

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 584/2022

**IN THE MATTER OF:**

**1. Mr. Durga Prasad Yadav,**  
Village Ganja, Damasemar, Ayodhya  
Uttar Pradesh.  
Phone: 9305674839

**2. Mr. Sanjay Yadav,**  
Village, Janaura, Ayodhya,  
Uttar Pradesh.

**3. Mr. Dharmender Singh,**  
Village, Janaura, Ayodhya  
Uttar Pradesh.

**4. Mr. Jagprasad,**  
Village, Ganja, Damasemar, Ayodhya,  
Uttar Pradesh.

**5. Mr. Phoolchand,**  
Village, Ganja, Damasemar, Ayodhya,  
Uttar Pradesh.

**6. Mr. Rajender Yadav,**  
Village Janaura, Ayodhya,  
Uttar Pradesh.

...APPLICANTS

**VERSUS**

**1. State of Uttar Pradesh,**  
Through Chief Secretary,  
Government of Uttar Pradesh,  
1<sup>st</sup> Floor, Room No. 110. Lalbahadur Sastri Bhawan.  
Uttar Pradesh Secretariat. Lucknow – 226001  
Email Address: [csup@nic.in](mailto:csup@nic.in)

**2. Additional Chief Secretary,**  
Civil Aviation Department,  
Lucknow Government of Uttar Pradesh  
Department of Civil Aviation,  
Sachivalaya, Lucknow, U.P.-226001  
[Email: dgca.up@nic.in](mailto:dgca.up@nic.in)

**3. Uttar Pradesh Pollution Control Board**  
Building No. TC-12V. Vibhuti Khand,  
Gomti Nagar, Lucknow, U.P.-226010  
Email: [msi@zuppcb.com](mailto:msi@zuppcb.com)

**4. District Magistrate, Ayodhya**  
District Court and DM Office, Civil Line,  
Faizabad. Uttar Pradesh-224001  
[Email: dmayo.up@up.gov.in/comm.ayoup.gov.in](mailto:dmayo.up@up.gov.in/comm.ayoup.gov.in)

**5. M/s Amrit Bottlers Pvt. Ltd.**  
(Project Proponent)  
Chandpur, Harbans, P.O. Dabhasemar,  
District- Ayodhya, U.P.-224123

...RESPONDENTS

**For Applicants:**

None for the applicants.

**For Respondents:**

Mr. Pradeep Mishra and Mr. Daleep Dhyani Advocates for Respondent No.3-UPPCB (Through VC).

Mr. Sunil Fernandes, Mr. A. A. Aron and Ms. Priyansha Sharma Advocates for Respondent No. 5-M/s Amrit Bottlers Pvt. Ltd.

Mr. Nitish Kumar, District Magistrate, Ayodhya.

None for Respondents No. 1, 2 and 4.

**PRESENT:**

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

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**Judgment Reserved on:- 18.12.2023**

**Judgment pronounced on :- 22.12.2023**

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**Application is registered based on a letter petition received by Post.**

**JUDGMENT**

**PRONOUNCED BY: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JM**

1. Durga Prasad Yadav and others have sent by email the present letter petition, which has been treated and registered as original application,

complaining about damage to the environment and existence of River Trilodki Ganga (Baha) caused by the construction of Maryada Purushottam Shri Ram International Airport.

2. The applicants have submitted that river Trilodki Ganga is an ancient river which is also mentioned in the Purans. Excavation thereof is also going on at some places. However, for the construction of the above said airport the river Trilodki has been completely ruined. River Trilodki is now flowing in the form of a storm water drain known as Tilaiya which passes through Ganja, Hansapur, Chandpur Harivansh, Poore Husain Khan, Janora Dehat and falls in River Saryu. Rain water of this drain is used by the villagers. The flow of said drain is now obstructed due to which thousands of bighas of land will be submerged. M/s. Amrit Bottlers Pvt. Ltd. (Cococola) Dabhar Semar, Chandpur Harbans, Allahabad Road, Ayodhya is discharging polluted water in the above said drain. Due to there being no outlet the polluted water is spreading to the nearby villages and agricultural land and damaging the crops.

3. The applicants have accordingly prayed for remedial action for protecting the drain and preventing/remedying water logging and prohibiting discharge of industrial effluents by M/s. Amrit Bottlers Pvt. Ltd. in the same.

4. Vide order dated 14.09.2022, this Tribunal constituted a Joint Committee comprising of representative of Principal Secretary, Department of Civil Aviation, Lucknow, Executive Officer, Municipal Council, State PCB, District Magistrate, Ayodhya and directed the same to submit its report within one month and to send the copies of its report to the Project Proponents/Statutory Authorities. The relevant part of the order is reproduced below:-

*“...3. Prima facie, the averments made in the application raise questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010. In view of the averments made in the application, we consider it appropriate that a Joint Committee be constituted to verify the factual position. Accordingly, we constitute a Joint Committee comprising of representative of Principal Secretary, Department of Civil Aviation, Lucknow, Executive Officer, Municipal Council, State PCB, District Magistrate, Ayodhya to ensure that there should not be any encroachments are illegal activity in the prohibitory zone and direct the same to meet, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and submit its report within one month by e-mail 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. The State PCB will be the nodal agency for coordination and compliance.*

*4. In case the Joint Committee observes any violation of consent conditions/environmental norms then it shall forward a copy of its report to:-*

*(i) the concerned Project Proponents to enable it to comply with the recommendations in the report of the Joint Committee or file objections against observations /recommendations in the same and file its response before this Tribunal if so desired within one month from the date of receipt of a copy of the report of the Joint Committee; and*

*ii) the Statutory Authority including State PCB, and District Magistrate, Ayodhya to enable them to take appropriate remedial action by giving notice to/hearing the project proponent and following due process of law in accordance with Statutory provisions mandating them to take remedial action for prevention, control and abatement of environmental pollution/degradation and for protection and improvement of environment and submit their action taken reports within one month from the date of receipt of a copy of the report of the Joint Committee.*

*The reports be submitted by e-mail 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...”*

5. In compliance thereof, Mr. Chandresh Kumar, Regional Officer, UPPCB, Ayodhya submitted report of the Joint Committee vide letter dated 12.12.2022 through Post. The relevant part of the report is reproduced below:-

**“Joint committee inspection report in compliance of order dated 14.09.2022 passed by Hon'ble NGT New Delhi in O.A. No. 584/2022 Durga Prasad Yadav and others Vs. State of Uttarakhand.**

X X X X  
In compliance of order dated 14.09.2022 passed by Hon'ble NGT New Delhi in O.A. No. 584/2022 Durga Prasad Yadav and others Vs. State of Uttarakhand a joint committee was formed as follows-

- 1- Vishal Singh. Municipal Commissioner, Municipal Corporation, Ayodhya.
- 2- Shri Prabhakant Awasthi, Additional District Magistrate (Land Acquisition), Ayodhya.
- 3- Shri. S.P. Singh, Additional Director, Civil Aviation Department, Lucknow.
- 4- Shri Chandresh Kumar, Regional Officer, UP Pollution Control Board, Ayodhya.

The grievance in the letter by the complainant/applicant, is regarding damage to the environment and existence of River Trilodki Ganga Baha (Tilaiya Drain) caused by the construction of Maryada Purushottam Shri Ram Airport and encroachment of the flow area of Trilodki Ganga Baha (Tilaiya Drain).M/s Amrit Bottlers Pvt. Ltd., Chandpur Harvansh, Post-Dabhasemar, District-Ayodhya is discharging polluted water in the aforesaid drain.

On date 09.11.2022, the joint committee as above, conducted the on-site inspection of the mentioned industry M/s Amrit Bottlers Pvt. Ltd., Chandpur Harvansh, Post-Dabhasemar, District-Ayodhya Apart from this, the records related to the case were also examined by the Joint Committee. Complainant Mr. Durga Prasad Yadav, Mr. Saurabh Singh (concerned lekhpal) and some local residents were also present at the time of inspection. The detailed report is as follows-

1- M/s Amrit Bottlers Pvt. Ltd., Chandpur Harbans,P.O.Dabhasemar, Distt-Ayodhya. During inspection, the unit was found not in operation due to own reason (As per document produced by unit representative at the time of inspection unit was not engaged in production of cold drink due to off season, only packaged drinking water plant is working).General information, Observations and conclusion based on inspection are as below:

|   | <b>A: General Information</b>                                 |   |
|---|---|---|
| 1 | Name of the unit and Address                                  | M/s Amrit Bottlers Pvt. Ltd.,<br>Chan<br>Harbans, P.O.Dabhasemar, Distt-Ayodhya |
| 2 | Name of the Proprietor/Contact person-Designation Contact No. | Mr.Sanjay Singh(Quality Manager) -<br>8795834145, 8588817347.                   |
| 3 | Sector  | Beverage Industry   |

|   |   |  |
|---|---|--|
| 4   | Production Capacity <ul style="list-style-type: none"> <li>• Products</li> <li>• Installed Production Capacity</li> </ul> | Soft Drink, Juice and Packaged Drinking Water-2302 KLD (2491 B.P.M.)<br>Soft Drink ,Juice and Packaged Drinking Water-2302 KLD (2491 B.P.M.)   |
| 5   | Raw materials & their requirement   | Sugar-1500 MTD, Water-1000KLD, CO2-180 MTD<br>Mango Pulp-540 MTD and Concentrate-18000 Numbers/Day etc.  |
| <b>B: Water Pollution and its Control</b> |   |  |
| 1   | Waste Water Generation (KLD) <ul style="list-style-type: none"> <li>• Industrial</li> <li>• Domestic</li> </ul>           | 1550 KLD<br>25 KLD   |
| 2   | Waste water treated (KLD) <ul style="list-style-type: none"> <li>• Industrial</li> <li>• Domestic</li> </ul>              | 1550 KLD (Treated by ETP)<br>25 KLD (Treated by Septic Tank/Soakpit)   |
| 3   | Details of ETP And Description  | The unit has ETP of 2000 KL/day capacity, whose main units are Bar screen, Sump Tank, Oil & Grease Trap, Equalization Tank(3 No.), Chemical Dosing Tank, Flash Mixer, Flocculation Chamber, Primary Clarifier, Aeration Tank (3 No.), Secondary Clarifier(2 No.), Chlorination, Dechlorination Tank, Treated Water Tank, Fish Pond, Carbon and Sand Filter, Sludge Drying Beds etc |
| 4   | Mode of disposal of treated effluent  | The treated effluent is used for irrigation in the green belt of the premises and balance treated effluent is discharged in Tilaiya Drain by the unit  |
| 5   | Status of Consent under the water Act-1974  | Valid up to 31.12:2023   |
| <b>C: Air Pollution and its Control</b>   |   |  |
| 1   | Sources of Air Pollution  | Briquette fired 01 boiler of 06 and another boiler of 08 TPH steam generating capacity installed in the industry. The unit has 02 no. DG set of 500 KVA each and 04no. DG set of 1010 KVA each capacity installed in the industry with acoustic enclosure. Chimney's height of all DG sets found as per board standards  |
| 2   | Type of Fuel used with consumption Stack details with APCS  | Briquette(500Kg/hour)-for 06 TPH boiler. Briquette(800Kg/hour)-for 08 TPH boiler. Separate Cyclone type dust collector as Air Pollution Control System on 06 TPH & 08 TPH Boilers and 30 meter height separate chimney for every Boilers attached from Ground level  |
| 3   | Status of Consent under the Air Act-1981  | Valid up to 31.12.2023   |

**Observations:-**

1. The unit is engaged in the production of Soft Drink, Juice and Packaged Drinking Water-2302 KLD (2491 B.P.M.) Using Sugar-1500 MTD, Water-1000KLD, CO2-180 MTD and Mango Pulp-540 MTD and Concentrate-18000 Numbers/Day etc. as raw

material. During inspection unit was found not in production due to own reason.

2. The unit is meeting its fresh water requirement from Ground water through three bore well. Electromagnetic flow meter is installed at the all three bore wells and log book is maintained regarding fresh water consumption. The industry has got a no-objection certificate from Ground Water Department, Uttar Pradesh for groundwater exploitation, whose validity period is from 30-6-2021 to 29-06-2026.

3. The unit has valid consent under the water (PCP) Act, 1974 and the Air (PCP) Act, 1981, which is valid upto 31.12.2023.

4. The unit is generating Effluent @ 1550 KLD which is treated through its Effluent Treatment Plant (ETP) of capacity 2000 KLD. The online monitoring system (OCEMS) installed at the outlet of ETP which have been connected to the servers of CPCB and State Pollution Control Board. The treated effluent is used for irrigation in the green belt of the premises and balance treated effluent is discharged in Tilaiya Drain. The electromagnetic flow meter installed at outlet of ETP.

5. The inspection of the said industry was done earlier by this SPCB on dated 21/09/2022 during inspection the water sample of Treated effluent was collected from the ETP outlet and sample deposited to the Central Laboratory of the State Board, Analysis results are presented below:

| Sampling Locations  | Parameters |          |            |            |
|---------------------|------------|----------|------------|------------|
|                     | pH         | SS(mg/l) | BOD (mg/l) | COD (mg/l) |
| Final Outlet of ETP | 7.74       | 62.0     | 15.80      | 122.80     |

The photocopy of analysis report is attached as Annexure-1.

6. Monitoring report of the gaseous emission of the chimney attached to the 02 boiler (06 TPH & 08 TPH Boilers) has been conducted by the SPCB on dated 20/08/2022. The amount of pollutant in the sample of gaseous emissions was found according to prescribed standards. Monitoring report results are presented below.

| S.No | Parameter                                | Value  | Standard |
|------|--|--------|----------|
| 1    | Particulate Matter (mg/Nm <sup>3</sup> ) | 468.57 | 800      |
| 2    | Particulate Matter (mg/Nm <sup>3</sup> ) | 432.86 | 800      |

The photocopies of monitoring report is attached as Annexure-2 and Annexure-3.

7. The PTZ Camera has been installed on ETP premises.

8. As per industry representative piezometer and rainwater harvesting pond (25 Pond) is established by the industry and the capacity of the all 25 pond is 498999 KL.

During inspection joint committee collected treated water sample from ETP outlet and last discharge point of M/s Amrit Bottlers Pvt. Ltd. Joint committee also collected sample of upstream Tilaiya Nala and downstream Tilaiya Nala from meeting point of Tilaya drain and unit discharge point at meeting point of Tilaiya Drain and industrial final outlet drain also a public drain (just adjacent) meets Tilaiya Drain. All water samples has been deposited in Central Laboratory, UP Pollution Control Board, Lucknow for analysis. Analysis results are presented below:

| Sampling Locations   | Parameters |          |           |           |
|--|------------|----------|-----------|-----------|
|  | pH         | SS(mg/l) | BOD(mg/l) | COD(mg/l) |
| Final Outlet of ETP  | 7.75       | 18.0     | 8.60      | 69.0      |
| Final Discharge point of industry M/s. Amrit Bottlers Pvt. Ltd. Ayodhya. | 7.66       | 14.0     | 7.80      | 56.0      |
| U/s Tilaiya Drain, Chandpur Harvansh, Ayodhya                            | 7.28       | 52.0     | 22.0      | 128.0     |
| D/s Tilaiya Drain, Chandpur Harvansh, Ayodhya                            | 7.32       | 96.0     | 28.0      | 196.0     |

The photocopies of analysis reports is attached as Annexure-4, Annexure-5, Annexure-6 and Annexure-7.

It was informed by the local resident Mr. Dwarkadhish and Complainant Mr.Durga Prasad Yadav present during the inspection that the origin of Trilodki Ganga/Baha (also known as Tilaiya nalla) was from the Samada lake located in Panditpur, Kolagaon, Sohawal, district-Ayodhya. It was informed by him that Trilodki Ganga/Baha/Tilaiya nalla village- Usru, Hansapur, Toniya, Dabhasemar, Chandpur Harvansh, Malikpur, Rajbooth Ka Purva, Puri Hussain Khan, Ganja, Nandapur, Bhikhapur, Dadwan and Shankargarh Bazar etc. a distance of about 20 km. After settling in the form of Tilaiya Nallah, it finally joins Saryu river. It was also informed by him that due to the construction of the airport, the area of Trilodki Ganga/Baha/Tilaiya nalla is being encroached, due to which the Trilodki Ganga/Baha/Tilaiya nalla is becoming narrower and the industry by M/s. Amrit Bottlers Pvt. Poisonous water is being discharged into the Trilodki Ganga/Baha/Tilaiya nalla, due to which the fields of the residents/farmers of village-Ganja, entire Hussain Khan, Janaura Dehat and Hansapur etc. have been waterlogged and crops have been destroyed. Due to water logging, there is a possibility of spread of diseases in all the above villages. Therefore, by measuring the Trilodki Ganga/Baha/Tilaiya nalla, its conservation and cleaning is very important in the public interest.

1- Joint committee informed by revenue department that the land was required for the purpose of development of State Air



*Strip situated at District-Ayodhya into Ayodhya Airport as per the master plan made available by the Airports Authority of India. For the said purpose, land was purchased as per the provisions contained in the government order no.2/2015/215-Ek-13-2015-20(48)2011 dated 19.03.2015 with the consent of recorded tenure holders and the sale deed was executed in favour of Civil Aviation Department of Uttar Pradesh. The sale consideration after execution of the sale deeds have been already paid to the recorded tenure holders. The total private land required for development of Ayodhya Airport is 499.6846 acres out of which 474.94979 acres of land have been purchased in the favour of Civil Aviation Department which is 95.05% of the private land required. Copy of the chart indicating the details of the land purchased is being annexed herewith as Annexure-8. As per revenue department in the revenue records no river by the name of Trilodki Ganga is recorded in the revenue records pertaining to Villages-Ganga, Hasapur, Chandpur, Haribansh, Poore Hussain Khan of Tehsil- Sadar, District Ayodhya.*

*2- As per revenue records provided by revenue department the aforesaid drain in Village-Ganga flows from gata nos. 190, 274, 349, 356, 357, 386, 385, 378, 374, 655, 655/1042, 666, 665, 663, 661, 681, 684, 700 and 692, out of which gata nos. 274, 374, 655, 663, 666, 665, 655/1042 are recorded in the name of education department in revenue records, gata nos. 385Ka and 681Kha are recorded in the name of pond, gata nos. 681Ka is recorded in the khata of banjar, naveen parti and pond whereas gata nos. 190 Mi., 349Ka, 356 and 692 are recorded in the khata of Baha. The gata nos. 700, 372, 349 Kha, 357, 386 and 385Ka are recorded in the khatas of tenure holders as bhumidhar with transfer rights. Copies of the Khataunis alongwith Naksha Nazri are being annexed herewith as Annexure-9.*

*The aforesaid drain in Village-Pura Hussain Khan flows from gata nos. 496, 497, 514, and 609 out of which gata nos. 496Ka, 514 and 609 are recorded in the revenue records in the name of education department/government property, whereas gata nos. 497 is recorded as bhumidhar with transferable rights in the name of Bechu Lal, Jokhu Lal, Ramdeen son of Jhagroo etc. Copies of Khataunis are being annexed herewith as Annexure-10.*

*The aforesaid drain in Village-Ashapur is recorded in gata no.16/0.1110 hectare as Nala. Copy of the Khatauni alongwith Naksha Nazri is being annexed herewith as Annexure-11.*

*The aforesaid drain in Village-Vasupur Sirsa alias Jaisinghpur flows through gata nos.66, 73, 348, 350/1,69, 70, 72, 56, 305, 21, and 308, out of which gata nos. 66, 73, 350/1, 56, 305, 21 and 308 are recorded as Tilai Nala, whereas gata nos. 69, 70 and 72 are recorded in the revenue in the name of Sri Ram Dev son of Bhagwan Deen and other co-tenure holders as Bhumidhar with transferable rights. Copies of the Khatauni alongwith Naksha Nazri are being annexed herewith as Annexure-12.*

*The aforesaid drain in Village-Kazipur Chitawa flows from gata nos. 55, 181, 86, 64 Mi., 65 and 179 Va, out of which gata nos. 55, 181, 64 Mi., 65 and 179 Va are recorded in the revenue*

*records as Tilai Nala, whereas gata no. 86 is recorded in the name of Ram Krishna son of Ramasrey and other co-tenure holders as bhumidhar with transferable rights. Copies of the Khatauni alongwith Naksha Nazri are being annexed herewith as Annexure-13.*

*The aforesaid drain in Village-Takapur flows from gata nos. 56 which is recorded in the revenue records as Nala. Copy of the Khatauni is being annexed herewith as Annexure-14.*

*The aforesaid drain in Village-HaibatPur flows from gata nos. 61Kha, 228, 59, 60, 61Ka, out of which 61 Kha and 228 are recorded in the name of Nala in the revenue records and the remaining are recorded in the name of tenure holders as bhumidhar with transferable rights. Copies of Khatauni are being annexed herewith as Annexure-15.*

*The aforesaid drain in Village-Shanewazpur Manjha flows from gata nos.287, 288Kha and 769Ja, out of which gata nos. 287 and 288Kha are recorded in khata of Soti, whereas gata nos. 769Ja is recorded as Nala. Copies of the Khatauni are being annexed herewith as Annexure-16.*

*The aforesaid drain in Village-Rampur Halwara Manjha flows from gata no. 311A which is recorded as Jalmagna (immersed with water) in the records. Copy of the Khatauni is being annexed herewith as Annexure-17.*

*Thus, the drain passes through the revenue villages Hansapur, Pura Hussain Khan, Ganja. Janaura, Bhikhapur, Ranopali, Ashapur, Takapura, Haibatpur, Kazipur Chitawa, Vasupur Sirsa alias Jaisinghpur, Shahnewazpur, Manjha etc. and lastly ends into Saryu River.*

*3- As per revenue department the government order dated 3.06.2016 and 06.07.2022 specifically provides that the proceedings of category change/resumption/exchange of the land covered u/s 77 of the U.P. Revenue Code, 2006 will be undertaken in very exceptional and unavoidable circumstances and in case land covered in the section 77 is subjected to resumption/category change, then the land in excess belonging to general category (Samanya Shreni) should be reserved in the same or nearby gram panchayat/local authority. The category of the land has been changed as per the provisions prescribed in the government order dated 03.06.2016 read with government order dated 06.07.2020 vide order dated 28.06.2021 passed by the District Magistrate, Ayodhya as the land was required for the development of Airport which was very exceptional and unavoidable situation. The equivalent land of Baha category utilized for the purpose of Airport has been reserved in the khata of Baha in accordance with the government orders dated 03.06.2016 and 06.07.2020. Copies of the government order dated 03.06.2016, 06.07.2020 and 28.06.2021 are being annexed herewith as Annexure-18, Annexure- 19 and Annexure-20.*

*It is submitted that steps are being taken to ensure that water flow of the area is not hindered due to extension of the Ayodhya Airport and water flow remains smooth. The Executive Engineer, Irrigation Division, Ayodhya in his report dated 21.09.2022 has stated that the land has been acquired falling in catchment area of Usroo Minor, Firozpur Minor, Sarethi Minor, Chandpur*

*Harvansh and Sarraiya drain for the purpose of development of Ayodhya Airport. The District Magistrate, Ayodhya in order to ensure solution for smooth water flow in the concerned area has constituted a committee comprising of officers of different departments and that committee has given its report after making spot inspection in which certain recommendations have been made for construction of drains. The estimate for construction of drains was prepared and forwarded to the Additional Chief Secretary, Civil Aviation, Government of U.P. Lucknow vide letter dated 26.07.2022 issued from the office of the District Magistrate, Ayodhya. Again, reminder letter dated 08.09.2022 has been sent for approval of the estimate and as soon as estimate is approved, further steps will be taken for the construction of drain so as to ensure smooth water flow of the area which has been affected by the construction of Maryada Purshottam Shri Ram International Airport. Copies of the letters dated 26.07.2022, 08.09.2022 along with the report of the committee and the report dated 21.09.2022 of the Executive Engineer, Irrigation, Ayodhya are being annexed herewith as Annexure-21, Annexure-22 and Annexure-23.*

*4- As per documents/records submitted by revenue department in development of Ayodhya Airport land of 8 villages are being affected which includes Janaura (Outside Nagar Palika), Pura Hussain Khan, Ganja, Nandapur, Firozpur, Dharampur Shahadat, Khushmaha and Sarethi. The land of village Hasapur and Chandpur Harvansh are not affected by the development of Airport. The revenue village Khusmaha, Sarethi, Dharampur Sahadat and Firozpur are situated at East and North East directions of the Ayodhya Airport, whereas the villages-Ganja, Pura Hussain Khan, Janaura, Chandpur Harvansh and Dhaba Semar are adjacent to the Airport on the Western, Southern and Northern directions and they are not affected by water flow. The Chandpur Harvansh drain and Firozpur Minor are affected by the extension of the Airport for which alternate arrangement has been made. The Executive Engineer, Irrigation Division, Ayodhya in its report dated 21.09.2022 has informed about the problem arising due to acquisition of the land falling in the catchment area of the drains. The committee constituted by the District Magistrate has made recommendation and as per the recommendation, the Irrigation Department has made a project for construction of alternate drain for the proper disposal of water of catchment area into the Saryu river as indicated herein above in the preceding paragraph. Under the project, it has been ensured to make provision for smooth disposal of water from catchment area and from area falling within the realm of Airport.*

*Conclusion:*

*It is concluded from the above facts that in presently the industry is complying with environmental norms and as per revenue records no river by the name of Trilodki Ganga is recorded in district Ayodhya. The Trilodki Ganga referred by the complainant is recorded as Tillaiya Nalla in some villages and recorded as Soti and Baha in some villages in revenue records pertaining to Villages Ganja, Hasapur, Chandpur, Haribansh, Poore Hussain Khan of Tahsil Sadar, District Aodhya. As per above facts that*

*steps are being taken to ensure that water flow of the area is not hindered due to extension of the Ayodhya Airport and water flow remains smooth. The estimate for construction of drains was prepared and forwarded to the Additional Chief Secretary, Civil Aviation, Government of U.P. Lucknow vide letter dated 26.07.2022 issued from the office of the District Magistrate, Ayodhya. Again, reminder letter dated 08.09.2022 has been sent for approval of the estimate and as soon as estimate is approved, further steps will be taken for the construction of drain so as to ensure smooth water flow of the area which has been affected by the construction of Maryada Purshottam Shri Ram International Airport.”*

6. Vide order dated 21.12.2022 this Tribunal impleaded (1) State of Uttar Pradesh through Chief Secretary, Government of Uttar Pradesh, (2) Additional Chief Secretary, Civil Aviation Department, Lucknow Government of Uttar Pradesh, (3) UPPCB, (4) the District Magistrate, Ayodhya and (5) the Project Proponent- M/s Amrit Bottlers Pvt. Ltd., Chandpur, Harbans, P.O. Dabhasemar, District- Ayodhya as respondents No. 1 to 5 and ordered issuance of notices to them.

7. Pursuant thereto replies have been filed by respondent no. 2, 3 and 4 vide emails dated 15.03.2023, 28.02.2023 and 03.03.2023 respectively.

8. The relevant part of the reply filed by respondent no. 3-UPPCB is reproduced below:-

**“Response on behalf of respondents No. 3 (UPPCB) in compliance of order dated 21.12.2022 passed by the Hon'ble National Green Tribunal Principle Bench, New Delhi in OA No. 584/2022 Durga Prasad Yadav and Ors V/s State of Uttar Pradesh and Others.**

X X X X

*In Compliance of above order, it is submitted that as per the facts mentioned in the Joint Committee report dated 12.12.2022, presently the said industry is complying with environmental norms. As per revenue records, no river by the name of Trilodki Ganga is recorded in district-Ayodhya. The Trilodki Ganga referred by the complainant is recorded as Tillaiya Nalla in some villages and recorded as Soti and Baha in some other villages in revenue records pertaining to Villages Ganja, Hasapur,*

*Chandpur, Haribansh, Poore Hussain Khan of Tahsil-Sadar, District-Ayodhya. As per information received from the Irrigation Department, steps are being taken to ensure that water flow of the area is not hindered due to extension of the Ayodhya Airport and water flow remains smooth. The estimate for construction of drains has been prepared and forwarded to the Additional Chief Secretary, Civil Aviation, Government of U.P. Lucknow vide letter dated 26.07.2022 issued from the office of the District Magistrate, Ayodhya followed by reminder letter dated 08.09.2022 for approval of the estimate and as soon as estimate is approved, further steps will be taken for the construction of surface water drain so as to ensure smooth water flow of the area which has been affected by the construction of Maryada Purshottam Shri Ram International Airport and this is likely to solve the drainage / waterlogging problem of the area.”*

9. The replies filed by respondent no. 2-ACS, Civil Aviation Department, U.P. and respondent no. 4-District Magistrate, Ayodhya are on similar lines and relevant part of the reply filed by respondent no. 4-District Magistrate, Ayodhya is reproduced below:-

**“Response on behalf of respondents No. 4 (District Magistrate Ayodhya) in compliance of order dated 21.12.2022 passed by the Hon'ble National Green Tribunal Principle Bench, New Delhi in OA No. 584/2022 Durga Prasad Yadav and Ors V/s State of Uttar Pradesh and Others.**

X X X X  
*In Compliance of above order, it is submitted that as per the facts mentioned in the Joint Committee report dated 12.12.2022, presently the said industry is complying with environmental norms. As per revenue records, no river by the name of Trilodki Ganga is recorded in district-Ayodhya. The Trilodki Ganga referred by the complainant is recorded as Tillaiya Nalla in some villages and recorded as Soti and Baha in some other villages in revenue records pertaining to Villages Ganja, Hasapur, Chandpur, Haribansh, Poore Hussain Khan of Tahsil-Sadar, District-Ayodhya. As per information received from the Irrigation Department, steps are being taken to ensure that water flow of the area is not hindered due to extension of the Ayodhya Airport and water flow remains smooth. The estimate for construction of drains has been prepared and forwarded to the Additional Chief Secretary, Civil Aviation, Government of U.P. Lucknow vide letter dated 26.07.2022 issued from the office of the District Magistrate, Ayodhya followed by reminder letter dated 08.09.2022 for approval of the estimate and as soon as estimate is approved, further steps will be taken for the construction of surface water drain so as to ensure smooth water flow of the area which has been affected by the construction of Maryada*

*Purshottam Shri Ram International Airport and this is likely to solve the drainage / waterlogging problem of the area.*

*In relation to the letter No. 1097/V.Chh.584/2022/23 dated 17.02.2023 issued by District Magistrate, Ayodhya, to the SDM, Sadar, Ayodhya it is to be informed that according to the revenue records, there is no land record in Ayodhya district by the name of Trilodki Ganga/Baha. Trilodki Ganga/Baha, which has been called by the petitioner, is recorded in the revenue records as Tilaiya Nala in some village, while in some village it is recorded as Soti, Baha or Nala and in some village, it is recorded as Abadi sites (class 6(2)) as well. However in the discontinued portion of the aforementioned nala, the outflow/overflowing of the recordable portion of nala connects through the land parcels of the transferable tenure holders. Copy of SDM, Sadar, Ayodhya Letter dated 02.03.2023 is annexed as annexure no 1.*

*In relation to the letter No. 1097/V.Chh.584/2022/23 dated 17.02.2023 issued by District Magistrate, Ayodhya, to the Executive Engineer, irrigation division, Irrigation Department Ayodhya In the financial year 2021-22, the capacity enhancement and maintenance work in certain reach of the Tilaiya drain has been carried out by the municipal corporation of Ayodhya, which has resulted in effective drainage and a significant reduction in the waterlogging in the catchment area of this drain. It is also necessary to mention that the Irrigation division of Ayodhya has comprehensively studied the hydrology of the area and prepared two projects (as tabled below). The revised projects were sent to the ministry of civil aviation for further approval via the office of District Magistrate, Ayodhya through letter no 1906/वि०भू०अ०अधि०/श्री राम एयरपोर्ट/2022 dated January 10, 2023.*

| Sr. No. | Name of Project  | Estimated cost |
|---------|--|----------------|
| 1       | निर्माणाधीन अयोध्या एयरपोर्ट के आइसोलेशन बे के उत्तरी छोर पर जल निकासी हेतु तिलैया ड्रेन के मध्य लिंग ड्रेन के निर्माण की परियोजना | 824.04 लाख     |
| 2       | जनपद अयोध्या में निर्माणाधीन मर्यादा पुरुषोत्तम श्रीराम अंतर्राष्ट्रीय एयरपोर्ट के जलनिकासी हेतु की परियोजना                       | 4763.51 लाख    |

*The proposed project at sr. no. 1 included the construction of a link drain between the left portion of the airport near the isolation bay and the Tilaiya Drain, the capacity enhancement of the tail portion of the Tilaiya drain (from chainage K.M. 6.100 to K.M.*

*4.100) and the reconstruction of few narrow and old culverts in the same reach.*

*Due to the expansion of the runway at the ongoing airport project, the flow of Chandpur Harbansh Drain and Sanaiya drain was affected on the right side of the airport. To avoid any occurrence of water logging and continuance of Chandpur Harbansh Drain and Sanaiya drain the district-level committee was constituted by District Magistrate, Ayodhya. After a thorough field inspection, the committee has made the recommendation and accordingly the Irrigation division of Ayodhya prepared the project as mentioned herein above at sr. no. 2 of the table, under this project the unrestricted flow of these drains has been ensured by making an alternate drain/route diversion. This project also included the reconstruction of a few existing culverts due to a change of bed level/waterway at respective change following the changed hydraulic data. After completion of these projects, unrestricted and effective drainage in the catchment area will be ensured and the occurrence of water logging will be completely avoided through hydraulically best-suited disposal of rainwater. Copy of Executive Engineer, irrigation division, Irrigation Department Ayodhya Letter dated 028.02.2023 is annexed as annexure no -2..”*

10. On their request the applicants were granted time to produce documents. The applicants filed written submissions dated 27.02.2023 alongwith documents by speed-post which were received on 04.03.2023.

11. In the written submissions the applicants made averments that effluent discharged by the M/s Amrit Bottlers Pvt. Ltd. is polluting Trilodki Ganga river which is considered to be sacred by millions of people.

12. Vide order dated 16.03.2023 this Tribunal directed the Joint Committee to undertake visits to the site and submit a further report addressing allegations of pollution of Trilodki Ganga river due to discharge of effluent by the M/s Amrit Bottlers Pvt. Ltd.

13. In compliance thereof, report of the Joint Committee was filed vide email dated 20.07.2023.

14. The relevant part of the report of the Joint Committee filed vide email dated 20.07.2023 is reproduced as under:

***“Inspection Report of Joint Committee in compliance of order dated 16.03.2023 constituted by Hon’ble NGT in the matter of O.A No. 584/2022 Durga Prasad Yadav and Ors. Vs. State of Uttar Pradesh and Ors.***

X X X X

*In compliance of the order dated- 16.03.2023 of Hon’ble NGT in the matter, a joint committee was constituted comprising of the following members:*

*(1) Shri Prabhakant Awasthi, Additional District Magistrate (Land Acquisition, Ayodhya), nominee of District Magistrate, Ayodhya.*

*(2) Shri S.P. Singh, Additional Director, Civil Aviation Department, Lucknow.*

*(3) Shrimati Ankita Shukla, Assistant Municipal Commissioner, Nagar Nigam, Ayodhya, nominee of Municipal commissioner.*

*(4) Dr. T. N. Singh, Regional Officer, U.P. Pollution Control Board, Ayodhya, nominee of U.P. Pollution Control Board.*

*Shri Divyajyoti Mishra, Assistant Engineer, Irrigation Department, Ayodhya was also assisting the joint team regarding construction of the said drain.*

*Accordingly, the nominated committee members have conducted field visit on 23.06.2023 to review the factual position in the matter as mentioned in the Hon’ble NGT order dated 16.03.2023.*

*(1) The constituted team first visited the premises of M/s. Amrit Bottlers Pvt. Ltd., Chandpur Harvansh, Post- Dabhasemar, Ayodhya. The specific features of this inspection is as follows.*

*1.1 At the time of inspection, the unit was found operational. It is engaged in the production of softdrink, juice & packaged drinking water using sugar, water, CO<sub>2</sub>, fruits pulp & concentration as raw materials. The raw material quantity and the products have already been mentioned in the inspection report which had been filed in Hon’ble NGT vide e-mail dated-12.12.2022.*

*1.2 At present the fresh water requirements of the company is approx 4840 KLD which is abstracted through 04 No. of tubwells.*

*1.3 Electromagnetic flow meter have been installed for measurements of ground water abstraction.*

*1.4 Industry has obtained No Objection Certificate from Ground Water department.*

*1.5 The unit has obtained Consent under Water Act, 1974 and Air Act, 1981 which is valid upto 31.12.2025.*

*1.6 The unit is generating industrial effluent @1850 KLD & domestic waste water @45 KLD as per information given in the*



Consent application form submitted online to obtain CTO from the board.

1.7 Effluent Treatment Plant of capacity 2000 KLD has been installed for the treatment of industrial waste water which was found operational at the time of inspection.

1.8 Sewage Treatment Plant of capacity 60 KLD has been installed for the treatment of sewage generated from the industrial premises and it was found operational at the time of inspection.

1.9 OCEMS have been installed at the outlet of E.T.P and it has been connected to the server of CPCB.

2.0 The treated industrial effluent as well as domestic effluent is discharged in said drain which has been referred by the applicant Shri Durga Prasad Yadav as Trilodki Ganga. The details of said drain as well as referred Trilodki Ganga has been discussed and documented in the earlier inspection report dated 09.11.2022 which has already been filed in the Hon'ble NGT.

2.1 The joint committee collected the industrial effluent as well as domestic effluent at Inlet and Outlet of ETP and STP respectively. The water samples of Upstream of said drain and Down Stream of said drain, were also collected to assess the pollution level of Teillaiya drain which has been referred as Trilodki Ganga.

2.2 All the samples were submitted in the Central Laboratory of U.P.

Pollution Control Board, Lucknow, which is a NABL accredited Laboratory.

2.3 The results of the water samples have been shown below in tabular form for sake of simplicity.

| Parameter        | ETP    |        | STP       |        | Tilaiya Drain<br>(Trilodki Ganga) |        |
|------------------|--------|--------|-----------|--------|-----------------------------------|--------|
|                  | Before | After  | Before    | After  | U/s                               | D/s    |
| pH               | 11.07  | 7.89   | 7.63      | 7.82   | 7.57                              | 7.16   |
| Suspended Solids | 132.0  | 74.0   | 78.8      | 62.0   | 72.0                              | 78.0   |
| Disolved Solids  | 2256.0 | 1368.0 | 1354.0    | 908.0  | 864.0                             | 932.0  |
| Total Solids     | 2388.0 | 1442.0 | 1432.8    | 970.0  | 936.0                             | 1010.0 |
| Total Coliform   | -      | -      | 1600000.0 | 3400.0 | -                                 | -      |
| Fecal Coliform   | -      | -      | 280000.0  | 780.0  | -                                 | -      |
| BOD              | 180.0  | 25.0   | 56.0      | 23.8   | 18.0                              | 22.0   |
| COD              | 1269.6 | 196.4  | 212.0     | 174.4  | 96.0                              | 132.0  |
| Colour           | -      | -      | -         | -      | 40.0                              | 40.0   |

*2.4 As per Analysis Report shown above the treated effluent has been found as per CPCB/SPCB norms.*

*2.5 The member of Irrigation Department, Ayodhya, Shri Divyajyoti Mishra, Assistant Engineer, was present at the time of inspection and reported that the said drain passess through the revenue villages- Hansapur, Pure Hushain Khan, Ganja, Janaura, Vhikhapur, Ranopali, Ashapur, Takpura, Haibatpur, Kazipur, Chitwa, Vasupur, Sirsa alias Jaisingpur, Shahnewazpur, Manjha etc. and finally joins Saryu River, This is a natural drain and carries only surface runoff. Presently, the said drain has not any regular flow in lean season.*

*2.6 Department of Irrigation has started the construction & diversion of the said drain for smooth flow of the run-off arising in the area as well as from newly constructed Maryada Purushottam Sri Ram Airport. The map of new aligned drain and DPR which has been made available by the Irrigation Department is annexed as Annexure no - 1(A) and 1(B) respectively for references.*

*2.7 The total project cost of the drain is 4763.51 lakh and 824.04 lakh (total 5587.55 lakh) for construction of two additional drain in the left part of the Airport and right part of the Airport. The photograph of the construction of drain has been annexed as annexure no. 02 for reference.*

*2.8 As per statement of the Representing Officer of the Irrigation Department, Ayodhya, the construction of the drain shall be completed before operation of the Airport.*

*2.9 After completion of the construction of drain, the flow of water will remain smooth during rainy season, and thus, the discharge of M/s. Amrit Bottlers Pvt. Ltd., Chandpur Harvansh, Post-Dabhasemar, Ayodhya may not be logged after completion of the drainage project of irrigation department.*

*3.0 In lean season the water flow of the drain may not be continuous and hence, the treated water of M/s. Amrit Bottlers Pvt. Ltd., Chandpur Harvansh, Post-Dabhasemar, Ayodhya may be utilized for irrigation of the crops of the area.”*

15. This Tribunal observed in Para No. 6 and 7 of its Order dated 24.07.2023 as udner:-

*“6. A perusal of the report reveals that the permission for use of groundwater has been taken for approximately 4840 KLD but industrial effluent is being generated at the rate of 1850 KLD, which depicts that more than 50% water is being unused and*

*discharged in the drains without any proper management of reuse of water or to demineralize.*

7. *During the course of hearing, learned Counsel appearing for the Respondent/Project Proponent has sought time to file report on the following points:*

*i. Method adopted to reuse treated effluents from ETP and not to discharge it into the drain.*

*ii. Demineralize water and reuse it which may include nanofiltration of treated ETP effluents and utilize it so to reduce consumption of groundwater.*

*iii. Contribution and reexplore recharge of water by the unit in ratio to extraction of groundwater. iv. Process of rain water harvesting done by unit in the area.*

*v. Number of plantations done by the Project Proponent in the area.*

*vi. Method and measures taken by the unit to utilize the used water for agriculture purposes rather than discharging it into drains having properly layout of ferti-irrigation plan.....”*

16. Vide order dated 24.07.2023 respondent/District Magistrate, Ayodhya was directed to take action on the above points and submit report.

In compliance thereof report dated 27.10.2023 was filed vide email dated 28.10.2023. The relevant part of the report reads as under:-

**“Report in compliance of order dated- 24.07.2023 in O.A. No. 584/2022 Durga. Prasad Yadav & Ors. Vs. Slate of U.P. & Ors. Of Hon'ble NGT.**

*In compliance of the order dated 14.09.2022 passed by Hon'ble NGT in O.A. No. 584/2022 Durga Prasad Yadav & Ors. Vs. Stale of U.P. & Ors., a committee was constituted to undertake site visit and submit a report addressing allegations of pollution of Trilodaki Ganga due to discharge of effluent by M/s. Amrit Bottlers Pvt. Ltd.*

*The report of the joint committee was submitted in Hon'ble NGT. The Hon'ble Tribunal has directed to take action on the following points and to submit a report within 03 weeks. The Principal parts of the order is as follows:*

*..... "7. During the course of hearing, learned Counsel appearing for the Respondent/Project Proponent has sought time to file report on the, following points:*

*i. Method adopted to reuse treated effluents from ETP and not to discharge it into the drain.*

*ii. Demineralize water and reuse it which may include nanofiltration of treated ETP effluents and utilize it so to reduce consumption of groundwater.*

*iii. Contribution and reexplore recharge of water by the unit in ratio to extraction of groundwater.*

*iv. Process of rain water harvesting done by unit in the area.*

*v. Number of plantations done by the Project Proponent in the area.*

*vi. Method and measures taken by the unit to utilize the used water for agriculture purposes rather than discharging it into drains having properly layout of ferti-irrigation plan.*

*8. Respondent/District Magistrate is directed to take action on the above points and to submit a report within three weeks by e-mailatjudicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.*

*9. List the matter on 01.11.2023.*

*As per direction of the Hon'ble NGT, the unit was re-inspected by this office on 28.08.2023 and 26.10.2023 to overview the compliances made by the unit of the order dated 24.07.2023. The Main features of the inspection is as follows-*

*1- The unit was found operational at the time of inspection.*

*2- ETP and STP installed for the treatment of industrial and domestic waste water respectively were also found operational and the treated effluent arising from ETP and STP was being discharged as usual in the referred drain,*

*It was informed by the present representative at the time of inspection that nano filtration unit of capacity 300 KLD shall be installed to treat and reutilize the treated effluent in different Industrial uses and it shall be commissioned upto Febuary, 2024 for which PO has been issued by the company*

*3- The unit has not initiated any physical work to install Nano Filtration System for demineralisation and reuse of treated effluent to reduce the consumption of the ground water till 26.10.2023 at the time of last inspection. The project for installation of Nano Filtration System of capacity 300 KLD is only in planning phase.*

*The unit has submitted a point wise compliance report on 18.10,2023 as mentioned at point no. 07 in the order of Hon'ble NOT in O.A. No. 584/2022 Durga Prasad Yadav & Others Vs. State of U.P. & Others which has been mentioned as follows:*

*3.1- In compliance of above order of Hon'ble NGT, the unit has submitted a plan to reuse treated effluent from ETP and this plan shall be completed upto February, 2024. As per plan, the unit is ensuring to recover of process water to the tune of 140 KLD for its recycle in feasible areas of the process like Steam condensate, Backwash recovery, RO reject recovery, PET rinser recovery.*

*3.2- The unit shall install Reverse Osmosis/Ultra Filtration Plant of 300 KLD capacity in the tertiary phase of ETP and the permeate of Reverse Osmosis! Ultra Filtration Plant and it shall be recycled for process operations like Cooling Tower, Boiler feed water. This plant has been scheduled for commissioning upto February,2024. Unit has not mentioned in its plan for recycle and*

*reuse of the rest treated effluent which is being discharged presently in the drain.*

*3.3- In the reply of point no. 07 (iii) of the order, the unit has mentioned that the required annual recharge prescribed by Ground Water Department, Govt. of U.P. is 1,20,000 cubic meter and unit has installed Rain Water Harvesting projects at 25 locations with total ground water recharge as 4,98,999 cubic meter which should be verified by Ground Water Department.*

*3.4- In compliance report submitted by the unit, Piezo Meter at three locations have been installed within factory premises.*

*3.5- The unit has undertaken 7000 plantation in year 2021-22 and 11000 plants in year 2022-23 besides Miyawaki afforestation on 150 sq.mtr. in year 2021-22 and 11000 plants in year 2022-23.*

*3.6- In the compliance report submitted by the unit, It has been informed that the treated influent shall not be utilized for agriculture purposes due to possible risk. The unit is not interested to utilize the treated water for agriculture purposes due to possible risks of waste water usage in agriculture ranging from changes to Physico-chemical and micro biological properties of soils to impact on human health.*

*Viewing the above mentioned pointwise compliance report of the referred industry, it may be concluded that the unit is interested to comply the various directions of Hon'ble NGT as well as guidelines issued by CPCB/ UPPCB from time to time except utilization of treated water for agricultural purposes due to possible risks.*

*4- Industry has claimed for harvesting of rain water more than 150 percent in ratio to extraction of ground water in local by ponds. The photographs of the harvested ponds have been in closed with the response/plans submitted by the unit. However the claimed of the Industry should be verified by Ground Water Department, UP.*

*5- Industry has developed a Miyawaki type of Jungle at Usroo, Ayodhya on an area of 150 sqr mtr in plantation year 2021-22 in which approximately 600 plants were grown. In Plantation year 2022-23, a Miyawaki type of -Jungle is being developed on an area of approximately 3000 sqr mtr at Gosaiganj which is at the distance of 25 km from the factory premises in which approx 12000 plants are being implanted.*

*6- The unit has been directed to comply the directions of the Hon'ble Tribunal vide Letter No. 330/ O.A. No. 584/2022/2023 dated 07.08.2023 by this office.”*

17. Respondent no. 5 has claimed to have filed reply dated 14.03.2023 which was not placed on record by the Registry and respondent no. 5 has

filed its copy vide email dated 13.12.2023. Respondent no. 5 filed additional reply vide email dated 22.07.2023 and consolidated reply vide email dated 13.12.2023.

18. The relevant part of the consolidated submissions filed by respondent no. 5 is reproduced below:-

**“CONSOLIDATED SUBMISSIONS FILED BY THE RESPONDENT NO.5 /PROJECT PROPONENT i.e. MIS AMRIT BOTTLERS PVT. LTD.**

X X X X

1. That the Respondent No.5 /Project Proponent i.e. M/s Amrit Bottlers Pvt. Ltd. [hereinafter referred to as the "answering Respondent"] is a company registered under the Companies Act, 1956 having its Registered Office at: P-18, Dobson Lane, Madhusudan Apartment, Howrah, West Bengal — 711 101 and its manufacturing Unit at: Chandpur Harbans, Allahabad Road, P.Q. — Dabhasemar, District — Ayodhya, Faizabad, U.P. — 224 133. Print-out of the Master Data of the answering Respondent downloaded from the web-site of the Ministry of Corporate Affairs is annexed as Annexure: R5/1.

2. That the answering Respondent is engaged in the business of manufacturing & sale of soft drinks, juice and packaged drinking water, with an installed total production capacity of 3934 KLD (3724 B.P.M.) [Package Drinking Water — 1095.6 KLD; Juice — 472.7 KLD and CSD -- 2365.7 KLD].

3. That the unit-in-question of the answering Respondent is situated in District — Ayodhya (U.P.) since 1984 and is majorly involved in the business of manufacturing & sale of non-alcoholic beverages and fruit juice. That the products of the answering Respondent are well known in the market with the name Coca-cola, Thumbs-Up, Limca, Fanta, Sprite, Kinley Soda, Kinley water, Maaza etc. That the said products of the answering Respondent are being manufactured and supplied in various parts of the State of Uttar Pradesh.

4. That the unit-in-question of the answering Respondent provides direct employment to approximately 600 permanent employees and approximately 300 temporary employees. That apart from the above, approximately 50,000 retailers are connected with the unit-in-question of the answering Respondent. That, therefore, the answering Respondent is providing livelihood to a large number of employees and retailers and their families.

5. That the answering Respondent is filing present Consolidated Reply through Sh. Arjun Das Vaswani [Head - Administration), who has been duly authorized vide Board Resolution dated 08.11.2023 to sign & verify this present Reply, to file documents, to sign Vakalatnama, to depose before this

*Hon'ble Tribunal and to do all such other act (s) as may be necessary for this. Board Resolution dated 08.11.2023 is annexed as Annexure: R5/2.*

6. *That at the outset, the answering Respondent denies each and all the statements, averments and allegations made with respect to the answering Respondent by the Applicant in his Letter/Application which are contrary to or inconsistent with what has been stated herein below and the said contents are deemed to be specifically denied and set traversed in seriatim.*

7. *That the answering Respondent is a compliant unit and is operating its unit with all the necessary permissions, licenses, Consent to Operate and/or No Objection Certificates (NOCs). That the answering Respondent is duly following all the directions /guidelines issued time & again by the statutory authorities and is following all the law which are necessary to operate the industry. That the answering Respondent carries out its operation in such a way so as to protect & preserve the environment and also is committed to deliver to the consumer, products that meet high quality specifications for which very stringent quality measures are followed by the answering Respondent in its various stages of the manufacturing process.*

8. *That the answering Respondent has consolidated Consent to Operate and Authorisation dated 18.07.2023 under Section 25 of the Water (Prevention & Control of Pollution) Act, 1974 and under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 which is valid from 23.03.2023 to 31.12.2025. Copy of the Consolidated Consent to Operate and Authorisation dated 18.07.2023 is annexed as Annexure: R5/3.*

9. *That the answering Respondent have Authorization under the provisions of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 which is valid till 31.12.2027. Copy of the Authorization dated 18.07.2023 under the provisions of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 is annexed as Annexure: R5/4.*

10. *That the answering Respondent has also obtained Registration for Extended Producers Responsibility under Plastic Waste Management Rules, 2016. Copy of the Registration Certificate for Brand Owner dated 31.08.2022 under Rule — 13 (2) of the Plastic Waste Management Rules, 2016 is annexed as Annexure: R5/5.*

11. *That further the industrial unit of the answering Respondent has been awarded with the below-mentioned ISO certification in view of the overall compliance of law being ensured by the answering Respondent:*

| <i>ISO Certification</i> | <i>Field of Certification</i>    | <i>Validity</i>   |
|--------------------------|----------------------------------|-------------------|
| <i>ISO 9001:2015</i>     | <i>Quality Management System</i> | <i>17.05.2025</i> |
| <i>ISO 14001:2015</i>    | <i>Environment Management</i>    | <i>25.01.2025</i> |

|                       |                                 |                   |
|-----------------------|---------------------------------|-------------------|
| <i>ISO 45001:2018</i> | <i>Safety Management System</i> | <i>11.03.2025</i> |
| <i>FSSC 22K-V-5.1</i> | <i>Food Safety Management</i>   | <i>04.02.2026</i> |

*Copies of the ISO Certificates obtained by the answering Respondent are collectively annexed as Annexure: R5/6 (Colly).*

*12. That presently the answering Respondent is meeting its fresh water requirement from ground water through 4 (Four) bore-wells. That the answering Respondent have No-Objection Certificates (NOCs) for all the said 4 (Four) bore-wells issued by the Ground Water Department, Uttar Pradesh with a validity period from 30.06.2021 to 29.06.2026 (for three borewells) and from 30.08.2022 to 29.08.2027 for the fourth borewell. Copies of No-Objection Certificates (NOCs) issued by the Ground Water Department, Uttar Pradesh are collectively annexed as Annexure: R5/7 (Colly).*

*13. That the electromagnetic flow meters have been installed at all the said 4 (Four) bore-wells and log-book has been duly maintained by the answering Respondent regarding the fresh water consumption. That, moreover, all the said 4 (Four) bore-wells of the answering Respondent is located in Block — Masudha, District Ayodhya (U.P.), which falls under "Safe" category. Print-out of the "Area Type" with respect to the Block — Masudha, District — Ayodhya (U.P.) downloaded from the web-site of Central Ground Water Authority (CGWA) is annexed as Annexure: R5/8.*

*14. That it is pertinent to mention here that in accordance with the designated land use under Ayodhya Master Plan — 2031, approved vide G.O. No. 2999/8-3099/499/2021 dated 08.12.2022, the land use of the area where the unit of the answering Respondent is located is categorized as "Industrial" and as such the industrial unit of the answering Respondent is located in an area with compatible land use. Print Out of the land use map of the Ayodhya Master Plan — 2031 is annexed as Annexure: R5/9.*

*15. That the industrial waste water generation of the answering Respondent is 1850 KLD which is treated by the answering Respondent with a Effluent Treatment Plant (ETP) of 2000 KLD capacity. That the answering Respondent has adequate Effluent Treatment Plant (ETP) installed to treat the industrial effluent as per the prescribed norms. That the ETP of the answering Respondent consists of Bar Screen, Sump Tank, Oil & Greece Trap, Grit Chamber, Equalization Tank (3 Nos.), Chemical Dosing Tank, Flash Mixer, Flocculation Chamber, Primary Clarifier, Aeration Tank, (3 Nos.), Secondary Clarifier (2 Nos.), Chlorination & De-chlorination Tank, Treated Water Tank, Fish Pond, Carbon & Sand Filter, Sludge Drying Beds etc. That the ETP of the answering Respondent has Preliminary, Primary, Secondary and Tertiary stage unit operation. Copy of the ETP Adequacy Report of the unit of the answering Respondent is annexed as Annexure: R5/10.*

*16. That electromagnetic flow-meter is duly installed at the outlet of the Effluent Treatment Plant (ETP) of the answering*



*Respondent. That Online Monitoring System (OCEMS) have been duly installed at the outlet of the Effluent Treatment Plant (ETP) of the answering Respondent which have been connected to the servers of both the Central Pollution Control Board (CPCB) and Uttar Pradesh Pollution Control Board (UPPCB). Photographs of the Online Monitoring System (OCEMS), PTZ camera installed for the Effluent Treatment Plant (ETP) and PTZ camera (online) on the CPCB server are collectively annexed as Annexure: R5/11 (Colly).*

*17. That the answering Respondent, being a responsible corporate citizen, keeps a regular check by itself on the pollution control equipments installed by it in its unit and time & again analysis the parameters of both the treated effluent and gaseous emissions generated by the unit of the answering Respondent. That various test reports of both the treated effluent as well as gaseous emissions generated by the unit of the answering Respondent shows that their parameters are well within the prescribed limits and, therefore, the answering Respondent is duly complying with the environmental norms. Copies of the various test reports of the treated effluent generated by the unit of the answering Respondent are collectively annexed as Annexure: R5/12 (Colly). Copies of the various test reports of the gaseous emissions generated by the unit of the answering Respondent are collectively annexed as Annexure: R5/13 (Colly).”*

19. None has appeared for the applicants on 24.07.2023, 01.11.2023 and 18.12.2023.

20. Vide order dated 01.11.2023 personal appearance of officers duly authorised by the Principal Secretary, Civil Aviation Department, Lucknow, Government of Uttar Pradesh and the District Magistrate, Ayodhya and the concerned Regional Officer, UPPCB physically or through VC was ordered.

21. In compliance thereof Mr. Nitish Kumar, District Magistrate, Ayodhya appeared before this Tribunal and we interacted with him.

22. We have heard learned Counsel for the respondents no. 3 and 5 and have gone through the material on record carefully.

23. The following issues relating to environment arise for adjudication in the present case :

- (i) Whether there is any river named Trilodki Ganga which is now flowing in the form of a storm water drain known as Tilaiya which passes through Ganja, Hansapur, Chandpur Harivansh, Poore Husain Khan, Janora Dehat and falls in River Saryu?**
- (ii) Whether the flow of said drain is now obstructed due to construction of Maryada Purushottam Shri Ram International Air Port and thousands of bighas of land is submerged in drain water? If so what remedial measures are required to be taken?**
- (iii) Whether Respondent No.5 M/s. Amrit Bottlers Pvt. Ltd. (Cococola) Dabhar Semar, Chandpur Harbans, Allahabad Road, Ayodhya is discharging polluted water in the above drain? If so what remedial measures are required to be taken?**

24. On due consideration of the material on record and submissions made by the learned Counsel for the respondents no. 3 and 5 our observations on above mentioned environmental issues alongwith the reasons therefor and consequential directions are recorded hereinafter.

- (iv) Whether there is any river named Trilodki Ganga which is now flowing in the form of a storm water drain known as Tilaiya which passes through Ganja, Hansapur, Chandpur Harivansh, Poore Husain Khan, Janora Dehat and falls in River Saryu?**

25. The grievance of the applicants in the present application is regarding obstruction/damage caused to river Trilodki Ganga, which is an ancient river mentioned in Purans, due to construction of Maryada Purushottam Shri Ram International Air Port. The applicants sent the letter petition to this Tribunal by post without enclosing any supporting documents. On request the applicants were granted time to produce the documents in support of their claim. The applicants sent written submissions dated 27.02.2023 along with documents mentioned therein by speed post which was received on 04.03.2023. In the written submissions the applicant have claimed that river Trilodki Ganga is an ancient river which is also mentioned in the Purans. Excavation thereof is also going on at some places. River Trilodki Ganga is known in some areas

as Tilaiya and has been recorded in the Revenue documents as Tilaiya Nala, Baha, Soti and in some other name and the same flows through Raipur, Hunsapur, Balipur, Sariava, Gopalpur, Tonia, Ganja, Poore Husain Khan, Janora Dehat, Hansapur towards Ayodhya. The rejuvenation work of Trilodki Ganga River was started by the Administration and in the survey the same was stated to be 45 kms long. Letter no. 1329 dated 24.11.2021 was written by the office of District Magistrate, Ayodhya to SDM, Sohawal, Executive Engineers, Ayodhya Development Authority and Ayodhya Irrigation Division for demarcation of Trilodki River. A meeting was called by Mr. Manoj Kumar Srivastava, SDM, Sohawal vide letter no. 866 dated 07.10.2022 regarding rejuvenation of river Trilodki Ganga. Letters dated 25.01.2022 and 10.05.2022 were written by BDO Masoda regarding obstructions in the work. The applicants have also filed copies of the above referred letters and notification with their written submissions.

26. The Joint Committee constituted by this Tribunal has submitted in its report filed vide letter dated 12.12.2022 that as per revenue department no river by the name of Trilodki Ganga is recorded in the revenue records pertaining to Villages-Ganja, Hansapur, Chandpur, Haribansh, Poore Hussain Khan of Tehsil- Sadar, District Ayodhya.

27. In its report the Joint Committee has given details regarding the khasra numbers through which the Storm water drain flows and ownership thereof as per revenue records provided by Revenue Department (which details have been extracted as part of the relevant portion of the report of the Joint Committee reproduced above in this order). The Joint Committee has submitted that as per the revenue record the Storm water drain passes through the revenue villages Hansapur, Pura Hussain Khan, Ganja, Janaura, Bhikhapur, Ranopali, Ashapur, Takapura, Haibatpur,

Kazipur Chitawa, Vasupur Sirsa alias Jaisinghpur, Shahnewazpur, Manjha etc. and lastly ends into Saryu River.

28. In the present case the documents produced by the applicants show that river referred in Purans as Trilodki Ganga existed but the same is mentioned in the documents produced by the applicants themselves to have disappeared at many places. The Administration initiated proceedings for demarcation and rehabilitation/rejuvenation of river Trilodki Ganga and, even as per claim of the applicants, at many places excavations were being carried out for rehabilitation/rejuvenation of river Trilodki Ganga. In the present case documents produced do not establish identification and demarcation of storm water drain known as Tilaiya, Baha, Soti to be integral part of river Trilodki Ganga due to which the construction activities for construction of Maryada Purushottam Shri Ram Air Port cannot be said to have destroyed said ancient river Trilodki Ganga. However, in view of the averments made in the application and also the documents produced by the applicants the respondents are directed to take requisite remedial measures for demarcation and rehabilitation /rejuvenation of river Trilodki Ganga on the basis of the documents available and to notify the same for its protection/conservation.

**(ii) Whether the flow of said drain is now obstructed due to which thousands of bighas of land is submerged? If so what remedial measures are required to be taken?**

29. The applicants have claimed that the flow of the drain in question is now obstructed due to construction activities for construction of Maryada Purushottam Shri Ram International Air Port and thousands of bighas of land will be/are submerged.

30. The Joint Committee has mentioned in its report filed by post vide letter dated 12.12.2022 that as per Revenue Department the Government order dated 3.06.2016 and 06.07.2022 specifically provides that the proceedings of category change/resumption/exchange of the land covered u/s 77 of the U.P. Revenue Code, 2006 will be undertaken in very exceptional and unavoidable circumstances and in case land covered in the section 77 is subjected to resumption/category change, then the land in excess belonging to general category (Samanya Shreni) should be reserved in the same or nearby gram panchayat/local authority. The category of the land has been changed as per the provisions prescribed in the government order dated 03.06.2016 read with government order dated 06.07.2020 vide order dated 28.06.2021 passed by the District Magistrate, Ayodhya as the land was required for the development of Airport which was very exceptional and unavoidable situation. The equivalent land of Baha category utilized for the purpose of Airport has been reserved in the khata of Baha in accordance with the government orders dated 03.06.2016 and 06.07.2020. Copies of the government orders dated 03.06.2016, 06.07.2020 and 28.06.2021 have been annexed with the report as Annexure-18, Annexure- 19 and Annexure-20. The Joint Committee has also mentioned in its report that steps are being taken to ensure that water flow of the area is not hindered due to extension of the Ayodhya Airport and water flow remains smooth. The Executive Engineer, Irrigation Division, Ayodhya in his report dated 21.09.2022 has stated that the land has been acquired falling in catchment area of Usroo Minor, Firozpur Minor, Sarethi Minor, Chandpur Harvansh and Sarraiya drain for the purpose of development of Ayodhya Airport. The District Magistrate, Ayodhya in order to ensure solution for smooth water flow in the concerned area has constituted a committee comprising of officers of different departments and that committee has given its report after making spot

inspection in which certain recommendations have been made for construction of drains. The estimate for construction of drains was prepared and forwarded to the Additional Chief Secretary, Civil Aviation, Government of U.P. Lucknow vide letter dated 26.07.2022 issued from the office of the District Magistrate, Ayodhya. Again, reminder letter dated 08.09.2022 has been sent for approval of the estimate and as soon as estimate is approved, further steps will be taken for the construction of drain so as to ensure smooth water flow of the area which has been affected by the construction of Maryada Purshottam Shri Ram International Airport. Copies of the letters dated 26.07.2022, 08.09.2022 along with the report of the committee and the report dated 21.09.2022 of the Executive Engineer, Irrigation, Ayodhya have been annexed with the report as Annexure-21, Annexure-22 and Annexure-23. As per documents/records submitted by revenue department in development of Ayodhya Airport land of 8 villages are being affected which include Janaura (Outside Nagar Palika), Pura Hussain Khan, Ganja, Nandapur, Firozpur, Dharampur Shahadat, Khushmaha and Sarethi. The land of village Hasapur and Chandpur Harvansh are not affected by the development of Airport. The revenue village Khusmaha, Sarethi, Dharampur Sahadat and Firozpur are situated at East and North East directions of the Ayodhya Airport, whereas the villages-Ganja, Pura Hussain Khan, Janaura, Chandpur Harvansh and Dhaba Schar are adjacent to the Airport on the Western, Southern and Northern directions and they are not affected by water flow. The Chandpur Harvansh drain and Firozpur Minor are affected by the extension of the Airport for which alternate arrangement has been made. The Executive Engineer, Irrigation Division, Ayodhya in his report dated 21.09.2022 has informed about the problem arising due to acquisition of the land falling in the catchment area of the drains. The committee constituted by the District Magistrate has made

recommendation and as per the recommendation, the Irrigation Department has made a project for construction of alternate drain for the proper disposal of water of catchment area into the Saryu river. Under the project, it has been ensured to make provision for smooth disposal of water from catchment area and from area falling within the realm of Airport.

31. In the report of the Joint Committee filed vide email dated 20.07.2023 it has been mentioned that Department of Irrigation had started the construction and diversion of the said drain for smooth flow of the run-off arising in the area as well as from newly constructed Maryada Purushottam Sri Ram Airport. The total project cost of the drain is 4763.51 lakh and 824.04 lakh (total 5587.55 lakh) for construction of two additional drain in the left part of the Airport and right part of the Airport. As per statement of the Representing Officer of the Irrigation Department, Ayodhya, the construction of the drain shall be completed before operation of the Airport. After completion of the construction of drain, the flow of water will remain smooth during rainy season, and thus, the discharge of M/s. Amrit Bottlers Pvt. Ltd., Chandpur Harvansh, Post-Dabhasemar, Ayodhya may not be logged after completion of the drainage project of irrigation department. In lean season the water flow of the drain may not be continuous and hence, the treated water of M/s. Amrit Bottlers Pvt. Ltd., Chandpur Harvansh, Post-Dabhasemar, Ayodhya may be utilized for irrigation of the crops of the area.

32. In compliance of order dated 01.11.2023, Mr. Nitish Kumar, District Magistrate, Ayodhya has appeared before this Tribunal on 18.12.2023 through VC and in the course of hearing we have interacted with him regarding progress of construction of Tilaiya drain for the proper drainage of storm water causing water-logging problem in the area. Mr. Nitish Kumar, District Magistrate, Ayodhya has submitted that as per the

proposal approved/sanctioned by the Government of Uttar Pradesh construction work is in full swing and is likely to be accomplished by the target date and the problem of water-logging in the area will be thereby resolved.

33. The respondents are directed to ensure completion of the construction of the drain expeditiously preferably **before operation of Maryada Purushottam Shri Ram International Airport** and to take requisite remedial measures for ensuring that after completion of the construction of the drain the flow of water in the drain remains smooth and there is no water logging in the adjoining land due to flow in the drain and discharge from M/s. Amrit Bottlers Pvt. Ltd.

**(iii) Whether Respondent No.5 M/s. Amrit Bottlers Pvt. Ltd. (Cococola) Dabhar Semar, Chandpur Harbans, Allahabad Road, Ayodhya is discharging polluted water in the above drain? If so what remedial measures are required to be taken?**

34. The applicants have claimed that due to M/s. Amrit Bottlers Pvt. Ltd. is discharging polluted water in the above mentioned drain. Due to there being no outlet the polluted water is spreading to the nearby villages and agricultural land and damaging the crops.

35. Respondent no. 5 has filed reply, additional reply and consolidated reply and submitted therein that the industrial unit of respondent no. 5 is located in area categorized as industrial area in accordance with the designated land use under Ayodhya Master Plan — 2031, approved vide G.O. No. 2999/8-3099/499/2021 dated 08.12.2022. Respondent No.5 has consolidated Consent to Operate and Authorisation dated 18.07.2023 under Section 25 of the Water (Prevention & Control of Pollution) Act, 1974 and under Section 21 of the Air (Prevention & Control of Pollution) Act,



1981 which is valid from 23.03.2023 to 31.12.2025. Respondent No.5 has Authorization under the provisions of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 which is valid till 31.12.2027. Respondent No.5 has also obtained Registration for Extended Producers Responsibility under the Plastic Waste Management Rules, 2016. Respondent No.5 has obtained No-Objection Certificates (NOCs) for all the said 4 (Four) bore-wells issued by the Ground Water Department, Uttar Pradesh with a validity period from 30.06.2021 to 29.06.2026 (for three borewells) and from 30.08.2022 to 29.08.2027 for the fourth bore-well. The industrial waste water generation of respondent no.5 is 1850 KLD which is treated with an Effluent Treatment Plant (ETP) of 2000 KLD capacity. The ETP consists of Bar Screen, Sump Tank, Oil & Greece Trap, Grit Chamber, Equalization Tank (3 Nos.), Chemical Dosing Tank, Flash Mixer, Flocculation Chamber, Primary Clarifier, Aeration Tank, (3 Nos.), Secondary Clarifier (2 Nos.), Chlorination & De-chlorination Tank, Treated Water Tank, Fish Pond, Carbon & Sand Filter, Sludge Drying Beds etc. The ETP has Preliminary, Primary, Secondary and Tertiary stage unit operation. Electromagnetic flow-meter is duly installed at the outlet of the Effluent Treatment Plant (ETP). Online Monitoring System (OCEMS) have been duly installed at the outlet of the Effluent Treatment Plant (ETP) which have been connected to the servers of both the Central Pollution Control Board (CPCB) and Uttar Pradesh Pollution Control Board (UPPCB). Respondent No.5 keeps a regular check by itself on the pollution control equipments installed by it in its unit and time and again analysis of the parameters of both the treated effluent and gaseous emissions generated by the unit of respondent no.5 is done. Copies of the various test reports of the treated effluent generated by the unit of respondent no.5 have been produced which show that the treated effluent as well as gaseous emissions

generated by the unit of respondent no.5 are well within the prescribed limits.

36. Respondent no. 5 has also filed its detailed response with reference to the Points mentioned in Para No. 7 of Order dated 24.07. passed by this Tribunal 2023 (extracted hereinbefore in this order) and relevant part of the consolidated reply filed by the respondent no. 5 reads as under:-

**“25. SUBMISSIONS WITH RESPECT TO THE POINTS RAISED BY THIS HON'BLE TRIBUNAL IN ITS ORDER DATED 24.07.2023:**

*That this Hon'ble Tribunal, vide its said Order dated 24.07.2023, has directed the answering Respondent to files its submissions with respect to some specific points mentioned in the said Order dated 24.07.2023. That in this regard this Hon'ble Tribunal may kindly take note of the below-mentioned submissions:*

*(A) Para No. 6 of the Order dated 24.07.2023: That the below-mentioned observation was made by this Hon'ble Tribunal, in Para No.6 of its Order dated 24.07.2023:*

*"6. A perusal of the report reveals that the permission for use of groundwater has been taken for approximately 4840 KLD but industrial effluent is being generated at the rate of 1850 KLD, which depicts that more than 50% water is being unused and discharged in the drains without any proper management of reuse of water or to demineralize."*

*That in this regard, this Hon'ble Tribunal may kindly take note of the below-mentioned submissions:*

*(a) That this Hon'ble Tribunal may appreciate the fact that the answering Respondent is a food-oriented industry and by virtue of the nature of the final products of the answering Respondent, water is the major ingredient of the said final products. That, therefore, major portion [around 60% - 62%] of the abstracted ground water becomes integral part of the final product of the answering Respondent. That as such more than 50% of water is not unused, as observed by this Hon'ble Tribunal in Para No. 6 of its Order dated 24.07.2023.*

*(b) That as far as the figure of 1850 KLD as mentioned in the Consolidated Consent to Operate dated 18.07.2023 is concerned, in this regard it is submitted that this is the maximum allowed discharge of treated industrial effluent and that too after the expansion of the production capacity of the answering Respondent.*

*(c) That the expansion of the production capacity has been undertaken by the answering Respondent after issuance of the Consent to Establish and Consent to Operate, however, till date the expanded production capacity is not operational and the product*

*line along-with ancillary infrastructure are under trial testing as required prior to regular commissioning.*

*(d) That the expanded production capacity of the answering Respondent is scheduled to be operational from February, 2024. That the answering Respondent has drawn up a plan for installation of Reverse Osmosis /Ultrafiltration Plant of 300 KLD capacity in tertiary phase of its ETP, installation and commissioning of which is scheduled for February, 2024 so that the treated effluent generated by the answering Respondent after expansion of the production capacity shall be treated as per the prescribed norms and partially be recycled in the process operations.*

*(e) That presently the average treated effluent discharge of the answering Respondent is 654 KLD for the current bottling season, which is well below the maximum allowed discharge of treated industrial effluent of 1850 KLD.*

*(f) That, moreover, the business of the answering Respondent is seasonal in nature and the production /consumption is regulated depending on the climatic conditions. That as a general trend, the period from August to January remains a low demand period and, therefore, the production and resultant treated effluent discharge also remains low during the said period.*

*(g) That, moreover, the answering Respondent has undertaken the Rain Water Harvesting Projects in villages Makdam, Bhaigani, Sarwan, Palia, Sari, Sindhauna, Milkypur, Parsawa etc and water replenishment, in the year 2021, has been carried out by the answering Respondent at 25 locations.*

*(h) That the total recharge done by the answering Respondent as on 30.12.2021 was 4,98,999 m<sup>3</sup>, which much more than the required annual recharge as prescribed by the Ground Water Department, Ministry of Jal Shakti, Government of Uttar Pradesh. True copy of the "Summary Report on Rain Water Harvesting Review and Verification of Replenish Projects as of the exit year 2021" dated 01.02.2022 issued by Mainstay Development Consultants is annexed as Annexure: R5/16.*

*(B) Point No. 7(i) of the Order dated 24.07.2023: Method adopted to reuse treated effluents from ETP and not to discharge it into the drain:*

*(a) That as per the "Consent to Operate" under Water Act, 1974 & Air Act, 1981 issued by the UPPCB, the answering Respondent is allowed to discharge 1850 KLD treated industrial effluent and 45 KLD treated domestic effluent into the Telaiya drain provided that the said effluent is under its respective prescribed norms.*

*(b) That the parameters of both the treated industrial effluent and treated domestic effluent of the answering Respondent is well within the prescribed norms, which is evident from various test reports and also from the joint committee reports. That, moreover, the quantity of both the treated industrial effluent and treated domestic effluent discharged by the answering Respondent is also well within the allowed limit.*

(c) That the industrial unit of the answering Respondent is operational at the present location of Chandpur Harvansh, Dabhasemar, Ayodhya, since year 1990 and its treated industrial as well as domestic effluent is discharged into the said Telaiya drain without having any adverse effect on the water quality of the concerned area.

(d) That the prevailing situation of temporary water logging was caused due to ongoing construction activity of the infrastructure project of upcoming international airport in Ayodhya. That for the said purposes, construction and diversion of the said Telaiya drain is being implemented by the Irrigation Department.

(e) That as far as the issue of reuse of treated effluent from ETP is concerned, this Hon'ble Tribunal may appreciate the fact that the answering Respondent is a food-oriented industry and, therefore, the answering Respondent must mandatorily abide by the "Indian Standard Code for Hygiene Conditions for Soft Drink Manufacturing Units". That as such the answering Respondent must mandatorily abide by the norms prescribed by the "Bureau of Indian Standards for Carbonated Soft Drinks and Packaged Drinking Water" and the final products of the answering Respondent must mandatorily conform to the physical, chemical and micro-biological requirements as laid down by the said BIS.

(f) That, therefore, in view of the hygiene norms prescribed by the said BIS, the answering Respondent cannot reuse its treated effluent for most of the sensitive process operations like Bottle Washing, Seal Cooling, PET Rinse, CIP activities etc.

(g) That, however, the answering Respondent is ensuring recovery of process water for its recycle in feasible areas of the process like steam condensate, backwash recovery, RO reject recovery, PET Rinser recovery. That the process wise statement of recovered used water is as under:

| <b>Process Operation</b> | <b>Recovered Water(KLD)</b> |
|--------------------------|-----------------------------|
| Steam Condensate         | 50                          |
| <b>Backwash Recovery</b> | 25                          |
| RO Reject Recovery       | 55                          |
| PET Rinser Recovery      | 10                          |
| <b>Total</b>             | <b>140 KLD</b>              |

(C) Point No. 7 (ii) of the Order dated 24.07.2023: Demineralize water and reuse it which may include nano filtration of treated ETP effluent and utilize it so to reduce consumption of groundwater:

That in compliance of the direction of this Hon'ble Tribunal for strengthening of tertiary phase of ETP by ultrafiltration to implement reuse of treated effluent, it is submitted that the answering Respondent has drawn up a plan for installation of Reverse Osmosis / Ultrafiltration Plant of 300 KLD capacity in tertiary phase of its ETP. That the outlet /permeate of the said Reverse Osmosis / Ultrafiltration Plant shall be recycled for process operations like Cooling Tower, Boiler Feed water etc. That the installation and

commissioning of the said Reverse Osmosis / Ultrafiltration Plant is scheduled for Feb, 2024 so that the treated effluent generated by the answering Respondent after expansion of the production capacity shall be treated as per the prescribed norms and partially be recycled in the process operations.

(D) Point No. 7 (iii) of the Order dated 24.07.2023: Contribution and reexplore recharge of water by the unit in ration to extraction of groundwater:

(a) That as per the NOC's for ground water extraction issued by the Ground Water Department, Ministry of Jal Shakti, Government of Uttar Pradesh, the allowable daily extraction (m<sup>3</sup>), allowable annual extraction (m<sup>3</sup>) and required annual recharge (m<sup>3</sup>) for the industrial unit of the answering Respondent is as under:

| <b>Tube Well</b> | <b>Allowable Daily Extraction (m<sup>3</sup>)</b> | <b>Allowable Annual Extraction (m<sup>3</sup>)</b> | <b>Required Annual Discharge (m<sup>3</sup>)</b> |
|------------------|---|--|--|
| <b>1</b>         | 720   | 180000   | .....  |
| <b>2</b>         | 1200  | 300000   | ---  |
| <b>3</b>         | 1320  | 330000   | ---  |
| <b>4</b>         | 1600  | 240000   | 120000   |
| <b>Total</b>     | 4840  | 1050000  | 120000   |

(b) That, therefore, as per the NOC's for ground water extraction issued by the Ground Water Department, Ministry of Jal Shakti, Government of Uttar Pradesh, the answering Respondent is required for an annual recharge of 1,20,000 m<sup>3</sup>.

(c) That the answering Respondent has undertaken the Rain Water Harvesting Projects in villages Makdam, Bhaigani, Sarwan, Palia, Sari, Sindhauna, Milkypur, Parsawa etc and water replenishment, in the year 2021, has been carried out by the answering Respondent at 25 locations. That the total recharge done by the answering Respondent as on 30.12.2021 was 4,98,999 m<sup>3</sup>, which much more than the required annual recharge as prescribed by the Ground Water Department, Ministry of Jal Shakti, Government of Uttar Pradesh. Copy of the "Summary Report on Rain Water Harvesting Review and Verification of Replenish Projects as of the exit year 2021" dated 01.02.2022 issued by Mainstay Development Consultants is already annexed as Annexure: R5/ 16 along-with this present Consolidated Submissions.

(E) Point No. 7 (iv) of the Order dated 24.07.2023: Process of rain water harvesting done by unit in the area: (a) That the answering Respondent has installed piezometers at 03 locations, within its premises, to monitor the depth of the ground water. That the piezometer data shows that the ground water level in the premises of the answering Respondent is at a depth of 2.0 to 4.0 meters. That, therefore, in view of the prevailing high level of ground water within the premises of the answering Respondent, the rain water harvesting projects have been undertaken by the answering Respondent outside its premises at more suitable locations.

*(b) That the answering Respondent has implemented wide scale measures for the ground water recharge in the concerned area.*

*(c) That the answering Respondent has undertaken the Rain Water Harvesting Projects in villages Makdam, Bhaigani, Sarwan, Palia, Sari, Sindhauna, Milkypur, Parsawa etc and water replenishment, in the year 2021, has been carried out by the answering Respondent at 25 locations.*

*(d) That the total recharge done by the answering Respondent as on 30.12.2021 was 4,98,999 m<sup>3</sup>, which much more than the required annual recharge as prescribed by the Ground Water Department, Ministry of Jal Shakti, Government of Uttar Pradesh.*

*(F) Point No. 7 (v) of the Order dated 24,07.2023; Number of plantations done by the Project Proponent in the area: (a) That the answering Respondent has undertaken various projects for plantation in nearby areas. That the answering Respondent has identified land measuring 3000 m<sup>2</sup> in Gosainganj, Ayodhya for undertaking general as well as urban forestry (Miyawaki Afforestation).*

*(b) That a total of 11000 plants have been planted by the answering Respondent as general plantation and additional 12023 plants have been planted by the answering Respondent under Miyawaki plantation thereby incurring a total cost of Rs.6,00,000/- (Rupees Six Lakhs only). Print-out of the Progress Report of Miyawaki Forest at Gosainganj, Ayodhya is annexed as Annexure: R5/17.*

*(c) That in the year 2021 — 22, a total of 7000 plants have been planted by the answering Respondent as general plantation besides Miyawaki Afforestation on 150 square meter in Hasanpur, Uttar Pradesh bearing Latitude — 26.745823° and Longitude — 82.135546°. Photographs of plantation done by the answering Respondent at Hasanpur, Uttar Pradesh are collectively annexed as Annexure: R5/18 (Colly).*

*(G) Point No. 7 (vi) of the Order dated 24.07.2023: Methods and measures taken by the unit to utilize the used water for agricultural purposes rather than discharging it into drains having properly layout of ferti-irrigation plan:*

*(a) That this Hon'ble Tribunal may appreciate the fact that unit is a complying unit with respect to mandatory provisions of Environmental laws.*

*(b) That the answering Respondent has set up adequate infrastructure of Effluent Treatment plant, comprising of Preliminary, Primary, Secondary and Tertiary stage unit operations, to treat industrial effluent as per prescribed norms prior to its discharge in drain. That likewise, the domestic waste water is treated as per norms prior to discharge in drain.*

*(c) That the answering Respondent has ensured a robust monitoring mechanism for satisfactory operation of ETP and STP which includes OCEMS, PTZ camera, dedicated in-house laboratory, Environment Management Cell etc.*

*(d) That, moreover, it is pertinent to bring to the kind notice of this Hon'ble Tribunal that as per the consolidated Consent to Operate and Authorisation dated 18.07.2023 issued by the UPPCB, the answering Respondent is allowed to discharge 45 KLD of domestic effluent and 1850 KLD of Industrial effluent into the Telaiya Drain. That this Hon'ble Tribunal may appreciate the fact that the answering Respondent is following the conditions as laid down by the UPPCB in the said consolidated Consent to Operate and Authorisation dated 18.07.2023 and is not discharging more effluent than permitted in the said Telaiya Drain.*

*(e) That in reference to the direction of this Hon'ble Tribunal related to utilization of treated effluent for ferti-irrigation, it is submitted that Central Pollution Control Board has laid down "Guidelines for Utilisation of Treated Effluent in Irrigation". That in the said guidelines, the CPCB has given following salient recommendations for utilisation of treated effluent to achieve zero liquid discharge as well as ferti-irrigation. The relevant guidelines are reproduced as below for kind perusal of Hon'ble Tribunal:*

*(1) Adopting ZLD practices may not be feasible in many cases in view of techno-economical reasons. However, the industries should still to be encouraged for recycling and reuse of waste water as far as practicable in order to minimize the fresh water consumption and discharge of waste water into the environment. The treated waste water of an industry may also be utilised for irrigation.*

*(2) The possible risks of wastewater usage in agriculture may range from changes to physico-chemical and micro-biological properties of soils to impact on human health.*

*(3) Thus, it is necessary to ensure the beneficial aspects of this practice before application of treated wastewater in irrigation.*

*(4) Meeting the prescribed norms shall not be the only criteria for use of treated waste water in irrigation, the requirement of water for irrigation will also be a limiting condition.*

*(5) The command area for effluent utilisation should be as near as feasible to the industry.*

*(f) That this Hon'ble Tribunal may appreciate the fact that in view of ongoing developmental activities in the area nearby to unit, the availability of agricultural land in nearby vicinity is highly scarce.*

*(g) That as a way ahead towards environmental conservation, unit has drawn up a time targeted plan for installation of Reverse Osmosis unit / Ultrafiltration plant as directed by this Hon'ble Tribunal. The above proposed additional tertiary treatment unit shall be operational by February 2024 i.e. before commencement of upcoming peak season of the plant and shall enable further recycling of 300 KLD treated industrial effluent.*

*(h) That this Hon'ble Tribunal may appreciate that the answering Respondent has already implemented water recovery practice for reducing effluent load as well as achieving water conservation. That unit shall also be implementing additional tertiary treatment facility,*

*prior to commencement of upcoming peak season, in order to further reduce discharge of treated effluent.*

*(i) That this Hon'ble Tribunal may appreciate that the answering Respondent has undertaken the Rain Water Harvesting Projects in villages Makdam, Bhaigani, Sarwan, Palia, Sari, Sindhauna, Milkypur, Parsawa etc and water replenishment, in the year 2021, has been carried out by the answering Respondent at 25 locations. That the total recharge done by the answering Respondent as on 30.12.2021 was 4,98,999 m<sup>3</sup>, which much more than the required annual recharge as prescribed by the Ground Water Department, Ministry of Jal Shakti, Government of Uttar Pradesh.*

*(H) That apart from the above, the answering Respondent has adopted several nearby ponds and regularly maintains & upkeep the nearby ponds for better ground water recharge. That further the answering Respondent also regularly conducts programs of public awareness for Solid Waste Management. That the latest such program was conducted by the answering Respondent on 26.05.2023 at Jhunjhunwala College, Ayodhya. Photographs of the programs of public awareness for Solid Waste Management conducted by the answering Respondent on 26.05.2023 at Jhunjhunwala College, Ayodhya are collectively annexed as Annexure: R5/19 (Colly).*

*(I) That moreover, under CSR activities, the answering Respondent provide complete financial support to 45 ladies in Old Age Home, namely, "Shravan Kunj" Ayodhya. That the answering Respondent also runs 5 skill development centres under "Women Empowerment" programs and has tie up with a Farmer Producer Organization (FPO), namely, "Ayodhya Handicraft" in which around 300 ladies are shareholders.*

*(J) That apart from the above regular activities, the answering Respondent donate money to poor students as well as schools as & when required. That further the answering Respondent have tie-ups with several religious trusts which are involved in various religious activities like maintaining temples, gurudwaras etc, preform religious programs etc.*

*26. That in compliance with the said Order dated 24.07.2023 passed by this Hon'ble Tribunal, inspection of the unit-in-question of the answering Respondent was conducted by the Regional Officer ,UPPCB along-with the District Magistrate, Ayodhya on 28.08.2023 & 26.10.2023 and a Report dated 27.10.2023 on the points as mentioned in the said Order dated 24.07.2023 passed by this Hon'ble Tribunal was filed by the Regional Officer ,UPPCB and the District Magistrate, Ayodhya on 29.10.2023. That a perusal of the said Report dated 27.10.2023 filed by the Regional Officer UPPCB and the District Magistrate, Ayodhya once again shows that the answering Respondent is a compliant unit and is operating its unit with all the necessary permissions, licenses, Consent to Operate and/or No Objection Certificates (NOCs).*

*27. That the only recommendation made in the said Report dated 27.10.2023 is with respect to the installation of the Reverse Osmosis /Ultrafiltration Plant of 300 KLD capacity. That, as stated in the foregoing paragraphs of this Consolidated Submission, the answering Respondent has drawn up a plan for installation of*



*Reverse Osmosis / Ultrafiltration Plant of 300 KLD capacity in tertiary phase of its ETP, installation and commissioning of which is scheduled for February, 2024 so that the treated effluent generated by the answering Respondent after expansion of the production capacity shall be treated as per the prescribed norms and partially be recycled in the process operations.*

*28. That, however, it is hereby clarified that in Para — 3.6 of the said Report dated 27.10.2023, it has been mentioned that the answering Respondent is not interested to utilize the treated water for agricultural purposes due to possible risks. That the Para 3.6 of the said Report dated 27.10.2023 is incorporated hereinbelow for the ready reference of this Hon'ble Tribunal: "3.6 In the compliance report submitted by the unit, It has been informed that the treated effluent shall not be utilized for agricultural purposes due to possible risk. The unit is not interested to utilize the treated water for agricultural purposes due to possible risk of waste water usage in agriculture ranging from changes to Physico-chemical and micro biological properties of soils to impact on human health."*

*29. In this context it is submitted that the answering Respondent has quoted the contents of the "Guidelines for Utilisation of Treated Effluent in Irrigation" of the CPCB. That the answering Respondent has made its elaborate submissions with respect to the agricultural use of the industrial effluent in Para — 25 (G) of this present Consolidated Submissions and the same are not repeated herein for the sake of brevity. Copy of the "Guidelines for Utilisation of Treated Effluent in Irrigation" of the CPCB is annexed as Annexure: R5/20."*

37. It is evident from the reports filed by the Joint Committee constituted by this Tribunal and reply filed by respondent no. 5 that M/s. Amrit Bottlers Pvt. Ltd. is a compliant unit which is operating with all the necessary permissions, licenses, Consent to Operate and/or No Objection Certificates (NOCs) and has installed requisite air and water pollution control equipment/systems and analysis reports of the samples taken show that the same are within prescribed limits and the respondent no. 5 is following the directions /guidelines issued by the concerned authorities. The problem of water logging due to discharge from M/s. Amrit Bottlers Pvt. Ltd. will be resolved with construction of the drain regarding which appropriate action is being taken by the respondents no. 1, 2 and 4.

**Directions by the Tribunal**

38. Respondent no. 5 is directed to ensure that nano-filtration unit of capacity 300 KLD is installed and commissioned upto 28.02.2024 and submit report regarding operationalization of the same.

39. Respondent no. 3-UPPCB and Uttar Pradesh Ground Water Department are directed to inspect the Rain Water Harvesting Projects installed at 25 locations with total capacity of 4,98,999 cubic meters and verify the claim of respondent no. 5 for harvesting of rain water more than 150 % in ratio to extraction of ground water and file report in this regard.

40. Respondent no. 3 and Divisional Forest Officer, Ayodhya are directed to verify plantation of 7000 plants and 11000 plants in year 2022-23, Miyawaki afforestation on 150 sq.mtr. in year 2021-22, 11000 plants in year 2022-23 by respondent no. 5 and file report regarding survival and maintenance thereof.

41. Respondent no. 5 has claimed to have developed Miyawaki type of Jungle with approximately at Usroo, Ayodhya on an area of 150 sqr mtr in plantation year 2021-22 and Miyawaki type of Jungle with approximately 12000 plants on an area of approximately 3000 sqr mtr at Gosaiganj in plantation year 2022-23. Admittedly, the said Jungle in Gosaiganj is at the distance of 25 km from the factory premises.

42. We are of the considered view that such plantation needs to be carried out in the vicinity of the factory premises to mitigate adverse impacts of Air and Water Pollution caused by the unit of respondent no. 5 and accordingly respondent no. 5 is directed to carry out plantation activities in areas in the vicinity of its unit and surrounding nearby areas.

43. In the consolidated reply Respondent no. 5 has claimed to have carried out CSR activities but respondent no. 5 has not enclosed supporting documents with its consolidated reply. Respondent no. 5 has claimed to have organized public awareness program on solid waste management, to have provided complete financial help to 45 ladies in Shraavan Kunj old age home, to be running 5 skilled development centres, to have tied up with Ayodhya Handicraft a Farmer Producer Organization, to have provided money to poor students as well as school as and when required and to have tied up with several religious trusts involved in various religious activities like maintaining temples, gurdwaras etc., perform religious programs etc., but the respondent no. 5 has not mentioned the amounts spent on the same.

44. We are of the considered view that preferably such activities must be carried out in the area around the project. Activities involving infrastructure creation for drinking water supply, sanitation, health, education, skill development, roads, cross drains, electrification including solar power, solid waste management facilities, scientific support and awareness to local farmers to increase yield of crop and fodder, rain water harvesting, soil moisture conservation works, avenue plantation, plantation in community areas, etc. ought to have been carried out in the area around the project. Respondent no. 5 is directed to carry out CSR activities in consultation with District Environment Committee headed by the District Magistrate, Ayodhya and the Divisional Forest Officer, Ayodhya and in view of the requirements of the residents of the area surrounding the project and to file Action Taken Report in this regard.

45. Reports as directed hereinabove be filed within three months by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR

Support PDF and not in the form of Image PDF before the Ld. Registrar General, National Green Tribunal, Principal Bench, New Delhi who may, if necessary, put up the matter before the Bench for further directions.

46. With these observations/directions, the Original Application is dispose of with no order as to costs.

47. A copy of this order be sent to the Principal Secretary, Civil Aviation Department, Lucknow, Government of Uttar Pradesh, the District Magistrate, Ayodhya, Regional Officer, UPPCB, Ayodha and M/s Amrit Bottlers Pvt. Ltd., Ayodhya by email for implementation and compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

December 22<sup>nd</sup>, 2023  
AG