

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 912 OF 2022
WITH
ORIGINAL APPLICATION NO. 913 OF 2022**

IN THE MATTER OF:

MANAV SEWA SANSTHAN & ANR. ...APPLICANTS

VERSUS

UNION OF INDIA AND ORS. ...RESPONDENTS

INDEX

| S.NO | PARITCULARS | PAGE NO. |
|-------------|--|-----------------|
| 1 | Response to Site Visit Report by the Committee Constituted Vide Order Dated 23.12.2022 | 449-461 |
| 2 | ANNEXURE A-1 Copy of the emails dated 16.05.2023 sent by the Applicant | 462-467 |

FILED BY



RITWICK DUTTA



RAHUL CHOUDHARY

ADVOCATES FOR THE APPLICANT

N-73, Lower Ground Floor, Greater Kailash-I,

New Delhi – 110048

Mobile No. 9312407881

Email:- Litigation.life@gmail.com

PLACE:- NEW DELHI

DATE:- 07.08.2023

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 912 OF 2022
WITH
ORIGINAL APPLICATION NO. 913 OF 2022**

IN THE MATTER OF:

MANAV SEWA SANSTHAN & ANR. ...APPLICANTS

VERSUS

UNION OF INDIA AND ORS. ...RESPONDENTS

**RESPONSE TO SITE VISIT REPORT BY THE COMMITTEE
CONSTITUTED VIDE ORDER DATED 03.08.2023**

MOST RESPECTFULLY SHOWETH:-

1. That the above titled Applications were filed under Section 14 and Section 15 of the National Green Tribunal Act, 2010 bringing to its notice the illegal discharge of industrial effluents from sugar mill and distillery unit of:
 - i. Balrampur Chini Mills Ltd. located in Village Bishunipur, Tehsil & District Balrampur, Uttar Pradesh (subject-matter of Original Application No. 912 of 2022); and
 - ii. Bajaj Hindusthan Sugar and Industries Ltd. located in Village Bishunipur, Tehsil & District Balrampur, Uttar Pradesh (subject-matter of Original Application No. 913 of 2022).

The effluents are being discharged from both the units into a nearby storm water drain/ nullah, which is then released into the Suwaon Nala, a rain-fed rivulet. The Suwaon Nala is connected with the Rapti River, which forms part of the Ganga river basin. Such discharge of untreated effluents is beyond the permissible levels of water quality.

2. That as per the Joint Committee Report dated 03.08.2023, the units of M/S Bajaj Hindusthan Sugar Mills and M/S Balrampur Chini Mills Ltd. were shut down due to off-season and were not functional at the time of site visit by the Joint Committee. Therefore, the said Report cannot be accepted and the Joint Committee may be directed to revisit the site when the units are functional. However, without prejudice to this fact, the Applicant is filing the present Response with objections/submissions with respect to the Joint Committee Report dated 03.08.2023.
3. That the Hon'ble Tribunal had considered OA No. 912 of 2022 and OA No. 913 of 2022 together and passed a common Order dated 23.12.2022 directing for constitution of a Joint Committee to conduct a site visit and submit a factual report. The Hon'ble Tribunal directed:

"3. In view of above, we direct a joint Committee of CPCB, State PCB and District Magistrate, Balrampur, with State PCB acting as nodal agency, to ascertain the factual position and take remedial action in accordance with law. An action taken report may be filed within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. The report may cover compliance of both the industries with reference to the consent conditions, particularly ZLD condition and consented mode of disposal of effluents. Analytical results of samples collected by the applicant may also be adverted to. A copy of the report may also be shared with PPs for their response, if any, before the next date, by email. If there are any other orders with regard to the said units by any other Court, the same be mentioned."
4. In view of the above direction, the Joint Committee had submitted a Report dated 21.03.2023. However, the Report was rejected by this Hon'ble Tribunal on the ground that the same does not help remedy the situation and does not assist the Hon'ble Tribunal in adjudicating the matter. Amongst several reasons, one of the main reasons were that the Joint Committee had conducted a site visit in Basti District of

Uttar Pradesh, whereas the subject-matter of the present Applications related to the industries in District Balrampur. Additionally, the Joint Committee had not undertaken proper sampling of effluents and failed to point out the irregularities in the functioning of the industries.

5. That in light of above, the Hon'ble Tribunal had also directed the senior officials to look into the callousness of the officials who were made part of the Joint Committee:

"8... Thus, the report is of no help in dealing with the matter and is rejected. The matter needs be duly examined by higher level functionaries led by a senior functionary of MoEF&CC with participation of other concerned authorities. We leave it to concerned supervising authorities to look into the conduct of members of the Committee who have given the present report after taking explanation from them, as per law."

6. That the Joint Committee further submitted a second Report on 03.08.2023.
7. That the second Joint Committee Report should be analysed in light of the present status on ground. Currently, the Suwoan nala is highly polluted and the waste water is being discharged from the units, in violation of the condition of Zero Liquid Discharge. With frequent rains, the situation on ground has become worse, since the pollutants are getting mixed with freshwater and causing widespread pollution.

I. PRELIMINARY SUBMISSIONS/ OBJECTIONS ON BEHALF OF THE APPLICANT

8. **That the Report cannot be accepted as the site visit was undertaken by the Joint Committee when the units were closed due to off-season**
9. That the Joint Committee conducted a site visit to M/S Bajaj Hindusthan Ltd. and M/S Balrampur Chini Mills Ltd. during its off season when the units were found to be non-operational / shutdown. The Joint Committee was bound to not have found any violations when the unit was not functional, therefore, no conclusions can be drawn

from such site visit. In light of this, the Joint Committee may be directed to undertake site visit when the units are functional.

10. **That during the site visit, the representative of Applicant No. 1 i.e. Hemant Kumar did not sign on the attendance sheet, however, the Joint Committee Report fraudulently shows his signature on the attendance sheet (Annexure A-1)**

11. That the Annexure A-1 of the Joint Committee Report shows signature of the representative of Applicant No. 1 i.e. Hemant Kumar, however, it is submitted that the Applicant never signed on the attendance sheet of the Joint Committee site visit. This was due to the reason that the Applicant was not allowed to be a part of the Joint Committee site visit and was not allowed to enter the premises of the units along with the Joint Committee.

12. That the collection of samples etc, undertaken by the Joint Committee also did not take place in front of the Applicant. In this regard, the Applicant No. 1 had also sent emails to Your Lordships as well as the Secretary, MoEF&CC and CPCB highlighting the harassment they faced at the hands of the Joint Committee members on the site visit dated 15.05.2023. The emails clearly state that the Applicant was not allowed to accompany the Joint Committee members to the site. The Joint Committee also disregarded the opinion of the villagers who informed them of the pollution and constant foul smell from the discharge from the units.

Copy of the emails dated 16.05.2023 sent by the Applicant are annexed herewith as **ANNEXURE A-2**.

II. Objections/ submissions to the Joint Committee Report dated 03.08.2023 on behalf of the Applicant

13. That the Applicant would like to point out in brief the objections of the Applicant to the Joint Committee Report dated 03.08.2023:

- (i) That the Joint Committee conducted a site visit to M/S Bajaj Hindusthan Ltd. and M/S Balrampur Chini Mills Ltd. during its

off season when the units were found to be non-operational / shutdown. The Joint Committee was bound to not have found any violations when the unit was not functional, therefore, no conclusions can be drawn from such site visit. The Joint Committee may be directed to undertake site visit when the units are functional;

- (ii) That the Joint Committee Report has admitted that the units are not following Zero Liquid Discharge system since in the analysis report of Suwoan Nala, it is clearly stated that "*the wastewater from the entire Balrampur city including wastewater from these two industries is getting stagnated*".
- (iii) That the sample analysis by the Joint Committee cannot be relied upon for the following reasons:
 - The Joint Committee has failed to provide the original laboratory reports as annexures which will certify the information provided by the Joint Committee;
 - With respect to M/S Bajaj Hindusthan Sugar Mills Ltd., the Joint Committee has not provided analysis of samples from locations other than STP and ETP inlet and outlet. These other locations include aeration tank of ETP, equalization tank, ETP lagoon, storage lagoon etc.

III. Detailed response to observations of the Joint Committee with respect to Bajaj Hindusthan Ltd.

14. **That the M/S Bajaj Hindusthan Ltd. was found shut/ non-functional during the site visit, therefore, no conclusion on violations can be drawn**
15. That the Joint Committee Report under Para 4 (A) (ii) has stated that "*during committee visit sugar plant found under shutdown due to off-season*".
16. It is submitted that since the units were shut, therefore, no operations were also taking place in the unit at the time of Joint Committee site

visit. In light of this, no conclusions can be drawn on the violations being committed by the unit.

17. Therefore, in light of this, the observation by the Joint Committee at Para 4 (A) (xi) that "*no industrial discharge found emanating from the unit therefore, drain flowing around the unit, which ultimately meets to Suwoan nala, found dry*" is not a conclusive proof that no discharge was taking place since the unit was non-functional at the time.
18. That the Hon'ble Tribunal may be pleased to direct the Joint Committee to re-visit the site when the unit is in operations to factually verify the violations.
19. **That the Joint Committee Report has admitted that the unit is not following Zero Liquid Discharge system**
20. That the Joint Committee in its Report while speaking of the pollution in Suwoan nala has stated in Para G (vi) that "*the wastewater from the entire Balrampur city including wastewater from these two industries is getting stagnated*".
21. That it is a clear admission that wastewater from Bajaj Hindusthan Ltd. is getting discharged from the units and getting stagnated into Suwoan nala.
22. That the Environmental Clearance dated 17.09.2007 granted to Bajaj Hindusthan stated that the unit will function on Zero Liquid Discharge system and that:

"No effluent shall be discharged outside the factory premises and zero discharge shall be strictly followed."
23. That however, in clear violation of the conditions of Environmental Clearances, wastewater is being discharged outside the unit and into Suwoan nala, causing widespread pollution.
24. **That no information has been provided on the functionality of OCEMS in the unit and sole reliance has been placed on the information provided by the unit representative**

25. That the Joint Committee has failed to provide any information on the functionality of OCEMS in the unit and has only stated that "*on the day of inspection, OCEMS was found operational*". This statement has not been backed by any photographic evidence or information from the website of Uttar Pradesh Pollution Control Board (hereinafter referred to as "**UPPCB**"). This information also cannot be verified by the Applicant since the website of UPPCB providing information on OCEMS is not publicly available and is password protected.
26. That additionally, the Joint Committee has erred in only relying on the information that was provided to them on the day of site visit without conducting its own inspection. The Report at Para 4 (A) (ix) and Para 4 (C) (vi) states that "*it was informed that OCEMS is connected with UPPCB and CPCB server*".
27. That the Joint Committee may be directed to provide information in form of photographs as well as from the UPPCB website to show that OCEMS is functional in the unit and the same is also connected to UPPCB and CPCB server.
28. **The water sample analysis report for M/S Bajaj Hindusthan Ltd. only pertain to the ETP and STP inlet and outlet**
29. That the Joint Committee in its report (at Table 1 and Table 2) has provided analysis of the water samples taken from the inlet and outlet of Effluent Treatment Plant (ETP) and Sewage Treatment Plant (STP). It is the case of the Applicants that the Joint Committee has limited its analysis to only the discharge at the inlet and outlet of Effluent Treatment Plant (ETP) and Sewage Treatment Plant (STP) and not other locations.
30. Therefore, reliance upon these analysis reports cannot be placed as it does not provide complete information about the wastewater discharge at all the locations.
31. That the Joint Committee should have collected samples from locations other than the ETP outlet point such as:

- i. ETP inlet;
 - ii. Aeration tank of ETP;
 - iii. Equalization tank;
 - iv. ETP lagoon;
 - v. Storage lagoon;
 - vi. Groundwater sources such as borewells, handpumps.
32. **That the Joint Committee has failed to provide the original laboratory reports as annexures which will certify the information provided by the Joint Committee**
33. That the Joint Committee has not provided any information on which laboratory conducted the sample analysis, date/ time of sample collection as well the original laboratory reports which will certify the information provided by the Joint Committee.
34. That the Environment (Protection) Rules, 1986 provide for the procedure of sample collection and analysis under Rule 6 to Rule 10. These Rules provide the procedure of sample collection, transportation and analysis. It also provides information on analysis of samples by certified governmental laboratories.
35. However, it is not clear from the Report whether such procedures of sample analysis were followed, since the Joint Committee has failed to provide the information as annexures.

IV. Detailed response to observations of the Joint Committee with respect to Balrampur Chini Mills Ltd.

36. **That the M/S Balrampur Chini Mills Ltd. was found shut/ non-functional during the site visit, therefore, no conclusion on violations can be drawn**
37. That the Joint Committee Report under Para 4 (E) (i) has stated that *"the unit has been found shutdown/non-operational due to off-season of crushing"*.
38. It is submitted that since the unit was shut, therefore, no operations were also taking place in the unit at the time of Joint Committee site

visit. In light of this, no conclusions can be drawn on the violations being committed by the unit.

39. Therefore, in light of this, the observation by the Joint Committee at Para 4 (E) (xi) that "*as per monitoring report of STP (inlet & outlet), which is tabulated at table 3, analysis report indicates that the values of all parameters at outlet were found in order or prescribed norms*" is not justifiable conclusion since no discharge is taking place in the unit on account of shutdown due to off-season.
40. That the Hon'ble Tribunal may be pleased to direct the Joint Committee to re-visit the site when the unit is in operations to factually verify the violations.
41. **That the Joint Committee Report has admitted that the unit is not following Zero Liquid Discharge system**
42. That the Environmental Clearance granted to Balrampur Chini Mills Ltd. on 14.03.2022 by the Ministry of Environment, Forest & Climate Change stated that:
- "11. ...The plant is being / will be based on Zero Liquid discharge system."*
43. Additionally, the Specific Condition No. (iv) of the same Environmental Clearance states that:
- "(iv) The project proponent will **treat and reuse the treated water within the integrated industry and no waste or treated water shall be discharged outside the premises.**"*
44. That That the Joint Committee in its Report while speaking of the pollution in Suwoan nala has stated in Para G (vi) that "*the wastewater from the entire Balrampur city including wastewater from these two industries is getting stagnated*".
45. That it is a clear admission that wastewater from Balrampur Chini Mills is getting discharged from the units and getting stagnated into Suwoan nala.

46. **That the Joint Committee has stated that OCEMS is functional only at ETP outlet but has not provided any evidence to show the functionality of OCEMS**
47. That with regard to the functionality of OCEMS in the unit, the Joint Committee has only stated that "*the unit has installed OCEMS found operational at the outlet of ETP and which was connected with UPPCB and CPCB server*".
48. That the Joint Committee has clearly stated that OCEMS is functional only at the ETP outlet point. For other outlets from the unit, no OCEMS has been installed by the unit.
49. This statement that OCEMS is installed at ETP outlet has also not been backed by any photographic evidence or information from the website of UPPCB. This information also cannot be verified by the Applicant since the website of UPPCB providing information on OCEMS is not publicly available and is password protected.
50. That the Joint Committee may be directed to provide information in form of photographs as well as from the UPPCB website to show that OCEMS is functional in the unit and the same is also connected to UPPCB and CPCB server.
51. **That the Joint Committee has failed to provide the original laboratory reports as annexures which will certify the information provided by the Joint Committee**
52. That the Joint Committee has not provided any information on which laboratory conducted the sample analysis, date/ time of sample collection as well the original laboratory reports which will certify the information provided by the Joint Committee.
53. That the Environment (Protection) Rules, 1986 provide for the procedure of sample collection and analysis under Rule 6 to Rule 10. These Rules provide the procedure of sample collection, transportation and analysis. It also provides information on analysis of samples by certified governmental laboratories.

54. However, it is not clear from the Report whether such procedures of sample analysis were followed, since the Joint Committee has failed to provide the information as annexures.

V. Imposition of environmental compensation on the units for violation of environmental norms and causing environmental degradation

55. That in light of violation of Environmental Clearance conditions, violation of environmental norms concerning pollution, evidence provided by the Applicants in the form of photographs and videos (Annexure A-2 and A-8 of the Original Application) and the lack of action the part of the authorities, the Hon'ble Tribunal may be pleased to impose environmental compensation on M/S Bajaj Hindusthan Sugar Mills and M/S Balrampur Chini Mills Ltd. In the case of ***Goel Ganga Developers India Pvt. Ltd. v. Union Of India*** reported in **(2018) 18 SCC 257**, the Hon'ble Supreme Court has imposed a cost of 10% of the total project cost as Environmental Compensation. It held that due to the unapologetic nature of the project proponent, a 10% penalty needs to be imposed on the project proponent, as opposed to the general rule of 5%.

*"64. Having held so we are definitely of the view that the project proponent who has violated law with impunity cannot be allowed to go scot-free. **This Court has in a number of cases awarded 5% of the project cost as damages. This is the general law. However, in the present case we feel that damages should be higher keeping in view the totally intransigent and unapologetic behaviour of the project proponent.** He has manoeuvred and manipulated officials and authorities. Instead of 12 buildings, he has constructed 18; from 552 flats the number of flats has gone up to 807 and now two more buildings having 454 flats are proposed. The project proponent contends that he has made smaller flats and, therefore, the number of flats has increased. He could not have done this without getting fresh EC. With the increase in the number of flats the number of persons residing therein is bound to*

increase. This will impact the amount of water requirement, the amount of parking space, the amount of open area, etc. Therefore, in the present case, we are clearly of the view that the project proponent should be and is directed to pay damages of Rs 100 crores or 10% of the project cost, whichever is more.

...

The project proponent shall also pay a sum of Rs 5 crores as damages, in addition to the above for contravening mandatory provisions of environmental laws."

(Emphasis supplied)

56. That in the case of ***M.C. Mehta v. Union of India*** reported in **(1987) 1 SCC 395**, a Constitution Bench of the Hon'ble Supreme Court held the enterprise is absolutely liable for the harm and due care on the part of the enterprise will not be taken as an excuse:

*"31. ... The enterprise must be held to be under an obligation to provide that the hazardous or inherently dangerous activity in which it is engaged must be conducted with the highest standards of safety and if any harm results on account of such activity, **the enterprise must be absolutely liable to compensate for such harm and it should be no answer to the enterprise to say that it had taken all reasonable care and that the harm occurred without any negligence on its part.**"*

(Emphasis supplied)

57. That the Hon'ble Supreme Court in ***Sterlite Industries (India) Ltd. v. Union of India*** reported in **(2013) 4 SCC 575** relied on the abovementioned case and held that:

*"The Constitution Bench in the aforesaid case further observed that the **quantum of compensation must be co-related to the magnitude and capacity of the enterprise because such compensation must have a deterrent effect and the larger and more prosperous the enterprise, the greater must be the amount of compensation payable by it.**"*

(Emphasis supplied)

58. That, in light of the above facts and circumstances, this Hon'ble Tribunal may be pleased to pass appropriate orders of imposing compensation for restoration and rejuvenation of the environment.

Through

RITWICK DUTTA

RAHUL CHOUDHARY

ADVOCATES FOR THE APPLICANT

N-73, Lower Ground Floor, Greater Kailash-I,

New Delhi – 110048

Mobile No. 9312407881

Email:- Litigation.life@gmail.com

PLACE:- NEW DELHI

DATE:- 07.08.2023



Fw: Dishonest and unfair conduct of CPCB and UPPCB officials during 16th May, 2023 visit of Joint Committee to Balrampur on

1 message

Sent with [Proton Mail](#) secure email.

----- Forwarded Message -----

From: Manvasewa Sansthan <manvasewas@gmail.com>

Date: On Tuesday, May 16th, 2023 at 6:02 PM

Subject: Dishonest and unfair conduct of CPCB and UPPCB officials during 16th May, 2023 visit of Joint Committee to Balrampur on

To: adarshkgoel@gmail.com <adarshkgoel@gmail.com>, justsudhirngt@gmail.com <justsudhirngt@gmail.com>, senthil.vel64@gmail.com <senthil.vel64@gmail.com>, aktphhc@gmail.com <aktphhc@gmail.com>, dr.afrozahmadngt@gmail.com <dr.afrozahmadngt@gmail.com>

CC: Rahul Choudhary <rahulchoudhary@gmail.com>, Itisha Awasthi <itisha.awasthi@proton.me>

To,
Hon'ble Justice Sh. Adarsh Kumar Goel
Chairman, National Green Tribunal
New Delhi.

Sub: Dishonest and unfair conduct of CPCB and UPPCB officials during visit of Joint Committee to Balrampur on 16th May, 2023.

Ref: 1) To my earlier email dated 16/05/2023 to Hon'ble Justice Sh. Adarsh Kumar Goel.

2) Interim order of H'ble NGT dtd 27.03.2023 in OA 912 & 913 of 2022.

Dear Sir,

With reference to the aforesaid subject I along with my lawyer Adv. Harish Yadav, Expert Member Mr. Jatin Kumar reached Balrampur Tahsil at 09:45 AM today i.e. 2nd day of the JCM visit to Balrampur. Later in the telephonic conversation with Mr. R.B.Singh I was asked to reach Balrampur Chini Mill Gate at 12:30 pm. At 1pm we saw the members of the Joint Committee coming out from the Balrampur sugar mill factory. They then informed us that they need one more hour as they are going for a survey at the alcohol production unit of the said sugar mill. They asked us to come again after one hour to survey all the spots from where we had collected water samples. I was told to wait at the said Balrampur sugar mill factory gate in scorching heat. During this time my lawyer Mr. Harish Yadav expressed disappointment on the manner in which they were carrying out the shoddy investigation. He expressed that this is a miscarriage of natural justice on which one of the member of the committee started yelling and verbally mistreating Mr. Harish Yadav. Our expert member Mr. Jatin Kumar then left for Delhi as the JCM were ill-treating us since

yesterday and not in a mood to investigate the issue fairly. My lawyer and I waited for the JMC members till 4pm at the Balrampur Chini Mill gate. During this time I called Mr. R.B. Singh twice on his mobile but there was no response. So finally we left for our residence at Shrawasti. On the way home I received call from Mr. Singh asked my whereabouts. I informed him that now I have left for home and since I was waiting for them since morning, empty stomach in scorching heat I am not feeling well.

Sir, I am mentally and physically very down by the overall approach of the PCB officials of the State and Union of India. Those who are paid a salary from the public exchequer to protect our environment and to work in the interest of citizens have become caretakers of the violators. One can see the plight of common citizens. How can one fight against injustice with mighty sugar mills and malpractices of bureaucrats. I am losing all hope in this system.

We were expecting the committee to visit all the local people who have expressed their issues in the past. The images of Nala and other sites, videos presented in our petition NGT speaks louder on violations of Balrampur Sugar Mills. But the JMC were least concerned to recognize it and put it precisely on record.

Since I am a layman I did my best to get assistance from civil society members but if there are malpractices and abuse by the committee members appointed by the Tribunal how will we common people get support in future. I am exhausting my time, energy and money with no hope of solution and justice.

Attachment(s): 4 (Four)

Yours sincerely,

Hemant Yadav

**For Manav Seva Sanshta,
Shrawasthi, Uttar Pradesh.**

Phone: 88742 80494

C.C.: 1) Hon'ble Justice Shri Sudhir Agrawal, Judicial Member, NGT

2) Hon'ble Dr.Sethil Vel, Expert Member, NGT

3) Hon'ble Dr.Afroz Ahmad, Expert Member

4) Hon'ble Justice A. K. Tyagi, Judicial Member

4 attachments

 **Email on 15 May visit_Justice Sh.Adarsh Kumar Goel_NGT.pdf**
2424K

 **27-03-2023-O.A. No. 912-2022 (PB) (2).pdf**
212K

 **23-12-2022-O.A. No. 912-2022 (PB) (1).pdf**
110K

 **Email on 16 May visit_Justice Sh.Adarsh Kumar Goel_NGT.pdf**
460K



Fw: Kind Attn: Chairman, CPCB & Secretary, MoEF&CC1 message

Sent with [Proton Mail](#) secure email.

----- Forwarded Message -----

From: Manvasewa Sansthan <manvasewas@gmail.com>

Date: On Wednesday, May 17th, 2023 at 11:21 PM

Subject: Kind Attn: Chairman, CPCB & Secretary, MoEF&CC

To: ccb.cpcb@nic.in <ccb.cpcb@nic.in>, secy-moef@nic.in <secy-moef@nic.in>

To,

Sh. Tanmay Kumar (I.A.S)

**Hon'ble Chairman - Central Pollution Control Board
Government of India.**

Sub: Dishonest and unfair conduct of Mr.Patil CPCB and UPPCB officials during visit of Joint Committee to Balrampur on 15th May, 2023.

Ref: Interim order of H'ble NGT dtd 27.03.2023 in OA 912 & 913 of 2022.

Dear Sir / Madam,

With reference to the aforesaid subject and letter issued to me dated 09/05/2023 by Regional Director, CPCB, Lucknow I, undermentioned would like to bring to your notice the notorious and factious roles being played by new joint committee members Mr. Rajendra D. Patil, CPCB, Lucknow, Mr. Chandresh Kumar, UPPCB appointed by the Hon'ble NGT in OA 912 & 913 of 2022. I received a call through their office staff asking me to come to Tehsil sabhagar, Balrampur on 15th May, 2023 at 12.30 pm. But to my dismay the newly appointed joint committee member Mr. Patil and Mr. Kumar started putting pressure on me and mistreating me as if I have done some criminal offence. First they asked my ID. Then they asked me to submit all the documents of my trust. Then they asked me to prove that I am the President of Manav Seva Sanstha. After submitting all the documents Mr.Patil and his fellow members started yelling at me saying that the pollution is because of the municipal waste and one person who is discharging battery water in the Nala. They keep claiming how I can say that the sugar mills are discharging affluent when our department has done monitoring of said sugar mills. As per the aforesaid letter received from the CPCB, Lucknow I was accompanied by **Mr. Jatin Kumar (B.E, M.Tech) and Gaurav Gupta (B.Tech) appointed by our co-petitioner Syamantak Trust. Mr. Jatin Kumar is Managing Director of R V Institute of Technology Engineering College, Bijour who had come all the way from New Delhi to assist us and help us in technical fact findings.** Mr

Jatin Kumar informed them that the pH in water samples is 3 and that is only because of Sugar mill affluent and not municipal waste. Also because of one person discharging batter water cannot pollute entire nala and ground water. We submitted an under-mentioned oral submission but they didn't give any attention to it.

- 1) We would like to take Joint Committee Members (JCM) to all the locations from where we have taken the water samples
- 2) We would like to see the water treatment plants in said sugar mills along with the JCM
- 3) JCM should meet people who have mentioned their plight in video and we have mentioned it in the exhibit of our petition and also other citizens who wish to bring violations of sugar mills on record.
- 4) As compared to Bajaj Sugar Mills, the pollution by Balrampur sugar mills is grave and therefore JCM should meet people residing around Balrampur sugar mill too.

JCM member Mr Patil and Mr Kumar rejected all our aforesaid requests and said that "they will function the way they want and that they are the committee and shall function the way they wish to". They kept putting pressure on me in the entire discussion at Tahsil Sabhagruha. Later, we were asked to come to Utraula outside Bajaj sugar mill. We were asked to stay outside the entrance gate of the sugar mill. We requested the JMC members that we would like to visit the sugar mill but the JMC members said that the Sugar Mill authorities had denied our presence inside the sugar mill and they cannot interfere in the sugar mill authorities' decision. They also said that there are no such directions from NGT to permit applicants inside the sugar mills.

During the survey at Utraulla outside the mill few villagers also mentioned to the JMC members that since it is summer all the water is dried and the sugar mill discharges the affluent in January, February and March month during and after the sugar mill productions. They also said that during these months the discharged water stinks very badly. When we asked the committee members and SDM to bring this on record they said that the villagers didn't give this in writing.

Sir, I want to bring this to your notice that we are ordinary people. There is already pressure on common citizens by the Sugar Mill authorities who have money and muscle power. In such conditions it is the duty of the JMC members to take local people residing around sugar mills into confidence and encourage them to speak the facts without any fear. But in this case officials like Mr. Patil and his fellow colleagues are discouraging us, putting pressure on us for speaking against the sugar mills violations. We came to know through reliable sources that Mr. Patil and Mr. Singh are well known in UP for giving reports as per the choice of Project Proponents Industries with corrupt motives. It is a common practice of Mr. Patil to extract money from sugar mills and protect the offenders.

I pleaded to Mr. Patil that I am a common ordinary man from adjoining Shravasti District. As a conscious citizen I have been observing the grave violations by said sugar mills which is clearly visible and effecting the local people and environment. When I saw that administration is not taking any steps to resolve the issue even after complaints filed by local people I decided to raise this issue at a right legal forum. But when I observed that the expert members committee appointed the Hon'ble NGT are hiding the evidence and facts of grave violations by sugar mills I was helpless. Consequently, I decided to take help of expert members from civil society like **Mr. Jatin Kumar and Gaurav Gupta who are representing our co-petitioner Syamantak Trust.**

As against the report filed in the Hon'ble NGT by the previous committee we had raised our objections on the report on Balrampur sugar mill and Bajaj sugar mill which were accepted by the Hon'ble NGT. There were many ambiguities in the inspection by the earlier joint committee. The said committee had not provided relevant information, except what was informed by the representatives of Balrampur Chini Mills Ltd and Bajaj Sugar Mill Ltd. It is very clear that the said Joint Committee had only relied upon the information given by the representative of Balrampur Chini Mills Ltd and Bajaj sugar mill Ltd to conclude that no effluents are discharged from their respective units and only sought evidence from them after the respective site visits. It was also not clear from the said Joint Committee Report whether the unit is functioning on Zero Liquid Discharge system. The said Joint Committee had failed to clarify the same despite a clear direction from this Hon'ble Tribunal in its Order dated 23.12.2022 to conclude the said Joint Committee had relied upon the reports prepared for the project proponent.

Joint Committee members denying permission to us to inspect Sugar mills with JCM saying that it was not mentioned in the interim order of NGT is not in accordance with the ruling and natural justice principles. It is a wrong interpretation of the interim order of Hon'ble NGT to favour the said sugar mills. We citizens and applicants in the said case and not criminals. There is no harm in allowing the petitioners and their appointed expert members to inspect the respective Sugar mills along with Joint Committee members. We appeal to you to kindly take prompt action against the Joint Committee members Mr. Patil and kindly allow our expert members to inspect the said sugar mills and put our observations on record. We also request that the complaints of citizens residing near to the sugar mills should be brought on record without any fear or pressure from the administration.

With hope and prayers

Yours sincerely

Hemant Yadav

For Manav Seva Sanshta,

R/o Shrawasthi, Uttar Pradesh.

Phone: 88742 80494

C.C.: Smt. Leena Nandan, Hon'ble Secretary, MoEF&CC, Govt of India, New Delhi.

2 attachments

 **23-12-2022-O.A. No. 912-2022 (PB) (1).pdf**
110K

 **27-03-2023-O.A. No. 912-2022 (PB) (2).pdf**
212K