

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH AT NEW DELHI**

ORIGINAL APPLICATION NO. 691 OF 2022

IN THE MATTER OF:

RAMA SHANKER AWASTHI

.... APPLICANT(S)

VERSUS

STATE OF UTTAR PRADESH & ORS.

.... RESPONDENT(S)

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FILED BY:



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PRINCIPAL BENCH AT NEW DELHI
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RAMA SHANKER AWASTHI

.... APPLICANT(S)

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.... RESPONDENT(S)

**WRITTEN SUBMISSIONS ON BEHALF OF THE RESPONDENT
NO. 6/ BAJAJ HINDUSTHAN SUGAR LIMITED.**

MOST RESPECTFULLY SHOWETH:

1. At the very outset it is humbly submitted that the answering Respondent is a compliant industry and has complied with the recommendations of the Joint Committee and has also deposited the environmental compensation as imposed and as such nothing survives in the present Petition. It is humbly submitted that the grounds as raised in the present Petition are devoid of any merits and is liable to be dismissed in the interest of justice. It is further submitted that the order dated 13.02.2023 has duly been complied with by the answering respondent in its full letter and spirit and all the recommendations of the Join Committee have been implemented by the answering Respondent Company to ensure a better environment.
2. It is further submitted that the Applicant has raised certain queries in the present Original Application, which have been answered by Respondent No. 6 in its reply dated 18.04.2024, affidavit dated 03.08.2024 and additional affidavit 09.01.2025. Additionally, the reports and replies filed by the other Respondents, along with the annexed documents, are *res ipsa loquitur*, demonstrating that the Respondent has obtained all statutory consents/NOCs and that there are no contraventions of environmental norms. A comprehensive chart depicting the relevant pages in the pleadings as well as the answer to the allegations for all the five units of Respondent No. 6 is enumerated below for the convenience of this Hon'ble Tribunal:

A. ENVIRONMENTAL CLEARANCE

It is the case of the Applicant at Page 29 of the OA that EC was granted on 09.07.2010 but was not renewed or transferred.

To answer and clarify, the following chart speaks for itself:

UNIT	SUGAR CO-GEN
KHAMBARKHERA/ LAKHIMPUR	<ul style="list-style-type: none"> • Set Up in the year 2006. [<i>JIR dated 04.01.23 @ internal Page 3 & para 2 @ internal Page 4.</i>] • However, since EIA Notification of 1994 was applicable, the Unit was exempted from obtaining EC from SEIAA/MOEF. <i>Copy of the EIA Notification 1994 is in the UPPCB Report dated 10.02.23 [@ Pg 849]</i> • Further please see Para 5 of this Court's order dated 13.02.23. The Court has noted that <i>"..violations alleged with regard to EC/consents have not been found.."</i>

UNIT	SUGAR CO-GEN
BARKHERA/ PILIBHIT	<ul style="list-style-type: none"> • Set Up in the year 2005. [<i>UPPCB Report dated 10.02.2023 @ running Page 495.</i>] • However, since EIA Notification of 1994 was applicable, the Unit was exempted from obtaining EC from SEIAA/MOEF. <i>Copy of the EIA Notification 1994 is in the UPPCB Report dated 10.02.23 [@ Pg 849]</i> • Further please see Para 5 of this Court's order dated 13.02.23. The Court has noted that <i>"..violations alleged with regard to EC/consents have not been found.."</i>

UNIT	SUGAR CO-GEN
KUNDARKHI/ GONDA	<ul style="list-style-type: none"> • Set Up in the year 2007. [<i>UPPCB Report dated 10.02.2023 @ running Page 703.</i>] • On 31.07.2007 EC was obtained from MOEF. [<i>UPPCB Report dated 10.02.23 @ Pg 703 wherein it is noted that the Unit had obtained NOC from MOEF.</i>]

	<ul style="list-style-type: none"> • Further please see Para 5 of this Court's order dated 13.02.23. The Court has noted that “<i>..violations alleged with regard to EC/consents have not been found..</i>”
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UNIT	SUGAR CO-GEN
UTRAULA/ ITAI MAIDA/ BALRAMPUR	<ul style="list-style-type: none"> • Set Up in the year 2006. [<i>UPPCB Report dated 10.02.2023 @ running Page 839.</i>] • However, since EIA Notification of 1994 was applicable, the Unit was exempted from obtaining EC from SEIAA/MOEF <i>Copy of the EIA Notification 1994 is in the UPPCB Report dated 10.02.23 [@ Pg 849]</i> • Further please see Para 5 of this Court's order dated 13.02.23. The Court has noted that “<i>..violations alleged with regard to EC/consents have not been found..</i>”

UNIT	SUGAR CO-GEN
MAQSOODAPUR/ SHAHJAHANPUR	<ul style="list-style-type: none"> • Set Up in the year 2007. [<i>UPPCB Report dated 10.02.2023 @ running Page 1021</i>] • On 31.07.2007 EC was obtained from MOEF. <i>[UPPCB Report dated 10.02.23 @ Pg 1037 wherein it is noted that the Unit had obtained NOC from MOEF.]</i> • Further please see Para 5 of this Court's order dated 13.02.23. The Court has noted that “<i>..violations alleged with regard to EC/consents have not been found..</i>”

B. CONSENT TO ESTABLISH (CTE/NOC) & CONSENT TO OPERATE

It is the case of the Applicant at Page 3 of the OA that no NOC (Consent to Establish)/Consent to Operate under Air and Water Act has been obtained by the Respondents for the Power Plants.

To answer and clarify, the following chart speaks for itself:

UNIT	SUGAR CO-GEN
KHAMBARKHERA/ LAKHIMPUR	<ul style="list-style-type: none"> • Set Up in the year 2006. <i>[JIR dated 04.01.23 @ internal Page 3 & para 2 @ internal Page 4.]</i> • CTE for the Unit was obtained in 2005 <i>[JIR dated 04.01.23 @ internal Page 173 to 178.]</i> • Another CTE for expansion of the Unit was obtained on 04.09.2006 <i>[JIR dated 04.01.23 @ internal Page 179 to 182.]</i> • CTO (Air) <i>[JIR dated 04.01.23 @ internal Page 188]</i> CTO (Water) <i>[JIR dated 04.01.23 @ internal Page 183]</i> Authorization for disposal of Hazardous Waste <i>[JIR dated 04.01.23 @ internal Page 193.]</i> • Further please see Para 5 of this Court's order dated 13.02.23. The Court has noted that <i>"..violations alleged with regard to EC/consents have not been found.."</i>

UNIT	SUGAR CO-GEN
BARKHERA/ PILIBHIT	<ul style="list-style-type: none"> • Set Up in the year 2005. <i>[UPPCB Report dated 10.02.2023 @ running Page 495.]</i> • CTE for the Unit was obtained in 13.10.2005 <i>[UPPCB Report dated 10.02.23 @ Running Page 518.]</i> • CTO (Air) <i>[UPPCB Report dated 10.02.23 @ Running Page 523.]</i> CTO (Water) <i>[UPPCB Report dated 10.02.23 @ Running Page 527.]</i> Authorization for disposal of Hazardous Waste <i>[UPPCB Report dated 10.02.23 @ Running Page 532.]</i> • Further please see Para 5 of this Court's order dated 13.02.23. The Court has noted that <i>"..violations alleged with regard to EC/consents have not been found.."</i>

UNIT	SUGAR CO-GEN
<p>KUNDARKHI/ GONDA</p>	<ul style="list-style-type: none"> • Set Up in the year 2007. <i>[UPPCB Report dated 10.02.2023 @ running Page 703.]</i> • CTE was obtained from UPPCB in 2005-2006. <i>[UPPCB Report dated 10.02.23 @ Pg 703 wherein it is noted that the Unit had obtained NOC from UPPCB.]</i> • CTO (Air) <i>[UPPCB Report dated 10.02.23 @ Running Page 727.]</i> CTO (Water) <i>[UPPCB Report dated 10.02.23 @ Running Page 730.]</i> Authorization for disposal of Hazardous Waste <i>[UPPCB Report dated 10.02.23 @ Running Page 734.]</i> • Further please see Para 5 of this Court's order dated 13.02.23. The Court has noted that <i>"..violations alleged with regard to EC/consents have not been found.."</i>

UNIT	SUGAR CO-GEN
<p>UTRAULA/ ITAI MAIDA/ BALRAMPUR</p>	<ul style="list-style-type: none"> • Set Up in the year 2006. <i>[UPPCB Report dated 10.02.2023 @ running Page 839.]</i> • CTE was obtained in 2005-06 <i>[UPPCB Report dated 10.02.2023 @ running Page 839.]</i> • CTO (Air) <i>[UPPCB Report dated 10.02.23 @ Running Page 863.]</i> CTO (Water) <i>[UPPCB Report dated 10.02.23 @ Running Page 866.]</i> Authorization for disposal of Hazardous Waste <i>[UPPCB Report dated 10.02.23 @ Running Page 870.]</i> • Further please see Para 5 of this Court's order dated 13.02.23. The Court has noted that <i>"..violations alleged with regard to EC/consents have not been found.."</i>

UNIT	SUGAR CO-GEN
<p>MAQSOODAPUR/ SHAHJAHANPUR</p>	<ul style="list-style-type: none"> • Set Up in the year 2007. <i>[UPPCB Report dated 10.02.2023 @ running Page 1021.]</i> • In 2006, CTE was obtained from UPPCB.

	<ul style="list-style-type: none"> • CTO (Air) [UPPCB Report dated 10.02.23 @ Running Page 1042.] CTO (Water) [UPPCB Report dated 10.02.23 @ Running Page 1055.] Authorization for disposal of Hazardous Waste [UPPCB Report dated 10.02.23 @ Running Page 1065.] • Further please see Para 5 of this Court's order dated 13.02.23. The Court has noted that <i>"..violations alleged with regard to EC/consents have not been found.."</i>
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B. NOC GROUNDWATER

It is the case of the Applicant at Page 27 of the OA that no NOC for Groundwater Extraction has been obtained by the Respondent for the Power Plants.

To answer and clarify, the following chart speaks for itself:

UNIT	SUGAR CO-GEN
<p>MAQSOODAPUR/ SHAHJAHANPUR</p>	<ul style="list-style-type: none"> • Set Up in the year 2007. [UPPCB Report dated 10.02.2023 @ running Page 1021.] • On 22.03.2007, CGWA sent a letter declaring that since the proposed industry does not fall in overexploited / critical area on groundwater resource, therefore, no NOC is required. [Reply of R6 dated 18.04.2024 @ running Page 1192.] • On 04.10.2017, CGWA issued a Public Notice calling upon the Exempted Units to apply for NOC for groundwater extraction by 31.12.2017 [Reply of R6 dated 18.04.2024 @ running Page 1194.] • On 29.06.2018, another Public Notice was issued extending the date till 30.09.2018 [Reply of R6 dated 18.04.2024 @ running Page 1195.] • On 08.03.2018, Unit applied for NOC for GWE (Ground Water Extraction) [Reply of R6 dated 18.04.2024 @ running Page 1204.] • On 17.05.2019, NOC for Groundwater Extraction was issued by CGWA valid for

	<p>30.04.2019 to 29.04.2021 [<i>Reply of R6 dated 18.04.2024 @ running Page 1210.</i>]</p> <ul style="list-style-type: none"> • Subsequently, NOC for Groundwater Abstraction was granted for the period 2021 to 2026. [<i>UPPCB Report dated 10.02.2023 @ running Page 1068.</i>] • Further please see Para 5 of this Court's order dated 13.02.23. The Court has noted that "<i>..violations alleged with regard to EC/consents have not been found..</i>"
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UNIT	SUGAR CO-GEN
<p>KHAMBARKHERA/ LAKHIMPUR</p>	<ul style="list-style-type: none"> • Set Up in the year 2006. [<i>JIR dated 04.01.23 @ internal Page 3 & para 2 @ internal Page 4.</i>] • On 04.10.2017, CGWA issued a Public Notice calling upon the Exempted Units to apply for NOC for groundwater extraction by 31.12.2017 [<i>Reply of R6 dated 18.04.2024 @ running Page 1194.</i>] • On 29.06.2018, another Public Notice was issued extending the date till 30.09.2018 [<i>Reply of R6 dated 18.04.2024 @ running Page 1195.</i>] • On 30.03.2017, Unit applied for NOC for GWE (Ground Water Extraction) [<i>Reply of R6 dated 18.04.2024 @ running Page 1212.</i>] • On 05.03.2018, NOC for Groundwater Extraction was issued by CGWA valid for 09.03.2018 to 18.03.2020 [<i>Reply of R6 dated 18.04.2024 @ running Page 1218.</i>] • Subsequently, NOC for Groundwater Abstraction was granted for the period 2021 to 2026. [<i>JIR dated 04.01.23 @ internal Page 197.</i>] • Further please see Para 5 of this Court's order dated 13.02.23. The Court has noted that "<i>..violations alleged with regard to EC/consents have not been found..</i>"

UNIT	SUGAR CO-GEN
<p align="center">BARKHERA/ PILIBHIT</p>	<ul style="list-style-type: none"> • Set Up in the year 2005. [<i>UPPCB Report dated 10.02.2023 @ running Page 492.</i>] • On 04.10.2017, CGWA issued a Public Notice calling upon the Exempted Units to apply for NOC for groundwater extraction by 31.12.2017. [<i>Reply of R6 dated 18.04.2024 @ running Page 1194.</i>] • On 29.06.2018, another Public Notice was issued extending the date till 30.09.2018 [<i>Reply of R6 dated 18.04.2024 @ running Page 1195.</i>] • On 08.03.2018, Unit applied for NOC for GWE (Ground Water Extraction) [<i>Reply of R6 dated 18.04.2024 @ running Page 1196.</i>] • On 14.03.2019, NOC for Groundwater Extraction was issued by CGWA valid for 05.03.2019 to 04.03.2021 [<i>Reply of R6 dated 18.04.2024 @ running Page 1202.</i>] • Subsequently, NOC for Groundwater Abstraction was granted for the period 2021 to 2026. [<i>UPPCB Report dated 10.02.2023 @ running Page 540.</i>] • Further please see Para 5 of this Court's order dated 13.02.23. The Court has noted that “..violations alleged with regard to EC/consents have not been found..”

UNIT	SUGAR CO-GEN
<p align="center">KUNDARKHI/ GONDA</p>	<ul style="list-style-type: none"> • Set Up in the year 2007. [<i>UPPCB Report dated 10.02.2023 @ running Page 702.</i>] • On 22.03.2007, CGWA sent a letter declaring that since the proposed industry does not fall in overexploited / critical area on groundwater resource, therefore, no NOC is required. [<i>Reply of R6 dated 18.04.2024 @ running Page 1193.</i>] • On 04.10.2017, CGWA issued a Public Notice calling upon the Exempted Units to apply for NOC for groundwater extraction by 31.12.2017 [<i>Reply of R6 dated 18.04.2024 @ running Page 1194.</i>]

	<ul style="list-style-type: none"> • On 29.06.2018, another Public Notice was issued extending the date till 30.09.2018 <i>[Reply of R6 dated 18.04.2024 @ running Page 1195.]</i> • On 30.03.2017, Unit applied for NOC for GWE (Ground Water Extraction) <i>[Reply of R6 dated 18.04.2024 @ running Page 1220.]</i> • On 05.04.2018, NOC for Groundwater Extraction was issued by CGWA valid for 13.03.2018 to 12.03.2020 <i>[Reply of R6 dated 18.04.2024 @ running Page 1226.]</i> • Subsequently, NOC for Groundwater Abstraction was granted for the period 2021 to 2026. <i>[UPPCB Report dated 10.02.2023 @ running Page 738.]</i> • Further please see Para 5 of this Court's order dated 13.02.23. The Court has noted that <i>"..violations alleged with regard to EC/consents have not been found.."</i>
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UNIT	SUGAR CO-GEN
<p style="text-align: center;">UTRAULA/ ITAI MAIDA/ BALRAMPUR</p>	<ul style="list-style-type: none"> • Set Up in the year 2006. <i>[UPPCB Report dated 10.02.2023 @ running Page 838.]</i> • On 04.10.2017, CGWA issued a Public Notice calling upon the Exempted Units to apply for NOC for groundwater extraction by 31.12.2017 <i>[Reply of R6 dated 18.04.2024 @ running Page 1194.]</i> • On 29.06.2018, another Public Notice was issued extending the date till 30.09.2018 <i>[Reply of R6 dated 18.04.2024 @ running Page 1195.]</i> • On 10.03.2018, Unit applied for NOC for GWE (Ground Water Extraction) <i>[Reply of R6 dated 18.04.2024 @ running Page 1228.]</i> • On 19.12.2018, NOC for Groundwater Extraction was issued by CGWA valid for 16.11.2018 to 15.11.2020 <i>[Reply of R6 dated 18.04.2024 @ running Page 1234.]</i>

	<ul style="list-style-type: none">• Subsequently, NOC for Groundwater Abstraction was granted for the period 2021 to 2026. [<i>UPPCB Report dated 10.02.2023 @ running Page 874.</i>]• Further please see Para 5 of this Court's order dated 13.02.23. The Court has noted that “<i>..violations alleged with regard to EC/consents have not been found..</i>”
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3. In such circumstances the answering Respondent humbly prays for the dismissal of the present Application with exemplary costs and in the interest of justice, keeping in view the fact that there is no violation as alleged by the Applicant in the Application/objections.

FILED BY:-



**[SANJEEV KUMAR SINGH & BHISHM PRATAP SINGH]
(ADVOCATE FOR THE RESPONDENT NO.6)
LEGAL VIBES (ADVOCATES & SOLICITORS)**

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**NEW DELHI
Dated: 24.05.2025**

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**O.A. No.691/2022 Titled as Rama Shanker Awasthi Vs. State of Uttar Pradesh & Ors.
(Written Submission R-6 & R-7)**

1 message

Legal Vibes <legalvibes.lawfirm@gmail.com>

Sat, May 24, 2025 at 8:56 PM

To: sanjetcs89@gmail.com, psecforest-up@nic.in, grievance@uppcb.com, chairman.seiaa.up@gmail.com, upgwd.in@gmail.com, adesai@bajajenergy.com, mcgwa-cgwb@nic.in

Cc: Sanjeev kumar Singh <sanjeevsingh2102@gmail.com>, contact@sheldonlawfirm.com, bhishm pratap <bhishm.pratap4@gmail.com>

Dear all,

Please find the attachment Written Submission on behalf of the Respondent No.6 & (M/s. Bajaj Hindusthan Sugar Ltd.) & M/s. Bajaj Energy Ltd.

Kindly accept the services.

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*Thanks & Regards,****Legal Vibes Law Firm****G-27, First Floor,**Jangpura Extension**New Delhi-110014**Ph: 011-43580335***2 attachments****Written Submissions R-7.pdf**

740K

**Written Submissions R-6.pdf**

716K