

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

ORIGINAL APPLICATION NO. 406 OF 2023

IN THE MATTER OF:
MOHD. FARMAN & ANR.
[EARLIER BABAR ALI]

..... APPLICANT

VERSUS

STATE OF UTTAR PRADESH & ORS..... RESPONDENTS

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NEW DELHI

DATED: 06.11.2024


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STATUS REPORT ON BEHALF OF U.P. POLLUTION
CONTROL BOARD

I, Ankit Singh, S/o. Shri Ajit Singh, aged about 38 years, presently posted as Regional Officer, U.P. Pollution Control Board, Muzaffarnagar, U.P. at present at New Delhi do hereby solemnly affirm and state on oath as under:

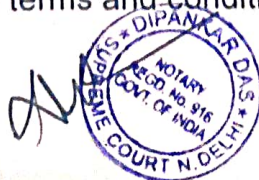
1. That I in the abovenoted capacity am well conversant with the facts and records of the present case, hence am competent to swear this affidavit.
2. That the abovenoted Application came up for hearing on 31.07.2024 when this Hon'ble Tribunal pleased to pass the following order:

"1. The allegation in this original application is release of trade effluents containing harmful chemicals directly into the drain and open field causing environmental hazard by the Respondent No. 4.



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2. The record reflects that the order dated 20.11.2023 has already been passed against the Respondent No. 4 imposing the Environmental Compensation (EC). The said order has been challenged by filing the IA No. 338/2024 dated 26.07.2024.
 3. Learned Senior Counsel appearing for the Respondent No. 4 seeks time to examine as to how challenge to the order of EC which is otherwise appealable can be entertained in an IA which has been filed after expiry of the period of filing of Appeal.
 4. Learned Counsel for the Applicant has also submitted that at this stage the only surviving issue relates to the current compliance of norms by Respondent No. 4 and the manner of disposal of spent wash.
 5. Learned Counsel appearing for UPPCB is directed to file the report in this regard within 3 weeks 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.
 6. List on 11.11.2024."
3. That in compliance of the said order present action taken report is being filed and marked as **Annexure-1**.
 4. That as per the action taken report project proponent is compliant with the terms and conditions of consent.



The above action taken report is being placed for kind consideration of this Hon'ble Tribunal.

Dipankar Das

DEPONENT

VERIFICATION

I, the abovenamed deponent do hereby verify that the contents of the above status report are true to my knowledge derived from official record. No part of the same is false and nothing material has been concealed therefrom.

VERIFIED ON THIS THE 05TH DAY OF NOVEMBER, 2024 AT NEW DELHI.

Dipankar Das

DEPONENT



05.11.24

ATTESTED

Dipankar Das
DIPANKAR DAS
ADVOCATE
NOTARY PUBLIC
REGD. NO. 916
GOVT. OF INDIA
LAWYER
SUPREME COURT OF INDIA
NEW DELHI

[Signature]
ATTESTED



ACTION TAKEN REPORT OF UPPCB IN COMPLIANCE TO HON'BLE NATIONAL GREEN TRIBUNAL ORDER DATED 31.07.2024 IN O.A MOHD FARMAN & ANR. (EARLIER BABAR ALI) VERSUS STATE OF U.P. AND ORS.

1.0 Background

- a) Allegation in this O.A is release of trade effluents containing harmful chemicals directly into the drain and open field causing environmental hazard by **M/s Triveni Engineering & Industries Ltd, Alco-Chemical Complex, Bhikki-Bilaspur, Jolly Road, Muzaffarnagar.**
- b) Hon'ble National Green Tribunal in it's order dated 30.05.2023 constituted joint committee of CPCB, UPPCB and District Administration to carry out survey and inspection of concerned industrial units and submit factual report.
- c) Due to non- availability of nominated member of CPCB, Joint inspection of M/s Triveni Engineering & Industries Ltd, Alco-Chemical Complex (Molasses based and Grain Based), Jolly Road, Muzaffarnagar was carried out by UPPCB and District Administration on 29.07.2023.
- d) During inspection, it was observed that lagoons are filled with spent wash above the permissible limit. In reference to the violations found, as per the recommendations of Regional Officer, UPPCB, Muzaffarnagar vide letter 02.08.2023, show cause notice under section 33(a) of Water (Prevention and Control of Pollution) Act 1974 was issued to M/s Triveni Engineering & Industries Ltd, Alco-Chemical Complex (Molasses based) by Head Office, UPPCB, Lucknow vide letter dated 03.08.2023. Joint report was submitted to Hon'ble Tribunal by UPPCB vide letter dated 03.08.2023
- e) Joint inspection of concerned industries and nearby villages was carried out by nominated members of CPCB, UPPCB and District Administration on 17.08.2023. The joint report was submitted to Hon'ble Tribunal by UPPCB vide letter dated 04.09.2023. In reference to the joint report submitted, Hon'ble NGT on dated 05.09.2023 issued directions: -

".....3. The above conclusion reveals that the said unit is violating the environmental norms. Hence, we deem it proper to give notice and opportunity of

hearing to the said unit. Accordingly, we direct the Council of the applicant to take appropriate steps to serve respondent no. 4 and file affidavit of service....."

- i) In compliance to the show cause notice issued against the industry, the unit submitted it's reply dated 22.09.2023 to UPPCB. Inspection to verify the facts submitted by the industry in compliance to the show cause notice was carried out on 11.08.2023.
- ii) In reference to the violations found, consequent Show cause notice issued against the industry and compliances found during inspection dated 11.08.2023 by UPPCB, Regional Office, UPPCB Muzaffarnagar sent letter along with verification report to Head Office, UPPCB Lucknow vide letter dated 14.11.2023 . Head Office, UPPCB, Lucknow has issued Environmental compensation of Rs. 7,50,000/- against the industry vide UPPCB letter dated 20.11.2023.
- iii) The supplementary report by UPPCB was submitted to Hon'ble Tribunal vide letter dated 21.11.2023.
- iv) However, Respondent no 4 (M/s Triveni Engineering & Industries Ltd – Alco Chemical Complex, Bhikki Bilaspur, Jolly Road, Muzaffarnagar) submitted I.A. in Hon'ble Tribunal against the environmental compensation issued by UPPCB.
- v) Hon'ble Tribunal in the above IA 338/2024, issued directions on 31.07.2024 , effective part are as follows :

"3..... Learned Senior Counsel appearing for the Respondent No. 4 seeks time to examine as to how challenge to the order of EC which is otherwise appealable can be entertained in an IA which has been filed after expiry of the period of filing of Appeal.

4. Learned Counsel for the Applicant has also submitted that at this stage the only surviving issue relates to the current compliance of norms by Respondent No. 4 and the manner of disposal of spent wash....."

Report in compliance to Hon'ble NGT order dated 31.07.2024

In compliance to the above order of Hon'ble Tribunal, officers of UPPCB inspected the unit M/s Triveni Engineering & Industries Ltd – Alco Chemical Complex, Bhikki Bilaspur, Jolly Road, Muzaffarnagar on 16.08.2024. As per Hon'ble Tribunal directions, following status was observed w.r.t current compliances of norms and manner of disposal of spentwash.

Current Compliances observed by UPPCB during inspection dated 16.08.2024

- Unit had 2 lagoons with capacity more than 7 days capacity for storage of spent wash, during inspection it was found that the unit has completely dismantled Lagoon No 2 with capacity 14,000 KLD and have done plantation on the lagoon totally covered by soil. Photographs of which is Annexed as **Annexure 1**.
- With Respect to Spent wash storage in lagoons, presently, only Lagoon no 1 (with capacity of 14,000KLD) is operational having capacity less than 7 days capacity hence found compliant.
- Spent wash stored at present in Lagoon no 1 is 4500 KL (Approx.).
- Regarding compliances of major conditions imposed on the unit in Consent Air/Water issued by UPPCB vide letter no. 169314/UPPCB/MZN(UPPCBRO)/CTO/both (Air & water)/MZN/2022 valid till 31.12.2024. Following is the status of compliances presently :

Sl no	Specific Conditions imposed in CCA	Present status observed during inspection dated 16.08.2024
1	This consent is valid for the production capacity of RS/AA/ENA-160 KL/DAY BY USING RAW MATERIAL C-HEAVY MOLASSES-720 MT/DAY OR RS/AA/ENA-200 KL/DAY BY USING RAW MATERIAL B-HEAVY MOLASSES-666 MT/DAY at site BHIKKI BILASPUR, JOLLY ROAD, MUZAFFARNAGER.	Complying.
2	The industry must complied the conditions of NOC issued to unit from the UPGWD for abstraction of ground water.	Complying.
3	No plant and machinery shall be installed in the industry without obtaining CTE from UPPPCB.	Complying.
4	This consent is valid only for Zero Liquid Discharge (ZLD). No effluent is allowed to discharge outside the factory premises.	Complying.
5	In case of any change in production capacity, process, raw material use etc. the industry will have to intimate the Board. For any enhancement of the above, fresh Consent to Establish has to be obtained from U.P. Pollution Control Board.	Complying.
6	As per the directions given by Commission for Air Quality Management in National Capital Region and Adjoining Areas vide its letter no-A-110018/01/2021-CAQM, dated-04.02.2022, industry shall under all circumstances completely	Complying.

	switch over to PNG or Bio Fuels latest by 30.09.2022. Industry should switch over to PNG Fuel as soon as PNG supply is available in the area. Unit must use Rice Husk/Biomass/Agriculture Refuse/Bio Fuel Pellets/Bio Briquettes as per direction given by CAQM.	
7	The unit must submit the copy of TSDF agreement in the Board within a month.	Complied.
8	The unit shall maintain strict supervision upon fluctuations in operating parameters with respect to each treatment unit of the Effluent treatment plant.	Complying.
9	The E.T.P. unit operation line up Strengthening is to be maintained.	Complying.
10	The Unit shall install Piezometer for measurement of ground water level and the data generated from Piezometer will be provided to the SPCB on monthly basis.	Unit has already installed piezometers and data also being sent to UPPCB on monthly basis. Hence complying.
11	Flow meter to be installed in all water abstraction points and usage of fresh water to be minimized.	Complying.
12	The industry shall strictly comply with conditions mentioned in the charter on CREP prepared by CPCB.	Complying.
13	Industry shall maintain Online Continuous Effluent and emission Monitoring System (OCEMS) on ETP and stack & connect it with SPCBs and CPCB server, before start of production as per the direction of CPCB.	As per the charter directions, unit is based on ZLD and for ensuring the compliance of ZLD, Webcam is installed in Lagoon Area. OCEMS being provided on boiler stack and connected to the servers of UPPCB and CPCB.
14	Industry shall install PTZ camera at each strategic location such as MEE, effluent storage lagoon etc. for monitoring purpose. The URLs and password shall be provided to the Board.	Complying.
15	Industry shall ensure the compliance of office memorandum dated 28.08.2019 issued by MoEF & CC, Govt. of India and detail of Fly ash disposal shall be submitted on quarterly basis to UPPCB.	Unit is selling fly ash for manufacturing the potash granulation fertilizer.
16	The unit shall submit the audited balance sheet for the current year and the details of fees deposited during last three years within a month.	Complying.

17	The industry shall install electromagnetic flow meter at water source and outlet of ETP, and maintain the records of water abstracted and recycled treated effluent. The treated effluent from the Effluent Treatment Plant shall be used completely in the manufacturing process.	Complying.
18	Industry shall abide by orders / directions issued by Hon'ble Supreme court Hon'ble High Court, Hon'ble National Green tribunal, Central Pollution Control Board and U.P Pollution Control Board for protection and safe guard of environment from time to time.	Complying.
19	Industry shall comply with various provisions of Air (Prevention and Control of Pollution) Act 1981 as amended, Water (Prevention and Control of Pollution) Act 1974 as amended and all other applicable rules notified under E.P. Act 1986.	Complying.
20	The industry shall comply the provisions of Hazardous and Other Waste (Management and Transboundary Movement) Rules 2016 and shall obtain authorization for the disposal of hazardous waste.	Complying.
21	The industry shall ensure provisions of Roof Top Rain Water Harvesting system and Ground Water Recharging Proposal/ compliance report should be sent to the Board within One month.	The unit adopt the 05 ponds for rain water harvesting. Complete details including work done to rejuvenate ponds, area of ponds, present photographs is Annexed as Annexure 2
22	The industry shall provide adequate arrangement for fighting the accidental leakages/discharge of any air pollutant/gas/liquid from the vessel, machinery etc. which are likely to cause fire hazard including environmental pollution.	Complying.
23	If UPPCB or CPCB issues closure order against the industry, this consent shall remain suspended for the period till closure order is revoked, after which the consent will be effective again for the remaining period.	Not applicable at the time of inspection.
24	The storage capacity of the lagoons installed for more than 7 days holding capacity of the concentrated spent wash shall be dismantled within one months and progress submitted to the Board.	Complying.

25	Bio Composting shall not be done in the industry. The spent wash generated from the industry shall be used completely in Incineration Boiler. No effluent is allowed to discharge outside the factory premises.	Unit is operating MEE and incineration Boiler only. Hence complying with the direction.
26	All generate thin Slope shall be used in MEE and Incineration Boiler.	Complying.
27	Any source of emission other than that mentioned in the consent seeking application will not be permitted by the Board.	Complying.
28	The industry should ensure the operation of the air pollution control system (APCS) in such a manner that the air emission confirms with the standards prescribed under the E.P Act 1986 as amended.	Found complying at the time of inspection.
29	Industry shall submit Environmental Statement in prescribed format as per rule no.14 as per E.P Rules 1986.	Complying.
30	The industry shall operate 60 TPH Incineration Boiler with ESP and 90 meter stack height as per norms. The APCS will be maintained and operated in such a manner that emissions always conform to the standard laid down under the E.P Act 1986 as amended.	Complying.
31	Industry shall submit monthly monitoring reports of all stacks and ambient air quality from a certified / approved laboratory under E.P. Act 1986 and on quarterly basis to the Board.	Complying.
32	Industry shall submit analysis reports from a certified / approved laboratory under E.P. Act 1986 within a month and on quarterly basis to the Board.	Complying.
33	The unit shall obtain prior consents in the event of any addition of new emission generation sources such as- Boiler/ Furnace/ Heaters/ D.G. Sets or alteration of existing emission sources in accordance with section21/22 of air Act 1981 (as amended respectively).	Complying.
34	The Industry will use minimum 20% Bio Briquette as fuel in the Boiler depending upon its availability.	Complying.
35	This consent is valid for 365 days operation of the industry of a year.	Complying.

36	In compliance with the Hon'ble Supreme Court order passed in W.P. (civil) No. 13029/1985 M.C. Mehta Vs. Union of India and ors. the use of Pet coke and furnace oil is prohibited.	Complying.
37	The use of Pet coke and Furnace oil as a fuel in the factory is restricted in compliance of the Hon'ble Supreme court order.	Complying.
38	Proper dust control measures shall be taken during construction and provisions of Construction and Demolition Waste Management Rules 2016 shall be effectively implemented and submit report to Board.	Complying.
39	Minimum 33% of the land on which industry is established will be covered by the plantation of tall trees of suitable species as per the guidelines set up by the Board vide its Office Order no.H16405/220/2018/02 dt. 16/02/2018. The copy of this guideline is available at URL http://www.uppcb.com/pdf/Green-BeltGuidle_160218.pdf .	Complying.

Hence, the unit have been found compliant with the storage and disposal of spent wash along with present compliances imposed in CCA.

The above report is put up for further consideration and necessary action please.



(Imraan Ali)

AEE

UPPCB, Muzaffarnagar



(Ankit Singh)

Regional Officer

UPPCB, Muzaffarnagar

Photographs during inspection dated 16.08.2024 of M/s Triveni Engineering & Industries Ltd. (Alco Chemical Complex), Bhikki Bilaspur, Jolly Road, Muzaffarnagar



Operational Lagoon No. 1 (Cap. 14000 KLD)



Dismantled Lagoon No. 2 (Cap. 14000 KLD)

Details of ponds adopted by M/s Triveni Engineering & Industries Ltd Alco chemical complex Muzaffarnagar (UP).

- a. No. of ponds adopted:-(05)
b. Details of individual ponds :-

Sr.no.	Village	khasara no.	Area in Hact.	Area of Pond in Sq. Mtr.	Depth	Capacity
TEIL Alco chemical complex Molasses distillery						
1	Bhikki	320	0.605	6050	3.5	21175
2	Bhikki	293	0.594	5940	3.5	20790
3	Bhikki	330	0.4	4000	3.5	14000
4	Nirana	333	1.987	19870	3.5	69545
5	Shikhreda	253	0.542	5420	3.5	18970

- c. Works done by the industries:

Rejuvenation of Ponds - Unit has developed these ponds by removal of silt through Poclain machine / JCB. Unit has also developed the recharge structure in the pond. Regular maintenance of ponds is being carried out by the unit which includes removal of grass, silt, clearance of border Area, Pond pathway cleaning.

1. Bikki pond



2. Bhikki pond



3. Nirana pond



4. Sikher a pond



5. Bhikki
pond



Nirana pond

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Original Application No. 406/2023 Mohd. Farman & Anr [Earlier Babar Vs State of Uttar Pradesh & Ors.

From: Pradeep Misra (pradeepmisra@yahoo.com)

To: rkhuranalegal@gmail.com; anunaya.mehta@gmail.com

Date: Wednesday, November 6, 2024 at 03:27 PM GMT+5:30

Sir/Madam,

Please find attached the Document

With Regards,

(PRADEEP MISRA)



Farman Reply-rotated.pdf
1.4MB