

**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 MR. DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE MR. B.S. SAJWAN, EXPERT MEMBER
HON'BLE DR. R.C. TRIVEDI, EXPERT MEMBER**

Present:

Applicant:	Mr. Rahul Choudhary, Advocate
Respondent No. 1&2:	Mr. Vikas Malhotra, Advocate
Respondent No. 4:	Mr. B.V. Niren, Advocate with Mr. Udit Gupta, Advocate.
Respondent No. 5:	Ms. Savitri Pandey, Advocate.
Respondent No. 6:	Mr. Pradeep Misra, Advocate and Mr. Daleep Kr. Dhayani, Advocate
Respondent No. 7:	Mr. Sudhir Kulshreshtha, Ms. Sushma Singh and Mr. Ahil Kulshrestha, Advocates
Respondent No. 8:	Mr. Arvind Kr. Shukla and Amit Shukla, Advocates

Date and Remarks	Orders of the Tribunal
Item No. 6 February 12, 2014	<p>It is a case where except Unit/industry itself all are <i>ad idem</i> that it is a polluting industry. However, there is some contradiction between the stand taken by the Central Pollution Control Board and the Uttar Pradesh Pollution Control Board. Since the year 2010, the Unit is permitted to operate despite it having not complied with the conditions stated in the Orders passed by the respective Boards. According to the Central Pollution Control Board there is a pipeline laid down till Phuldera drain meeting Ganga by which the effluents are even bypassed. This is not even disputed by the State Board. However, it has its own justification. There is a serious dispute as to whether the industry is a zero discharge unit. In the consent Application submitted by the Industry, it was stated that it is discharging the trade effluents on its own land.</p> <p>Having perused the records and the Affidavits filed, we are of the considered view that the conduct of the Uttar Pradesh Pollution Control Board particularly is not trustworthy. The Officers have certainly failed to perform their functions which are statutory in nature. There is no justification whatsoever on record before us as to why despite persistent defaults from the year 2010, the consent has been renewed or granted to the Unit by the</p>

State Board. In its Inspection Report dated 4th September, 2013 the Central Board has specifically noticed that Distillery Unit was operating at 63.91 KLD alcohohal production in July, 2013 against the restricted capacity of 60 KLD which according to the State Board is further been restricted to 30 KLD in November, 2013.

It is strange that the Officers who are present from the Uttar Pradesh Pollution Control Board cannot say with certainty that when they inspected; whether they collected trade effluents samples and analyzed them in accordance with law or not.

We would have certainly initiated appropriate proceeding against these Officers at this stage. However, in the interest of justice, we would provide an opportunity to them to file a comprehensive Affidavit explaining the above particularly stating as to why it was directed that the pipeline laid down pumping stations, etc. should be dismantled and that Distillery Unit should restrict to 30 KLD. What is the discharge from both Units i.e. Sugar Unit and Distillery Unit and whether it is a no discharge Unit or not. Appropriate documents shall be annexed to the Affidavit.

We direct the Member Secretary of Uttar Pradesh Pollution Control Board and Member Secretary of Central Pollution Control Board to inspect this Industry personally and file their Affidavits positively before the next date of hearing.

The above relates to M/s Simbhaoli Sugars Ltd. & Distillery.

The inspection of M/s Gopalji Milk food & Pvt. Ltd. shall also be conducted by both Member Secretaries and inspection Report be submitted to the Tribunal on the next date of hearing.

The inspecting team shall take photographs and place them on record. It will be pointed out whether in the case of M/s Simbhaoli Sugars Ltd. Including Distillery Unit all the treatment plants as recommended by the respective Boards have been installed and they are operated or not. It shall be specifically mentioned in the Report as to whether the conditions imposed on M/s Simbhaoli Sugars Ltd. and M/s Gopalji Milk food & Pvt.

Ltd. since the year 2010 have been complied with till today or not.

M/s Simbhaoli Sugars Ltd. shall file documents before inspecting team as to how much sugarcane/molasses they buy, how much is consumed and shall file complete material balance on daily basis during the last two years.

The Industries will be inspected today itself.

The Units will run at its full capacity during this period.

List this case on Tuesday i.e. 18th February, 2014.

.....,CP
(Swatanter Kumar)

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

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

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

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

