

Item No. 02

Court No. 2

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

Original Application No. 495/2023

Mohd. Amjad & Anr.

Applicant(s)

Versus

State of U.P. & Ors.

Respondent(s)

Date of hearing: 14.08.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Appellant: Mr. Rahul Khurana & Mr. Hasil Jain, Advocates

**Application has been filed under Sections 14 and 15 of the
National Green Tribunal Act, 2010**

ORDER

1. The grievance in the present application is regarding severe water pollution at the Shukratal Ganga Ghat in Muzaffar Nagar, Uttar Pradesh.
2. The applicants have submitted that Shukratal Ganga Ghat in Muzaffar Nagar, Uttar Pradesh is a religious place where the local people, devotees, saints and sadhus come for taking holy dip. Respondent No. 7 - M/s R.B.N.S. Sugar Mill Pvt. Ltd., Shekhpuri, Laksar, Uttarakhand and Respondent No. 8 - M/s R.B.N.S. Distillery Pvt. Ltd., Shekhpuri, Laksar, Uttarakhand are located at upstream of Banganga River at Laksar Industrial area in District Haridwar, Uttarakhand. Respondents No. 7 and 8 are discharging highly polluting industrial effluents in drain which merges in Banganga river. Respondents No. 7 and 8 are flouting environmental norms under the Water (Prevention and Control of

Pollution) Act, 1974 and the Environment (Protection) Act, 1986. Respondents No. 7 and 8 are in the habit of releasing of toxic spent wash stored in their lagoon whenever they find opportunity. The process of illegal discharge has been going on for the last many years. The waste water is released in bulk quantity at Idrishpur drain which damages the entire ecosystem river of Banganga till the Shukratal ghat downstream. The Shukratal ghat is a stagnated water area where the river water stagnates and the effect of pollution in water is clearly visible. Due to pollution caused, the dissolved oxygen of water at Shukratal ghat has reduced significantly and has resulted in death of fish in the area. The spent wash changes colour of water to brown and also results in foul odour in the area. FIR No. 76 dated 16.03.2023 and FIR No. 198 dated 08.07.2023 were registered under Sections 277 of IPC and 51 of Wildlife Protection Act, 1972 at Police Station Bhopa, District Muzaffarnagar.

3. *Prima facie*, the averments made in the application raise questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010.

4. In view of the averments made in the application, we consider it appropriate that a Joint Committee be constituted to verify the factual position. Accordingly, we constitute a Joint Committee comprising of Central Pollution Control Board (CPCB), Regional Office, Ministry of Environment, Forest and Climate Change (MoEF&CC), National Mission for Clean Ganga (NMCG), Uttarakhand Environment Protection and Pollution Control Board (UEPPCB), Uttar Pradesh Pollution Control Board (UPPCB) and District Magistrates (DMs) of Haridwar and Muzaffarnagar and direct the same to meet within one week, undertake visits to the site, look into the grievances of the applicant, associate the applicant and

representatives of the concerned project proponents, verify the factual position which shall include (i) details of industries located in Laksar Industrial area and Muzaffarnagar Industrial area which are discharging effluents in the drain connecting to the River Banganga; (ii) details of industries which are functioning without consent/EC; (iii) functioning of STP/ETP and other waste water treatment mechanism and (iv) mechanism for utilization of waste water for agriculture and other land use purposes rather than discharging in the drain and take appropriate remedial action by following due course of law and giving opportunity of being heard to the concerned project proponents. The CPCB will be the nodal agency for coordination and compliance.

5. Factual and Action taken Report may be submitted within three months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

6. List for further consideration on 22.11.2023.

7. A copy of this order, along with a copy of the application and documents attached with the same, be forwarded to the CPCB, MoEF&CC, NMCG, UEPPCB, UPPCB and DMs of Haridwar and Muzaffarnagar by e-mail for requisite compliance.

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

August 14, 2023
Original Application No. 495/2023
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