

Item No. 05

(Court No. 1)

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

(By Video Conferencing)

Original Application No. 71/2021

(With reports dated 02.07.2021 and 14.09.2021)

Chandra Shekhar

Applicant

Versus

State of Uttar Pradesh

Respondent

Date of hearing: 21.09.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Respondent: Mr. Pradeep Misra, Advocate and Mr. Daleep Dhyani, Advocate for  
UPPCB

**ORDER**

1. Grievance in this application is against discharge of untreated effluent by Triveni Sugar Mill at Khatoli, District Muzaffarnagar, Uttar Pradesh, resulting in contamination of groundwater in the area of about one and a half kilometers and upto depth of 50 meters. This is affecting the inhabitants in the area. It is stated that hundreds of persons have died of cancer. The inhabitants are not able to access potable water. A team visited the area but, on account of collusion with the mill, did not give an accurate report. The applicant also approached the authorities but no action has been taken.

2. Vide order dated 22.03.2021, the Tribunal directed a Joint Committee comprising the CPCB, State PCB and District Magistrate, Muzaffarnagar, UP to furnish a factual and action taken report in the matter.

3. In pursuance of above, the State PCB has filed reports dated 02.07.2021 and 14.09.2021. The first report dated 02.07.2021 merely states that due to COVID situation, in May and June, 2021, the inspection could not be carried out. The unit was also shut down in May, 2021 due to the end of the season. Second report dated 14.09.2021 is that inspection was carried out on 13.09.2021 when the industry was not operational due to off-season and no contamination was found in the ground water samples. The status of ETP was found to be 'non-operational'. No effluent was found at the outlet of ETP.

4. We are not satisfied with the stand of the State PCB. We do not find any justification why inspection was conducted when the unit was not functional due to off-season. While disapproving the stand taken in the reports of the PCB, we direct the Joint Committee to conduct inspection when the unit is functional and furnish a report to the Tribunal on or before 15.12.2021 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. The report may indicate status of compliance with the Standards as prior to the season, quality of treated effluents and utilisation as per protocol/agreement with the users/farmers. It may also be mentioned whether effluents are reaching any drain leading to river/water body. Further, ground water quality be checked as per parameters relevant to the industry in question, particularly, fluoride etc.

5. As held in order dated 01.09.2021 in *O.A. No. 539/2019, Adil Ansari v. M/s Dhampur Sugar Mills Ltd., Asmoli (Sugar Unit) & Ors.*, ETPs must continue run for maintenance of bio-mass even during the off-season. The direction is as follows:

**“157.** We are further of the opinion that following directions are necessary for ensuring compliance of environmental norms by the units:-

- i.) All the Units must ensure continuous running of ETPs even during the non-crushing season for the adequate maintenance of required bio-mass so that the ETP is able to take the load/shock when it receives the pollution load/effluent at the start of the crushing season.
- ii.) All the Units in question must provide for separate Energy Meter for entire ETP setup including its accessory units with data logging facility which shall be inspected by UPPCB and CPCB from time to time.
- iii.) UPPCB must ensure Interlocking of Pollution Control Devices with production processes (one way but not vice-versa) so as to ensure that whenever ETPs/PCDs are intentionally closed, the production also comes to halt.
- iv.) Regular inspections should be carried out by the statutory authorities in both halves of the crushing season and also at least once in non-crushing season.
- v.) Since the Asmoli Unit falls in the critical zone with respect to ground water withdrawal, an assessment of water recharge needs to be carried out by CGWA or UPGWB before issuance of NOC.

*The Statutory Authorities are directed to ensure the above directions strictly so that industries may run without causing damage or loss to the environment as well as to the local inhabitants and farmers residing nearby the Units.”*

6. In the next report, the compliance of the above directions may also be mentioned.

7. We further direct CPCB and State PCB to issue appropriate directions to all similarly placed units for compliance of above directions.

List for further consideration on 12.01.2022.

A copy of this order be forwarded to CPCB and State PCB by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

September 21, 2021  
Original Application No. 71/2021  
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