

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

**M.A. No. 879 of 2013  
In  
Original Application No. 299 of 2013**

**Krishan Kant Singh & Anr.Vs. National Ganga River Basin Authority & Ors.**

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER  
HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER  
HON'BLE MR. B.S. SAJWAN, EXPERT MEMBER  
HON'BLE DR. R.C. TRIVEDI, EXPERT MEMBER**

**Present:**

<b>Applicant:</b>	<b>Mr. Rahul Choudhary, Advocate</b>
<b>Respondent No. 1&amp;2:</b>	<b>Mr. Vikas Malhotra and Mr. M.P. Sahay, Advocates.</b>
<b>Respondent No. 4:</b>	<b>Mr. B.V. Niren, Advocate</b>
<b>Respondent No. 5:</b>	<b>Ms. Savitri Pandey, Advocate.</b>
<b>Respondent No. 6:</b>	<b>Mr. Pradeep Misra, Advocate and Mr. Daleep Kr. Dhyani, Advocate.</b>
<b>Respondent No. 7:</b>	<b>Mr. Pinaki Mishra, Senior Advocate, Mr. Arjun Mahajan, and Mr. Vikas Malhotra Advocates.</b>
<b>Respondent No. 8:</b>	<b>Ms. Sweta Rani and Mr. Mayank Alok Shukla, Advocate</b>

**Mr. S.A Zaidi and M.Z. Chowdhry for Lelthe Industries from Kanpur**  
**Ms. Vanita Bhargava, Mr. Ajay Bhargava and Mr. Ankur Khandelwal for United Spirits Ltd., Radico Khaitan Ltd., India Glycol Ltd., Shakumbari Sugar & Allied Industries Ltd.**  
**Mr. Bharat Sangal, Advocate, Ms. Srijana Lama, Advocate, Ms. I.Abenla Aier, Advocate for NTPC Ltd., Unchahar**  
**Mr. Sanjeev Kr. Singh, Advocate and Mr. Asit Kumar, Advocate for Bajaj Hindustan Ltd.**  
**Mr. P.K Jain representative no tribunal notice only UPPCB notice received for J.K. Cotton Ltd.**  
**Mr. Pawan Upadhyay, Mr. Rajesh Chhetri, Advocate and Ms. Meenakshi Rawat for the Notice No 51**  
**Mr. Pawan Upadhyay, Mr. Rajesh Chhetri Advocate and Meenakhi Rawat for Noticee No 14**

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No. 16 May 6, 2014</b>	<p>We have heard the Learned counsel appearing for the parties.</p> <p>As far as the M/s Simbhaoli Sugars Ltd. &amp; Distillery are concerned, we direct them to seat down with the concerned Officer of the Central Pollution Control Board , Uttar Pradesh Pollution Control Board, State of Uttar Pradesh and the Applicant to examine the points and the suggestions that had been made by the CPCB as well as proposed measures which should be taken by them to become non-polluting and compliant Units.</p>

This direction is necessitated for the reason that the visit of the Expert Member of the Tribunal has fairly shown that the industry is a seriously polluting industry and the immediate steps are required to be taken if industry is permitted to operate presently. It is the Distillery Section which is lying closed because of non-grant of consent by the Board and the Sugar Unit is closed due to passing over of the season.

In the circumstance, we direct that the Member Secretary of the CPCB shall hold this meeting within one week from today and discuss all the issues which have been deliberated before the Tribunal.

We further make it clear that it shall also record as to which of the suggestion cannot be implemented and for what reason and whether there is any alternative available to imposition of such condition or providing of anti pollution device.

In furtherance to our Order dated 22<sup>nd</sup> April, 2014, the UP PCB had issued Notice to the nearly 956 industries which are polluting industries and are discharging effluents into the river Ganga and its tributaries. Out of them most seriously polluting industries are chemical, Distillery, dyeing, textiles, fertilizers, pesticides, pulp and paper and tannery.

The UP Pollution Control Board has prepared a statement which has been placed before the Tribunal today. This includes 687 industries that have been pointed out by the CPCB as polluting industry and against some of them even directions under Section 5 The Environment (Protection) Rules, 1986 have been issued. Besides that number provided by the CPCB, UP Pollution Control Board has added other 269 industries.

It is in order to determine which of the said industries are seriously polluting industries, which need to be dealt with on some priority, we direct that an Officer of the CPCB accompanied by an Officer of the UP Pollution Control Board and one Officer from the National Ganga Basin Authority shall examine all these 956 Noticees and submit a report to the Tribunal on the next date of hearing with the following details:-

1. Which of these 956 Units/Industries are seriously polluting industries and have not installed anti pollution devices.
2. Units/Industries which are seriously polluting industries and have installed anti pollution devices but such devices are not properly functioning.
3. Units/Industries, which are seriously polluting industries, have installed anti pollution devices which are properly functioning and discharge their emissions and effluents within the prescribed parameters under Air Act and the Water Act respectively.
4. Units/Industries which are not seriously polluting industries but had installed anti pollution devices and are functioning satisfactorily as non-pollutant and compliant industries
5. Units/Industries which are small and can be permitted to operate in future subject to installation of anti pollution devices to ensure that they would not cause any serious harm to the environment.
6. This statement/ report shall also state what directions had been passed by CPCB or the State Pollution under Section 5 of EP Act and whether such directions have been complied with by each of the Units/Industries or not.
7. The Report shall also state the water requirements, resources of water and polluting norms of the Units/Industries.
8. Whether any bye pass arrangement have been found in the industry or not.
9. Whether any interlocking system to ensure working of the unit as per the norms have been found installed in any of the industry/unit.

List this case for directions on 21<sup>st</sup> May, 2014 for M/s Simbhaoli Sugars Ltd. & Distillery and for filing of the Report by the above Committee on 04<sup>th</sup> July, 2014.

Liberty is granted to the Units/Industries to file their respective representation within ten days from today.

Liberty is also granted to them to inform the Committee if their industries are lying closed by filing an

appropriate Affidavit with photographs.

The Report of the CPCB dated 07<sup>th</sup> February, 2014,  
may be put on the website of CPCB.

.....,CP  
(Swatanter Kumar)

.....,JM  
(U.D. Salvi)

.....,EM  
(Dr. D.K. Agrawal)

.....,EM  
(B.S. Sajwan)

.....,EM  
(Dr. R.C. Trivedi)

