

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

Original Application No. 95/2019

Ram Sharan

Applicant(s)

Versus

State of Uttar Pradesh

Respondent(s)

Date of hearing: 05.07.2019

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s):

For Respondent (s):

Mr. Pradeep Misra and Mr. Daleep Dhyani,
Advocates for UPPCB

ORDER

1. The issue for consideration is the remedial action against pollution being caused by M/s. J. B. Daruka Paper Limited, District Sitapur, UP resulting in death of animals in the area. A joint report was sought from the Central Pollution Control Board (CPCB) and the State Pollution Control Board (SPCB) vide order dated 26.02.2019.
2. The report dated 27.04.2019 furnished by the UPPCB shows several violations including one borewell being installed without any permission and period for permission in respect of the two tubewells having expired. There is illegal extraction of ground water. Even though compliance of norms of water quality was shown, such

compliance was doubtful. There is no flow meter for recycling of the effluents.

3. The recommendations in the report are as follows.


“1. The unit should install acoustic enclosure and adequate stack height in all DG sets.

2. The unit should expedite to obtain NOC from CGWA for ground water abstraction.

3. The unit should obtain permission from CGWA for addition one borewell.

4. The unit should install electromagnetic flow meter for the water recycled in the process and maintaining log book of same.

5. The unit should ensure to comply with the Hon'ble Supreme Court order dated 14.10.2003 in the matter of Writ Petition (C) No. 657/1995 (Research Foundation for Science, Technology and Natural Resource Policy Vs. Union of India & Ors.)”



The above deficiencies may call for action, including recovery of compensation for illegal drawal of water and other violations. Let a further action taken report be furnished by Central Pollution Control Board (CPCB), State Pollution Control Board (SPCB) and Central Ground Water Authority (CGWA). The State PCB will be the nodal agency. The committee may assess the compensation within one month. Pending such assessment, a sum of Rs. 10 lakhs be recovered from the unit, by way of interim compensation which may be deposited with the CPCB to be used for restoration of environment. The Committee may also examine whether hardness of the water is because of the geogenic reasons or contamination.

Copy of this order b sent by email to CPCB, CGWA and State PCB. Report be furnished by the State PCB by email at judicial-ngt@gov.in within one month.

List for further consideration on 17.09.2019.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

July 05, 2019
Original Application No. 95/2019
SN

