

Item No. 06

Court No. 1

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

Original Application No. 691/2022

Rama Shanker Awasthi

Applicant

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

Date of hearing: 13.02.2023

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Mr. Sanjeet Paliwal, Advocate

Respondent: Mr. Ajay Sharma, Member Secretary with Mr. Pradeep Misra, Advocate  
for UPPCB

**ORDER**

1. Grievance in this application is against operation of captive Thermal Power Plants in Uttar Pradesh under M/s Bajaj Hindusthan Ltd. and Bajaj Energy Ltd. at Lakhimpur Kheri, U.P in violation of environmental norms. According to the applicant, the units are operating without requisite EC and consent. There is illegal extraction of ground water for commercial purposes, in violation of Rules. It is further stated that vide letter dated 06.04.2018, CPCB directed the project proponent (PP) to obtain requisite consent and also directed to take measures against air pollution, to calibrate OCEMS, rectify TSS analyzer and provide ladder for safety of monitoring personnel during manual monitoring but the said directions have not been complied.

2. Considering the above, vide order dated 27.09.2022 the Tribunal sought a factual and action report from a joint Committee of CPCB and State PCB.

3. In pursuance of above, report dated 04.01.2023 has been filed by the joint Committee on 16.01.2023 which was incomplete. The report was considered on 20.01.2023 and it was found that serious violations had remain unaddressed and without any coercive measures by the State PCB.

4. In the light of order dated 20.01.2023, further report has been filed by the State PCB on 10.02.2023 mentioning the action taken as follows:-

Sl. No.	Name of unit	Date of inspection	Recommendation of joint committee	Action taken by UPPCB
1.	M/s Bajaj Energy Ltd., Village-Barkhera, Tehsil-Bisalpu Distt.	31.01.2023	The unit was non-operational due to non-requirement of power from UPPCL. As informed by the unit representative, the unit will start its production when the UPPCL will issue production schedule. The unit has to installed easy ladder for the monitoring of flue gas emission as per CPCB guidelines.	UPPCB vide letter Dated 10.02.2023 issued direction under Air Prevention and Control of Pollution) Act, 1981 for compliance of recommendation of Joint Committee Report dated 31.01.2023 (Annexure no. 1)
2.	M/s Bajaj Hindustan Sugar Ltd. (sugar Unit)	31.01.2023	1. The unit has to installed easy ladder for the monitoring of flue gas emission as per CPCB guideline and timeline given in the undertaking. 2. The unit shall maintain the preventive measures to control of the fugitive emission in bagasse handling area. 3. The has to carry out studies for impact assessment of treated water utilization on agriculture land and rate of ground water recharge through the pond adopted by them and log book for water	<ul style="list-style-type: none"> <li>• UPPCB vide letter dated 10.02.2023 issued direction under Air (Prevention and Control of Pollution) Act, 1981 for compliance of recommendation of Joint Committee report dated 31.01.2023 (Annexure no. 2).</li> <li>• UPPCB vide letter dated 10.02.2023 issued Show Cause Notice under section-33A of Water(Prevention and Control of Pollution) Act, 1974, as to why the unit should not be closed and for further</li> </ul>

			consumptions and different Utility water and waste water discharge required to be maintained for proper accounting of water and waste water.	imposition of EC at the rate of 30,000/- per day from the date of inspection till the corrective measures duly verified are taken. (Annexure no.3)
3.	M/s Bajaj Energy Ltd. village Kundarki, Tehsil-Sadar gonad, Distt.- Gonda, U.P	28.01.2023	The unit requires to install easy/circular ladder for the monitoring of flue gas emission as per CPCB guideline and with timeline given in their undertaking.	UPPCB vide letter dated 10.02.2023 issued direction under Air (Prevention and Control of Pollution) Act, 1981 for compliance of recommendation of Joint Committee report dated 28.01.2023. Annexure no. 4
4.	M/s Bajaj Hindustan Sugar Ltd.(Sugar unit), Village-Kundarki, Tehsil- Sadar gonda, Distt. Gonda, UP	28.01.2023	<p>1. The unit has to installed easy ladder for the monitoring of flue gas emission as per CPCB guideline and timeline given in the under taking.</p> <p>2. The unit has to maintain the preventive measure deployed for control of the fugitive emission in captive power plant area to control the dust generated during the handling of bagasse.</p> <p>3. The unit has to carry out studies for impact assessment of treated water utilization on agriculture land and rate of ground water recharge through the pond adopted by them.</p> <p>4. The unit has valid Environment Clarence (EC) for MoEF &amp; CC, has valid consent under Air Act, Water Act, Authorization for handling of HW &amp; consent to establish for handling of Ash.</p>	<p>UPPCB vide letter dated 10.02.2023 issued direction under Air (Prevention and Control of Pollution) Act, 1981 for compliance of recommendation of Joint Committee report dated 28.01.2023 (Annexure no. 5).</p> <p>UPPCB vide letter dated 10.02.2023 issued Show Cause Notice under section-33A of Water(Prevention and Control of Pollution) Act, 1974, as to why the unit should not be imposed Environmental Compensation from dated 07.12.2022 to 16.12.2022 amounting Rs. 3,00,000/- (Annexure no. 6).</p>
5.	M/s Bajaj Energy Ltd., Village Etaimaida, Tehsil-Utraula, Distt.- Bairampur, UP	27.01.2023	The unit was non-operational due to non-requirement of power from UPPCL. As informed by the unit representative, the unit will start its production when the	UPPCB vide letter dated 10.02.2023 issued direction under Air (Prevention and Control of Pollution) Act, 1981 for compliance of recommendation of Joint Committee report

			UPPCL will issue production schedule. The unit has to installed easy ladder for the monitoring of flue gas emission as per CPCB.	dated 27.01.2023 (Annexure no. 7).
6.	M/s Bajaj Hindustan Sugar Ltd.(Sugar unit), Village-Etaimaida, Tehsil-Utraula, Distt. Balrampur, UP	27.01.2023	<p>1. The unit has to installed easy ladder for the monitoring of flue gas emission as per CPCB guideline and timeline given in the under taking.</p> <p>2. The unit shall maintain the preventive measure to control of the fugitive emission in the bagasse handling area.</p> <p>3. The unit has to carryout studies for impact assessment of treated water utilization on agriculture land and rate of ground water recharge through the pond adopted by them.</p>	<p>UPPCB vide letter dated 10.02.2023 issued direction under Air (Prevention and Control of Pollution) Act, 1981 for compliance of recommendation of Joint Committee report dated 27.01.2023 (Annexure no. 8)</p> <p>UPPCB vide letter dated 10.02.2023 issued Direction under section-33A of Water (Prevention and Control of Pollution) Act 1974. (Annexure no. 9)</p>
7.	M/s Bajaj Energy Ltd., Village-Maqso odpur, Tehsil-Piwayan, Distt.- Shahjahanpur, UP	31.01.2023	The unit was non-operational due to non-requirement of power from UPPCL. As informed by the unit representative, the unit will start its production when the UPPCL will issue production schedule. The unit has to installed easy ladder for the monitoring of flue gas emission as per CPCB guideline.	UPPCB vide letter dated 10.02.2023 issued direction under Air (Prevention and Control of Pollution) Act, 1981 for compliance of recommendation of Joint Committee report dated 31.01.2023 (Annexure no. 10)
8.	M/s Bajaj Hindustan Sugar Ltd.(Sugar unit), Village-Maqsoodpur, Tehsil-Piwayan, Shahjahanpur, UP Distt.-	31.01.2023	<p>1. The unit has to installed easy ladder for the monitoring of flue gas emission as per CPCB guideline and timeline given in the undertaking.</p> <p>2. The unit shall maintain the preventive measures to control of the fugitive emission in bagasse handling area.</p> <p>3. The unit has to carry out studies for impact assessment of treated water utilization on agriculture land and</p>	<p>UPPCB vide letter dated 10.02.2023 issued direction under Air (Prevention and Control of Pollution) Act, 1981 for compliance of recommendation of Joint Committee report dated 31.01.2023 (Annexure no. 11).</p> <p>UPPCB vide letter dated</p>

			<p>rate of ground water recharge through the pond adopted by them and log book for water consumptions and different Utility water and waste water.</p> <p>discharge required to be maintained for proper accounting of water and waste</p>	<p>10.02.2023 issued Show Cause Notice under section-33A of Water(Prevention and Control of Pollution) Act, 1974, as to why the unit should not be closed and for further imposition of EC at the rate of 30,000/- per day from the date of inspection till the corrective measures duly</p> <p>Verified are taken. Annexure no. 12.</p>
9.	M/s Bajaj Energy Pvt. Ltd., Village-Khambharkhera, Tehsil-Kheri, Distt.-Lakhimpur Kheri UP	21.12.2022 & 22.12.2022 (Report already submitted)	<p>The unit was non-operational due to non-requirement of power form UPPCL as informed by the unit representative, the unit will start its production when the UPPCL will schedule.</p> <p>1. The unit has to install spiral ladder for the monitoring of flue gas emission as per CPCB guideline.</p> <p>2. The unit has to developed dedicated storage shed for the storage of contaminated drums and wax as per Hazardous Waste (Management and Transboundry movement) Rules 2016.</p>	<p>UPPCB vide letter dated 10.02.2023 has imposed Environmental Compensation Rs. 3,50,000/- (Rs. Three Lac Fifty Thousand</p> <p>only) against the unit in compliance of the recommendation of Joint Committee Report</p> <p>Dated 21.12.2022 and 22.12.2022. (Annexure no. 13.</p>

10.	M/s Bajaj Hindustan Sugar Ltd.(Sugar unit), Village-Khambhar khera, Tehsil-Kheri, Distt.-Lakhimpur Kheri UP	21.12.2022 & 22.12.2022 (Report already submitted)	<p>1. The unit has to install spiral ladder for the monitoring of flue gas emission as per CPCB</p> <p>2. The unit has to maintain the drainage system and equalization tank to ensure the compliance of norms and better efficiency of ETP.</p> <p>3. The unit has to modify the launder of clarifier tank of ETP and sludge drying beds.</p> <p>4. The unit has to deploy the preventive measures to control the fugitive emission of captive power plant area.</p> <p>5. The unit has to get repaired PH sensor which is installed on ETP on priority basis and proper operational for OCEMS.</p> <p>6. The unit has to carry out studies for impact assessment of treated water utilization on agriculture land and rate of ground water recharge through the pond adopted by them.</p> <p>7. The unit has to develop dedicated storage set for the storage of contaminated drums and bags as per Hazardous Waste (Management and Transboundry movement) Rules 2016.</p>	<p>UPPCB vide letter dated 10.02.2023 has imposed Environmental Compensation Rs. 9,30,000/- (Rs. Nine Lac Thirty Thousand only) against the unit in compliance of the recommendation of Joint Committee Report dated 21.12.2022 and 22.12.2022. Annexure no. 14.</p>
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5. We have considered the matter. It is seen while violations alleged with regard to EC/consents have not been found, other non-compliances have been found noted above against which action has been initiated. The same may now be finalized within one month and surveillance maintained

against violations. The State PCB may issue revised CTOs in the light of its report and thereafter secure compliance within the stipulated time frame. In case of default, necessary actions be taken under the Water and Air Acts. We note that no information has been provided as to how thermal power stations are laying closed as per common understanding, such plants are never closed completely. State PCB may check up this aspect.

6. Learned counsel for the applicant submitted that he did not have access to the report and according to his instructions there are continuing violations. If it is so, it is open to the applicant to point out such violations to the State PCB in the first instance. If any grievance survives, the applicant will be at liberty to take further remedies in accordance with law.

The application is disposed of.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

February 13, 2023  
Original Application No. 691/2022  
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