

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

Appeal No. 257/2018
(M.A. No. 1700/2018)

NCR Paper Mill Association

Appellant(s)

Versus

Uttar Pradesh Pollution Control Board

Respondent(s)

Date of hearing: 19.12.2018

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 Appellant(s): Mr. Pinaki Misra, Sr. Advocate, Mr. Anubhav Anand and Mr. Abhinav Anand, Advocates

For Respondent(s): Mrs. Sharmila Upadhyay and Mr. Krishna Kanodia, Advocates for CPCB

Mr. Pradeep Mishra, Advocate for UPPCB

ORDER

This appeal is against the order of the State Pollution Control Board (SPCB) under Section 33A of the Water (Prevention and Control of Pollution) Act, 1974 temporarily closing grossly pollution industries discharging effluent in tributaries of Ganges, in view of ensuing *Kumbh Mela* at *Prayagraj* commencing from 14.01.2019. The Tribunal called for a report from Central Pollution Control Board (CPCB) and Uttar Pradesh Pollution Control Board (UPPCB). Accordingly, reports have been received from CPCB and UPPCB.

The relevant part of the report is as follows:

"1. It was observed by the committee that out of these 12 industries (listed in the order), 11 are in the list of Grossly Polluting category of Industries of Ganga basin and M/s Sardhana Paper Mills listed at serial number 09 having potential to discharge in River Hindon a tributary of River Yamuna.

2. These 11 industries have been inspected by Technical Institution during April 2018 to July 2018 and were found compliant except M/s Ved Cellulose which is closed by the UPPCB.

3. The 11 GPIs whose discharge goes into river Kali-East may likely to adversely affect water quality of river Ganga during Kumbh because Kali-Eas river meets Ganga near Kannauj which is Immediate upstream of Prayagraj. The discharge from paper industries is often found coloured and may create situation of visible pollution in river Ganga at Prayagraj.

4. It is submitted that industry may be directed to re-use their treated effluent in process/irrigation and not to discharge into river Ganga and its tributaries so that water quality during Kumbh – Mela could be maintained for bathin purposes.”

In view of above, it is difficult to hold that the activities of the industries have no impact on the water quality of river Ganges.

In view of potential of adverse effect on the water quality of Ganges during *Kumbh Mela*, on precautionary principle, the view taken in the impugned order is certainly a possible view. It does not call interference by this Tribunal.

Accordingly, the appeal is dismissed.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

December 19, 2018
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