

Item No. 07

(Court No. 1)

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

(By Video Conferencing)

Original Application No. 65/2022

Ashu Chauhan

Applicant

Versus

State of U.P.

Respondent

Date of hearing: 11.05.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

Respondent(s): Mr. Pradeep Misra & Mr. Daleep Dhyani, Advocates for UPPCB

ORDER

1. Grievance in this application is against running of around 30 Jaggery making units (Kolhu) in Village Badka, Tehsil Baraut, District Bagpat, Uttar Pradesh, without following environmental norms. It is submitted that the residents of the village are suffering because of the pollution caused by the Jaggery making units (Kolhu).

2. Vide order dated 02.02.2022, the Tribunal sought a factual report in the matter from a joint Committee of CPCB, SPCB, Secretary-Small Scale Industry, Government of Uttar Pradesh and the District Magistrate-Bagpat, State of Uttar Pradesh.

3. In pursuance of above, report has been filed on 02.05.2022 annexing a joint inspection report, after inspection of 24 jaggery making

units. All the said units were found to be operating without requisite consents and in violation of CPCB Guidelines about location and were also causing air pollution. Accordingly, it is recommended that they may not be allowed to operate without requisite consents as per Water and the Air Acts and without complying with the environmental norms. Relevant extracts from the report are:-

“C. Observations

1. *All kolhus are located in Village Badka. During inspection, all units were found operational.*
2. *Kolhu come under Orange Category as per classification of industries. However, no kolhus have obtained consent to operate from UPPCB.*
3. *It has been observed that most of the Kolhus are not meeting the CPCB guideline of location as kolhus are not allowed to set up at location within 0.5 km distance from approved habitation, school, hospitals and the sensitive zones*
4. *Electricity Department has given electricity connection to all Kolhus for operation of Kolhu without verifying that Kolhus have not obtained necessary permission from UPPCB for operation.*
5. *None of the Kolhus are registered with District Industries Centre.*
6. *During inspection, it was observed that bagasse is used as fuel in furnace. Rubber, tyres, plastic were not observed to be used in Kolhus.*
7. *Most of the kolhus are having 03 to 04 pan for heating of juice.*
8. *None of the Kolhus have installed flap in fuel feed hole at furnace to control excess air as per CPCB guidelines.*
9. *None of the Kolhus have made provision of fire grate for efficient burning of fuel in furnace as per CPCB guidelines.*
10. *None of the Kolhus have made provision of baffle in flue gas path leading to stack to contain the particulate matter as per CPCB guidelines.*
11. *None of the kolhus have installed stack of minimum height 10 m as per CPCB guidelines.*
12. *Furnace ash is also found disposed off on land indiscriminately.*

D. Recommendations:

It is evident from above observation that Kolhus were operated without mandatory permission from UPPCB and also not established complying with CPCB guidelines. Further, it was also observed that all kolhus were having electricity connection for operation of Kolhus without verifying facts that all kolhus have not been granted mandatory permission from UPPCB. Hence, all kolhus shall be directed for not operating

till complying with CPCB guideline and mandatory permission from UPPCB is obtained. Joint committee has recommended for action taken against the Kolhus under section 31A of Air (Prevention and Control of Pollution) Act 1981 as well as imposed Environment Compensation as per CPCB guidelines.”

4. Learned counsel for the State PCB states that in pursuance of above, the units are not being allowed to operate and will not be allowed to operate till they obtain requisite consents and comply with the environmental norms. Compensation will be assessed and recovered for the past violations, in accordance with law and utilized for restoration of environment.

5. In view of above, no further order is necessary except that further action may be taken in terms of above.

The Application is disposed of.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

May 11, 2022
Original Application No. 65/2022
AB