

Item No. 08

Court No. 2

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

Original Application No. 691/2022

(With report dated 04.01.2023)

Rama Shanker Awasthi

Applicant

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

Date of hearing: 20.01.2023

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

Applicant: Mr. Sanjeet Paliwal, Advocate for Applicant
Respondent: Mr. Ajay Sharma, Member Secretary with Mr. Pradeep Misra &
Mr. Daleep Dhyani, Adv. for UPPCB

ORDER

1. In the Original Application, grievance raised by Applicant was in respect of operation of Captive and Thermal Power Plants by M/s Bajaj Hindustan Limited and M/s Bajaj Energy Limited at Lakhimpur Kheri, UP in the State of UP in violation of environmental norms. The complaint was that the units were operating without requisite EC and consent; there was illegal extraction of ground water for commercial purposes in violation of Rules and CPCB by letter dated 06.04.2018 directed Project Proponent to obtain requisite consent and also directed to take measures against Air Pollution to calibrate OCEMS, rectify TSS analyzer and provide ladder for safety of monitoring personnel during manual monitoring but the said directions were not complied with.

2. In the circumstances, Tribunal vide its order dated 27.09.2022, found it appropriate to constitute a joint Committee comprising CPCB and State PCB and required the report to be filed by 02.01.2023. However, no such report was filed by 02.01.2023 and the Tribunal passed following order:-

“2. The Tribunal in order to obtain a factual report constituted a joint Committee comprising CPCB and State PCB appointing State PCB as nodal agency for compliance. The report was required to be submitted within two months vide order dated 27.09.2022. More than three months have passed yet the report has not been submitted and a letter dated 30.12.2022 has been sent by State PCB requesting four weeks further time for submission of the report. No reason has been given as to why report could not be submitted in the last three months particularly when two months initial time was granted and one more month has already expired. This kind of conduct and laxity on the part of the officials of State PCB cannot be accepted or appreciated. We express our strong disapproval to this kind of attitude and the officials must be cautious in future not to show this kind of laxity and inactiveness.

3. However, we allow as a last opportunity, 15 days further time to submit report. However, on the next date Member Secretary, State PCB shall appear in person.”

3. Now, a report dated 04.01.2023 has been filed by the joint Committee on 16.01.2023 at 3:56 PM. The said report is only in respect of Power Plant run by the said Proponents at Lakhimpur. Other Power Plants running at Village Barekhera, Tehsil Bilaspur, District Pilibhit, UP; Village Kundarki, Tehsil Sadar, Gonda, District Gonda, UP; Village Etai Maida, Tehsil Utraula, District Balrampur, U.P. and Village Maqsoodpur, Tehsil Piwayan, District Shahjahanpur, U.P. have not been included in the said report. No reason could be explained for not including the said units in the report.

4. Further, joint Committee has recorded its observations as under:-

“Salient observation in the light of Hon’ble NGT directions dated 27.09.2022, recommendation based on site inspection and available records of each unit are as under.

A) ***M/s Baja Hindusthan Limited (Sugar Division), Village Khambhar Khera Lakhimpur Kheri:***

A: General Information		
1	Name and address of the unit	M/s Bajaj Hinduthan Limited, Khambar Khera, Lakhimpur Kheri (UP)
2	Name of the Proprietor/ Contact person – Designation Contact No.	Sh. Avdhesh Kumar Gupta Vice President/ Unit Head 09919660222
3	Year of Comm.	2006
4	Sector	Private
B: Water Pollution and its Control:		
1	Water Supply Source Water Consumption (KLD) ➤ Industrial ➤ Domestic	Tube well -03 nos. (Avg. form Nov., 10 2022- Dec 20, 22) 821.925 m ³ /day (Avg.) 751.925 m ³ /day 70.00 m ³ /day
2	Waste Water Generation (KLD) ➤ Industrial ➤ Domestic	Avg. form Nov., 10 2022- Dec 20, 22) 482.4 m ³ /day 60.00 m ³ /day
3	Waste water treated (KLD) ➤ Industrial ➤ Domestic	Avg. form Nov., 10 2022- Dec 20, 22) 311.375 m ³ /day 60.00 m ³ /day
4	Details of ETP ➤ ETP Description	ETP comprises of Bar Screen, Mechanical Oil and Grease Trap, Mixing Tank, Equalization Tank, Primary Clarifier, Anaerobic Tank, Aeration Tank, Secondary Clarifier, Pressure Sand Filter, Activated Carbon Filter and Sludge Drying Beds. Flow chart annexed as annexure 8
5	Mode of disposal of treated effluent	Treated effluent from ETP is collected in lagoon with capacity 17200 m ³ & then used by farmers on agriculture land.
6	Flow measuring device installed at outlet of ETP	Electromagnetic flow meter
7	Status of Consent under the Water Act- 1974	Valid up to 31.12.2023
b (I) Information regarding Ferti-irrigation		
1	Details of treatment of effluent before ferti-irrigation	Treated through ETP
2	Command area for irrigation (Available land area)	174.85 Hectare
3	System of transportation of treated effluent upto field.	Pumps
4	Formal agreements with farmers for using treated effluent	Yes (as reported)
5	Storage facility available for treated effluent during low demand period	01 nos. lagoon having capacity 17200 m ³
6	Quality of effluent being used for ferti-irrigation	ETP treated effluent
C: Air Pollution and its Control		
1	Sources of Air Pollution	Boiler- 03 nos. (3 x 90 TPH)
2	➤ Type of Fuel used ➤ Stack details with APCS	Bagasse Chimney height- 60 m APCS- Wet Scrubber
3	Status of Consent under the Air Act- 1981	Valid up to 31.12.2023
D: Waste Management		

1	Type & Quantity of Waste Generated	ETP sludge –No information provided Press mud – 3580 qtls/ day Boiler ash – 26.50 ton/ day Used oil - 0.099 ton/ day
2	Facility of Storage/ Disposal	ETP sludge -Used as manure by farmers Press mud - Sold to vender Boiler ash -Dispose off in low lying area Used oil - TSDF, Kanpur
3	Disposal of waste	As mentioned above
4	Status of Grant of authorization	Valid up to 02.05.2024

Observations:

1. The unit has provided display board regarding hazardous waste generated outside the main factory gate, on quantity and nature of hazardous chemicals being used in the plant, water and air emissions and solid waste generated within the factory premises in compliance of Hon'ble Supreme Court order dated 14.10.2003 in the matter of Writ petition © No. 657/1995 (Research Foundation for Science, Technology and Natural Resource Policy Vs Union of India & Ors).
2. The unit has installed in 2006 and as per EIA notification 1994 the unit was excluded from procedure to obtain NOC from SEIAA. Hence the unit was exempted for the NOC from SEIAA. Notification in this regard attached as **Annexure-2** for reference.
3. The unit has obtained the NOC from UPPCB in 2005 and 2006 for 25 Megawatt electricity generation and 03 Megawatt electricity generation respectively through co-generation power plant mode. The unit has valid consent under Air, Water Act and Authorization for handling of Hazardous waste from UPPCB. Copy attached as **Annexure-3 & 4** for reference.
4. The unit has obtained NOC from Ground Water Department, Ministry of Jal Shakti, Govt. of Uttar Pradesh, which is valid up to 21/06/2026. Attached as **Annexure-5** for reference.
5. The unit has 03 boilers with capacity 90 TPH each for power generation and utilities. Emission from boilers is vented through combined stack of 60 m height. Boiler is equipped with Wet Scrubber as APCD.
6. During inspection it was observed that housekeeping in captive power plant area with respect to drainage system was not satisfactory.
7. During visit, it was observed that the designs of sludge drying beds are not in adequate to manage the sludge generated during treatment.
8. During inspection, it was found that the unit has installed monkey ladder which is unsafe for stack emission monitoring for the flue gas and not aligned with the prescribed guideline of CPCB.
9. The unit has infrastructure of co-generation of power of 28 MW with combination of Sugar production. During inspection, the unit was in operation for crushing season FY2022-23. As informed by the unit representative, the unit has started its cane crushing on 10.11.2022 for the current crushing season (2022-23).
10. The unit has presently three (03) bore wells to meet its fresh water requirement. Electromagnetic water meter is installed in

each bore wells. Log book of fresh water consumption is maintained. Copy attached as **Annexure-6** for reference.

11. The unit has installed 01 rain water harvesting pit within premises and adopted 14.7629 hectare pond area of the nearby village with agreement from Gram Pradhan. Copy attached as **Annexure-7** for reference.
12. During inspection, it was found that housekeeping in ETP & drainage area was not good.
13. The launder of the Primary Clarifier was not appropriately levelled.
14. The unit has installed OCEMS at the outlet of ETP and it was informed that OCEMS is connected with UPPCB and CPCB server. On the day of inspection, OCEMS was found functional except pH sensor which was found non-operational due to sudden break down. Concerned engineer has been communicated to service provider to get it repaired. Login credentials of the OCEMS attached as **Annexure-9** for reference.
15. The unit has informed that the unit has got monitored particulate matter in stack emission and wastewater by the third party once in a year. Copy of the report annexed as **Annexure 10 for reference.**
16. Calibration certificate of OCEMS installed for stack emission and ETP is attached as **Annexure-11** for reference.
17. The unit has constructed a lagoon with capacity 17,200 m³ for storage of treated effluent. It is informed by unit representative; treated effluent is being used by local farmers for irrigation purpose which is transported via closed pipeline.
18. The unit had got prepared irrigation management plan from National Sugar Institute, Kanpur, Uttar Pradesh, India for utilization of treated waste water in irrigation. Copy annexed as **Annexure-12** for reference.
19. The unit has installed sulphate removal system to remove Sulphur form effluent and treated effluent was goes to ETP for further treatment.
20. During inspection, it was observed that wastewater generated from sugar and captive power plant from various activities i.e. washing, cleaning and process are treated through ETP and stored in storage tank. Further it was distributed to the farmer for the use of irrigation in agriculture land. Sample from the outlet of ETP was collected by CPCB Lucknow. Analysis results are presented below:

Sampling Location	Parameters					
	pH	TSS (mg/l)	BOD (mg/l)	COD (mg/l)	Oil and Grease (mg/l)*	SAR (meq/liter)
ETP Outlet	7.44	7.37	19.4	80.4	BDL	1.77
Consented condition	5.5-8.5	100	30	250	10	26

*BDL- < 5 mg/l

21. It is evident from the results that outlet of combined ETP for sugar and energy unit are meeting with the stipulated norms with respect of consented parameter.

22. The unit has installed combined Sewage Treatment Plant (STP) for township of Energy and Sugar unit for treatment of domestic wastewater.

B) M/s Bajaj Energy Limited, Village Khambhar Khera Lakhimpur Kheri :

01	Name of the industry & Address		M/s Bajaj Energy Limited, Village Khambhar Khera, Lakhimpur Kheri		
02	Name of Contact person with designation Phone & Fax No.		Sh. Amit Kumar Singh Sr. Manager- EHS Mobile No.- +91-8299056795		
03	Year of Commissioning		2011		
04	Category of Industry		Large		
05	Installed Capacity		2x45 MW=90MW		
06	Electricity Generation & Raw material requirement				
	Description	Electricity Generated (MW)	Raw material requirement per KWH		
			Coal/ Coke (KG)	Oil (KL)/G as	Water (KL)
	2019-20	79822	63406	-	255194
	2020-21	188082	138586	-	543920
	2021-22	199934	158769	-	608884
07	Process details		1) Coal from coal yard → Coal Screening → Boiler → Ash Generation → Ash collection 2) Boiler steam → turbine → electricity generation → steam cooling via cooling tower → steam recirculation 3) Boiler flue gas → ESP → Stack		
08	Water consumption & Wastewater generation (Avg. for FY 2021-2022)				
	S. No.	Water Consumption in KLD	Wastewater generated in KLD	Water Consumption per MWH	
01	Process (DM Water)	87.04	380.46 (Annual avg)	3.04	
02	Cooling	4265.41 (Annual avg)			
03	Domestic	28	22		
09	Effluent Treatment facility provided & disposal details: - Yes (1000 KLD cap. ETP plant) Flow consists as below: -				
	a) Ash Pond Overflow			Dry Ash Handling	
	b) Boiler Blow Down			ETP	
	c) Cooling tower blow down			ETP	
	d) Make up water for cooling tower			Bore wells	
	e) Plant Wastewater			ETP	
	f) Domestic wastewater treated in			STP 100 KLD	
10	Whether ETP facilities adequate to achieve standards		Plant is not in operational. Required infrastructure for ETP found in order .		
11	Status of consents & Authorization (validity)		a. Air Consent: 31.12.2023 b. Water Consent: 31.12.2023 c. HW Consent: 02.03.2026		
12	Fuel Consumption				
	Sr. No.	Type of fuel	Fuel consumption (MT/KL)		

			2019-20	2020-21	2021-22	
	1	Coal	63406	138986	158769	
	2	Furnace Oil	54.35	54.20	41.35	
<i>Details of coal being utilized:</i>						
	Year	Coal Consumption	Grade of Coal	% Ash	% Sulphur	Calorific Value
	2019-20	63406	-	38.34	-	3501
	2020-21	138986	-	31.13	-	3891
	2021-22	158769	-	31.31	-	3878
13	Stack details and source emission status:		Attached as Annexure-			
14	Whether APCDs provided are adequate to achieve standard		ESP, as per report yes.			
15	Pollution control measure adopted for fugitive emission control and status (near coal handling area, coal transfer point, coal crusher, ash disposal and other plant areas)		Yes Attached as annexure			
16	Status of HW					
	H W Generated	Category	Authorized Quantity	Quantity Generated	HW stored or Disposal Facility	
1	Used Oil	5.1	4.0 KL/Annum	3.0 KL	TSDF	
2	Waste Oil	5.2	3.0 KL/Annum	1.515 KL	TSDF	
3	Used ion exchange residue	35.2	1.0	150 Kg	TSDF	
18	<i>Ash Management</i>					
	A) Fly Ash Generation (FY 2021-22 up to September 2022) 50181 MT					
	B) Bottom ash generation/ disposal practiced 5299 MT					
	C) Measures taken for ash handling/ collection/ disposal Total 03 silo installed (02 for Fly Ash, 01 for Bottom Ash)					
	D) Details of silo capacity Silo-1= 200 MT Silo-2= 200 MT Silo-3 150 MT					
	E) Fly Ash disposal					
	Sr. No	Utilization for	Quantity			
	1	Brick Manufacturing	5299			
	2	Cement manufacturing	27554			
	3	Low Lying area filling	22158			

Observations on M/s Bajaj Energy Limited: -

1. The unit has infrastructure for production of 90 MW power using coal. During inspection, the unit was non-operational due to non-requirement of power from UPPCL. As informed by the unit representative, the unit get start its production as and when the UPPCL issue production schedule.
2. The unit has obtained the NOC form SEIAA, UP for the installation of 90 MW Power plant based on coal as fuel on July 2010. NOC attached as **Annexure-13** for reference.
3. The unit has obtained the NOC from SEIAA on behalf of M/s Hindusthan Limited (Sugar Unit), Khambhar Khera but unit has changed its name on 2010 into M/s Bajaj Energy Limited,

*Khamber Khera Lakhimpur Kheri. Letter issued from the UPPCB is attached as **annexure-14 & 15** for reference.*

4. *The unit has valid consent under Air, Water act and Authorization for handling of Hazardous waste from UPPCB. Copy of the consent attached as **Annexure-16, 17 & 18** for reference.*
5. *The unit has obtained NOC from Ground Water Department, Ministry of Jal Shakti, Govt. of Uttar Pradesh, which is valid upto 24/07/2026. Copy attached as **Annexure-19** for reference.*
6. *The unit has presently three (03) bore wells to meet its fresh water requirement. Electromagnetic water meter is installed in each bore wells. Log book of fresh water consumption is maintained. Copy attached as **Annexure-20** for reference.*
7. *The unit has installed one rain water harvesting pit within premises for regeneration of ground water. Copy of the design is attached as **Annexure-21** for reference.*
8. *During visit, it was observed that the unit has not maintained dedicated shed for the storage of Hazardous chemical.*
9. *The unit has established Effluent Treatment Plant (ETP), which comprises of following:*

- b. Bar Screen,*
- c. Mechanical Oil and Grease Trap,*
- d. Equalization Tank,*
- e. Coagulation and chemical mixing tank,*
- f. Tube settler*
- g. Filter feed tank,*
- h. Pressure Sand Filter,*
- i. Activated Carbon Filter and*
- j. Sludge Drying Beds.*
- k. Treated Effluent Storage Lagoon of 8000 m³ capacity*

*Flow chart of ETP, adequacy report and Logbook of ETP **attached as Annexure-22** for reference.*

10. *The unit has installed OCEMS at the outlet of ETP and it was informed that OCEMS is connected with UPPCB and CPCB server. Login credentials of the OCEMES attached as Annexure-23 for reference.*
11. *The unit has informed that the unit has got monitored particulate matter in stack emission and wastewater characteristics by the third party once in a year. Copy of the report annexed as annexure and calibration certificate of OCEMS installed for stack emission and ETP is attached as Annexure-24 for reference.*
12. *The unit has installed dust separation and dust extraction system in coal handling plant covering all the transfer points. Details of dust separation system and dust extraction system is attached as Annexure-25 for reference.*
13. *The unit has developed green belt covering area of 43.724 Acre, wherein 22,024 plants have been planted. Copy of undertaking submitted in this regard by the unit is attached as Annexure-26 for reference.*
14. *The unit has installed combined Sewage Treatment Plant (STP) for township of Sugar and Energy unit for treatment of domestic waste water.*
15. *The unit has 02 boilers with capacity 190 TPH each. Emission from boilers is vented through stack of height having 110 m.*

16. *The unit has installed two ESP for the dust emission control from flue gas. The ash unitization certificate by the unit is attached as annexure-27 for reference.*
17. *During inspection, it was found that the unit has installed monkey ladder for flue gas emission monitoring which is unsafe for stack emission monitoring and not aligned with the CPCB guideline.*
18. *During inspection it was observed that the unit is using treated wastewater for dust separation system in coal handling plant and for irrigating the green belt developed by the plant.*

Conclusion and Recommendations:

Based on the observation the following recommendation are made by the Joint Committee.

M/s Bajaj Hindusthan Limited: -

- 1) *The unit has to installed spiral ladder for the monitoring of flue gas emission as per CPCB guideline.*
- 2) *The unit has to maintain the drainage system and equalization tank to ensure the compliance of norms and better efficiency of ETP.*
- 3) *The unit has to modify the launder of clarifier tank of ETP and sludge drying beds.*
- 4) *The unit has to deploy the preventive measure to control the fugitive emission in captive power plant area.*
- 5) *The unit has to get repaired pH sensor which is installed on ETP outlet on priority basis and proper operational for OCMES.*
- 6) *The unit has to carryout studies for impact assessment of treated water utilization on agriculture land and rate of ground water recharge through the pond adopted by them.*
- 7) *The unit has to developed dedicated storage shed for the storage of contaminated drums and bags as per Hazardous Waste (Management and Transboundary Movement), Rule 2016.*

M/s Bajaj Energy Limited: -

The unit was non-operational due to non-requirement of power from UPPCL. As informed by the unit representative, the unit will start its production when the UPPCL will issue production schedule.

- 1) *The unit has to installed spiral ladder for the monitoring of flue gas emission as per CPCB guideline.*
- 2) *The unit has to developed dedicated storage shed for the storage of contaminated drums and bags as per Hazardous Waste (Management and Transboundary Movement), Rule 2016.”*

5. The report also shows several serious violations on the part of Proponent at the unit inspected by it but no action has been taken against the proponent either for assessment of environmental compensation or by initiating criminal proceedings.

6. Shri Ajay Sharma, Member Secretary, present in person and Shri Pradeep Mishra, learned Counsel for the State PCB stated that there was some misunderstanding and complete report in respect to all the units could not be filed. It is also said that it would be done in three weeks. Hence, we allow three weeks' time to submit complete report in respect of all the units and also to place on record action taken against the violators and also reason for not taking any action till date, if so.

7. List for further consideration on 13.02.2023.

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

January 20, 2023
Original Application No. 691/2022
SN