

Item No.01

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPALBENCH, NEW DELHI**

(Through Physical Hearing with Hybrid VC Option)  
Original Application No.369/2022  
(I.A No. 279/2022)

Sachin Tomar

...Applicant

Versus

State of U.P.

...Respondent

Date of hearing: 18.09.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: None.

Respondent: Mr. Pradeep Misra, Advocate for UPPCB (through VC).

**Application is registered based on a complaint received by Email.**

**ORDER**

1. The grievance in the present application is about air and water pollution caused by M/s Titawi Sugar Mill in village Titawi, Muzaffarnagar, Uttar Pradesh by discharging chemical waste water and emitting fly ash in violation of environmental norms creating serious health hazards to the local residents.

2. Vide order dated 24.05.2022, this Tribunal constituted a Joint Committee comprising of CPCB, State PCB and District Magistrate, Muzaffarnagar, Uttar Pradesh and directed the same to submit factual and action taken report within two months which period was subsequently

extended vide orders dated 26.08.2022 and 14.12.2022 and in compliance thereof Joint Committee submitted its report vide email dated 31.01.2023.

3. The conclusions recorded and the recommendations made by the Joint Committee in its report are reproduced as under:

**“Conclusion:**

1. *The unit is having valid Consent to Operate under section 21/22 of the Air (Prevention & Control of Pollution) Act, 1981 and Consent under section 25/26 of the Water (Prevention & Control of Pollution) Act, 1974 for discharge, both valid up to 31.12.2024.*
2. *As per the consent issued under section 21/22 of the Air (Prevention and control of Pollution) Act, 1981 (as amended) to M/s. Titawi Sugar Complex, the unit is having four boilers of capacity 77 TPH, 90 TPH & 32 TPH (02 boilers) having a consent validity for the period from 31.05.2019 to 31.12.2024. All the boilers were found operational on the day of inspection.*
3. *Analysis results of stack monitoring showed value of PM 140.9 mg/Nm<sup>3</sup>, 123.1 mg/Nm<sup>3</sup> and 136.2 mg/Nm<sup>3</sup> which are within the notified norms of 150 mg/Nm<sup>3</sup>.*
4. *The unit has installed Online Continuous Effluent Monitoring System (OCEMS). OCEMS reading w.r.t. Now-48.5m<sup>3</sup>/hr, pH- 7.27, COD- 109.2 mg/l, BOD- 21.8 mg/l and TSS- 16.5 mg/l were recorded during joint inspection. OCEMS is connected with CPCB and SPCB server.*
5. *Two pipelines of fresh water were observed at the inlet of ETP, also in the equalization tank, layer of oil was observed, which indicates that oil skimmer was not working properly.*
6. *Analysis results of sample collected from the inlet of ETP showed (pH- 4.1, COD- 1363 mg/l, BOD- 292 mg/l, TSS- 298 mg/l, TDS- 1460 mg/l and Sulphate- 78 mg/l) which indicates that ETP inlet did not reflect the characteristic of typical sugar effluent.*
7. *Analysis results of sample collected from storm water drain showed (pH- 6.7 against norms of 5.5-9.0, COD- 139 mg/l against norms of 250 mg/, BOD- 50 mg/l against norms of 30 mg/l TSS- 89 mg/l, TDS- 404 mg/l and Sulphate- 30 mg/l w.r.t. the surface discharge norms prescribed under Environment (Protection) Rules, 1986. The results indicate that the unit was bypassing the cooling tower overflow/spray pond over flow into the storm water drain near the ETP area.*
8. *Analysis results of the samples collected from the inlet and outlet of STP showed pH-7.7, COD-85 mg/l, BOD-25 mg/l, TDS-440 mg/l, TSS-45 mg/l, and NO<sub>2</sub>-N-0.05 mg/l & NO<sub>3</sub>-N-0.09 mg/l and pH- 7.8, COD-61 mg/l, BOD-14 mg/l, TDS-370 mg/l, TSS-35. mg/l, NO<sub>3</sub>-N-1.02 mg/l and NO<sub>2</sub>-N-BDL.*

**Recommendations**

1. *The unit shall dismantle the bypass line observed at the inlet of STP.*
2. *The unit shall stop bypassing the cooling tower overflow/spray pond over flow into the storm water drain and shall treat all the*

*industrial effluent and cooling tower overflow/spray pond through ETP only.*

3. *The unit shall operate its oil skimmer properly.*
4. *The unit shall dismantle all the fresh water lines available at ETP area and shall use only treated waste water for backwashing/cleaning purpose.*
5. *Color-coding of pipelines shall be ensured.*
6. *Unit shall install electromagnetic flowmeters at ETP inlet & STP outlet.*
7. *Unit shall maintain logbook for chemical consumption of ETP.”*

4. As mentioned in the report, showcause notice dated 23.01.2023 was issued to the project proponent requiring the project proponent to show cause as to why CTO be not withdrawn, the unit be not ordered to be closed with immediate effect and environmental compensation be not imposed. The case has been listed before this Tribunal after expiry of more than 7 months yet UPPCB has not filed any further report to show what compliance has been made by the project proponent and what further proceedings were taken by the UPPCB on the show cause notice issued to be project proponent.

5. Mr. Pradeep Misra, Learned Counsel for UPPCB has submitted that environmental compensation of about Rs. 76.2 crores has been imposed on the project proponent vide order dated 06.09.2023 but even copy of the order has not been filed before this Tribunal and the amount of environmental compensation is yet to be realized.

6. The State and its instrumentalities are under Constitutional obligation to protect and improve the environment and protection and improvement of environment cannot be subject matter of mere paper proceedings without any actual implementation of the recommendations on the ground. It appears that despite issuance of show cause notice for closure of the industry, the industry was allowed to continue to operate during the on-going crushing season without compliance with the recommendations made by the Joint Committee. It is needless to observe that imposition of any

environmental compensation is no remediation of environmental damage caused until the amount of environmental compensation is realized and utilized for remediation of the damaged caused.

7. In the facts and circumstances of the case, we consider it necessary to seek response of (i) the State of Uttar Pradesh, through Chief Secretary, Government of Uttar Pradesh, (ii) District Magistrate, Muzaffarnagar, Uttar Pradesh (iii) UPPCB and (iv) Project Proponent who stand impleaded as respondents no. 1 to 4. The Registry is directed to prepare memo of parties and attach the same with the O.A. Mr. Pradeep Misra, Advocate is already appearing for UPPCB. The Registry is directed to issue notices to respondents no. 1, 2 and 4 requiring them to file their reply/response on or before 03.10.2023 by email at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

8. Notice be served on the project proponent through the District Magistrate, Muzaffarnagar and for this purpose the registry is directed to send notice alongwith copies of the O.A., reports filed and this order within 3 days and the District Magistrate, Muzaffarnagar is directed to get the service effected thereof on the project proponent within next 3 days and to send his report on or before 26.09.2023.

9. List for further consideration on 06.10.2023.

10. In view of the facts and circumstance of the case, we also consider personal appearance of District Magistrate, Muzaffarnagar, Uttar Pradesh, Regional Officer, Muzaffarnagar, UPPCB and General Manager of the Project Proponent Unit on the next date of hearing (Physically or through VC) to be essential for assisting this Tribunal in just and proper adjudication of the

questions involved in the case and they are directed to remain present before this Tribunal on date accordingly.

11. A copy of this order be forwarded to District Magistrate, Muzaffarnagar, Uttar Pradesh and Regional Officer, Muzaffarnagar by e-mail for compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

September 18<sup>th</sup>, 2023  
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