

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

**Original Application No. 200/2014
(C.W.P. No. 3727/1985)**

And

**Original Application No. 501 of 2014
(M.A. No. 404 of 2015)**

And

Original Application No. 146 of 2015

And

Appeal No. 63 of 2015

And

Original Application No. 127 of 2017

And

**Original Application No. 133/2017
(W.P. (C) No. 200/2013)**

IN THE MATTER OF :-

M.C. Mehta Vs. Union of India & Ors.

And

Anil Kumar Singhal Vs. Union of India & Ors.

And

Society for Protection of Environment & Biodiversity & Anr.

Vs.

Union of India & Ors.

And

**Confederation of Delhi Industries & CETP Societies
(An Organisation of CETP Societies)**

Vs.

D.P.C.C. & Ors.

And

J.K. Srivastava Vs. Central Pollution Control Board & Ors.

And

Swami Gyan Swarop Sanand Vs. Ministry of Home Affairs & Ors.

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER
HON'BLE DR. AJAY A. DESHPANDE, EXPERT MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Present Applicant:

**Mr. M.C. Mehta and Ms. Mehak Rastogi, Advs.
Mr. Salik Shafique and Ms. Upama Bhattarjee, Advs.
for Indian Chemical Council and Jubilant Rite
Sciences for Mr. Sanjay Upadhyay, Adv.
Ms. Sushma Singh, Adv.
Ms. D. Bharathi Reddy, Adv. for U.K.
Mr. Manoj Kumar for Ms. Moni Cinmoy, Adv.
Mr. Vipin Kaushik, AEE, DSIIDC
Mr. Pradeep Misra and Mr. Daleep Dhayani, Advs. for
UPPCB
Mr. Rahul Pratap and Mr. Anupam, Advs. for MoEF
Mr. B.V. Niren, Adv. for CGSC and CGWA
Mr. Mukesh Verma and Mr. Bikash Kumar Sinha, Advs.
Mr. I.K. Kapila, Adv. for UP Jal Nigam, Kanpur Jal
Sansthan and Kanpur Nagar Nigam along with EE
Panpur and SE Coord. Uttar Pradesh Jal Nigam
Mr. S.A. Zaidi and Mansi Chahal, Advs. for Leather
Industries.
Ms. Panchajanya Batra Singh, Adv for Ministry of
Environment, Forest and Climate Change with Mr.**

R.N. Jindal, Scientist, Director, Ministry of Environment, Forest and Climate Change
Ms. Antima Bajaj, Adv. for AIDA & for Jain Distillery
Mr. Suraj Prakash Singh and Ms. Pushpila Bisht, Advs. for UPSMA and AIDA
Mr. Atul Batra, and Mr. Kundan, Advs. for Mother Dairy, Pilakhua Unit
Mr. V.K. Shukla, Adv. for State of MP
Mr. Dinesh Jindal, LO, Delhi Pollution Control Committee
Mr. Sudhir Kulshretha, Adv.
Mr. Abhishek Yadav, Adv. for State of Uttar Pradesh
Mr. Amit Agarwal, and Ms. Asha Basu, Advs. for State of West Bengal
Mr. Ishwer Singh, Adv. with Mr. Sandeep, Director (Tech.), NMCG
Ms. Neelam Rathore and Ms. Bhawna Gera, Advs. for Association of Textile Processor & Uttar Pradesh Dyes & Bleachers Associations (Micro & Small) & MLA Group & Chamber of Indian Trade & Industry
Mr. Narender Pal Singh, Adv. and Mr. Dinesh Jindal, LO, DPCC
Ms. Divya Prakash Pande, Adv., Ms. Bhawana Pande, Adv.
Mr. Ravindra Kumar, Adv. for R-10 & 11
Ms. Yogmaya Agnihotri, Adv. for CECB
Mr. Ravi P. Mehrotra and Mr. Abhinav Kr. Malik, Advs. for UPSIDC
Mr. Jayesh Gaurav, Adv. for JSPCB
Mr. Sanjeev Ralli, Adv. and Mr. Dinesh Jindal, LO, Delhi Pollution Control Committee
Mr. Taruna A. Prasad, Adv.
Mr. Rajkumar, Adv. & Mr. Bhupender, LA, CPCB
Ms. Alpana Poddar, Adv. for CPCB
Mr. Krishna Kumar Singh, Adv.
Ms. Priyanka Bajaj, Adv. for State of Jharkhand

Date and Remarks	Orders of the Tribunal
<p> Item No. 33 to 38 April 24, 2017 </p>	<p> After hearing the Learned Counsel for the parties, we direct Member Secretary of Tamil Naidu Pollution Control Board to be present before the Tribunal on 26th April, 2017 at 12:00pm. </p> <p> Nobody is present on behalf of the Nagar Palika, despite of the fact that we had clearly observed that concerned officer should be present during the course of hearing. Issue Non-bailable warrant against the EO of Nagar Palika. Warrant for his production shall be executed through the SHO of the concerned area. Learned Counsel appearing for the State of Uttar Pradesh shall take the warrant and require him to produce before the </p>

	<p>Item No. 33 to 38</p> <p>April 24, 2017</p>	<p>Tribunal as to whether there are any industries in Bijnor area and around Hemraj and Bijnor drain. The effluent in the drain shows the presence of arsenic, iron, copper, zinc, manganese and other metals. It is to be shown as to how these metals appeared in the drain. He will also show cause as to why cost should not be imposed on him.</p> <p>Mr. K.V. Jain, Executive Engineer and Mr. Gaurav Chaudhary, Project Engineer are present. They depict a sorry state of affairs. They know nothing about the design of the STP. In fact, they were unable to give the parameters that were found in the drain. All they could say is that there is COD, BOD and TSS. When pointed out, they conceded that there are metals in the effluent of the drain, details of which they were unable to express. We direct them to produce the entire DPR prepared for construction of the STP and if no study was carried for dealing with Hemraj and Bijnor drain, both by Nagar Palika and Uttar Pradesh Jal Nigam, then provide the reasons thereof. The executive officer of the Nagar Palika shall produce the records tomorrow.</p> <p>Further, after hearing the Learned Counsel appearing for the parties at some length, including the Learned Counsel appearing for the industries and upon deliberation, we are of the considered view that certain minimum measures are required to be taken for ensuring 12 industries in the catchment area of Bhagad drain to operate in accordance with law by strictly adhering to the prescribed parameters. They claim to be ZLD units, but this appears to be factually incorrect. Consent order</p>
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	<p>Item No. 33 to 38</p> <p>April 24, 2017</p>	<p>issued to this industry, on the face of it show to be fixed rather than scientific compliance to the law in force. Quantum of discharge that the industries has is immense and it is stated before us that the Bhagad drain does not have any other regular discharge coming to it except the sewage drain and from the industrial areas in the catchment area of the said drain. The analysis report shows that the parameters are in excess of the prescribed limits. We would have directed closer of all these 12 industries forthwith, however before we pass such directions, we would prefer to have an inspection report before the Tribunal.</p> <p>Consequently, we hereby constitute a special inspection team consisting of Member Secretary, Central Pollution Control Board; Mr. Sandeep, Director (Tech.), National Mission for Clean Ganga; Mr. R.N. Jindal, Director, Ministry of Environment, Forest and Climate Change and Member Secretary, Uttar Pradesh Pollution Control Board or his nominee being a senior most officer of the Board. This Committee shall inspect the industries tomorrow as follows:-</p> <ol style="list-style-type: none">1. The industries will continue to operate to their optimum capacity and would keep all their records ready without default.2. In the light of above, if any industry is found to be avoiding compliance of directions and to be inoperative, the inspection team shall shut down the same forthwith and it would be sealed by the
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	<p>Item No. 33 to 38</p> <p>April 24, 2017</p>	<p>Committee.</p> <p>3. The Committee shall be provided all assistance and SHO of the concerned area is also directed to provide Police Assistance to them for proper execution of this order.</p> <p>4. The inspecting team shall prepare complete and comprehensive report, to be specific, on the following:-</p> <p>a) What is the source of water used by the industry and its quantity, availability, water meters etc.</p> <p>b) Whether the unit are ZLD. ZLD means they are not discharging any effluent, either on the land or in the waterbody or at any other place for that matter. They should be able to either not discharge a drop of liquid or recycle the same entirely without releasing thereto any effluent.</p> <p>c) Whether adequate ETPs have been provided and were found to be functional or not at the time of inspection, including its adequacy; performance; and its records thereof.</p> <p>d) The Committee would collect effluent samples at the inlet and outlet of the ETP and at the point of discharge, at the ultimate end.</p> <p>e) Whether there is separate provision of Energy Meter for the ETP/ZLD.</p> <p>f) Whether there are online monitoring system installed and operative and if so connected to</p>
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	<p>Item No. 33 to 38</p> <p>April 24, 2017</p>	<p>which authority, calibration/validation thereof;</p> <p>g) Whether water flow-meter have been installed.</p> <p>h) The inspection team shall also analyse the effluent quality at the end of the drain as well as at the point where Mahua starts.</p> <p>i) The samples shall also be collected from the drain nearest to the industrial unit.</p> <p>j) The committee may also examine the Ambient Air Quality in that area.</p> <p>k) Whether any of the industries have a by-pass mechanism provided in the factory, even if it has been now closed or groundwater injection system.</p> <p>l) The inspection shall also verify the agricultural areas used for disposal of effluent of the industries.</p> <p>List these matters on 26th April, 2017.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (Jawad Rahim)</p> <p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM (Bikram Singh Sajwan)</p>
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