

Item No. 05

Court No. 1

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

Original Application No. 47/2022
(I.A. No. 23/2022)

Sanjay Kumar Pal

Applicant

Versus

State of U.P. & Ors.

Respondent(s)

Date of hearing: 24.07.2023

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

Applicant: Mr. Sanjay Kumar Pal, Applicant in Person
Respondent: Mr. Daleep Dhyani, Adv. for UPPCB
Mr. Preet Singh Oberoi, Adv. for M/s Obeetee Pvt. Ltd. (R - 5)

ORDER

1. The issue raised in this application is violation of Water (Prevention and Control of Pollution) Act, 1974, Grievance of the applicant Mr. Sanjay Kumar is against M/s. Obeetee Pvt. Ltd. (respondent no.5), who is running Carpet Industry and dumping waste water including organic toxic substances in the agricultural land of the applicant at Araji no. 371, measuring area 0.895 hectare, situated in Village Jauharpur, Tehsil Gyanpur, District Sant Ravi Dass Nagar (Earlier known as District Bhadohi). It is submitted that continuous flow of contaminated water in the agricultural land has adversely affected the crops of the applicant and even the ground water level has risen because of water logging.

2. The matter was taken up by this Tribunal on 16.02.2022 and a Committee consisting State PCB and District Magistrate was directed to visit the site and submit factual and action taken report. In pursuance

thereof report has been filed by UPPCB vide email dated 12.05.2022. The relevant part of the report is reproduced as under:

“(b) The site inspection was done by the committee on 06.05.2022. The industry was engaged in manufacture of Carpets. At the time of inspection, The main source of water pollution is from yarn dyeing process Carpets. At the time of inspection, the main source of water pollution is from yarn dyeing process.

ETP was found operation during inspection. Industry has installed Online Continuous Monitoring System and connected with CPCB server. Data as per display board the value of BOD-23.71 mg/Ltr, COD-144.23 mg/Ltr, pH-7.19, TSS-32.47 mg/Ltr, which are within the limit prescribed. The treated effluents was discharge through drain. This drain ultimately meets in River Ganga after approx 8 km.

At the time of inspection, industrial effluent has not been found in complainer lands (Photograph Annex-1).

That the during inspection dt 6.5.2022 one sample was collected from final outlet of E.T.P. and deposited in Regional Office laboratory, U.P. Pollution Control Board, Varanasi for analysis. Analysis report is enclosed.(Annex-2).

As per the analysis report the main pollutants like BOD, COD, SS, Oil & Grease & pH have been found with the limit prescribed.

Report of District Agricultural Officer of Bhadohi is enclosed regarding the impact of pollution tree, plants & crops (Annex-3).

Report of Chief Medical Officer (CMO) of Bhadohi is enclosed regarding the impact of pollution on human health. (Annex-4).

Report of Chief Vetnary Officer (CVO) of Bhadohi is enclosed regarding the impact of pollution on animals. (Annex-5).

That the industry M/s Obeetee Pvt. Ltd., Goppur, Gopiganj, Bhadohi, Sant Ravidas Nagar has given Rs (10000+5000)=15000.00 to complainer Mr. Sanjay Kumar for repairing of damaged jhiriya nala (Annex-6).

During the inspection, the committee has interacted with the local villagers and ex Gram Pradhan Shree Chhotelal Yadav and the son of the present Gram Pradhan Shree Ranjeet Kumar Bind. During discussions no body has raised the point related to pollution. It has also been pointed out by the ex Gram Pradhan Shree Chhotelal Yadav that approx 50 acres of land is irrigated

with the treated effluent generated with the consent of the farmer and the industry representative.

It has also pointed out by the Shree Ranjeet Kumar Bind son of the present Gram Pradhan and the lekhpal Shree Shibu Ahemad that Cultivation was not done in the crop year 1428 to 1429.

04 Recommendations

- 1. The stretch of Jhiriya Nala may require desilting, particularly in locations/ stretches where the polluted water join the drain and the desilted material can be used for strengthening of ebankments.*
- 2. Vegetation development on embankments of restored drain.*
- 3. The treated effluents should be given to the farmers after entering into agreement with the available area for irrigation use on the land.*
- 4. Industry M/s Obeetee Pvt. Ltd. Is liable to pay compensation to the complainer Mr Sanjay Kumar Pal only after proper verification and assessment by the agricultural and revenue department.”*

3. Notices were also issued to the respondent and in response thereof, the Respondent No. 5 has submitted that the board had granted consent to operate under Air Act and Water Act after inspecting the premises and NOC issued by the Authority Concerned.

4. After disposal of discharge of water, Ramky's Waste Management was directed to conduct the inspection and submit the report and the agency conducted a comprehensive study and analysis of ETP sludge sample and concluded that ETP solid waste was suitable for landfill after treatment with 10% lime.

5. The District Agriculture Officer vide its report dated 24.01.2023 has submitted that the water discharge from the unit is treated and after treatment it is reused in low lying area and also for the agricultural purposes. As reported by the District Agriculture Officer there is no damage of the crops as narrated in the complaint.

6. In its response submitted by the State Pollution Control Board the samples were taken from the unit and were sent for analysis. On the basis of the report the State Pollution Control Board including the Member of the Committee filed the report as followed :--

“3. Inspection, sampling and Analysis of inlet and outlet of ETP of M/s Obeetee Pvt. Ltd., Gopepur, Gopiganj, District-Bhadohi (UP)

During committee inspection of M/s Obeetee Pvt, Ltd. following observations has been made:-

- *M/s Obeetee Pvt. Ltd., Gopepur, Gopiganj, District-Bhadohi was established in year 1952.*
- *During joint committee visit industry was found operational and engaged in production of dyed woolen yarn & its carpets running at 128 Ton/month against approved production capacity of 322 Ton/month respectively.*
- *PP has installed 68 dyeing machines (hank Type), 06 Hydro extractor, 49 hoist machine, 02 Carpet Washing Machine and 03 Carpet Drying Machine for processing of yarn dyeing 322 MT/month & carpet manufacturing.*
- *PP have not update display board (in specified format) at main gate on regular basis in reference to hazardous waste generation etc.*
- *The main raw material of PP is woolen yarn, dyes, chemicals etc.*
- *The main source of Power to the plant is electricity taken by U.P.P.C.L. Besides, PP run 01 boiler with 06 TPH capacity at a time and other boiler having capacity 04 TPH shall be in stand by position.*
- *PP has running plant with valid consents to operate (CTO) under Water (Prevention and Control of Pollution) Act, 1974 (as amended) and Air (Prevention and Control of Pollution) Act, 1981(as amended) for the production of 322 MT/month dyed woolen yarn. The CTO under Air Act obtained vide letter no. 139821/UPPCB/ Varanasi (UPPCBRO)/CTO/air/Santravidas Nagar/2021 dated 15.03.2022 and water act vide letter no. 143156/UPPCB/ Varanasi (UPPCBRO)/CTO /Water/Santravidas Nagar/ 2021, dated 15.03.2022, which is valid from 01.01.2022 to 31.12.2026. **(Copy of CTO is attached as Annexure-B).***
- *UPPCB authorized to PP to discharge treated effluent up to 1000 KL per day and 7 KL per day through septic tank, which is mentioned in CTO accorded under Water Act.*
- *PP obtained hazardous waste authorization by UPPCB vide letter no. 11958 /UPPCB/ Varanasi (UPPCBRO)/HWM*

/SantRavidas Nagar/2020 dated 24.06.2020, which is valid up to 31.12.2024. (Copy of Hazardous waste authorization is attached as Annexure-C)

- *To meet the freshwater requirement, PP has installed three (03) bore well within the project site with valid NOCs from Ground Water Department, Uttar Pradesh, vide registration no. 202107000179, 202107000181, 20210700097, which is valid up to 27.7.2026.*
- *During visit, it was observed that the PP has installed one ETP of 1000 KLD. The ETP of the unit comprises Bar Screen Chamber → O&G Trap → Equalization Tank → Alum, Lime & Polyelectrolyte dosing Tank → Flocculation Chamber → Flash Mixer Tank → Heat Recovery System → Primary Clarifier → Aeration Tank → Secondary Clarifier → Pre-filtration Sump → PSF → ACF → Filter Press → Sludge Drying Beds → Final Outlet.*
- *Grab sample from the ETP inlet & final outlet of ETP was collected for prescribed parameters.*
- *OCEMS at ETP outlet was found installed and connected with UPPCB & CPCB server.*
- *The unit has installed separate energy meter for operation of ETP. Log book of the same is maintained.*
- *The ETP treated effluent is being discharge outside of the project side w.r.t. consented and notified discharge parameters i.e. 1000 KLD maximum discharge for treated ETP effluent and 7 KLD for septic tank.*
- *Joint Committee has observed during visit that treated water outlet drain joining to kachha drain was found broken near unit premises, in agriculture land. (Photograph attached as D).*
- *During inspection, it was observed that ETP sludge is stored in open HDPE bags.*
- *Waste-water sample analysis was conducted by Regional Laboratory, UPPCB, Varanasi. Results of various parameters depicted that the values of all tested parameters in outlet of the M/s Obeetee Pvt. Ltd. are well within the prescribed limit. (Attached as Annexure E).*

4. Sampling and analysis report of waste water flowing on JhiryaNala at different locations up to out-fall in to River Ganga.

- *JhiryaNala originates from nearby villages-Jauharpur, Jakhaw and PureTika, Rampur Gopepur (Bhadohi), it traverses approx. 09 Km and passes through premises of M/s Obeetee Pvt. Ltd., Gopepur Bhadohi confluence to river Ganga near Rampur ghat, Gopiganj, Bhadohi. The JhiryaNalla mainly carry industrial and domestic waste water of M/s*

Obeetee Pvt, Limited., along with other dying units located in Catchment area and domestic sewerage waste water from Gopiganj, Bhadohi. It also carries domestic waste water from adjacent villages located on bank of JhiriyaNalla passes through Jauharpur, Jakhaw and Puretika Village. During inspection, it has been observed that treated and untreated waste water is being flowing in JhiriyaNalla. During Visit Joint Committee has monitored Jhiriya drain carrying treated effluent of M/s Obeetee Pvt. Ltd. from Gopepur through KachaNalla, which crosses to NH-2 near Jhriyapul meeting with sewerage waste water of Nagar Palika Parishad, Gopiganj. During visit Joint committee has observed that Nagar Palika Parishad, Gopiganj carrying out Bio-remediation of Jhiriya drain near Gopepur Village, which may not be useful for such volume of waste-water coming through JhiriyaNalla. It is required re-assess the feasibility of bioremediation process in Jhriyanala by an expert agency. Committee also observed that the local farmers are using Jhriyanala water for irrigation purposes.

- Number of samples were collected from JhiriyaNalla at different locations. Analysis results is presented below:

Sampling locations	Parameters				
	pH	SS (mg/l)	Oil & Grease (mg/l)	BOD (mg/l)	COD (mg/l)
Industrial drain of M/s Obeetee Pvt. Ltd., Gopepur, Gopiganj, before meeting to Kachcha drain, Jauharpur, Bhadohi	7.31	76	6.0	24.4	128
Raw Sewage of Nagar Palika Parishad Gopiganj Jhriyapul, Gopepur, Gopiganj Bhadohi.	7.14	288	12	120	410
Jhiriya drain after Bio-remediation at Gopepur, Gopiganj, Bhadohi	7.20	128	8.2	42	260
JhiriyaNalla Just before confluence with River Ganga near Rampur ghat, Gopiganj	7.24	122	7.8	40	252
Standard	5.5-9.0	100	10	30	250

^avalues presented in bold letter were higher than the permissible limit

- Above report depicted that the values of SS, BOD and COD are found high in all location except Industrial drain of M/s Obeetee Pvt. Ltd. Gopepur, Gopiganj, before meeting to

Kachcha drain, Jauharpur, Bhadohi. (Analysis report is also attached as Annexure-F).

- *It is observed that discharge of industrial effluent and domestic waste-water in JhiriyaNallamay deteriorate the natural water quality of Nalla.*
- *Other analysis report i.e., heavy metals (Total chromium) data also depicted that the values are found within the prescribe limit. (Analysis report of heavy metal is **Attached as Annexure-G**).*
- *Due to flooding of waste water of Jhriyanalaon agricultural land, possibility of bioaccumulation of various toxic elements namely, Pb, Cr, Ni etc. in the edible parts of the crop may not be ruled out. Besides, probability to increasing water born disease and vector borne diseases in surrounding villages.*

5. Soil Sampling & Analysis of various agricultural land of area concern:

- *Soil samples from 0-15 cm and 15-30 cm (considering cereal based cropping system) depths were collected from different fields. Soil samples from 0-15 and 15-30 cm depths collected from two points were collected from the affected field owned by Shri Sanjay Pal which measures about 0.5 acre (as informed).*
- *To compare the impacts of industrial effluents generated by M/s Obeetee Pvt. Ltd. on soil properties, depth wise soil samples were collected from the two nearby fields (at a distance of about 150 and 300 meter from Sanjay Pal's field) not receiving the industrial effluents from M/S Obeetee Pvt. Ltd. Crop residues were not found on the field of Shri Sanjay Pal. But wheat residues found on nearby field showed that fields were under cultivation.*
- *The effluent generated from M/S Obeetee Pvt. Ltd. and others is getting mixed with Municipal waste in JhiriyaNala. Therefore; soil samples from 0-15 cm and 15-30 cm depth were also collected from a field irrigated with industrial effluent mixed municipal sewage.*
- *Analysis report results depicted that the values of heavy metals (Pb, Cr, Cu, Zn, Ni) are well within the limit in both the depth all three selected site. (Analysis report of heavy metals in soil samples is Attached as Annexure-H).*

6. Recommendations:

Joint Committee has also taken note of order passed by Hon'ble NGT on dated 24.03.2023 wherein following recommendation has been made:-

- *PP (M/s Obeetee Pvt. Ltd.) may explore the possibility to recycle the maximum quantity of treated water within the process for further conservation of the water resources.*
- *PP should update display board (in specified format) at main gate and updated on regular basis in reference to hazardous waste generation etc.*
- *PP should directed to patch up/close immediately its broken part of nala, which seems to be broken by local framers for irrigation purposes, of treated effluent drain joining to kachanala.*
- *The PP should use heavy duty paper shredder machine for shredding of patented design map etc and handed over to authorized recycler. Burning in any circumstance can not be allowed.*
- *It is require to re-assess the practical feasibility of bioremediation process for the treatment of significant volume of mix nature (Industrial and domestic) of waste water flowing in JhiriyaNala, by Nagar Palika Parishad (NPP), Gopiganj, Bhadohias which finally confluence to River Ganaga.*
- *Treatment of significant amount of waste water through bioremediation is simply eye washing on part of waste water treatment. It is utmost important to the NPP, Gopiganj, to expedite the installation of Sewage Treatment Plant (STP) for treatment of domestic waste water generated from Gopiganj, Bhadohi, and only treated outlet of STP would add better option for local farmer for irrigation and also helpful to maintain the water quality of river Ganga.*
- *UPPCB may re-asses the total water consumption of M/s Obeetee Pvt. Ltd., encourage them to recycle within the plant process and allow very specific quantity of treated waste water for discharge.*
- *PP should maintain daily logbook for flow meters at all bore wells instead of monthly basis.*
- *PP shall review the process of handling and disposal of hazardous waste under the guidance of UPPCB and maintain daily logbook for hazardous waste generation & its disposal in proper way.*
- *PP shall review the process of management of SolidWaste and its disposal.*
- *As committee visited the site during June 21, 2023, during this time no agricultural crop has been seen surrounding the agricultural land of project site.*
- *As heavy metals in the surrounding agricultural soil are found within the prescribe limit, therefore, no further remediation has been proposed by this committee.*
- *UPPCB can ensure strict compliance of ETP outlet in future.”*

7. On the basis of the report no violation has been found by the Joint Committee though certain recommendations has been given for updating the display board at main gate and inspection on the regular basis to examine the hazardous waste generation and to ensure no untreated water be thrown in the drain and there should be proper disposal of waste water.

8. We find that treated effluents of the industry (M/s Obeetee Pvt. Ltd) along with sewage and sullage of NPP Gopiganj, Bhadoi is being discharged through Jhiriyanala into river Ganga at Rampur Ghat. The Tribunal in O.A. No. 200/2014 relating to river Ganga rejuvenation has directed that no sewage and trade effluent be discharged into river Ganga or its tributaries. Further, CTO granted to M/s Obeetee Pvt. Ltd. on 15.03.2022 has not been very clear on consented mode of disposal of industrial effluent rather permitting it to discharge into drain. Similarly actions taken on sewage management by NPP Gopiganj has not been given. We further find that the report of PCB has indicated there are other dying units which are discharging effluents into the drain. To safeguard the agricultural fields from disposal of effluents will have to be properly examined and only agreed protocol and ferti-irrigation plan be followed.

9. In view of the above observations we direct that UPPCB clearly file the report giving justification on why industry is allowed to discharge trade effluents into drain which is joining river Ganga, Status of other dying unit discharging effluents into drain and sewage management and time plan by NPP Gopiganj. We further direct that NMCG to review the status with respect to sewage and industrial effluents, flowing into Jhriyanala and intercepting the drain so not to discharge effluents into river Ganga.

10. UPPCB and NMCG are directed to file action taken report within eight weeks by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

11. The Registry is directed to send copy of the order to UPPCB and NMCG for taking action and submitting the report.

12. List the matter on 9th October, 2023.

Sheo Kumar Singh, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

July 24, 2023
Original Application No. 47/2022
(I.A. No. 23/2022)
HB