

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

Original Application No. 95/2019  
(I.A. No. 602/2019)

(With report dated 03.08.2019)

Ram Sharan

Applicant(s)

Versus

State of Uttar Pradesh

Respondent(s)

Date of hearing: 17.09.2019

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE S.P WANGDI, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant: None

For Respondent(s): Mr. Rajkumar, Advocate for CPCB  
Mr. Pradeep Mishra, Advocate for UPPCB  
Mr. A.K. Takkar and Mr. Arun for applicant in  
I.A. No. 602/2019

**ORDER**

1. The issue for consideration is the remedial action against pollution being caused by M/s. J. B. Daruka Paper Limited, District Sitapur, UP resulting in death of animals in the area. A joint report was sought from the Central Pollution Control Board (CPCB) and the State Pollution Control Board (SPCB) vide order dated 26.02.2019.
2. The matter was considered on 05.07.2019 in the light of the report of the UPPCB showing deficiencies which required further action. The Tribunal directed that further action be taken and compensation

assessed and recovered. Interim compensation of Rs. 10 lakhs was directed to be recovered from the unit.

3. Further report has been filed on 03.08.2019 to the effect that the unit is now substantially compliant and compensation of Rs. 30,90,000/- has been assessed, out of which a sum of Rs. 10 lakhs has already been collected. The status of compliance and recommendations are as follows:

*“22. The status of compliance of recommendation made by the joint inspection team dated April 15, 2019 are as below:*

| <b>Sl. No.</b> | <b>Recommendations</b>   | <b>Compliance status</b>  |
|----------------|--|---|
| 1              | The unit should install acoustic enclosure and adequate stack height in all DG sets.   | Not complied, the unit is in the process to made DG set room acoustic and installing stack in all DG sets. The unit has installed stack in DG set with capacity 3.2 MW. |
| 2              | The unit should expediate to obtain NOC from CGWA for ground water abstraction.  | Not complied, the unit has applied for renewal of NOC on 26.02.2019.  |
| 3              | The unit should obtain permission from CGWA for additional one borewell.   | Complied, the unit has dismantled additional borewell.  |
| 4              | The unit should install electromagnetic flow meter for the water recycled in the process and maintain log book of same.  | Complied, the unit has installed electromagnetic flow meter for water recycled from ETP and maintain log book of same.  |
| 5              | The unit should ensure to comply with the Hon'ble Supreme Court order dated 14"10.2003 in the matter of Writ Petition (C) No. 657/1995(Research Foundation for Science, Technology and Natural Resource Policy Vs Union of India & Ors). | Not complied, Environmental display board was found under preparation and 70% content writing work was completed.   |

1. As per Hon'ble NGT order, the Environmental compensation (EC) has been calculated. The details of EC calculation are annexed herewith as Annexure-1. As per calculation, the unit should impose EC of Amount Rs. 30,90,000/- (Thirty Lac Ninety Thousand Rupees Only). However, as per Hon'ble NGT order, the unit has submitted interim compensation of amount Rs. 100000/- (Ten Lac) to CPCB on 3L.07.2019.

**Recommendation:**

*It is evident from the results that the unit is although found complying. The unit may be directed to comply with the following:*

1. The unit should expediate to install acoustic enclosure and adequate stack height in all DG sets.

2. The unit should expediate to obtain NOC from CGWA for ground water abstraction.

3. The unit should expediate to install environmental display board at the main gate as per Hon'ble Supreme Court order dated 14.10.2003 in the matter of Writ Petition (C) No. 657/ 1995(Research Foundation for Science, Technology and Natural Resource Policy Vs Union of India & Ors).”

4. In view of above, let further action be taken by the UPPCB in accordance with law.

The application is disposed of.

This order will not debar the Board from considering the viewpoint of the unit in question in accordance with law.

Adarsh Kumar Goel, CP

S.P Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

September 17, 2019  
Original Application No. 95/2019  
DV

