

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

**Original Application No.448 (T_{HC})/2013
(CW 4050/12)
(M.A. No. 1228/2015)
And
M.A No. 832/2014
In
Original Application No. 358(T_{HC})/2013
And
Original Application No. 20(T_{HC})/2015
And
Original Application No.446 (T_{HC})/2013
(CW 7932/11)
(M.A No. 811/2015)**

IN THE MATTER OF :-

**U.R. Beniwal Vs. State of Rajasthan & Ors.
And
Laxmi Suiting Vs. State of Rajasthan & Ors.
And
Ramesh Vs. State of Rajasthan & Ors.
And
Multan Singh Vs. State of Rajasthan & Ors.**

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER**

In Original Application No.448 (THC)/2013:

**Present: Applicant:
Respondent No. 1**

**Mr. Siddharth Tatiya, Adv.
Mr. Bhavna Aggarwal, Adv.
Mr. Shiv Mangal Sharma, AAG Mr. Ankit
Shah, Mr. Saurabh Rajpal, Mr. Lokendra
Singh Kachhawa and Mr. Adhiraj Singh
Rajawat, Adv. For State of Rajasthan
and Rajasthan Pollution Control Board.
Mr. Sanjeet Purohit, Adv. for RIICO
Dr. Rdss Kharha, Adv. in MA No. 734/15
O.A. No. 448 of 2013.
Mr. Raj Kumar, Adv. for CPCB**

	Date and Remarks	Orders of the Tribunal
	Item No. 03 to 06 January 08, 2016 SS	<p style="text-align: center;">Heard the Learned Counsel appearing for the parties and Amicus Curiea at some length.</p> <p style="text-align: center;">It is contended on behalf of Jodhpur Pradushan Niwaran Trust that they are about to complete the mechanism for tertiary treatment. Out of 14 equipments, 11 equipments have been already placed in service and remaining 3 would become operative by February, 2016. According to him after all these become operative, the CETP would be also operative. There will be proper treatment of trade effluents before it is discharged into the river. The proposal is to re-use of water either for</p>

irrigation or for the industrial purpose as the case may be. However, the Amicus Curiae submits that it is only 1 MLD of trade effluent is being treated and the remaining untreated 43 MLD is being discharged into the river. According to him Letter of Rajasthan State Pollution Control Board dated 21st June, 2008 shows that 15 Tonnes of Lime is required to treat 1 MLD of effluent. The whole working as shown by the Respondent Trust is inappropriate.

The Learned Counsel appearing for the Corporation submits that they are taking steps in furtherance to the judgement and they have acquired land for development of the industrial area as well as for putting up another CETP. However, the process of allocation is yet to take place.

Another aspect that has been contended on behalf of the Respondents is that the Textile Industry in India is primarily based upon the usage of high quantity of water in the entire process. This generates large quantity of trade effluent which is required to be considered. Contention is that if the State of Rajasthan or the Trust increases its charges for treating its effluent in the form of Cess or otherwise, it will encourage the industry to shift to other neighbouring States like Gujarat, Maharashtra, Uttar Pradesh and other States. In their submission it will be appropriate to direct a uniform policy for all States for treating effluent and the liability of the industries on the principle of Polluter Pays.

It is undisputed that Textile industries in India is water intensive industry and discharge large quantity of trade effluent which requires treatment. This effluent is highly polluted and contains Metal, Acidic and other serious pollutants. Another ancillary but a serious issue that requires the attention of the concerned stakeholders is the generation and disposal of the sludge. The sludge we are informed, contains metals and acidic salts that even the cement industry has declined to utilise the same for its manufacturing process. There is only one site at

Balotra where the site is being taken and the capacity of the sludge is around 25,000 MT. It is informed that the industrial pocket in Jodhpur generate 1500 MT of sludge every month and it is in addition to the sludge deposited in the river bed that is to be extracted from the river under the orders of the Tribunal. The earmarked site is likely to be get exhausted maximum within a period of one year of half. It is, therefore, necessary that the concerned stakeholders including the State of Rajasthan evolve mechanism to deal with the sludge on regular basis and use it as raw material for such products.

In the circumstances afore- noticed we direct as follows:

1. The Corporation (RIICO) shall submit Status Report to the Tribunal within two weeks stating the steps taken by them in compliance of the Judgment of the Tribunal.

Wherever it has failed to comply with the directions within the stipulated time, it would give reasons thereof including why the Application was not filed before the Tribunal for extension of time. We make it clear that the Status Report must deal with each of the directions issued by the Tribunal, its compliance/non-compliance and reasons for default.

2. We direct the Trust to file comprehensive Status Report in regard to operationalisation of the entire mechanism for treating effluent in accordance with the directions contained in the Judgment within the same period. It will be clearly submitted as to what will be the total quantity of trade effluent received by the CETP, how much of it is treated, how much effluent is being discharged directly and where. It would give complete details of recycling of water and whether the treated effluent is suitable for agricultural irrigation and/or to be recycled back to the industry for its use for industrial activity.

3. We issue Notice to the Ministry of Environment & Forest,

& CC and Central Pollution Control Board to nominate their senior officers who will conduct a joint inspection along with the members of the Trust, Rajasthan State Pollution Control Board and the Corporation and give a complete comprehensive report as to whether the effluent being discharged by these industrial complexes can or cannot be treated completely to generate water fit for irrigation purpose and/or for reutilisation by the industry.

4. We direct that the trade effluent samples would be analysed and report thereto be submitted to the Tribunal.

5. The Committee consisting of representative of Central Pollution Control Board and Ministry of Environment & Forest, & CC as directed above would also state a complete programme in regard to the Collection, Transportatoin and Disposal of the Sludge. It shall also make observation if the site for depositing of the sludge is proper and scientifically constructed so as to ensure that there is no groundwater contamination as well as the possibility of utilisation of the sludge for any other purpose.

6. It is also pointed out that if the CETP is upgraded to tertiary level, after treatment from the existing primary and secondary treatment, whether the discharge after tertiary treatment is capable of being completely re-usable in industry.

7. The inspection would be conducted immediately but CETP functioning would be subject to in relation to collection of samples in the first week.

List these matters on 12th February, 2016..

.....,CP
(Swatanter Kumar)

		<p>.....,JM (M.S. Nambiar)</p> <p>.....,EM (B.S. Sajwan)</p>
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