

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

**Original Application No. 200/2014  
(M.A. No. 486 of 2017, M.A. No. 488 of 2017, M.A. No. 502 of 2017 & M.A. No. 503 of  
2017)  
(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. BIKRAM SINGH SAJWAN, EXPERT MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

**Present Applicant: Mr. M.C. Mehta and, Ms. Katyani, Ms. Mehak Rastogi,  
Advs.  
Mr. Keith Varghese and Ms. Sanjumitra Jaiswal, Advs.  
for Mr. Sanjay Upadhyay, Adv.  
Mr. Pinaki Misra, Mr. Raj Panwani, Sr. Advs., Ms. Diya  
Kapur and Ms. Arshita Sachdeva, Advs.  
Ms. D. Bharathi Reddy, Adv. for U.K.  
Mr. Pradeep Misra and Mr. Daleep Dhayani, Advs. for  
UPPCB  
Mr. A.A. Aron, Adv. for M/s Dairy India Pvt. Ltd.  
Mr. Rakesh Khanna and Ms. Anunaya Mehta, Advs. in  
M.A. No. 488 OF 2017  
Mr. B.V. Niren, Adv. for CGSC and CGWA  
Mr. Mukesh Verma and Mr. Bikash Kumar Sinha, Advs.  
Ms. D. Bharathi Reddy, Adv. for State of Uttarakhand  
Mr. I.K. Kapila, Adv. for UP Jal Nigam and Kanpur  
Nagar Nigam, Mr. Sarvesh Kr. Jain, SE, Mr. K.B. Jain,  
PM, Mr. M.K. Saroj, PM, Mr. Praveen Kutty, PM, Mr.  
Mahendra Kumar, PM  
Mr. S. Sodhi and Mr. S.A. Zaidi, Advs. for Leather  
Industries.  
Ms. Panchajanya Batra Singh, Adv for Ministry of  
Environment, Forest and Climate Change with Mr.  
R.N. Jindal, Sect. MoEF  
Ms. Antima Bajaj, Adv. for AIDA & for Jain Distillery  
Mr. Abhishek Yadav, Adv.  
Mr. Amit Agarwal and Ms. Asha H. Basu , Advs.**

**Mr. Atul Batra, Adv. for Mother Dairy, Pilakhua Unit**  
**Mr. Manoj Kumar, Adv. for Mr. Moni Cinmoy, Adv.**  
**Mr. V.K. Shukla, Adv. and Ms. Vijaya Lakshmi, Adv. for State of MP**  
**Mr. Motish Kr. Singh and Mr. Saurabh Sachdeva, Advs. for IFFCO**  
**Mr. Dinesh Jindal, LO, Delhi Pollution Control Committee**  
**Mr. Narender Pal Singh, Adv. Mr. Dinesh Jindal, LO, Delhi Pollution Control Committee**  
**Mr. Ishwer Singh, Adv. for (Tech.), NMCG, with Mr. Praveen Kumar, Director, NMCG, Mr. Sravan K. Kota, RO and Mr. Kumar Ajitabh, LO**  
**Mr. Sudhir Kulshreshtha, Adv.**  
**Mr. Gautam Singh and Mr. Raudhreshwar Singh, advs.**  
**Mr. Ravindra Kumar, Adv.**  
**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**  
**Ms. Yogmaya Agnihotri, Adv.**  
**Ms. Divya Prakash Pande, Adv. for MoEF**  
**Ms. Alpana Poddar, Mr. Rajkumar, Adv. & Mr. Bhupender, LA, CPCB**  
**Mr. Krishna Kumar Singh, Adv. for MoEF**  
**Mr. Jayesh Gaurav, Adv.**  
**Mr. Ravi P. Mehrotra and Mr. Abhinav Kr. Malik, Advs.**  
**Ms. Priyanka Sinha, Adv. for State of Jharkhand**

Date and Remarks	Orders of the Tribunal										
<p> <b>Item No. 31 to 36</b>  <b>May 05, 2017</b> </p>	<p> <b><u>M.A. No. 503 of 2017</u></b> </p> <p>           The Joint Inspection Team constituted by the Tribunal dated 24<sup>th</sup> April, 2017 had inspected 10 industries. Out of them, M/s ASP Sealing Product Limited, Gajraula was also inspected. As per the inspection Report, the effluent was stored in a holding tank but near the tank the inundated with the oil come was observed. The inspecting team analysed the samples collected and the analysis Report reads as under:         </p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td>pH</td> <td>: 7.22</td> </tr> <tr> <td>COD</td> <td>: 1599 mg/l (250 mg/l)</td> </tr> <tr> <td>BOD</td> <td>: 389 mg/l (30 mg/l)</td> </tr> <tr> <td>TSS</td> <td>: 585 mg/l (100 mg/l)</td> </tr> <tr> <td>Oil &amp; Grease</td> <td>: 904 mg/l (10 mg/l)</td> </tr> </table> <p>           Besides submitting the following Report, the Joint Inspection Team also made the following recommendations:         </p>	pH	: 7.22	COD	: 1599 mg/l (250 mg/l)	BOD	: 389 mg/l (30 mg/l)	TSS	: 585 mg/l (100 mg/l)	Oil & Grease	: 904 mg/l (10 mg/l)
pH	: 7.22										
COD	: 1599 mg/l (250 mg/l)										
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1. The industry shall install effluent treatment plant (ETP) to meet the stipulated standards.
2. Treated water should be utilized for cooling and other low quality water requirement purposes to reduce axillary water requirement.
3. Treated effluent should be properly utilized for gardening.
4. After polishing the effluent, effluent should go back for cooling purpose within the industry thereby reducing the ground water consumption.
5. The oil containers and other solid waste materials needs to be handled as per the provision of Hazardous Waste Rules, after characterization and found applicable. Else, should be managed as per the direction of UPPCB to avoid any littering, open burning or in-secured land disposal to avoid contamination of land and/or around or surface water bodies.

The Learned Counsel appearing for the industry submits that after inspection they have installed an ETP to bring the effluent standard within the prescribed limit. The first question that arises is as to why the industry did not install the ETP for all these years as it has commenced its production in the year 1999. Second aspect which needs to be examined is how the officers of the Uttar Pradesh Pollution Control Board were granting consent from time to time to this industry despite the fact that it was a polluting industry and admittedly had not installed ETP for all these years.

The Learned Counsel appearing for the Applicant

submits that in order to show their bonafide and to bring the trade effluents within the prescribed parameters, they would deposit the sum of Rs. 10 lakhs with the Central Pollution Control Board and would comply with the recommendations and ensure that their ETP would function appropriately.

In light of the submissions made and the above facts, we pass the following directions:

- a. The industry must comply with all the recommendations and make its ETP functional immediately.
- b. It should ensure that it does not discharge any effluent on the land whether polluting to itself or others.
- c. It would comply with all the recommendations made by the Committee and submit a compliance Report to the Uttar Pradesh Pollution Control Board. Upon submission of such compliance, the Central Pollution Control Board and Uttar Pradesh Pollution Control Board shall conduct joint inspection of the premises, collect effluent samples and submit a complete and comprehensive Report to the Tribunal with analysis Reports. The Joint Inspection team shall also draw the ground water sample as well the source of water, analyse the same from within and surrounding areas of this industry.
- d. The Applicant as submitted is granted two weeks time to deposit the sum of Rs. 10 lakhs with the Central Pollution Control Board, which will be subject to final orders that may be passed by the

Tribunal and would be an amount on account for showing the bonafides of the industry. The industry shall remain closed and will not be permitted to operate without specific orders of the Tribunal which shall be passed only after the joint inspection team inspecting the premises to establish that prima facie all appropriate remedial measures have been taken by the industry.

- e. We also direct issuance of show cause Notice to Uttar Pradesh Pollution Control Board to show cause why should we not direct imposition of costs upon the concerned officers of the Board and direct disciplinary action be taken against them for granting consent to polluting industry which did not even had an ETP for all this period. Reply to the show cause should be filed within two weeks from today.
- f. Once the Application for joint inspection is moved, we expect the joint inspection team to conduct the inspection expeditiously.

With the above directions, M.A. No. 503 of 2017 stands disposed of without any order as to cost.

**M.A. No. 486 of 2017**

List on 8<sup>th</sup> May, 2017.

**M.A. No. 502 of 2017**

The Learned Counsel appearing for M/s Dairy India Pvt. Limited, Gajraula submits that this unit was jointly inspected by the Joint Inspection Team. They found the maintenance of the entire unit to be pathetic. The ETP

was not operational appropriately, the effluent discharge was found to be exceeding parameters particularly in relation to BOD. The Learned Counsel appearing for the industry submits that they would pay a sum of Rs. 10 lakhs to show their bonafides voluntarily and subject to such final orders as the Tribunal may pass after second inspection. He undertakes that they would comply with all the recommendations and would ensure that the unit is found to be completely adhering to the norms of hygiene, maintenance and operational of the plant as well as for discharge of the trade effluents. Let the needful be done within two weeks from today. Thereafter, they would make an Application to the UPPCB. The Joint Inspection Team shall conduct an inspection expeditiously and submit a Report to the Tribunal for appropriate orders. Voluntarily the Applicant should pay a sum of Rs. 10 lakhs as submitted within two weeks from today to the Central Pollution Control Board. The Joint Inspection Team shall prepare and complete and comprehensive Report in all respects, analyse the ground water as well as source of water and analyse the trade effluent.

The unit will not operate till further orders from the Tribunal.

With the above direction, M.A. No. 502 of 2017 stands disposed of without any order as to cost.

**M.A. No. 488 of 2017**

M/s Umang Dairy, this industry was subjected to joint inspection, however, at the time of inspection, the operation of the industry was closed for the reason best

know to it. The premises was inspected as well as the plant, certain observations have been made by the joint inspection team particularly that it had no permission from the CGWA since its inception from 1994 and even subsequent thereto. However, now the industry has applied and it has been recommended to the competent authority, however, even now NOC has not been issued.

Secondly, it was found that the R.O. reject is being improperly used and restriction is suggested on the method of dilution with the fresh water as well as its utilization. The Learned Counsel appearing for the Applicant unit submits that in order to show their bonafides completely they will take all steps with regard to prevention and control of pollution, they will deposit a sum of Rs. 10 lakhs within two weeks to the Central Pollution Control Board . He further states that all steps will be taken for proper maintenance and operationalization of the plant and as and when it is complied, they will submit the request to the Uttar Pradesh Pollution Control Board for inspection of the plant. If such a request is received, the plant will be inspected with expeditiousness and Report will be submitted to the Tribunal. The Joint Inspection Team shall prepare a complete and comprehensive Report including collecting of samples, ground water and the trade effluent and analyse the same. All other steps should also be taken to ensure that the plant has complied hygienic standards and adheres to the prescribed parameters in relation to the operationalisation of the plant as well as maintenance thereof.

With the above direction, M.A. No. 488 of 2017 stands disposed of without any order as to cost.

**Main Matter**

List these matters on 8<sup>th</sup> May, 2017.

.....,CP  
(Swatanter Kumar)

.....,JM  
(Dr. Jawad Rahim)

.....,EM  
(Bikram Singh Sajwan)

.....,EM  
(Dr. Nagin Nanda)

