

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

**IN**

**O.A. NO. 406 OF 2023**

**IN THE MATTER OF:**

Mohd. Farman & Anr [Earlier BABAR ALI] .....Applicant

Versus

State of Uttar Pradesh ...Respondents

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**Date:30.07.2024**

**New Delhi**

**FILED BY:-**



**RAHUL KHURANA & HASIL JAIN  
Advocates**

**Chamber No. 295, Lawyer Chamber Block II  
Delhi High Court, New Delhi**

**M. 9811894060, 7838707338**

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**RESPONSE TO THE REPLY FILED BY THE RESPONDENT M/S.  
TRIVENI ENGINEERING & INDUSTRIES LTD.**

Most Respectfully Showeth:

1. That the present Application is regarding the discharge of effluents by the Respondent Unit in the nearby fields and drain.
2. That in this regard the Joint Committee has filed 3 reports dated 03.08.2023, 04.09.2023 and 21.11.2023 where in the Committee has observed at running page 64 that-

*"Taking into consideration the amount of sludge accumulated in lagoons (30% approx), total capacity of spent wash stored in both lagoons is 15600 KLD which is more than 12600 KL (7 days capacity) Hence, Unit is not complying with the permissible limit for storage of spent wash in the lagoon. Further, Lagoon no 3 is not in use, however, unit has not dismantled it yet."*

3. It is submitted on the basis of said observation and on the basis of effluents in the drain and fields that, the spent wash was being continuously stored beyond the permissible capacity of 7 days and after finding the right opportunity, the spent wash which is highly toxic used to be released in the environment by the Respondent Unit.

4. That the Respondent Unit has not provided any satisfactory reply for keeping the spent wash for more than 7 days permissible limit which it was doing for last many years. That such storage of spent wash is violation of the Consent Conditions.
5. It is further submitted that the presence of sludge by the Joint Committee which is equivalent to 30% of the capacity of the lagoon, indicates that the lagoons were never maintained properly. And the Respondent Unit has not provided any reply regarding the presence of sludge. It is submitted that, had the spent wash used to be cleared within 7 days, then the sludge would not have been found that too in such a large quantity.
6. That the Respondent Unit has not provided any reply about the presence of third lagoon which although it has dismantled now, but the presence by itself of third lagoon indicates the intention to violate the consent conditions by providing large storage beyond the permissible limits.
7. That the Joint Committee has at running page 142 found "*that the boundary wall of the 6500m<sup>3</sup> lagoon was found demolished at few points.*" It is however submitted that the Respondent Unit has not provided any reply with respect to the demolished wall. And further, coupled with the fact that the Jat Mujheda drain is only few metres away from the Unit, therefore the possibility of sudden release of spent wash into the drain and fields cannot be ruled out. And the Environment law prescribes for strict liability for Units carrying on hazardous activity and it for the Unit to explain any violations and in present case Respondent Unit has not provided any reply for this violation.
8. That further, the Joint Committee has observed that

*"As per the consent condition, the storage capacity of the lagoons installed for more than 7 days holding capacity of the concentrated spent wash shall be dismantled within one month from date of issuance of CCA. However, it was observed during visit the unit is still having 3 lagoons of total capacity 34500 m<sup>3</sup> which is much more than the permitted capacity. Hence. unit is non-complying with the condition laid down in CCA with respect to permitted lagoon capacity."*

9. It is submitted that the Respondent Unit gas firstly delayed the dismantling of the third lagoon, AND further the non raising of dispute by the Respondent Unit against the demolition directions of the third lagoon, indicates that the third lagoon has been constructed in violation of the environmental norms.
10. The Joint Committee report further observed that *"It was observed that flow meter was not installed at the line carrying spent wash from lagoons to MEE, hence no record is available for measurement of quantity of spent wash fed from lagoons (of 14000 m<sup>3</sup> capacity) to MEE."*
11. It is submitted that the aforesaid observation of the Committee further supports the claim of the Applicant that the Respondent Unit is discharging the spent wash in the environment without treatment. It is further submitted that absence of flowmeters is deliberate in order to avoid any monitoring of the amount of spent wash sent for treatment. Thus it is a created opportunity by the Respondent Unit to discharge the untreated spent wash into the environment. And the Respondent Unit has not given any satisfactory reply in this regard.

It is submitted that the Respondent Unit has been taking this exercise of discharging the unmonitored amount of spent wash in to environment for very long time.

12. It is submitted that the Respondent Unit has not provided any reply as to how it has reduced the capacity of the lagoons and how the extra stored spent wash has been disposed of.
13. That one aspect which the Applicant wants to point out is the fact that there has not been any detailed study conducted by the Joint Committee with respect to the reason for presence of large no. of cancer patients in village bhikki and nirana. And for this purpose the CHC centre is not equipped to make inquiry in this regard.

**Prayer**

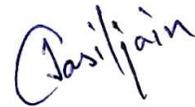
It is humbly prayed before the Hon'ble Tribunal that the above response be kindly considered.

30.07.2024



Applicant

Through



Counsel