessary action. However, in the light of observations/ orders in various OAs before Hon'ble NGT, the matter of issuance of NOC for industrial use in respect of industries located in OCS blocks are kept on hold. Besides, the case No. 12511/ 2019 and CM No. 51084/ 2019, 'M/s Radico Khaitan Ltd Vs CGWA and Others' is pending Before the Hon'ble High Court of Delhi. Consequently, the CGWA is unable to take action as the matter is *sub-judice*.
3. **Issuing of NOC to any Industry in OCS blocks:** The Member Secretary, CGWA mentioned that on the basis of different observations made by Hon'ble NGT and its order, CGWA, New Delhi decided not to grant NOC to any Industry in OCS blocks for the purpose of extraction of groundwater for industrial use. However, for domestic and drinking purposes, NOCs are being granted to Industries and infrastructure projects. Copy of the Public notice dated 13.08.2018 uploaded on the web portal is annexed in **Annexure 2**.  
The judgments/ orders, which may be cited are:
  - (a) Judgment dated 13.07.2017 passed by Hon'ble NGT, New Delhi under OA No. 200/2014 (Transfer case from Hon'ble Apex Court, New Delhi in CWP NO. 3727/1985) has prohibited groundwater extraction by industries in critical areas (over-exploited and critical areas) in Ganga Basin and
  - (b) Order dated 03.01.2019 of Hon'ble NGT, New Delhi under which the above restriction on the use of groundwater for industrial purposes was further extended to over-exploited, critical and semi-critical areas (OCS) in the country. The matter is still pending with Hon'ble NGT for final judgment in the subject matter.

(c) Order dated 20.07.2020 of Hon'ble NGT, has given the directions that there must be no general permission for withdrawal of groundwater, particularly to any commercial entity, without environmental impact assessment of such activity on individual Assessment units in cumulative terms covering carrying capacity aspects by an expert committee.

## **5. Compliance report submitted by UPPCB:**

Member Secretary, UPPCB, informed that all the industries have submitted their compliance report and the UPPCB will submit the affidavit on 30/07/2020 to the Hon'ble NGT. The UPPCB made the following observations during the inspection of GPI industries conducted on 17.06.2020:

### **M/s Radico Khaitan Limited-**

- At Hitachi land and Ajitpur land, bio-composting facility is available. Hitachi land has 06 rainwater harvesting pits and Ajitpur has 04 rainwater harvesting pits.
- Hitachi land has 22 acres uncovered and 11 acres covered compost yards.
- Ajitpur land has 9 acres uncovered and 14 acres covered compost yard.
- The total area of covered and uncovered compost yards is 56 acres.
- Bio-methane spent wash (BMSW) and concentrated spent wash was found stored in multiple effect evaporators (MEE) at the sites. At Hitachi land 600m<sup>3</sup> of spent wash was found stored in lagoon in place of 3500 m<sup>3</sup> and at Ajitpur land 14050m<sup>3</sup> of spent wash was found stored in lagoon in place of 21500 m<sup>3</sup>.

A detailed inspection report is annexed as **Annexure 3**.

### **M/s Usha Steel Process (Varun Steel) inspected on 06.07.2020:**

- This industry is in the red category (small scale).
- Per day pickling of 1000 M.S. steel or rim is done.
- ETP has been installed in the industry to treat the wastewater. Recently, the strengthening of work of ETP has been done.

- Flow meters on inlet and outlets and separate energy meter has been installed.
- Treated water is being reused. No, discharge is being done in any river or drains.
- It was also presented that due to less production at the time of inspection no water sample was collected.
- EC of 2.5 lakh was imposed which has already been deposited.
- A show-cause notice has been issued to the industry dated 19.07.2019 under Air Act, 1981 and Water Act, 1974.
- As per the inspection report conducted on 12.11.2019, it was mentioned that Industry has valid consent under Air, and Water Act till 31.12.2020. The industry has been authorized for hazardous waste management till 2025.

A detailed report is annexed as **Annexure 4**.

**M/s Damiya (PJ) Foods Pvt. Ltd. inspected on 06.07.2020:**

- This industry is categorized in an orange small scale industry.
- The work of strengthening of ETP has been done.
- It was observed that the ETP was installed with a flow meter and a separate energy meter.
- The industry has been authorized for hazardous waste management till 05.04.2025.
- EC of 2.5 lakh was imposed on the M/s Damiya (P.J.) Foods Pvt. Ltd. which has already been deposited.
- A show-cause notice has been issued to the industry dated 19.07.2019 under Air Act, 1981 and Water Act, 1974.
- As per the inspection report conducted on 12.11.2019, it was mentioned that Industry has valid consent under Air, and Water Act till 31.12.2020.

A detailed inspection report is annexed as **Annexure 4**.

## Minutes of the meetings

The Oversight Committee has taken up this case on 14.07.2020 and 24.07.2020. During the meetings the following points have come to light:

1. During the meeting held on 14.07.2020, the Committee reviewed the progress of abatement of pollution in river Kosi in Rampur District caused by polluting industrial units. Those units which are polluting tributaries of river Ganga and are in Uttar Pradesh were taken up for the discussion namely:
  - M/s Radico Khaitan Limited,
  - M/s Damya PJ Food Private Limited and
  - M/s Varun Steel.
  
2. The committee raised the issues of non-compliance that emerges on viewing the compliance reports submitted. The issues and the directions are as follows:
  - **M/s Radico Khaitan Limited:**
    - a) **Identification of officers who had given permission to run the unit during the period 17.02.2019 to 11.05.2019:** Hon'ble NGT had asked the Chief Secretary, UP to submit a response by e-mail. So far response has not been submitted.
    - b) **Recovery of environmental compensation:** The committee had directed that the unit had been illegally continuing its production from 17.02.2019 to 11.05.2019 and, therefore, the price of alcohol produced during the period should be recovered from it. CPCB has neither assessed the price of alcohol produced during the said period nor has it issued any notice. CPCB may take steps for compliance.
    - c) **CPCB in its compliance report has asked CGWA to calculate water charges after expiry of NOC:** The Committee had recorded that not a penny had been deposited by the unit as charges for groundwater extracted. CPCB in its compliance report has asked CGWA to calculate

water charges after expiry of NOC. Neither those charges have been calculated nor notice given nor any money realized for these water charges.

- d) **It was directed by the committee that wherever lagoons are removed, land should be utilized for forestry:** If Lagoon-I had been dismantled and the area of Lagoon-II and Hitachi site has been truncated, as reported by CPCB in its compliance report, then the area vacated by the lagoon should be utilized for forestry purpose. The UPPCB may inspect and let this Oversight Committee know the compliance.
  - e) **The Committee had asked that the requirement of groundwater should be calculated:** Though directions have been given, the actual requirement has not been calculated. CPCB may be asked to do so and let this Committee know about it within one month.
- **M/s Damya PJ Food Private Limited, Rampur**
    - a) It may be ascertained whether the unit has paid environmental compensation. It may also be reported whether the unit has taken NOC from CGWA.
  - **M/s Varun Steel, Rampur**
    - a) It should be ascertained whether the unit has taken NOC from CGWA. It may also be ascertained whether it has taken authorization for hazardous waste management.

The detailed MOM is annexed as **Annexure 5**

3. During the meeting held on 24.07.2020, the issues raised in the meeting held on 14.0.2020 were discussed. The details are as follows:
  - Additional Chief Secretary, Excise Shri Sanjay Bhoos Reddy mentioned that as far as identification of officers and fixing of responsibility for running the Radico Khaitan unit illegally from 17.02.2019 to 11.05.2019 is concerned, they have already instituted an enquiry based on the report of Commissioner. The file has

been put up for orders and they would send the compliance through Chief Secretary to Hon'ble NGT within a week. He mentioned that they would calculate the price of alcohol manufactured illegally during this period from 17.02.2019 to 11.05.2019 and submit it to the Committee so that it can be informed to Hon NGT for recovery of additional compensation.

- The Committee also directed CPCB and the UPPCB to carry out inspections on issues relating to three Ganga Pollution Monitoring Committee reports and let the Committee know about the progress in the next fifteen days.

The detailed MOM is annexed as **Annexure 6**.

### **Issue of Ground Water:**

A very important issue coming in this case is the issue of Groundwater extraction by the unit without permission of CGWA after the NOC had lapsed, and continuation till today without permission on the plea that their application is pending with CGWA. This has to be looked at in the light of NGT's orders restricting groundwater extraction in OCS areas. No assessment has been done about the actual requirement of the plant, nor has any exercise been undertaken as to how much requirement could be met from other sources like surface water, reuse of treated water or water harvesting. CGWA's plea that they did not implement stoppage of groundwater extraction which is taking place without their permission because the matter is subjudice doesn't appear to be correct. Either the unit should have permission or there should be a court injunction. In fact, there are a number of such units all over India and many fall in OCS blocks. NGT in its order dated 20.07.2020 in O.A. No. 176/2015 has directed that there must be no general permission for withdrawal of groundwater, particularly to any commercial entity, without environmental impact assessment of such activity on individual Assessment units in cumulative terms covering carrying capacity aspects by an expert committee. Such permission should as per Water Management Plans to be prepared in terms of this order based on mapping of individual assessment units. Any permission should be for specified times and for specified quantity of water and not in perpetuity and be necessarily subject to digital flow meters which cannot be accessed by proponents, with mandatory annual calibration by

authorized agency at proponents' cost. In the absence of a clear cut policy based on detailed study and reasoned logic as directed above, there will be confusion in the field more so for running units. CGWA has to come out with a clear policy in the light of NGT's orders on permissions for use of groundwater.

Moreover not a penny has been paid for this extraction to CGWA. In fact CGWA has no scheme of charging water tariffs for underground water. CPCB has conducted a comprehensive exercise on 30.05.2019 and proposed groundwater charges for various uses and for different consumer categories which have been accepted by NGT in its order dated 21.5.2020 in O.A. No. 593/2017 in re: Paryavaran Suraksha Samiti & Anr. Versus Union of India & Ors. based upon the above-mentioned formulas the EC should be charged for the previous period for which industry was functional without NOC without paying a penny towards the groundwater withdrawal. Any permission for groundwater extraction which CGWA gives to any unit after considering all the factors as per NGT's orders should be given with the charges as approved above in O.A. 593/2017. The details for calculating EC are provided as **Annexure 7**.

**Short Compliance Status Report in tabular form:**

Issues	Compliance Status	Remarks
<b>M/s Radico Khaitan Ltd.</b>		
Manufacturing of alcohol by the unit even after the closure order of the CPCB, i.e., between 17.02.2019 to 11.05.2019 is totally unjustified and virtually amounts to negation of rule of law. The	Non-compliance	The CPCB in its compliance report mentioned that an abeyance letter was issued by the CPCB on 02.01.2019 which was misunderstood by the unit and considered it as permission to continue operation. Chief Secretary UP has been asked to file response which is still pending.
Open lagoons must be replaced by	Partially	The CPCB found this suggestion

<p>covered storage Steel tanks for receiving the spent wash of molasses with provision for controlled discharge of gases therefrom. This is necessary, as large open surface area of existing lagoons leads to more amount of air being polluted after coming into contact with spent wash. All suitable amendments may be carried by CPCB in guidelines.</p>	<p>complied</p>	<p>technically infeasible and informed the Committee accordingly.</p>
<p>Officers of the State of Uttar Pradesh who had orally instructed the officers and managers of Radico Khaitan Ltd. to continue the production even after the closure order of the CPCB, and those who failed to ensure the closure must be identified by the Chief Secretary of the State of Uttar Pradesh and suitable action shall be taken</p>	<p>Partially complied</p>	<p>Additional Chief Secretary, Excise Shri Sanjay Bhoos Reddy mentioned that they have already instituted an enquiry based on the report of Commissioner. The file has been put up for orders and they would send the compliance through Chief Secretary to Hon'ble NGT within a week.</p>
<p>The primitive method of marking with red at a particular height in the lagoons be eliminated and if necessary, then, only required capacity lagoon duly calibrated, be permitted. Excess capacity must be filled or dismantled scientifically.</p>	<p>complied</p>	<p>The CPCB mentioned that excess capacity in Lagoon-I had been dismantled and Lagoon-II and Hitachi site has been truncated.</p>
<p>Withdrawal of underground water must be restricted to the minimum required quantity with a condition of</p>	<p>Partially complied</p>	<p>The CPCB mentioned that it has been informed by the Central Ground Water Authority (CGWA)</p>

<p>payment of water charges on the principle 'more the consumption higher the rate'. This will act as a deterrent for withdrawal of underground water beyond what is necessarily required by the unit.</p>		<p>that withdrawal of groundwater by M/s Radico Khaitan Limited between October 2016 to May 2019 was within NOC limits. So far as guidelines for charging are concerned, CGWA has prepared those guidelines and has sent them to Hon NGT for approval. CGWA was requested by CPCB to calculate the groundwater charges after expiry of NOC to be billed to M/s Radico Khaitan Limited.</p>
<p>The requirement of groundwater should be calculated</p>	<p>Non-complied</p>	<p>The actual requirement has not been calculated yet. CPCB may be asked to do so and let this Committee know about it within one month.</p>
<p>Strict monitoring on readable parameters be done in respect of recharging the underground water through rainwater harvesting by the unit etc.</p>	<p>Complied</p>	<p>CGWA has mentioned that it checked the recharge points and found them as per mandate. As a thumb rule, each submergence achieves 50% recharge. The ponds created for 200% recharge were also found to be in order.</p>
<p>Calibration of water flow meters be ensured by government agencies with verification at least once in a year.</p>	<p>Complied</p>	<p>CGWA found the calibration of the water flow meters within the order.</p>
<p>The unit must utilize the land which will become available after removal of</p>	<p>Partially Complied</p>	<p>CPCB mentioned that such direction had been given in writing by UPPCB</p>

<p>the lagoons, or otherwise for thick forestry in the ensuing rainy season.</p>		<p>to the unit. Member Secretary, UPPCB Shri Ashish Tiwari mentioned that he would get the unit inspected within a week to find out whether the land left by dismantling lagoon-I and truncation of the site in lagoon-II and Hitachi site is being used for forest purpose or not.</p>
<p>The industry must be asked to control its production so as to ensure that in no case spent wash collected in the lagoons exceeds its fixed capacity on monthly basis</p>	<p>Complied</p>	<p>The UP Excise Department has mentioned that the unit is strictly adhering to its limit.</p>
<p>The land area necessarily required for bio-composting in respect of disposal of spent wash must be calculated and the industry must keep that land area fully covered with provision of leachate collection drains. No composting be permitted on uncovered land.</p>	<p>Partially complied</p>	<p>It was informed that the unit already has 14 acres of covered composting area. They have increased their existing area to 20 acres. UPPCB will inspect whether the area has been covered for bio-composting or not.</p>
<p>The unit must maintain specific verifiable records, which can be examined at any given point of time in respect of total quantity of bio-compost generated and sold to the known purchasers. The distillery must maintain similar records in respect of solid waste and disposal thereof to known vendors.</p>	<p>Complied</p>	<p>UPPCB mentioned that the unit is already submitting all details to CPCB of bio-compost produced and sold on monthly basis. The solid waste data is submitted to UPPCB on yearly basis.</p>

CPCB has calculated the Environmental compensation amount (as per the methodology of EC) in compliance of the NGT order dated 20.05.2019 which is Rs.7.29 Crores including the EC imposed earlier.	Complied	UPPCB mentioned that the unit had deposited the entire amount of Rs. 7.29 crores.
The unit had been illegally continuing its production from 17.02.2019 to 11.05.2019 and, therefore, the price of alcohol produced during the period should be recovered from it.	Non-complied	CPCB has neither assessed the price of alcohol produced during the said period nor has it issued any notice. CPCB may take steps for compliance.
CPCB in its compliance report has asked CGWA to calculate water charges after expiry of NOC.	Non-complied	Neither those charges have been calculated nor notice given nor any money realized for these water charges.
In addition, the entire price money received in respect of alcohol/products generated by the industry during the period of the CPCB closure order, i.e., between 17.02.2019 to 11.05.2019 be recovered as Environmental Compensation (EC).	Non-complied	There is no mention of calculation of price of alcohol produced between 17.02.2019 to 11.05.2019 from it in CPCB compliance. ACS Excise UP has assured that they would calculate the entire amount and inform NGT so that it could be recovered from the Unit.
Separate electricity meter exclusively for ETP shall be installed and its bill must be kept on-site for verification.	Complied	CPCB mentioned that it has been installed.
<b>M/s Damya PJ Food Private Limited, Rampur</b>		
Applications for 'no objection	Non-	It did not have NOC of CGWA. CPCB

certificate' should be considered and decided within a month by CGWA and if the applications are not found satisfactory then the same must be rejected with a further direction to stop water extraction.	complied	in its compliance mentioned that UPPCB had given a Show Cause n Notice to M/s Damya PJ Food Private Limited, Rampur under the Water (Prevention and Control of Pollution) Act, 1974.
All industries must be asked to maintain verifiable records of ETP waste and other solid waste generated as well as its disposal to the known buyers.	Complied	The unit has installed ETP and using a separate energy meter for ETP. During inspection, no untreated effluent was found to be discharged.
CPCB/SPCB shall take necessary actions against the non-complying industries in Uttar Pradesh	Complied	Environmental Compensation of Rs 2.5 lacs was imposed on the unit. They have paid full environmental compensation.
<b>M/s Varun Steel:</b>		
Applications for 'no objection certificate' should be considered and decided within a month by CGWA and if the applications are not found satisfactory then the same must be rejected with a further direction to stop water extraction.	Non-complied	It did not have NOC from CGWA for extraction of groundwater. CPCB in its compliance mentioned that this unit was given a notice for non-compliance under the Water (Prevention and Control of Pollution) Act, 1974.
All industries must be asked to maintain verifiable records of ETP waste and other solid waste generated as well as its disposal to the known buyers.	Complied	During the inspection, no untreated effluent was found being discharged and the unit was found compliant with the provisions of the Water (Prevention and Control of Pollution) Act, 1974.

CPCB/SPCB shall take necessary actions against the non-complying industries in Uttar Pradesh	Complied	Environmental Compensation of Rs 2.5 lacs was levied on the unit which it has deposited
Authorization for Hazardous waste management	Complied	Authorization for hazardous waste management has been taken by them
<b>Other directions:</b>		
The industries encroaching upon the drains must be asked to clear the encroachments and drains must be left free to flow in their natural course.		No compliance report furnished meaning thereby it is yet to be complied
Actual requirement of underground water by the industry must be verified through independent Government agencies.		No compliance report furnished meaning thereby it is yet to be complied
All industries must be asked to maintain verifiable records of ETPwaste and other solid waste generated as well as its disposal to the known buyers.		No compliance report furnished meaning thereby it is yet to be complied
No additional pump with loose connection be permitted as stand by at ETP of any of the industry.		No compliance report furnished meaning thereby it is yet to be complied
De-silting of drains must be completed at the earliest with a direction to transport the removed silt to a safe identified place.		No compliance report furnished meaning thereby it is yet to be complied
Joint inspection of all 86 GPI industries be undertaken afresh in light of issues		UPPCB along with CPCB will conduct this inspection.

considered in the report.		
Wherever timelines have been fixed for works to be undertaken by industries, performance bank guarantee must be insisted upon as a condition of revocation.		No compliance report furnished meaning thereby it is yet to be complied
Many of suggestions and observations made under para A, B and C are generic and applicable/ per-se for all industries. These may require revision of Guidelines and Charter being followed by Central and State PCBs which regulating and monitoring the operations of these industries. Necessary and suitable review and revision of these Guidelines and Charters may be carried out by Central and State PCBs in fixed time frame of four months.”		No compliance report furnished meaning thereby it is yet to be complied
“The CPCB and the State PCB may file further compliance status report as on 30.04.2020, after carrying out detailed inspections and also indicating compliance status with regard to the issues considered in the three reports dated 23.10.2019 and report dated 06.12.2019 (by Ganga Committee) and 27.11.2019 (by the CPCB) considered in para 3 above, before the next date by		UPPCB has asked the CPCB in its letter dated 11.02.2020 to submit information on the cause and effect study on the groundwater.

email at <a href="mailto:judicial-ngt@gov.in">judicial-ngt@gov.in</a> .		
The charges payable by the company for withdrawal of underground water must be fixed on the principle 'more the withdrawal, higher the rates'. The water charges which has not been paid for years must be recovered together with the interest at the rate of 18% per annum.		No compliance report furnished meaning thereby it is yet to be complied

**Recommendations:**

**In view of the above we recommend as follows:**

1. As far as groundwater is concerned we find in this case all units are extracting groundwater without CGWA permission. We should have a more meaningful regulatory regime and institutional mechanisms for ensuring prevention of depletion and unauthorized extraction of groundwater and sustainable management of groundwater. Regard must be had to water availability and safe levels to which its drawal can be allowed, especially for commercial purposes. Moreover, the actual requirement has to be assessed. Alternate sources of water like rainwater harvesting, recycling of wastewater etc have to be checked. The permission has to be based on some groundwater study. It has to be for a specified quantity for a specified period. It has to be based on some system of verification to be periodically audited. CGWA should be directed to issue clear-cut guidelines implementing the directions of NGT in O.A. No. 176/2015 about use of groundwater and O.A. No. 593/2017 about charges to be charged as discussed above. Procedures for assessment of individual applications and institutional mechanisms may be clearly laid down. If clear-cut guidelines are not issued it will create confusion in the field specially for running units and also lead to illegal extraction of groundwater. In this case, all units mentioned above, which are drawing ground water without permission need to be penalised and EC be imposed on them as

per CPCB scheme. A detailed ground water study be done by CGWA and any permission to extract water be incumbent on the result of that study.

2. The ETPs of GPIs must be mandatorily connected with Online Continuous Emission Monitoring System so that there is 24x7 monitoring of the emission. CCTV Cameras should also be installed and connected to the control room to ensure foolproof monitoring. The units should not be allowed to run without these basic requirements. State PCB may be directed to inspect the GPIs mentioned in this case and ensure this arrangement in next 15 days.
3. Shallow bore wells should be dug around these areas and CGWA officers be directed to take monthly groundwater samples from these to ensure that the effluent is not contaminating groundwater. CGWA may be asked to ensure this arrangement in next one month.
4. The recommendations of Justice Tandon Committee regarding action against officers who had permitted running Radico Khaitan Unit despite closure orders and recovery of price of alcohol manufactured illegally during this period have to be implemented. Chief Secretary has to file his response about the former. Principal Secretary Excise shall communicate to NGT the amount in the latter case for orders of NGT.
5. SPCB shall ensure recovery of all Environment Compensation which has been imposed on all above units.
6. Accountability of Licencing Authorities and Inspecting Authorities need to be insisted on At the time of issue of licences/clearances and their subsequent renewal, a strict on-ground inspection should be conducted to verify that all the precautionary measures to prevent environmental pollution have been implemented and are functional. The same should be jointly inspected by CPCB and UPPCB and if any violation of Environmental laws is recorded during the joint inspection, the erring officer who has conducted the inspection at the time of issue/renewal the license should also be penalized along with the defaulting industry.
7. There should be some mechanism for incentivising those industries which are using innovations/best practices while following all the environmental rules to prevent any

kind of air, water and soil pollution during the production. Regarding this certification system, consumer awareness campaigns should also be launched.

8. Also, the Industries should harvest the rainwater and use it rather than extracting groundwater.
9. All the small and large scale industries should be directed to develop a green belt in nearby areas equal to three times their own land area and maintain it as a component of their Corporate Social Responsibility (CSR).

The Member Secretary, UPPCB is directed to send this report to the Registrar General, National Green Tribunal, Principal Bench, New Delhi for placing the same before the Hon'ble Tribunal with a copy to the Chief Secretary, Government of UP for necessary action. The report with regard to pollution in River Kosi be uploaded on the website of the committee.

05-08-2020

05-08-2020

**X** Anup Chandra Pandey

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Dr Anup Chandra Pandey  
Member, Oversight Committee  
Signed by: ANUP CHANDRA PANDEY

**X** SVS Rathore

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Justice SVS Rathore  
Chairman, Oversight Committee  
Signed by: SURENDRA VIKRAM SINGH RATHORE

**August 05, 2020**

**Annexures:** As above

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 324/2016  
WITH  
ORIGINAL APPLICATION NO. 361/2017**

**IN THE MATTER OF: -**

<b>SHAILESH SINGH</b>	<b>Vs.</b>	<b>APPLICANT (s)</b>
<b>STATE OF UTTAR PRADESH &amp; ORS.</b>		<b>RESPONDENT(s)</b>
	<b>WITH</b>	
<b>Dr. TANZEEN FATIMA</b>		<b>APPLICANT(s)</b>
	<b>Vs.</b>	
<b>MoEF &amp; CC &amp; ORS.</b>		<b>RESPONDENT(s)</b>

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2.	<b>ANNEXURE I</b> HON'BLE NGT ORDER DATED 15.01.2020.	
3.	<b>ANNEXURE II</b> LETTER ISSUED BY CPCB ON 27.02.2020/ 02.03.2020 TO MEMBER SECRETARIES OF FIVE GANGA STATE POLLUTION CONTROL BOARDS.	
4.	<b>Annexure III</b> LETTER ISSUED BY CPCB ON 20.03.2020 TO MEMBER SECRETARY, UTTARAKHAND ENVIRONMENTAL PROTECTION AND POLLUTION CONTROL BOARD. (UEPPCB)	
5.	<b>Annexure IV</b> COMPLIANCE REPORT SUBMITTED TO HON'BLE NGT BY UTTARAKHAND ENVIRONMENTAL PROTECTION AND POLLUTION CONTROL BOARD. (UEPPCB) ON 20.03.2020	

*Ajit Kumar Vidyarthi*

**(DR. A.K. VIDYARTHI)  
SCIENTIST-E**

**CENTRAL POLLUTION CONTROL BOARD,  
PARIVESH BHAWAN, EAST ARJUN NAGAR,  
DELHI- 110032.**

DATE: 18.05.2020  
PLACE: DELHI

**Compliance Report on behalf of CPCB**

In compliance to Hon'ble NGT Order dated 15.01.2020 in the matter of Dr. Tanzeen Fatima vs. Ministry of Environment, Forest & Climate Change & ors., OA no. 361/2017 with Shailesh Singh vs. State of Uttar Pradesh & Ors., OA No. 324/2016

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Hon'ble NGT vide its order dated 15.01.2020 (**Annexure-I**) in the above said matter has considered the Action taken report dated 27.11.2019 filed by the CPCB in consultation with the Joint Committee and as per the information provided by State Pollution Control Boards and further directed as follows:

“ 3. (iii) There is also response of the CPCB filed 27.11.2019 to the final report of the Monitoring Committee mentioned above to the effect that inspection of GPls is done annually and action is taken by the State PCB. We are of the view that even though the inspection by the CPCB may continue to be done annually, the State PCB must conduct inspections quarterly.

6. The CPCB and the State PCB may ensure recovery of the compensation already assessed by taking appropriate coercive measures including closure of the erring industry till deposit is made, apart from prosecution for violation of law, after following due procedure.

8. The CPCB and the State PCB may file further compliance status report as on 30.04.2020, after carrying out detailed inspections and also indicating compliance status with regard to the issues considered in the three reports dated 23.10.2019 and report dated 06.12.2019 (by Ganga Committee) and 27.11.2019 (by the CPCB) considered in para 3 above, before the next date by email at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in).”

2. As directed by Hon'ble NGT, CPCB vide its letter dated 27<sup>th</sup> February, 2020/ 2<sup>nd</sup> March, 2020 has asked Member Secretaries of 5 Ganga State Pollution Control Boards to comply with the directions of Hon'ble NGT and to ensure inspections of GPls on quarterly basis. Letters to SPCBs are annexed as **Annexure II**.

3. Further, in compliance to direction at paragraph No. 6 of Hon'ble NGT, CPCB vide letter dated 20<sup>th</sup> March, 2020 **Annexure III** has requested Member Secretary, Uttarakhand Environmental Protection and Pollution Control Board (UEPPCB) to take necessary action ensuring recovery of the already assessed EC from the Unit, in compliance to Hon'ble NGT order and to submit the action taken report to CPCB within 15 days.

4. Member Secretary, UEPPCB vide letter dated 20.03.2020 (received in CPCB on 5<sup>th</sup> May, 2020) **Annexure IV** has submitted a detailed compliance report along with supporting documents as annexures in compliance to Hon'ble NGT order dated 15.01.2020 in OA No. 361/2017. UEPPCB has given the following reply to the issue of EC in compliance to direction of Hon'ble NGT:

“The Industry has submitted the compliance vide letter dated 21.11.2019. As far as dismantling of lagoon is concerned, CPCB vide letter dated 07.12.2015 directed to UEPPCB to issue direction to the industries for bio composting and restricting the lagoon capacity equivalent to 30 days of storage not for dismantling. Subsequently, UEPPCB issued direction dated 18.03.2016 to industry for compliance of CPCB direction.

Further CPCB issued direction to UEPPCB to stop 98 KLPD stream having biocomposting to achieve ZLD until Multi Effect Evaporator (MEE) installation is completed and allowed to continue the production from 240 KLPD stream having MEE and incineration boiler to achieve ZLD. Subsequently, UEPPCB issued modified directions to Unit dated 12.01.2017 for compliance and as precautionary measure the inlet of Dabhora lagoons were sealed.

The Industry complied the directions and continued operation at 240 KLPD as per compliance status mentioned at Para-5, Sr. No. 1 above.”

5. Inspection of the industrial units as per Hon'ble NGT direction at Paragraph No. 8 could not be done due to lockdown necessitated by COVID-19, which may be undertaken within 45 days once the lockdown is over and industries start operating.

Now, this compliance report is submitted for consideration by Hon'ble NGT with a request to grant further time of 60 days once this lockdown is over for submission of final compliance status after carrying out inspections.



भारत सरकार  
केन्द्रीय भूमि जल प्राधिकरण  
जल संसाधन, नदी विकास  
और गंगा संरक्षण मंत्रालय

Government of India  
Central Ground Water Authority  
Ministry of Water Resources,  
River Development & Ganga Rejuvenation

File No. 25-23/CGWA/NOCAP/2018

**NOTICE**

**Date: 01.03.2019**

**Sub: Grant of No Objection Certificate (NOC) for ground water withdrawal in Over-exploited, Critical and Semi-critical (OCS) Assessment Units**

Pursuant to the Order of the Hon'ble National Green Tribunal (NGT) dated 03.01.2019 in O.A No. 176/2015 (Shailesh Singh Vs. Hotel Holiday Regency, Moradabad &Ors.) and other related matters, expressing concern over the unregulated withdrawal of ground water from Over-exploited, Critical and Semi-critical (OCS) Assessment Units in the country and emphasizing the need for strict regulatory regime by not permitting use of ground water except for drinking purposes where supply of drinking water is not otherwise available, NOCs for fresh ground water withdrawal shall not be granted to industries, infrastructure units and mining projects located in such areas, except for drinking, domestic uses and for green belts till further orders.

Digitally signed by  
NANDAKUMARAN P  
Date: 2019.03.01 11:15:36  
+05'30'

**(Dr. P. Nandakumaran)**

**Member(CGWA)**

18/11, Jamnagar House, Mansingh Road, New Delhi-110011

Phone : (011) 23383561 Fax : 23382051, 23386743

Website: [www.cgwa.noc.gov.in](http://www.cgwa.noc.gov.in)

स्वच्छ सुरक्षित जल - सुन्दर खुशहाल कल

**CONSERVE WATER - SAVE LIFE**



क्षेत्रीय कार्यालय  
उ०प्र० प्रदूषण नियंत्रण बोर्ड  
1-ए/आई.एन.एस.-1, आवास विकास कालोनी, बौद्ध विहार,  
दिल्ली रोड, मुरादाबाद

पत्र संख्या: 886/R-34/KIN/20

दिनांक: 03/07/20

सेवा में,

मुख्य पर्यावरण अधिकारी (वृत्त-7),  
उ०प्र० प्रदूषण नियंत्रण बोर्ड,  
लखनऊ ।

विषय- मैसर्स रेडिको खेतान लि०, रामपुर के बायो कम्पोस्टिंग यार्ड में स्थापित रेन वाटर हार्वेस्टिंग व्यवस्था की आख्या के सम्बन्ध में ।

महोदय,

कृपया उपरोक्त विषयक दूरभाष पर आप द्वारा दिये गये निर्देशों के अनुक्रम में मैसर्स रेडिको खेतान लि०, रामपुर के बायो कम्पोस्टिंग यार्ड में स्थापित रेन वाटर हार्वेस्टिंग व्यवस्था का निरीक्षण इस कार्यालय द्वारा दिनांक 17.06.2020 को किया गया । निरीक्षण आख्या संलग्न कर आपके अवलोकनार्थ एवं अग्रिम आवश्यक कार्यवाही हेतु प्रेषित है ।

संलग्नक:-यथोपरि ।

भवदीय

(अजय शर्मा)

मुख्य पर्यावरण अधिकारी/क्षेत्रीय अधिकारी

मैसर्स रेडिको खेतान लि0, रामपुर के बायो कम्पोस्टिंग यार्ड में स्थापित रेन वाटर हार्वेस्टिंग व्यवस्था की आख्या :-

कृपया उपरोक्त विषयक बोर्ड मुख्यालय से प्राप्त निर्देशों के अनुक्रम में मैसर्स रेडिको खेतान लि0, रामपुर के बायो कम्पोस्टिंग यार्ड में स्थापित रेन वाटर हार्वेस्टिंग व्यवस्था का निरीक्षण अधोहस्ताक्षरियों द्वारा दिनांक 17.06.2020 को श्री अमृतराज तोमर सीनियर मैनेजर, इन्चायरमेन्ट की उपस्थिति में किया गया । आख्या निम्नवत् है -

1. इकाई के अजीतपुर स्थित बायो कम्पोस्टिंग यार्ड में कुल 04 नग रेन वाटर हार्वेस्टिंग पिट तथा हितैची लैण्ड स्थित बायो कम्पोस्टिंग यार्ड में कुल 06 नग रेन वाटर हार्वेस्टिंग पिट स्थापित हैं । पिट के टॉप की ऊँचाई भूतल से लगभग 2.0 फीट पायी गयी एवं कम्पोस्टिंग यार्ड के कवर्ड शेड से पाइप लाइन के माध्यम से सम्बद्ध पाये गये । इस प्रकार किसी भी प्रकार के उत्स्रावह के रेन वाटर हार्वेस्टिंग पिट में प्रवेश करने की सम्भावना नगण्य है ।
2. उद्योग में बायो कम्पोस्टिंग व्यवस्था हितैची एवं अजीतपुर लैण्ड में स्थित है । हितैची लैण्ड में स्थित बायो कम्पोस्ट यार्ड में कुल अनकवर्ड एरिया लगभग 22.0 एकड़ एवं कवर्ड एरिया लगभग 11.0 एकड़ है । अजीतपुर लैण्ड स्थित बायो कम्पोस्ट व्यवस्था के अन्तर्गत कुल अनकवर्ड एरिया लगभग 9.0 एकड़ व कवर्ड एरिया 14.0 एकड़ है । इस प्रकार उद्योग में बायो कम्पोस्टिंग व्यवस्था के अन्तर्गत हितैची एवं अजीतपुर लैण्ड को मिलाकर कुल कवर्ड एरिया लगभग 25.0 एकड़ एवं अनकवर्ड एरिया लगभग 31.0 एकड़ उपलब्ध है । उद्योग में पूर्व में बायो कम्पोस्ट यार्ड का कवर्ड एरिया लगभग 14.0 एकड़ (अजीतपुर में 8.0 एकड़ व हितैची लैण्ड में 6.0 एकड़) था । इस प्रकार विस्तारीकरण के उपरान्त वर्तमान में कुल कवर्ड क्षेत्रफल 25.0 एकड़ (अजीतपुर में 14.0 एकड़ व हितैची लैण्ड में 11.0 एकड़) है । उद्योग में कवर्ड/अनकवर्ड बायो कम्पोस्टिंग का कुल एरिया लगभग 56.0 एकड़ उपलब्ध है ।
3. निरीक्षण के समय हितैची लैण्ड में स्थित लैगून क्षमता 3500 मी<sup>3</sup> के विरुद्ध लगभग 600 मी<sup>3</sup> तथा अजीतपुर लैण्ड में स्थित लैगून क्षमता 21500 मी<sup>3</sup> में के विरुद्ध लगभग 14050 मी<sup>3</sup> BMSW MEE सान्द्रितवाश भण्डारित पाया गया । निरीक्षण के समय बायो कम्पोस्टिंग का कार्य होता हुआ पाया गया । आख्या आपके अवलोकनार्थ एवं अग्रिम आवश्यक कार्यवाही हेतु सादर प्रस्तुत है ।

*[Signature]*  
28.06.2020  
(जे0एन0 तिवारी)  
अवर अभियन्ता

*[Signature]*  
29.6.20  
(एस0एस0 सिंह)  
सहा0पर्या0अभि0

मुख्य पर्यावरण अधिकारी/क्षत्रीय अधिकारी महोदय

*[Signature]*

29.6.2020

दूरभाष सं: 0591-2972012



क्षेत्रीय कार्यालय  
उ०प्र० प्रदूषण नियंत्रण बोर्ड  
1-ए/आई.एन.एस.-1, आवास विकास कालोनी, बौद्ध विहार,  
दिल्ली रोड, मुरादाबाद

पत्र संख्या 925/10-9/वायु

दिनांक 14/7/20

सेवा में,

मुख्य पर्यावरण अधिकारी (वृत्त-7),  
उ०प्र० प्रदूषण नियंत्रण बोर्ड,  
लखनऊ।

विषय- मैसर्स उषा स्टील प्रोसेस (वरुण स्टील), प्लॉट नं० डी-22, 23, 29, औद्योगिक क्षेत्र, अजीतपुर, को जल (प्रदूषण निवारण एवं नियंत्रण) अधिनियम 1974 की धारा 33-ए की सपठित धारा 27(2) एवं वायु (प्रदूषण निवारण एवं नियंत्रण) अधिनियम 1981 की धारा 31-ए की सपठित धारा 21(4) के अंतर्गत निर्गत कारण बताओ नोटिस निक्षेप किये जाने के सम्बन्ध में।

महोदय,

उपरोक्त विषयक बोर्ड मुख्यालय के पत्रांक एच-39060/सी-7/जल-816/का०ब०नो०/2019 दिनांक 19.07.2019 एवं दिनांक एच-39061/सी-7/वायु-851/का०ब०नो०/2019 दिनांक 19.07.2019 का सन्दर्भ ग्रहण करने का कष्ट करें जिसके माध्यम से उक्त उद्योग के विरुद्ध जल (प्रदूषण निवारण एवं नियंत्रण) अधिनियम 1974 की धारा 33-ए की सपठित धारा 27 (2) एवं वायु (प्रदूषण निवारण एवं नियंत्रण) अधिनियम 1981 की धारा 31-ए की सपठित धारा 21(4) के अंतर्गत कारण बताओ नोटिस जारी किया गया है। तत्कम में उद्योग की अद्यतन निरीक्षण आख्या कारण बताओ नोटिस निक्षेप किये जाने की संस्तुति सहित संलग्न कर आपके अवलोकनार्थ एवं अग्रिम आवश्यक कार्यवाही हेतु प्रेषित है।

संलग्नक- उपरोक्तानुसार।

भवदीय

  
(विकास मिश्र)  
क्षेत्रीय अधिकारी

मैसर्स उषा स्टील प्रोसेस (वरुण स्टील), प्लाट नं० डी-22, 23, 29, औद्योगिक क्षेत्र, अजीतपुर, रामपुर की निरीक्षण आख्या -

उपरोक्त विषयक उद्योग का निरीक्षण अधोहस्ताक्षरकर्ता द्वारा दिनांक 06.07.2020 को किया गया। निरीक्षण के समय उद्योग प्रतिनिधि के रूप में श्री प्रकाश चन्द्र गुप्ता उपस्थित थे। आख्या निम्नवत् है -

1. कार्यालय अभिलेखानुसार उक्त उद्योग मैसर्स उषा स्टील प्रोसेस, प्लाट नं० डी-22, 23, 29, औद्योगिक क्षेत्र, अजीतपुर, रामपुर पर वर्ष 2012 से स्थापित व संचालित है।
2. उक्त उद्योग लाल श्रेणी (लघु श्रेणी) के अंतर्गत आच्छादित है।
3. उद्योग में मेटल सरफेस ट्रीटमेंट का कार्य जॉब वर्क पर किया जाता है एवं प्रतिदिन लगभग 1000 नग एम.एस. शीट्स/रिम पर पिकलिंग का कार्य किया जाता है।
4. निरीक्षण के समय उद्योग परिसर में जिंक इलेक्ट्रोप्लेटिंग प्रक्रिया से सम्बन्धित संयंत्र एवं पिकलिंग हेतु संयंत्र स्थापित पाये गये। निरीक्षण के समय उद्योग में मात्र पिकलिंग का कार्य होता पाया गया। इलेक्ट्रोप्लेटिंग का कार्य बन्द पाया गया।
5. उद्योग में पिकलिंग प्रक्रिया से जनित प्रदूषित उत्प्रवाह के शुद्धिकरण हेतु पूर्व से स्थापित ई.टी.पी. (इक्वेलाइजेशन टैंक, क्लेरीफायर-कम-ट्रीटमेंट टैंक, क्लीयर वाटर टैंक, स्लज होल्डिंग टैंक, फिल्टर प्रेस, मल्टीग्रेड फिल्टर व एक्टीवेटेड कार्बन फिल्टर) में सुदृढीकरण का कार्य किया गया है। ई.टी.पी. के एक्टिवेटेड कार्बन फिल्टर एवं प्रेशर सैण्ड फिल्टर का मेन्टेनेन्स किया गया है एवं अतिरिक्त आर.ओ. प्लान्ट व इलैक्ट्रिक इवैपोरेटर स्थापित किये गये हैं तथा ई.टी.पी. के इनलेट व आउटलेट पर फ्लोमीटर एवं पृथक एनर्जी मीटर स्थापित किये गये हैं। शुद्धीकृत उत्प्रवाह का यथासम्भव प्रक्रिया में पुनः प्रयोग किया जाता है तथा अवशेष उत्प्रवाह को इवैपोरेटर के माध्यम से वाष्पीकृत कर दिया जाता है। औद्योगिक उत्प्रवाह का निस्तारण किसी भी प्रकार से किसी नाले/नदी में नहीं किया जाता है।
6. निरीक्षण के समय उद्योग में अल्प मात्रा में उत्पादन कार्य होने के फलस्वरूप उत्प्रवाह जनित न होने के कारण नमूना एकत्र नहीं किया जा सका।
7. पूर्व में दिनांक 22.10.2019 को निस्तारित हो रहे उत्प्रवाह के नमूने का एकत्रण कर प्रयोगशाला में विश्लेषण कराया गया। विश्लेषण आख्या संलग्न है। विश्लेषण आख्यानुसार उत्प्रवाह के प्रचालक मानकों के अनुरूप पाये गये।
8. उद्योग परिसर में 20 के.वी.ए. का एक डी.जी.सैट स्थापित पाया गया। डी.जी. सैट पर ध्वनिरोधी व्यवस्था स्थापित पायी गयी किन्तु डी.जी. सैट से सम्बद्ध एक्जास्ट की ऊंचाई बोर्ड मानकों के अनुरूप स्थापित पायी गयी।
9. उद्योग में प्रक्रिया से जनित फ्यूम्स की रोकथाम हेतु पिकलिंग संयंत्र में एल्कलाइन वेट स्कवर स्थापित किये गये हैं, जिनसे सम्बद्ध चिमनियों की ऊंचाई भूतल से लगभग 30 मीटर है। निरीक्षण के समय वेट स्कवर सुचारु रूप से संचालित पाये गये तथा जनित होने वाली फ्यूम्स उपचारित होती हुई पाई गयी।
10. उद्योग द्वारा बोर्ड से हैजार्ड्स वेस्ट प्राधिकार प्राप्त किया गया है जिसकी वैधता दिनांक 05.04.2025 है।
11. बोर्ड मुख्यालय द्वारा उद्योग के विरुद्ध 2.5 लाख रुपये का पर्यावरणीय क्षतिपूर्ति हेतु अर्थदण्ड अधिरोपित किया गया था जिसे उद्योग द्वारा बोर्ड के खाते में जमा करा दिया गया है।
12. बोर्ड मुख्यालय के पत्रांक एच-39060/सी-7/जल-816/का०ब०नो०/2019 दिनांक 19.07.2019 तथा एच-39061/सी-7/वायु-851/का०ब०नो०/2019 दिनांक 19.07.2019 के माध्यम से उद्योग के विरुद्ध क्रमशः जल (प्रदूषण निवारण एवं नियंत्रण) अधिनियम 1974 की धारा 33-ए की सपठित धारा 27 (2) एवं वायु (प्रदूषण निवारण एवं नियंत्रण) अधिनियम 1981 की धारा 31-ए की सपठित धारा 21(4) के अन्तर्गत कारण बताओ नोटिस जारी किया गया है।

अतः उपरोक्त तथ्यों के दृष्टिगत उद्योग के विरुद्ध जल (प्रदूषण निवारण एवं नियंत्रण) अधिनियम 1974 की धारा 33-ए की सपठित धारा 27 (2) एवं वायु (प्रदूषण निवारण एवं नियंत्रण) अधिनियम 1981 की धारा 31-ए की सपठित धारा 21(4) के अंतर्गत निर्गत कारण बताओ नोटिस निक्षेप किये जाने की संस्तुति सहित आख्या बोर्ड मुख्यालय प्रेषित किये जाने हेतु आपके अवलोकनार्थ व अग्रिम आवश्यक कार्यवाही हेतु प्रस्तुत है।

सहा०प्र०अभि०/क्षेत्रीय अधिकारी महोदय

13.7.20

13/7/20  
(जे.एन. तिवारी)  
अवर अभियन्ता



8772/2

04.12.19

क्षेत्रीय कार्यालय  
उ०प्र० प्रदूषण नियंत्रण बोर्ड  
1-ए/आई.एन.एस.-1, आवास विकास कालोनी, बौद्ध विहार,  
दिल्ली रोड, मुरादाबाद

पत्रांक-.....2643...../यू-9/रामपुर,

दिनांक: .....13/11.2019

सेवा में,

मुख्य पर्यावरण अधिकारी (वृत्त-7),  
उ.प्र. प्रदूषण नियंत्रण बोर्ड,  
लखनऊ।

लोक सचिवालय  
प्राप्ति दिनांक: 27-11-19  
प्राप्तकर्ता के नाम पर.....  
उ०प्र० प्रदूषण नियंत्रण बोर्ड लखनऊ

विषय: मैसर्स ऊषा स्टील प्रोसेस, डी-22, 23, 29 इण्डस्ट्रियल एरिया, अजीतपुर, रामपुर के सम्बन्ध में।

महोदय,

उपरोक्त विषयक उद्योग मैसर्स ऊषा स्टील प्रोसेस, डी.-22, 23, 29 इण्डस्ट्रियल एरिया, अजीतपुर, रामपुर का अद्यतन निरीक्षण दिनांक-12.11.2019 को इस कार्यालय द्वारा कराया गया। निरीक्षण आख्या मूल रूप में संलग्न कर अग्रिम आवश्यक कार्यवाही हेतु प्रेषित है।

संलग्नक: यथोपरि।

भवदीय

( अजय शर्मा )  
क्षेत्रीय अधिकारी

2643  
18/12/19  
A.C.K.

INSPECTION REPORT OF M/S USHA STEELS PROCESS (VARUN STEEL), D-22, 23, 29,  
INDUSTRIAL AREA, AJEETPUR, RAMPUR.

The latest inspection of above Industry was carried out on 12.11.2019 in the presence of Mr. Varun Kumar, Prop. of the Industry. Inspection report is as below:

1. The Industry is being operated at the above site since 2012. At the time of inspection, the Industry found in operation.
  2. The Industry involved in pickling of MS Sheets/Wheel Rims on job work basis. The capacity of pickling is 1000 nos./day.
  3. The Industry has obtained the consent under Air & Water Acts and the validity of consents is 31.12.2020.
  4. On the basis of inspection dated 12.06.2019, the show cause notice u/s 33-A alongwith 27(2) of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 31-A alongwith 27(2) of the Air (Prevention & Control of Pollution) Act, 1981 by H.O. vide letter No. H-39060/C-7/Water-816/S.C.N./2019 dated 19.07.19 and H-3901/C-7/Water-851/S.C.N./2019 dated 19.07.19 respectively.
  5. The Environmental Compensation of Rs. 2.50 Lakhs has also imposed on the Industry on dated 19.07.2019. The Industry has deposited the said amount against environmental compensation on dated 25.07.2019 to the Board.
  6. During the visit dated 12.11.2019, it was found that the Industry has strengthened the Effluent Treatment Plant and no bye pass arrangement was found. The unit has upgraded the ETP by the maintenance of Activated Carbon Filter and Pressure Sand Filter and by installation of Additional Reverse Osmosis Plant followed by the Evaporator. The Industry has made the arrangement of re-use/recycle the treated effluent in it's process. No discharge was found outside the premises during inspection.
  7. During inspection, it was found that the Industry has installed the Flow Meters and Separate Energy Meter for ETP.
  8. The log book of ETP is also being maintained.
  9. During inspection, the ETP sludge was found stored in the covered shed, which is sufficient to say that the ETP is in working condition.
  10. The Industry has not obtained the Hazardous Waste Authorisation from Board, hence the notice has been issued to the Industry vide letter no. 3024/U-9/Rampur, dated 09.11.2019
  11. The Board vide letter no. H-43243/C-7/Jal-816/2019 dated 02.11.2019 has issued a notice regarding the permission for ground water abstraction from CGWA. The representative has informed that they have applied for the NOC for ground water abstraction before CGWB and furnished the documents regarding the application.
  12. The Industry has submitted the analysis report of treated effluent from the NABL accredited laboratory. The results are as per norms according to the analysis report.
- The above report is submitted for your kind perusal and necessary action please.

AEE /Regional Officer

A

13.11.19

CEO/2-

13.11.19  
AEE

13/11/19  
(J.N. Tiwari)  
Jr. Engineer



क्षेत्रीय कार्यालय  
उ०प्र० प्रदूषण नियंत्रण बोर्ड  
1-ए/आई.एन.एस.-1, आवास विकास कालोनी, बौद्ध विहार,  
दिल्ली रोड, मुरादाबाद

पत्र संख्या 926/D-14/रा मयू

दिनांक 14/7/20

सेवा में,

मुख्य पर्यावरण अधिकारी (वृत्त-7),  
उ०प्र० प्रदूषण नियंत्रण बोर्ड,  
लखनऊ।

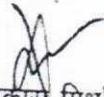
विषय- मैसर्स दाम्या (पी.जे.) फूड्स प्रा० लि०, ग्राम चिकना मिलक, शाहबाद रोड, जनपद रामपुर को जल (प्रदूषण निवारण एवं नियंत्रण) अधिनियम 1974 की धारा 33-ए की सपठित धारा 27 (2) के अंतर्गत निर्गत कारण बताओ नोटिस निक्षेप किये जाने के सम्बन्ध में।

महोदय,

उपरोक्त विषयक बोर्ड मुख्यालय के पत्रांक एच-39062/सी-7/जल-389/का०ब०नो०/2019 दिनांक 19.07.2019 का सन्दर्भ ग्रहण करने का कष्ट करें जिसके माध्यम से उक्त उद्योग के विरुद्ध जल (प्रदूषण निवारण एवं नियंत्रण) अधिनियम 1974 की धारा 33-ए की सपठित धारा 27 (2) के अंतर्गत कारण बताओ नोटिस जारी किया गया है। तत्कम में उद्योग की अद्यतन निरीक्षण आख्या कारण बताओ नोटिस निक्षेप किये जाने की संस्तुति सहित संलग्न कर आपके अवलोकनार्थ एवं अग्रिम आवश्यक कार्यवाही हेतु प्रेषित है।

संलग्नक- उपरोक्तानुसार।

भवदीय

  
(विकास मिश्र)  
क्षेत्रीय अधिकारी

मैसर्स दाम्या (पी.जे.) फूड्स प्रा० लि०, ग्राम चिकना मिलक, शाहबाद रोड, जनपद रामपुर की निरीक्षण आख्या -

- उपरोक्त विषयक उद्योग का निरीक्षण अधोहस्ताक्षरकर्ता द्वारा दिनांक 06.07.2020 को किया गया। निरीक्षण के समय श्री अमित जैन (निदेशक) उद्योग प्रतिनिधि के रूप में उपस्थित थे। आख्या निम्नवत है -
1. कार्यालय अभिलेखानुसार उक्त उद्योग मैसर्स दाम्या (पी.जे.) फूड्स प्रा० लि०, ग्राम चिकना मिलक, शाहबाद रोड, जनपद रामपुर पर वर्ष 2015 से स्थापित व संचालित है।
  2. उक्त उद्योग नारंगी श्रेणी (लघु श्रेणी) के अंतर्गत आच्छादित है।
  3. उद्योग में शुगर वेजिटेबिल, स्टार्च, शीरप, पल्प, साल्ट, एसिड, मसाले, आटा, सूजी आदि का कच्चे माल के रूप में प्रयोग करते हुए स्नेक्स- 5 टन/दिन, कैचप- 2.5 टन/दिन, सोया सॉस- 1 टन/दिन, चिली सॉस- 2.5 टन/दिन, पास्ता/नूडल्स- 2 टन/दिन का उत्पादन किया जाता है।
  4. उद्योग में यूटेन्सिल एवं पलोरो वाशिंग से जनित प्रदूषित उत्प्रवाह (20 किली./दिन) के शुद्धिकरण हेतु पूर्व से स्थापित ई.टी.पी. (इक्वलाइजेशन टैंक, रिफ्लेक्शन टैंक, सेटलिंग टैंक, एयरेशन टैंक, कार्बन एण्ड सैण्ड फिल्टर) में सुदृढीकरण का कार्य किया गया है।
  5. ई.टी.पी. के केमिकल डोजिंग सिस्टम, एयरेशन सिस्टम कार्बन एण्ड सैण्ड फिल्टर का मेण्टेनेन्स का कार्य किया गया है तथा अतिरिक्त स्लज ड्राइंग बेड्स व पैन स्थापित किये गये हैं। उक्त के अतिरिक्त ई.टी.पी. के इनलेट व आउटलेट पर फ्लो मीटर तथा पृथम एनर्जी मीटर स्थापित किये गये हैं।
  6. पूर्व में निरीक्षण दिनांक 22.10.2019 व 12.11.2019 के दौरान निस्तारित हो रहे शुद्धीकृत उत्प्रवाह के नमूनों का एकत्रण कर प्रयोगशाला में विश्लेषण कराया गया। विश्लेषण आख्या संलग्न है। विश्लेषण आख्यानुसार उत्प्रवाह के प्रचालक मानकों के अनुरूप पाये गये।
  7. अद्यतन निरीक्षण दिनांक 06.07.2020 के दौरान कोरोना संक्रमण के दृष्टिगत अल्प मात्रा में उत्पादन कार्य होने के कारण उत्प्रवाह जनित होता नहीं पाया गया। अतः नमूना एकत्रण नहीं किया जा सका। निरीक्षण के समय ई.टी.पी. की एयरेशन इकाई सुचारु रूप से संचालित पायी गयी। जनित होने वाले स्लज (नॉन हैजार्ड्स) का प्रयोग मैन्चोर के रूप में किया जाता है।
  8. उद्योग परिसर में 250 के.वी.ए. तथा 30 के.वी.ए. के डी.जी.सैट्स स्थापित पाये गये। डी.जी. सैट्स पर ध्वनिरोधी व्यवस्था स्थापित पायी गयी। डी.जी. सैट से सम्बद्ध एक्जार्स्ट की ऊंचाई बोर्ड मानकों के अनुरूप स्थापित पायी गयी।
  9. उद्योग में 5 टी.पी.एच. क्षमता का बायलर स्थापित है जिससे सम्बद्ध चिमनी की ऊंचाई भूतल से 30 मीटर है तथा वायु प्रदूषण नियंत्रण व्यवस्था हेतु साइक्लोन डस्ट कलेक्टर स्थापित है। बायलर में ईंधन के रूप में लकड़ी का बुरादा प्रयोग किया जाता है। निरीक्षण के समय वायु प्रदूषण नियंत्रण व्यवस्था उचित प्रकार से संचालित पायी गयी।
  10. उद्योग द्वारा बोर्ड से हैजार्ड्स वेस्ट प्राधिकार प्राप्त किया गया है जिसकी वैधता दिनांक 05.04.2025 है।
  11. बोर्ड मुख्यालय द्वारा उद्योग के विरुद्ध 2.5 लाख रुपये का पर्यावरणीय क्षतिपूर्ति हेतु अर्थदण्ड अधिरोपित किया गया था जिसे उद्योग द्वारा बोर्ड के खाते में जमा करा दिया गया है।
  12. बोर्ड मुख्यालय के पत्रांक एच-39062/सी-7/जल-389/का०४०नो०/2019 दिनांक 19.07.2019 के माध्यम से उद्योग के विरुद्ध जल (प्रदूषण निवारण एवं नियंत्रण) अधिनियम 1974 की धारा 33-ए की सपटित धारा 27 (2) के अन्तर्गत कारण बताओ नोटिस जारी किया गया है।
- अतः उपरोक्त तथ्यों के दृष्टिगत उद्योग के विरुद्ध जल (प्रदूषण निवारण एवं नियंत्रण) अधिनियम 1974 की धारा 33-ए की सपटित धारा 27 (2) के अंतर्गत निर्गत कारण बताओ नोटिस निक्षेप किये जाने की संस्तुति सहित आख्या बोर्ड मुख्यालय प्रेषित किये जाने हेतु आपके अवलोकनार्थ व अग्रिम आवश्यक कार्यवाही हेतु प्रस्तुत है।

सहा. निदेशक/अधिकारी/क्षेत्रीय अधिकारी महोदय

13.7.20

13/7/20  
(जे.एन. तिवारी)  
अवर अभियन्ता



8771/2  
04.12.19

क्षेत्रीय कार्यालय  
उ०प्र० प्रदूषण नियंत्रण बोर्ड  
1-ए/आई.एन.एस.-1, आवास विकास कालोनी, बौद्ध विहार,  
दिल्ली रोड, मुरादाबाद

Chand

पत्रांक-.....2044...../डी-14...../रामपुर,

दिनांक: ..13/...11.2019

सेवा में,

मुख्य पर्यावरण अधिकारी (वृत्त-7),  
उ.प्र. प्रदूषण नियंत्रण बोर्ड,  
लखनऊ।

डाक प्राप्ति रसीद  
प्राप्ति दिनांक 27-11-19  
प्राप्तकर्ता ज. रामपुर  
उ०प्र० प्रदूषण नियंत्रण बोर्ड, लखनऊ

विषय: मैसर्स दाम्या पी.जे. फूड्स प्रा.लि., ग्राम-चिकना मिलक, रामपुर के सम्बन्ध में।

महोदय,

उपरोक्त विषयक उद्योग मैसर्स दाम्या पी.जे. फूड्स प्रा.लि., ग्राम-चिकना मिलक, रामपुर का अद्यतन निरीक्षण दिनांक-12.11.2019 को इस कार्यालय द्वारा कराया गया। निरीक्षण आख्या मूल रूप में संलग्न कर अग्रिम आवश्यक कार्यवाही हेतु प्रेषित है।

संलग्नक: यथोपरि।

भवदीय

A

( अजय शर्मा )  
क्षेत्रीय अधिकारी

अजय शर्मा  
16/11/19  
A.C.S.

INSPECTION REPORT OF M/S DAMYA PJ FOODS PVT. LTD., VILL: CHIKNA MILAK, RAMPUR.

The latest inspection of above Industry was carried out on 12.11.2019 in the presence of Mr. Amit Jain, Director of the Industry. Report is as below:

1. The Industry is operated on the above site since 2015. At the time of inspection, the Industry found in operation.
2. The Industry involved in the production of Sauce, Catchup, Noodles etc. by using the vegetables, spices, sugar, salt, wheat flour, pulp, starch as raw material. the production capacity is 13 TPD.
3. The Industry has obtained the consent under Air & Water Acts and the validity of consents is 31.12.2020.
4. On the basis of inspection dated 12.06.2019, the show cause notice u/s 33-A alongwith 27(2) of the Water (Prevention & Control of Pollution) Act, 1974 has been issued by H.O. vide letter No. H-39063/C-7/Water-389/S.C.N./2019 dated 19.07.19.
5. The Environmental Compensation of Rs. 2.50 Lakhs has also been imposed on the Industry on dated 19.07.2019. The Industry has deposited the said amount against environmental compensation on dated 25.07.2019 to the Board.
6. During the visit dated 12.11.2019, it was found that the Industry has strengthened the Effluent Treatment Plant and no bye pass arrangement was found. The unit has upgraded the ETP by the maintenance of Chemical Dosing System, Aeration System Activated Carbon Filter and Pressure Sand Filter and by installation of Additional Sludge Drying Bags & Pans.
7. During inspection, it was found that the Industry has installed the Flow Meters and Separate Energy Meter for ETP.
8. The log book of ETP is also being maintained.
9. During inspection, the ETP sludge was found stored in the covered shed, which is sufficient to say that the ETP is in working condition. The ETP sludge is non hazardous in nature, hence the Industry is using the sludge as manure in the fields.
10. The Board vide letter no. H-43242/C-7/Jal-389/2019 dated 02.11.2019 issued a notice regarding the permission for ground water abstraction from CGWA. The representative has informed that they have applied for the NOC for ground water abstraction before CGWB and furnished the documents regarding the application.
11. The Industry has submitted the analysis report of treated effluent from the NABL accredited laboratory. The results are as per norms according to the analysis report.

The above report is submitted for your kind perusal and necessary action please.

Regional Officer

*A*

13.11.19

CCO(2)

*[Signature]*  
13.11.19  
A.E.S.

*[Signature]*  
13.11.19  
(J.N. Tiwari)  
Jr. Engineer

Meeting No. 38

**MINUTES OF MEETING OF NGT OVERSIGHT COMMITTEE, UP LUCKNOW HELD ON 14.07.2020 AT 11-30 A.M (ORGANISED WITH THE HELP OF NIC) in re: OA No. 324 of 2016 *Shailesh Singh vs. State of U.P.***

**THROUGH VIDEO-CONFERENCING**

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**Present: Hon'ble Mr Justice SVSRathore, Chairman, and  
Dr Anup Chandra Pandey, Member.**

Other dignitaries present:

1. Sri Vikas Ranjan, Central Ground Water Board, NR
2. Sri Mushtaq Ahmad, Special Secretary, Irrigation.
3. Sri Ashish Tewari, MS, UPPCB
4. Ms.ShipraPandey, Nodal Officer, Health Department.
5. Dr.Madhu Saxena, Director, Health.
6. Sri V.K. Upadhyay, Director Ground Water Department

1. The Committee reviewed the progress of abatement of pollution in river Kosi in Rampur District caused by polluting industrial units. There are many industrial units in this area causing pollution, both in Uttarakhand as well as in Uttar Pradesh. We have taken only those units in this meeting which fall in Uttar Pradesh though even units from Uttarakhand are polluting tributaries of river Ganga. The prominent UP based units covered in the case are- M/s RadicoKhaitan Limited, M/s DamyaPJ Food Private Limited and M/s Varun Steel.

2. Hon NGT had appointed a Joint Committee under Justice ArunTandon to examine the issues. The Joint Committee in its report found that M/s RadicoKhaitan Limited had continued production illegally between 07.02.2019 and 11.05.2019

despite closure orders having been served on it. It did not dismantle its excess capacity of lagoons. It continued production despite the fact that its NOC given by Central Ground Water Authority had expired on 02.10.2018.

3. A recap of the suggestions given by Justice Arun Tandon Committee, with which Hon'ble NGT had agreed, and the compliance report of Central Pollution Control Board (CPCB) thereon point-wise is as follows:

**M/s RadicoKhaitan Limited:**

(i) The committee had recommended that the Chief Secretary, Uttar Pradesh should identify the officers of the UP State Government who had asked the unit to continue production despite closure orders of Hon NGT. The CPCB in its compliance report mentioned that an abeyance letter was issued by the CPCB on 02.01.2019 which was misunderstood by the unit and considered it as permission to continue operation. Hon NGT was not convinced with the argument and in its order dated 15.01.2020 directed the Chief Secretary, UP to file his response to para 9 of the order of Hon Tribunal dated 23.07.2019 regarding identification of guilty officers.

(ii) The Committee asked the unit to replace its lagoons by steel tanks. The CPCB found this suggestion technically infeasible and informed the Committee accordingly.

(iii) The Committee asked that the capacity of lagoons should be calibrated and excess capacity should be dismantled. The CPCB mentioned that excess capacity in Lagoon-I had been dismantled and Lagoon-II and Hitachi site has been truncated.

(iv) The Committee directed that withdrawal of excess water may be restricted and payment of water charges should be on the basis of "more consumption the higher charges". The CPCB mentioned that it has been informed by the Central Ground Water Authority (CGWA) that withdrawal of ground water by M/s RadicoKhaitan Limited between October 2016 to May, 2019 was within NOC limits. So far as guidelines for charging is concerned, CGWA has prepared those guidelines and has sent them to Hon NGT for approval. CGWA was requested by CPCB to calculate the ground water charges after expiry of NOC to be billed to M/s RadicoKhaitan Limited.

- (v) The Committee asked that recharge of ground water should be strictly monitored. CGWA has mentioned that it checked the recharge points and found them as per mandate. As a thumb rule, each submergence achieves 50% recharge. The ponds created for 200% recharge were also found to be in order.
- (vi) The committee asked for calibration of water flow meters which were also found in order by CGWA.
- (vii) The committee directed that the land after removal of lagoons be utilised for forestry purpose. CPCB mentioned that such direction had been given in writing by UPPCB to the unit.
- (viii) The committee asked the unit to control production so that spent wash does not exceed the capacity of lagoons. The UP Excise Department has mentioned that the unit is strictly adhering to their limit.
- (ix) The committee directed that the unit should have necessary land area for bio-composting and keep it covered. It was informed that the unit already has 14 acres of covered composting area. UPPCB has sent it a notice to increase this to 28.2 acres before the next monsoon.
- (x) The committee directed that the unit should maintain specific verifiable records. UPPCB mentioned that the unit is already submitting all details to CPCB of bio-compost produced and sold on monthly basis. The solid waste data is submitted to UPPCB on yearly basis.
- (xi) The committee asked that the unit should pay environmental compensation of Rs 7.29 crores. The price of alcohol produced during the period when it illegally operated between 17.02.2019 to 11.05.2019 should be recovered from it. UPPCB mentioned that the unit had deposited the entire amount of Rs. 7.29 crores. However, there is no mention of calculation of price of alcohol produced between 17.02.2019 to 11.05.2019 from it in CPCB compliance.
- (xii) The committee directed that separate electrical meter for ETP be installed. CPCB mentioned that it has been installed.

### **M/s DamyaPJ Food Private Limited, Rampur**

The Committee had asked action to be taken against the unit for non compliance of environmental regulations. CPCB in its compliance mentioned that UPPCB had given a show cause notice to M/s DamyaPJ Food Private Limited, Rampur under the Water (Prevention and Control of Pollution) Act, 1974. However, during inspection no untreated effluent was found being discharged. It was found that it did not have NOC of CGWA. The unit was using a separate energy meter for ETP. Environmental Compensation of Rs 2.5 lacs was imposed on the unit

### **M/s Varun Steel, Rampur**

The Committee had asked action to be taken against the unit for non compliance of environmental regulations. CPCB in its compliance mentioned that this unit was given a notice for non-compliance under the Water (Prevention and Control of Pollution) Act, 1974. During inspection, no untreated effluent was found being discharged and the unit was found compliant with the provisions of the Water (Prevention and Control of Pollution) Act, 1974. The Unit did not have authorisation for hazardous waste. It did not have NOC from CGWA for extraction of ground water. Environmental Compensation of Rs 2.5 lacs was levied on the unit which it has deposited

4. So if we look at the recommendations of the committee and the compliance submitted by the CPCB, the following issues of non-compliance emerge:

### **M/s RadicoKhaitan Limited**

**(a) Identification of officers who had given permission to run the unit during the period 17.02.2019 to 11.05.2019.**

Hon NGT had asked the Chief Secretary, UP to submit a response by e-mail. So far response has not been submitted.

**(b) Recovery of environmental compensation.**

The committee had directed that the unit had been illegally continuing its production from 17.02.2019 to 11.05.2019 and, therefore, the price of alcohol produced during the period should be recovered from it. CPCB has neither assessed the price of alcohol produced during the said period nor has it issued any notice. CPCB may take steps for compliance.

**(c) CPCB in its compliance report has asked CGWA to calculate water charges after expiry of NOC.**

The Committee had recorded that not a penny had been deposited by the unit as charges for ground water extracted. CPCB in its compliance report has asked CGWA to calculate water charges after expiry of NOC. Neither those charges have been calculated nor notice given nor any money realised for these water charges. CGWA may ensure compliance.

**(d) It was directed by the committee that wherever lagoons are removed, land should be utilised for forestry.**

If Lagoon-I had been dismantled and the area of Lagoon-II and Hitachi site has been truncated, as reported by CPCB in its compliance report, then the area vacated by the lagoon should be utilised for forestry purpose. The UPPCB may inspect and let this Oversight Committee know the compliance.

**(e) The Committee had asked that the requirement of ground water should be calculated.**

Though directions have been given, actual requirement has not been calculated. CGWA may be asked to do so and let this Committee know about it within one month.

**M/s DamyaPJ Food Private Limited, Rampur.**

It may be ascertained whether the unit has paid the environmental compensation.

It may also be reported whether the unit has taken NOC from CGWA.

**M/s Varun Steel, Rampur**

- a) It should be ascertained whether the unit has taken NOC from CGWA.
- b) It may also be ascertained whether it has taken authorisation for hazardous waste management.

**5) Other recommendations:**

a) Hon NGT agreed with the Ganga Pollution Monitoring Committee that ground water is being extracted at a large scale in critical and semi-critical zones. It directed the States of Uttarakhand and Uttar Pradesh to take remedial action in respect of individual industry as well as general measures to ensure that there is no extraction of ground water without prior permission of CGWA. CGWA may ensure that any permission given by it should be based on availability of ground water and there should be no deterioration in OCS areas (critical, semi-critical and over exploited areas) in terms of ground water availability.

b) Hon'ble NGT directed CPCB and UPPCB should ensure recovery of Environmental Compensation.

c) Hon'ble NGT directed that the Chief Secretary, UP should file response to para 9 of the order of HonNGT.

d) Hon'ble NGT directed that CPCB and UPPCB should carry out a detailed inspection and file their compliance report indicating the compliance status of issues considered in the three reports of Ganga Pollution Monitoring Committee dated 23.10.2019, 27.11.2019 and 06.12.2019.

6. The Oversight Committee reviewed the status of compliance on all the above points.

a) So far the Chief Secretary, UP has not filed his response to para 9 of the order of Hon NGT. It directed the Chief Secretary to file the response immediately.

b) So far CPCB and UPPCB have not carried out inspections on issues relating to the three Ganga Pollution Monitoring Committee reports dated 23.10.2019, 27.11.2019 and 06.12.2019 and have not filed status report. It was directed by the Oversight Committee that they may do so in the next 15 days' time and file status report.

c) CPCB, UPPCB and CGWA were asked to file the progress report of the issues mentioned in Para-3 above regarding M/s RadicoKhaitan Distillery, M/s DamyaPJ Food Private Limited and M/s Varun Steel within one month.

**d) The Committee felt that the Excise Department should also be called in the next meeting so that issues relating to excise may also be discussed.**

Sd/-

**(Dr Anup Chandra Pandey)**  
Member, Oversight Committee

Sd/-

**(Justice SVSRathore)**  
Chairman, Oversight Committee

July 14, 2020

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Meeting No. 44

MINUTES OF MEETING OF NGT OVERSIGHT COMMITTEE, UP LUCKNOW HELD ON 24.07.2020 AT 11-30 AM (ORGANISED WITH THE HELP OF NIC) IN OA No. 324 of 2016 IN RE: SHAILESH SINGH VS. STATE OF UP & ORS.

THROUGH VIDEO-CONFERENCING

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**Present:** Hon'ble Mr Justice SVS Rathore, Chairman, and  
Dr Anup Chandra Pandey, Member.

Other dignitaries present:

1. Shri Sanjay Bhus Reddy, Additional Chief Secretary, Excise
2. Shri Anurag Yadav, Secretary, Urban Development
3. Shri Ashish Tiwari, Member Secretary, UPPCB
4. Shri Vikas Ranjan, Central Ground Water Board, NR
5. Shri VK Upadhyay, Director, Ground Water Department
6. Shri AK Tripathi, Scientist C, UPPCB

This meeting of the Oversight Committee was held in continuation of the meeting held on 14.07.2020 to review the progress of abatement of pollution in Rampur district caused by polluting industrial units.

**M/s Radico Khaitan Limited, Rampur**

In the last meeting, it was mentioned that information regarding the following may be taken by the relevant officers.

- (i) Identification of officers who had granted permission to run the unit during period 17.02.2019 to 11.05.2019:

- (ii) Recovery of price of alcohol produced during the above period along with the environmental compensation
- (iii) Calculation of water charges after expiry of NOC by CGWA
- (iv) Compliance of instruction of utilization of land where lagoons were removed for use of forestry.
- (v) Calculating the requirement of ground water on the basis of actual need.

**Ms. Damya PJ Foods Pvt Ltd.**

- (i) Payment of environmental compensation.
- (ii) NOC from Central Ground Water Authority (CGWA).

**Ms. Varun Steel, Rampur.**

- (i) NOC from CGWA
- (ii) Authorization for hazardous waste management.

The Oversight Committee checked whether the Chief Secretary, State of Uttar Pradesh has filed his response to the Para-9 of the order Hon'ble NGT. It also checked from CPCB and UPPCB whether they have carried out inspection on issues relating to the three Ganga Pollution Monitoring Committee reports. It also checked the progress report from CPCB, UPPCB and CGWA on the issues mentioned above.

Additional Chief Secretary, Excise Shri Sanjay Bhoos Reddy mentioned that as far as identification of officers and fixing of responsibility for running the Radico Khaitan unit illegally from 17.02.2019 to 11.05.2019 is concerned, they have already instituted an enquiry based on the report of Commissioner. The file has been put up for orders and they would send the compliance through Chief Secretary to Hon NGT within a week. He mentioned that they would calculate the price of alcohol manufactured illegally during this period from 17.02.2019 to 11.05.2019 and submit

it to the Committee so that it can be informed to Hon NGT for recovery of additional compensation.

CGWA representative Shri VK Upadhyay mentioned that after the expiry of NOC of Radico Khaitan, they had recommended for extension of permission for this unit through their Delhi headquarters which is still pending at their headquarters and the case is *sub judice*. He mentioned that though the case is *sub judice*, yet there are no orders from the Court giving any permission. He was unable to explain as to how the unit is drawing water if at present the earlier NOC has expired and no extension has been given by the CGWA and there are no orders of the Court for extending the permission. The Committee directed him to consult his headquarters and explain to the Committee how the unit is drawing ground water despite the expiry of NOC and also who in the department is responsible for not taking action against the unit. He also explained that they do not charge any water charges for ground water extraction.

The representative of CPCB was asked whether they have calculated the actual ground water requirement of the unit. The representative of CPCB mentioned that he will let the Committee know about it.

Member Secretary, UPPCB Shri Ashish Tiwari mentioned that he would get the unit inspected within a week to find out whether the land left by dismantling lagoon-I and truncation of the site in lagoon-II and Hitachi site is being used for forest purpose or not. During inspection, he would also find out whether the area for bio-compost

which was to be increased from 12 acres to 20 acres has been covered for bio-composting or not.

As far as **M/s Damya PJ Foods Pvt Ltd, Rampur** is concerned, Member Secretary, UPPCB mentioned that they have paid environmental compensation. It was further informed that the unit has installed ETP. Now no untreated water is being discharged and the unit is compliant. As far as NOC from CGWA is concerned, earlier this was not required. Hon'ble NGT by order dated 13.07.2020 passed in this OA No. 176 of 2015 has directed that "There must be no general permission for withdrawal of ground water, particularly to any commercial entity, without environment impact assessment of such activity on individual Assessment units in cumulative terms covering carrying capacity aspects by an expert committee. Such permission should as per Water Management Plans to be prepared in terms of this order based on mapping of individual assessment units. Any permission should be for specified times and for specified quantity of water and not in perpetuity, and be necessarily subject to digital flow meters which cannot be accessed by proponents, with mandatory annual calibration by authorized agency at proponents' cost". CGWA shall let this Committee know the steps taken by it in the light of said order.

As far as **M/s Varun Steel, Rampur** is concerned, authorization for hazardous waste management has been taken by them. So far as NOC from CGWA is concerned, CGWA shall let this Committee know in the light of aforesaid order of Hon NGT dated 15.01.2020.

The Committee also directed CPCB and the UPPCB to carry out inspections on issues relating to three Ganga Pollution Monitoring Committee reports and let the Committee know about the progress in the next fifteen days.

Sd/-

**(Dr Anup Chandra Pandey)**  
**Member, Oversight Committee**

Sd/-

**(Justice SVS Rathore)**  
**Chairman, Oversight Committee**

July 24, 2020

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## Annexure 7

The Hon'ble NGT in its order O.A. No. OA No. 593/2017 in re: Paryavaran Suraksha Samiti & Anr. Versus Union of India & Ors. with O.A. No. 148/2016 in re: Mahesh Chandra Saxena versus South Delhi Municipal Corporation & Ors. has given the formula for **Environmental Compensation for illegal extraction of groundwater:**

- "The committee decided that the formula should be based on water consumption (Pump Yield & Time duration) and rates for imposing Environmental Compensation for violation of illegal abstraction of ground water. The committee has proposed following formula for calculation of Environmental Compensation (ECGw):

$$\text{ECGW} = \text{Water Consumption per Day} \times \text{No. of Days} \times \text{Environmental Compensation Rate for illegal extraction of ground water (ECRGw)}$$

Where, water Consumption is in m<sup>3</sup>/day and ECRGw in Rs./m<sup>3</sup>Yield of the pump varies based on the capacity/power of pump, water head etc. For reference purpose, yield of the pump may be assumed as given in Annexure-VI. Time duration will be the period from which pump is operated illegally. In case of illegal extraction of ground water, quantity of discharge as per the meter reading or as calculated with assumptions of yield and time may be used for calculation of ECGw".

### **Environmental Compensation Rate (ECRGw) for illegal use of Ground Water:**

- "The committee decided that the Environmental Compensation Rate (ECRGw) for illegal extraction of ground water should increase with increase in water consumption as well as water scarcity in the area. Further, ECRGw are kept relaxed for drinking and domestic use as compared to other uses, considering the basic need of human being. As per CGWB, safe, semi-critical, critical and overexploited areas are categorized from the ground water resources point of view (CGWB, 2017). List of safe, semi-critical, critical and over-exploited areas are available on the website of CGWB and can be accessed from <http://cgwanoc.gov.in/LandingPage/NotifiedAreas/CategorizationOfAssessmentUnits.pdf#ZOOM=150>. Environmental Compensation Rates (ECRGw) for illegal use of

ground water (ECRGw) for various purposes such as drinking/domestic use, packaging units, mining and industrial sectors as finalized by the committee are given in tables below:

**ECRGw for Drinking and Domestic use: Drinking and Domestic use means uses of ground water in households, institutional activity, hospitals, commercial complexes, townships etc.**

Sl. No.	Area Category	Water Consumption (m <sup>3</sup> /day)			
		<2	2 to <5	5 to <25	25 & above
Environmental Compensation Rate (ECRGw) in Rs./m <sup>3</sup>					
1	Safe	4	6	8	10
2	Semi Critical	12	14	16	20
3	Critical	22	24	26	30
4	Over-Exploited	32	34	36	40
Minimum ECGw=Rs 10,000/- (for households) and Rs. 50,000 (for institutional activity, commercial complexes, townships etc.)					

**ECRGw for Packaged drinking water units:**

Sl. No.	Area Category	Water Consumption (m <sup>3</sup> /day)			
		<200	200 to <1000	1000 to <5000	5000 & above
Environmental Compensation Rate (ECR above Gw) in Rs./m <sup>3</sup>					
1	Safe	12	18	24	30
2	Semi Critical	24	36	48	60
3	Critical	36	48	66	90
4	Over-Exploited	48	72	96	120
Minimum ECGw=Rs 1,00,000/-					

Based upon the above mentioned formulas the EC should be charged for both the current period and for the previous period for which industry was functional without paying a penny towards the ground water withdrawal.