

Item No. 04

Court No. 1

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

(By Video Conferencing)

Original Application No. 326/2018

(With report dated 10.06.2020)

Shailesh Singh

Applicant(s)

Versus

State of UP & Ors.

Respondent(s)

Date of hearing: 18.08.2020

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

Respondent(s): Mr. Pradeep Misra, Advocate for UPPCB
Mr. Vaibhav Mishra, Advocate for CPCB
Mr. A.K. Prasad, Advocate for CGWA

ORDER

1. Grievance in this application relates to illegal operation of slaughter houses in Khurja in Bulandshahr District, Uttar Pradesh, discharging effluents into the groundwater, drains, rivers and extracting groundwater without any lawful authority. They are also alleged to be violating the siting norms. Further case of the applicant is that a State Level Committee was constituted in terms of orders of the Hon'ble Supreme Court dated 23.08.2012 in Writ Petition (Civil) No. 309 of 2003, Laxmi Narain Modi v. Union of India & Ors., headed by the Secretary Urban Development, Uttar Pradesh. The Committee made its recommendations but the recommendations have not been followed. This Tribunal dealt with the matter earlier vide order dated 10.12.2015 in O.A. No. 173/2015. It was held that none of the units can operate

without 'Consent to Operate' and without anti-pollution devices. It was further held that no groundwater can be extracted without permission of the Central Ground Water Authority (CGWA). The directions of this Tribunal remain uncompiled. The effect is that there is huge pollution of river Yamuna on account of discharge of effluents by the slaughter houses. Remedial action is required to be taken. The units are 'red' category as per classification of industries by the Central Pollution Control Board (CPCB).

2. The matter was last considered on 20.01.2020 in light of report of State Pollution Control Board and it was directed:

"6. Having regard to the above factual background, we find it necessary to constitute a joint Committee comprising representatives of CPCB, SPCB and CGWA to furnish a status report to this Tribunal within one month by e-mail at judicial-ngt@gov.in. The District Magistrate, Bulandshahr may provide necessary logistics to the Committee. The SPCB will be the nodal agency for coordination and compliance. The report may also mention the status of water quality of Mundakhera or other concerned drains in the area to ascertain whether any pollutants are being discharged therein. The report may also mention whether there are other such illegally operating units in the area."

3. Accordingly, joint report has been filed on 10.06.2020 to the effect that out of 15 slaughter houses and meat processing units at Mundakhera Road, Khurja, Bulandshahar, only 3 were operational and the remaining 12 were non-operational.

4. The operational units are:-

1. M/s Al Hamd frozen foods Pvt. Limited
2. M/s Madina frozen foods exports Pvt. Ltd.
3. M/s Laham Export India Pvt. Ltd.

5. The said units were inspected and recommendations made in respect thereof are as follows:

“M/s Al Hamd frozen foods Pvt. Limited (Slaughter House)”

It is evident from the above observations that the unit is not complying of all conditions with imposed in the consent order. The unit may be directed to comply with the following:

- 1) The unit should dismantle the additional tube well installed at the unit's premises.**
- 2) The unit shall be imposed EC for installation of additional tube well in violation of NOC granted by CGWA.**
- 3) The unit should carry out adequacy assessment of ETP through reputed institute such as IIT/NIT.**
- 4) The unit should install mixing system at the equalization tank to equalize effluent.**
- 5) The unit should engage qualified person for operation of ETP.**
- 6) The unit should ensure establishment of SIP for proper treatment of domestic waste water.**
- 7) The unit should obtain consent for all DC sets. The 140 KVA DG set should be equipped with acoustic enclosure.**
- 8) The unit should maintain proper log book for generation and disposal of solid waste and ensure proper scientific disposal of ETP Sludge, Dung, offels etc. as per CPCB guidelines.**
- 9) The unit should comply with UPPCB consent condition in totality.**

M/s Madina frozen foods exports Pvt. Ltd. (Slaughter House)

It is evident from the above observations that although, the unit is meeting with the stipulated norms. Yet compliance of the unit is considering very low MLSS in Aeration Tanks (701 mg/l and 12.8 mg/l respectively) and effluent with lower strength received at ETP inlet. The unit is also found not complying with consent conditions. The unit may be directed to comply with the following:

- 1) The unit should repair and maintain UASB Reactor.**
- 2) The unit should carry out adequacy assessment of karnal technology through reputed Govt. agriculture institute.**
- 3) The unit should expedite to obtain NOC from CGWA.**
- 4) The unit should carry out adequacy assessment of ETP through reputed govt. Institute such as IIT/N IT.**
- 5) The unit should install mixing system at the equalization tank to equalize effluent.**
- 6) The unit should ensure proper operation of its ETP. The unit should engage qualified person for operation of ETP.**

- 7) ***The unit should ensure proper treatment of domestic waste water & proposal of STP submitted by the industry as earliest for domestic waste water treatment.***

M/s Laham Export India Pvt. Ltd. (Slaughter House)

It is evident from the above observations that although the unit is meeting with the stipulated norms. But, compliance of the unit is doubtful with very low MLSS in Aeration Tanks (1854 mg/l and 1286 mg/l respectively). The unit is also found not complying with consent conditions. The unit may be directed to comply with the following:

- 1) ***The unit should install electromagnetic flow meter at tubewell.***
- 2) ***The unit should carry out adequacy assessment of ETP through reputed Institute such as IIT/NIT.***
- 3) ***The unit should ensure properly levelled launder of the clarifiers.***
- 4) ***The unit should ensure proper operation of its ETP. The unit should engage qualified person for operation of ETP.***
- 5) ***The unit should ensure proper treatment of domestic waste water & submitted the proposal or STP for domestic waste water treatment as earliest.***
- 6) ***The unit should provide improved stack monitoring platform and ladder as per CPCB guidelines.***
- 7) ***The unit should provide adequate stack in all DG sets as per CPCB guidelines.***
- 8) ***The unit should maintain proper log book for generation and disposal of solid waste and ensure proper scientific disposal of ETP Sludge, Dung, offels etc. as per CPCB guidelines.***
- 9) ***The unit should maintain proper log book for Rendering Plant operation, Blood meal plant operation and offels plant operation.***
- 10) ***The unit should comply with consent conditions in totality.***

6. Inspection was also carried out with regard to units which were non-operational. Recommendations with regard to following non-operational units are as follows:

“M/s Al Hamd frozen foods Pvt. Limited (Meat Processing Unit)

It is evident from the above observations that the unit is found closed. The unit may not be allowed to operate till it complies with the following:

1. *The unit should be operated after obtaining consent from UPPCB.*

2. *The unit should obtain NOC from CGWA.*
3. *The unit should install electromagnetic flow meter at the tube well and maintain proper log book of fresh water consumption.*
4. *The unit should carry out adequacy assessment of ELP through reputed govt. Institute such as IIT/NIT*
5. *The unit should ensure proper treatment of domestic wastewater.*
6. *The unit should maintain proper log book for generation and disposal of solid waste and ensure proper scientific disposal of solid waste generated such as ETP Sludge, Bones etc. as per CPCB guidelines.*
7. *The unit should provide acoustic enclosure and adequate stack height in DG sets.*

M/s Madina frozen foods exports Pvt. Ltd. (Meat Processing Unit)

The unit is sister concern unit of M/s Madina frozen foods export Pvt. Ltd. (slaughter house) and it is located adjacent to this unit. The unit was found closed. It was informed that the unit is closed since 2009. During inspection, the unit was found in dismantled condition.

M/s Barkat Frozen Foods Pvt. Ltd.

It is evident from the above observations that the unit is found closed. The unit may not be allowed to operate till it complies with the following:

1. *The unit should install electromagnetic flow meter at tube well and maintain proper log book of fresh water consumption.*
2. *The unit should obtain NOC from CGWA.*
3. *The unit should carry out adequacy assessment of ETP through reputed govt. Institute such as IIT/NIT.*
4. *The unit should ensure proper treatment of domestic waste water.*
5. *The unit should maintain proper log book for generation and disposal of solid waste and ensure proper scientific disposal of solid waste generated such as ETP Sludge, Bones etc. as per CPCB guidelines.*
6. *The unit should provide adequate stack height in DG set.*

M/s Al Arfa Frozen Foods Pvt. Ltd.

Based on violation of provision of the Water Act, the unit shall be imposed Environmental compensation for the operation without consent from 2009 to 2011. It is evident from the above observations that the unit is found closed. The unit may not be allowed to operate till it complies with the following:

- 1) *The unit should be operated after obtaining consent from UPPCB.*
- 2) *The unit should obtain NOC from CGWA.*
- 3) *The unit should carry out adequacy assessment of ETP through reputed govt. Institute such as IIT/NIT.*
- 4) *The unit should ensure proper treatment of domestic waste water.*
- 5) *The unit should maintain proper log book for generation and disposal of solid waste and ensure proper scientific disposal of solid waste generated such as ETP Sludge, Bones etc. as per CPCB guidelines.*
- 6) *The unit should provide adequate stack height and acoustic enclosure in DG set*

M/s Al Takbir Frozen Foods Pvt. Ltd.

It is evident from the above observations that the unit is found closed. The unit may not be allowed to operate till comply with the following:

- 1) *The unit should obtain NOC from CGWA.*
- 2) *The unit should install electromagnetic flow meter at the tube wells and maintain proper log book of fresh water consumption.*
- 3) *The unit should carry out adequacy assessment of ETP through reputed govt. Institute such as IIT/NIT.*
- 4) *The unit should ensure proper treatment of domestic waste water.*
- 5) *The unit should maintain proper log book for generation and disposal of solid waste and ensure proper scientific disposal of solid waste generated such as ETP Sludge, Bones etc. as per CPCB guidelines.*
- 6) *The unit should provide adequate stack height in DG sets.*

M/s Al-Nazam Frozen Foods Pvt. Ltd.

It is evident from the above observations that the unit is found closed. The unit may not be allowed to operate till it complies with the following:

1. *The unit should be operated after obtaining consent from UPPCB.*
2. *The unit should obtain NOC from CGWA.*
3. *The unit should install electromagnetic flow meter at the tube wells and maintain proper log book of fresh water consumption.*
4. *The unit should carry out adequacy assessment of ETP through reputed govt. Institute such as IIT/NIT.*
5. *The unit should ensure proper treatment of domestic waste water.*
6. *The unit should maintain proper log book for generation and disposal of solid waste and ensure proper scientific disposal of*

solid waste generated such as ETP Sludge, Bones etc. as per PCB guidelines.

7. *The unit should provide adequate stack height in DG sets.*

M/s Agriotek Foods Ltd.

It is evident from the above observations that the unit is found closed. The unit may not be allowed to operate till it complies with the following:

1. *The unit should obtain NOC from CGWA.*
2. *The unit should install electromagnetic flow meter at the tube well and maintain proper log book of fresh water consumption.*
3. *The unit should carry out adequacy assessment of ETP through reputed govt. Institute such as IIT/NIT.*
4. *The unit should establishment of STP and ensure proper treatment of domestic waste water as per consent condition.*
5. *The unit should maintain proper log book for generation and disposal of solid waste and ensure proper scientific disposal of solid waste generated such as ETP Sludge, Bones etc. as per CPCB guidelines.*
6. *The unit should provide acoustic enclosure and adequate stack height in DG sets.*

M/s Al Huda Frozen Foods Export Pvt. Ltd.

It is evident from the above observations that the unit is found closed. The unit may not be allowed to operate till it complies with the following:

- 1) *The unit should obtain consent to operate from UPPCB.*
- 2) *The unit should obtain NOC from CGWA.*
- 3) *The unit should install electromagnetic flow meter at the tube well and maintain proper log book of fresh water consumption.*
- 4) *The unit should carry out adequacy assessment of ETP through reputed govt. Institute such as IIT/NIT.*
- 5) *The unit should ensure proper treatment of domestic waste water.*
- 6) *The unit should maintain proper log book for generation and disposal of solid waste and ensure proper scientific disposal of ETP Sludge, Dung, offels etc. as per CPCB guidelines.*
- 7) *The unit should provide adequate stack height in DG sets.*

M/s Al Shifa Frozen Foods Pvt. Ltd., M/s Sahiha Frozen Foods Export Pvt. Ltd., M/s Al Tasraia Frozen Foods Pvt. Ltd. and M/s Al-Taseen Frozen Foods Export Pvt. Ltd.

There are no reports

7. With regard to Monitoring of Mundakhera drain at different locations, it is stated that huge quantity of municipal solid waste was found dumped on the bank of the drain. The water quantity was tested beyond industrial area and it was found:-

“The conc. of BOD (306 mg/l) and COD (702 mg/l) in Mundakhera drain after industrial area clearly indicates about discharge of industrial effluent into the drain. Thereafter, the said drain is passing through residential area wherein domestic sewage is diluting the characteristic of industrial effluent.”

It is further stated that ground water quality was as per norms.

8. From the above, it is clear that there is illegal extraction of ground water without the permission of the Central Ground Water Authority (CGWA). It was held by this Tribunal vide order dated 20.07.2020 in *Original Application No. 176/2015, Shailesh Singh v. Hotel Holiday Regency, Moradabad & Ors.* that ground water can be allowed to be extracted only after Environment Impact Assessment by the CGWA in ground water scarcity areas notified by the CGWA as Overexploited, critical and semi critical, in light of extent of ground water available in the area and the extent to which the ground water can be allowed to be extracted.

9. The statutory authorities must take action for illegal extraction of ground water including assessment and recovery of compensation following due process of law. The authorities must also maintain vigilance against illegal operation of such units which are found to be non-functional during inspection. Such units may not be allowed to operate till compliance of environmental law and till payment of compensation for their illegal operation in the past. In view of high level of pollution found in the water samples of the drains, the State PCB

must initiate a drive to ascertain the sources of such pollution and take remedial action.

10. Let a further report be furnished by the Joint Committee after visit to the site and in the light of the facts which emerge during the surveillance period giving status upto 31.12.2020 before the next date by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

List for further consideration on 18.01.2021.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr.Nagin Nanda, EM

August 18, 2020
Original Application No.326/2018
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