

**Before the Hon'ble National Green Tribunal Principal Bench****New Delhi**

OA No. 79 of 2023

In the Matter of

Hari Prakash

Applicant

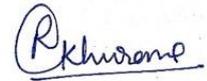
Versus

Uttam Sugar Mill Libberhedi &amp; Ors

Respondents

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**02.04.2025****New Delhi****FILED BY:-****RAHUL KHURANA  
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Delhi High Court, New Delhi  
M. 9811894060, 7838707338**

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Respondents

**Written submissions on behalf of Applicant**

MOST RESPECTFULLY SHOWETH:

1. In light of the report of Joint Committee dated 17.07.2023 and individual replies filed by the Respondents, the Applicant is filing the following written submission in respect of each industry.

**Respondent no.1- M/s Uttam Sugar Mills Limited Distillery Division, Libberheri, Dist. Haridwar, Uttarakhand****Violations as per findings by Joint Committee report dated 17.07.2023**

Found operational on 21.06.2023 but the Unit has consent valid up to 31.03.2023.(Page-34)

As per the CCA issued by UKPCB on 10.01.2023, the unit is allowed to produce 50 KLD rectified spirit/Absolute alcohol /ENA using C-Heavy molasses or 62.50 KLPD rectified spirit/Absolute alcohol /ENA using B-heavy molasses. However as per the data provided by unit for duration 01.05.2023 - 20.06.2023, unit has produced alcohol @ 52.48 KLD.

The unit has not installed flow meters at the inlet and outlet of Condensate Polishing Unit (Page-37)

Reply of the Respondent Unit dated 09.03.2024

Respondent at page no. 460 has stated that "It is also submitted that since the concentrated spent wash is used as a fuel in boiler, the left-over residue is left in form of potash riched ash. Originally potash comes through sugarcane. The ash generated from the incineration boiler is rich in potash, therefore, it is utilized for the production of potash granules which is then distributed to the nearby farmers at subsidized rate."

#### Submission/Response of the Applicant

That the Respondent has not submitted any document as to the disposal data and quantity of the flyash generated. And no document to show distribution to the nearby farmers.

It is submitted that the Respondent has not addressed the findings of the Joint Committee that the Unit's Consent expired on 31.03.2023.

Further the Joint Committee's observation regarding absence of flow meter at the inlet and outlet of Condensate Polishing Unit on the date of inspection, is not addressed.

#### **Respondent no.2- Uttam Sugar Mills Ltd., Khasra No.- 42, 45 etc, Vill.-Libberheri, Roorkee, Distt.-Haridwar**

#### Violations as per findings by Joint Committee report dated 17.07.2023

Unit is complying w.r.t. to consented norms. However, TDS 78 % reduction from 1620 mg/l to 356 mg/l without any TDS reduction unit, indicates suspected dilution of freshwater at any level of treatment system cannot be ruled out.

Overall Compliance Status: Non-complying w.r.t. suspected dilution

#### Reply of the Respondent Unit dated 09.03.2024

The Respondent has replied at page no. 495 that "observation that there was TDS reduction indicates dilution of fresh water at any level of treatment, depends on various circumstances as the answering Respondent uses fresh water and treated water with or without chemicals etc for cleaning the premises and various other factors, can also influence the TDS of the water."

At page 491, the Respondent has stated that "Furthermore, about 3 % i.e 4697 .1 KL or 4605 MT sludge is created as a byproduct of the ETP's treatment of the effluent which is distributed to the nearby farmers free of cost to be used as manure for the crops."

Submission/Response by Applicant

It is submitted that how come the Unit is using fresh water for cleaning purpose. And further the significant reduction in the TDS has not been satisfactorily explained by the Unit.

Further there is no document to show the distribution of sludge to the nearby farmers.

**Respondent no.-3 M/s Aroma Craft & Tissues Pvt. Ltd., Khasra No. 103, 104, Vill- Nurpur, Pargana- Manglore, Tehsil-Roorkee, Distt.- Haridwar**

Violations as per findings by Joint Committee report dated 17.07.2023

Unit doesn't have valid consent to operate and same was expired on 31.03.2023 (Page-53)

Unit doesn't provide NOC obtained from CGWA for ground water extraction. However, unit has 02 Borewells for fulfilling fresh water requirement.

Unit doesn't have flowmeter at ETP inlet  
Status of Sewage Treatment Plant (STP)- Not installed

Unit is complying w.r.t. consented norms, However, 96% reduction in TDS from 13604 mg/l (ETP inlet) to 540 mg/l (ETP outlet) without having any TDS reduction unit in ETP, indicates suspected dilution of freshwater at any level of treatment system cannot be ruled out

Overall Compliance Status: Non-complying w.r.t. suspected dilution

Reply on behalf of Respondent dated 18.04.2024

The Respondent has stated with respect to CTO that "answering Respondent had valid consents both under the Water (Prevention and Control of Pollution) Act, 1974 as well as Air (Prevention and Control of Pollution) Act, 1981 which were valid till 31.03.2023. That the answering Respondent has applied for the renewal of the aforesaid consolidated consent on 28.03.2023."

The Respondent in its reply has further stated that "the answering Respondent is meeting its fresh water requirement from ground water through 2 (Two)

borewells. That the answering Respondent had applied renewal of the No-Objection Certificates (NOCs) from Central Ground Water Authority (CGWA) on 04.09.2023.”

#### Submission/Response by Applicant

With respect to Consent to Operate the Respondent has not denied that CTO got expired on 31.03.2023. And there was no valid consent on date of inspection.

Further there is no immediate renewed CTO on record after the expired CTO on 31.03.2023. Further the latest CTO is dated 02.05.2024 as per the additional reply dated 04.09.2024 filed by the Unit. Meaning thereby there was no valid CTO from 28.03.2023 to 02.05.2024.

With respect to the NOC for Ground water extraction, there is no Valid NOC on record. And as per ANNEXURE R3/B, the previous NOC expired on 05.02.2023. And thus there was no NOC at the time of inspection. And even the renewal application is dated 04.09.2023 i.e., 7 months later. Therefore it is clear that the GW was being extracted illegally for a long period of time.

It is strange that NOC has been granted retrospectively. The NOC dated 12.06.2024 is valid from 06.02.2023 to 05.02.2026. ( Annexed as ANNEXURE R3/2 in the additional reply).

Further the Unit has not replied with respect to absence of flow meter at ETP inlet at the time of inspection and suspected dilution of freshwater at the time of inspection.

#### **Respondent no.-4 M/s Sagar Paper Mills Pvt. Ltd., Khasra No. 223, 225, 5th K.m., Manglore-Jhabrera Road, Latherdeva Hoon, Tehsil- Roorkee, Distt.- Haridwar**

#### Violations as per findings by Joint Committee report dated 17.07.2023

Instantaneous flow rate Reading: Not working at the time of inspection (Page-57)

Status of STP-Not installed

Whether having agreement with any TSDF site?-Not provided (Page-58)

Total ETP Sludge disposed (in Kg/month) - 53,422.67 Kg/month generated as per logbook provided. However, as informed by unit representative dewatered sludge is provided to farmers for land filling and logbook for the same was not maintained.

Unit was found operational on the day of inspection dated 21.06.2023. Unit doesn't have valid consent to operate and same was expired on 31.03.2023

Unit doesn't have valid NOC from CGWA for ground water extraction & same was expired on 25.08.2022. Unit has 02 Borewells for fulfilling fresh water requirement.

Unit is complying w.r.t. consented norms, However, 91.65 % reduction in TDS from 9632 mg/l (ETP inlet) to 804 mg/l (ETP outlet) without having any TDS reduction unit in ETP, indicates suspected dilution of freshwater at any level of treatment system cannot be ruled out.

Overall Compliance Status: Non-complying w.r.t. suspected dilution

#### Reply by Respondent Unit dated 18.04.2024

It is stated by Respondent in its reply that "That the answering Respondent had valid consents both under the Water (Prevention and Control of Pollution) Act, 1974 as well as Air (Prevention and Control of Pollution) Act, 1981 which were valid till 31.03.2023."

It is further stated by Respondent that "the answering Respondent had No-Objection Certificates (NOCs) for both of its said 2 (Two) bore-wells issued by the Central Ground Water Authority (CGWA) which was valid till 25.08.2022, however, the answering Respondent has duly applied for the renewal of the said No-Objection Certificates (NOCs) on 09.01.2023."

#### Submission/Response by the Applicant

It is submitted that after expiry of Ground water NOC there is no valid NOC present and moreover mere application for NOC does not give the Respondent the right to extract Ground Water.

Further there is no renewed consent on record filed by the Respondent after expiry of previous consent on 31.03.2023.

The Respondent has not filed any response to the violations/findings regarding absence of STP, not working of Instantaneous flow rate Reading, suspected dilution of freshwater, non maintenance of logbook regarding sludge disposal. And thus all these violations are deemed to be admitted.

**Respondent No.-5 M/s Asahi India Glass Ltd.- AIS Industrial Estate, Jhabera Road, Latherdeva Hoon, Roorkee, Distt.- Haridwar, Uttarakhand**

Violations as per findings by Joint Committee report dated 17.07.2023

Unit has 02 ETP namely Common ERS (16 m<sup>3</sup>/hr) and Mirror ETP water ERS (16.5 m<sup>3</sup>/h) for treatment of generated effluent. However, Mirror ERS was found non-operational) (Page-66)

Unit has 03 Borewells and provided only 01 NOC from CGWA. However, as per NOC provided by the unit only 274 KLD of water is permissible, but unit was extracting 415.26 KLD (avg.) of water from borewell. Hence it is violation of conditions provided in CGWA NOC.

Reply of Asahi India Glass Ltd dated 04.03.2024

As per the reply, the present NOC is valid upto 28.07.2024 and permissible limit is 274 KLD. The Respondent has admitted higher requirement of Water and applied for 850 m<sup>3</sup> of permission. (Page-340)

Further as regards the findings of non functioning of Mirror ERS (16.5m<sup>3</sup>/h) the Respondent submitted that it depends upon the demand and is operationalised at the time of manufacturing process.

Submission/Response of Applicant

It is submitted that mere filing of application for NOC cannot authorise the Respondent to illegally extract Ground Water.

It is submitted that on one hand Respondent is claiming that its requirement of water has increased from 274 KLD to 850 KLD ( i.e., more than 3 times) and On other hand it is reducing the working of ETP. It suggests deliberate non-operation and thus discharge of untreated effluent in the environment.

**Respondent No.-6 M/s Air Liquide North India Pvt. Ltd., Unit - I, AIS Industrial Estate, Jhanreda road Tehsil- Roorkee, Distt. - Haridwar**

Violations as per findings by Joint Committee report dated 17.07.2023

Unit was found operational on the day of inspection dated 22.06.2023. Unit doesn't have valid consent to operate and same was expired on 31.03.2023 (page-69)

Unit doesn't provide NOC obtained from CGWA for ground water extraction. However, unit has 02 Borewells for fulfilling fresh water requirement.

Reply by Respondent Unit dated 04.03.2024

It was submitted by Unit that "in accordance with modified guidelines/directions of the CPCB dated 07.03.2016 which notified final list of white category industries, deponent unit which is 'white category industry' was required one time consent to operate, which was under process and has been granted to it on 29.08.2023. (page 401)

It was further submitted by Unit that it had valid Ground water NOC

Submission/Response of the Applicant.

It is submitted that Respondent Unit has not annexed any document to show aforesaid guidelines/directions of the CPCB dated 07.03.2016, as relied upon by Respondent Unit.

Further, had there been no requirement of Consent then why it applied for consent which expired on 31.03.2023.

**Respondent no.-7 M/s Finolex Cable Limited, Plot no.: K1 & 2 AIS Industrial Estate, Latherdeeva Hoon, Manglaur Jhabrera Road, Tehsil- Roorkee, Distt.- Haridwar, Uttarkhand**

Violations as per findings by Joint Committee report dated 17.07.2023

No violation found as per Joint Committee report

**Respondent no.8- M/s Carborundum Universal Ltd., Plot No. K-3, AIS Industrial Estate, Tehsil- Roorkee, Distt. – Haridwar**

Violations as per findings by Joint Committee report dated 17.07.2023

Unit was found operational on the day of inspection dated 22.06.2023.

Unit doesn't have valid consent to operate and same was expired on 31.03.2023. However, unit has applied for renewal of consent on 21.02.2023.(page 74)

Unit doesn't provide NOC obtained from CGWA for ground water extraction. However, unit has 01 Borewells for fulfilling fresh water requirement. Further Actual groundwater abstracted: 56 KLD (avg. from 1st May to 21 June 2023)

Reply by the Respondent Unit dated 04.03.2024

It is submitted by Respondent Unit that it has valid consent to Operate from 18.09.2023 to 31.03.2026 and effective from 01.04.2023. (Page 379)

It is further submitted by Respondent Unit that it did have NOC for Ground water valid from 18.11.2020 to 17.11.2023 for permission of 50 m<sup>3</sup>/day. (Page 380)

Submission/Response of Applicant

It is submitted that Respondent Unit has Consent only from 18.09.2023 and it cannot be retrospectively applicable. (Page 385)

It is further submitted that as per Committee's report the Unit was found extracting 56 KLD average, whereas as per the Ground Water NOC the permission is only for 50 KLD. Therefore the Respondent Unit is illegally extracting Ground Water.

**Respondent No.9- M/s Uttaranchal Pulp & Paper Mill Pvt. Ltd.  
Khasra No. – 29, 02nd Km stone Mangalore, Vill. – Mundet,  
Roorkee, Dist. – Haridwar, Uttarakhand**

Violations as per findings by Joint Committee report dated 17.07.2023

As per the logbook provided for groundwater withdrawal, the unit has abstracted groundwater @ 880.90 KL/day for duration 01.05.2023 – 20.06.2023 against the permitted quantity of 770 KL/day specified in NOC from CGWA which indicates non-compliance w.r.t. groundwater withdrawal (Page-78)

As per the logbook provided for ETP Outlet, the quantity of treated effluent being discharged @ 612 KLD (for duration 01.05.2023 – 20.06.2023) against the consented quantity of 546.5 KLD which is a non-compliance of consented conditions. (Page-79)

These results indicate compliance with the stipulated discharge norms, however TDS 92.32 % reduction from 5732 mg/l to 440 mg/l without any TDS reduction unit, indicates suspected dilution of freshwater at any level of treatment system cannot be ruled out.

Reply of the Respondent Unit dated 18.04.2024

It is submitted that Respondent has neither denied nor addressed the above violations with respect to over extraction of Ground Water and over discharge of effluent beyond the consented capacity.

Submission/Response of the Applicant

It is submitted that in the absence of denial of the above violations the Respondent Unit is deemed to be admitting these violations.

**Respondent no.10- M/s Aadharshree Paper Mills Pvt. Ltd. Mangalore – Deoband road, Vill. – Mundet, Roorkee, Dist. – Haridwar, Uttarakhand.**

Violations as per findings by Joint Committee report dated 17.07.2023

No bypass of effluent found during visit. However during visit, it was observed by joint team that unit has provided provision to by-pass the tertiary treatment system (Page-86)

These results indicate compliance with the stipulated discharge norms however percentage reduction in BOD & COD is 99.66 % & 99.72 % respectively. Such a reduction at MLVSS/MLSS ratio of 0.57 indicates that unit might be adding freshwater in the ETP system and possibility of dilution can't be ruled out.

Reply on behalf of Respondent Unit dated 18.04.2024

It is submitted that the Respondent Unit has not replied to the aforesaid violations/findings.

**Respondent no.11- M/s Sagar Pulp & Paper Mills Ltd. Khasra No. 14/1, 2.5 Km. Mangalore – Deoband road, Vill. – Mundet, Roorkee, Dist. – Haridwar, Uttarakhand.**

Violations as per findings by Joint Committee report dated 17.07.2023

Unit was found operational on the day of the visit (21st June 2023).

The Uttarakhand Pollution Control Board (UKPCB) has granted Consolidated Consent & Authorization for operating the unit under section 21 of the Air (Prevention and control of Pollution) Act, 198; under section 25 of the Water (Prevention and control of Pollution) Act, 1974) and under "Rule-6(2) of the hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016" having validity up to 31.03.2023 (Page-92)

The Central Ground Water Authority (CGWA) has granted a No Objection Certificate (NOC) to the unit for groundwater abstraction from 02 nos. of Borewells, having validity up to 12.03.2023. As per the conditions of this NOC, the unit can abstract a maximum of 503 KL/day groundwater. Unit has applied for renewal of NOC on dated 06.03.2023. (So NOC as on inspection)

During visit, it was observed by the joint team that display of flow meter installed at line carrying treated effluent being recycled to production was not visible due to some technical issues, unit has also communicated the same to service provider for maintenance and provided a copy of communication (Page-93)

#### Reply of the Respondent Unit dated 18.04.2024

At page no. 706 the Respondent has replied that "That the answering Respondent have valid consents both under the Water (Prevention and Control of Pollution) Act, 1974 as well as Air (Prevention and Control of Pollution) Act, 1981 which are valid till 31.03.2028."

The Respondent further at page no. 707 has replied that "That the answering Respondent had No-Objection Certificates (NOCs) for both of its said 2 (Two) bore-wells issued by the Central Ground Water Authority (CGWA) which was valid till 12.03.2023, however, the answering Respondent has duly applied for the renewal of the said No Objection Certificates (NOCs) on 06.03.2023".

#### Submission/Response of Applicant

That the Respondent has annexed the Consent To Operated dated 14.07.2023 at page no. 712. It shows that at the time of inspection the Unit was not having CTO. And from 31.03.2023 to 14.07.2023 it operated without CTO.

Further the Unit has extracted Ground water without valid NOC and only Application for NOC is there. Mere Application does not give Unit right to extract ground water.

**Respondent No- 12 M/s Gold Plus Glass Industry Ltd. Gold Plus Industrial Estate, Vill. – Thithola, P.O. – Landhora, Laksar Road, Dist. – Haridwar.**

Violations as per findings by Joint Committee report dated 17.07.2023

Unit was found operational on the day of the visit (21st June 2023).

The Uttarakhand Pollution Control Board (UKPCB) has granted Consolidated Consent & Authorization for operating the unit under section 21 of the Air (Prevention and control of Pollution) Act, 198; under section 25 of the Water (Prevention and control of Pollution) Act, 1974) and under "Rule-6(2) of the hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016" having validity up to 31.03.2023. (Page-98)

ETP was found operational during the visit. Unit has installed flow meter at outlet of the ETP but not at the inlet of ETP.

STP was found operational during the visit. Unit has installed flow meter at outlet of the STP but not at the inlet of STP.

Reply of the Respondent Unit dated 09.03.2024

With respect to the expiry of the Unit's CTO on the date of inspection, the Respondent has replied at page no. 543 that there consent is valid till 31.03.2025

Submission/Response of the Applicant

It is submitted that Respondent has not denied the expiry of CTO at the time of inspection. And further the CTO placed at page no. 550 of his reply show the CTO issued on 06.10.2023. Meaning thereby that the Respondent Unit has been running without consent from 31.03.2023 to 06.10.2023.

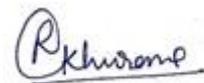
**02.04.2025**

**New Delhi**



**Applicant**

**Through**



**Counsel**

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## Submission on behalf of Applicant in OA 79 of 2023 Hari Prakash

1 message

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hasil jain <advjain25@gmail.com>

Thu, Apr 3, 2025 at 11:48 AM

To: neerajsharmaaorsc@gmail.com, Abhinav Anand <abhinav.legal@gmail.com>, Mukesh Verma <mvermadv@gmail.com>, msukpcb@yahoo.com, Saurabh Kr Jain <saurabhjain.adv@gmail.com>

Dear All,  
Please find attached the submissions on behalf of Applicant in the above OA

Thanking you  
HASIL JAIN  
7838707338  
Counsel for Applicant

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 **Written Submissions in OA 79 2023 Hari prakash on behalf of Applicant.pdf**  
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