

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH**

(By Video Conferencing)

Original Application No. 277/2022

Liyakat Ali & Ors

...Applicants

Versus

State of U.P.

...Respondent

Date of hearing: 21.10.2022

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None.

Respondents: Mr. Pradeep Misra and Daleep Dhyani, Advocate  
for UPPCB.

Mr. Narender Bahadur Singh, ADM on behalf of  
District Magistrate, Muzaffarnagar.

Mr. Uttkarsh Sharma, Advocate for the 14  
Industrial Units.

Mr. Ankit Singh, RO, UPPCB, Muzaffarnagar.

**Application is registered based on a Letter Petition received by Email.**

**ORDER**

1. Mohd. Liyakat Ali & other inhabitants of village Dhandeda, P.S Sikhera, Pragna, Tehsil and District Muzaffarnagar, Uttar Pradesh have sent the present letter petition complaining that Bindal Paper Mill, Meenu Paper Mill and other industries in the aforesaid area are discharging highly polluted chemical mixed water in the drain abutting their land. It is further stated that the drain was blocked due to negligence of Mr. Dhoom Singh and Mr. Tanvir Contractors in construction of culvert which resulted in diversion of industrial waste directly to the agricultural fields of the applicants causing damage and destruction of their wheat and sugarcane crops in land measuring about 100 Bighas.

2. Vide order dated 28.04.2022, this Tribunal constituted a Joint Committee comprising of State PCB and District Magistrate, Muzaffarnagar and directed the same to submit factual and action taken report within two months.

3. In compliance thereof, the Joint Committee inspected the area on 01.06.2022, 07.06.2022 and 10.06.2022 and submitted report vide email dated 18.07.2022.

4. Vide order dated 21.07.2022, the Joint Committee was directed to take remedial action and submit further report within two months, notices were ordered to be issued to (1) M/s. Silvertan Papers Ltd. (Unit-1), 9<sup>th</sup> Km. Bhopa Road, Muzaffarnagar, (2) M/s. Silvertan Papers Ltd. (Unit-2), 9<sup>th</sup> Km. Bhopa Road, Muzaffarnagar, (3) M/s. Silvertan Pulp & Papers Pvt. Ltd., 9<sup>th</sup> Km. Bhopa Road, Muzaffarnagar, (4) M/s. Silvertan Pulp & Papers Pvt. Ltd. (Unit-2), 9<sup>th</sup> Km. Bhopa Road, Muzaffarnagar, (5) M/s. Garg Duplex & Paper Mills Pvt. Ltd., 8.5 Km. Bhopa Road, Muzaffarnagar, (6) M/s. Shree Sidhballi Paper Mills Ltd., Bhopa Road, Muzaffarnagar, (7) M/s. Meenu Paper Mills Pvt. Ltd., 9.5 Km. Stone, Bhopa Road, Muzaffarnagar, (8) M/s. Tehri Pulp & Papers Ltd. (Unit-1), 9<sup>th</sup> Km. Stone, Bhopa Road, Muzaffarnagar, (9) M/s. Tehri Pulp & Papers Ltd. (Unit-2), 9<sup>th</sup> Km. Stone, Bhopa Road, Muzaffarnagar, (10) M/s. Tirupati Balaji Fibers Ltd., 9<sup>th</sup> Km., Bhopa Road, Muzaffarnagar, (11) M/s. Bindals Papers Mills Ltd., 8<sup>th</sup> Km., Bhopa Road, Muzaffarnagar, (12) M/s. Shree Bhageshwari Papers Pvt. Limited (Unit-1), 9<sup>th</sup> Km., Bhopa Road, Muzaffarnagar, (13) M/s. Shree Bhageshwari Papers Pvt. Limited (Unit-2), 9<sup>th</sup> Km., Bhopa Road, Muzaffarnagar, (14) M/s. Galaxy Papers Pvt. Ltd., Jolly Road, Muzaffarnagar, (15) Director, U.P. Ground Water Department, (16) District Magistrate, Muzaffarnagar and (17)

Principal Secretary, Department of Irrigation and Water Resources, Government of Uttar Pradesh and personal appearance of the District Magistrate, Muzaffarnagar and Regional Officer, UPPCB, Muzaffarnagar before this Tribunal through video conferencing or physically was ordered.

5. In compliance thereof, the Report of the Joint Committee has been filed by Regional Officer, UPPCB, Muzaffarnagar vide email dated 20.10.2022.

6. The Nodal Officer, Web-Portal, Muzaffarnagar, Hydrologist Ground Water Department, Saharanpur Division has filed its reply vide email dated 20.10.2022.

7. The Chief Engineer (Ganga), Irrigation and Water Resource Department, Uttar Pradesh, Meerut has filed its reply vide email dated 19.10.2022.

8. All the 14 Industries have filed their replies by way of affidavits along with documents vide email dated 21.10.2022.

9. Mr. Narender Bahadur Singh, ADM has appeared through VC on behalf of the District Magistrate, Muzaffarnagar and made request for exemption of the District Magistrate, Muzaffarnagar from appearance on the ground of his inability to appear due to some urgent outstation assignment. The request is allowed. Mr. Ankit Singh, Regional Officer, UPPCB, Muzaffarnagar have appeared before this Tribunal through VC.

10. We have heard learned counsel for the concerned industries and gone through the replies filed and interacted with Mr. Narender Bahadur Singh, ADM, Muzaffarnagar and Mr. Ankit Singh, Regional Officer, UPPCB, Muzaffarnagar them.

11. The reply filed by Uttar Pradesh Ground Water Department has not addressed issues as contained in the application and, therefore, it cannot be considered to be proper and satisfactory. In view of this, we direct Uttar Pradesh Ground Water Department to file detailed reply with specific averment regarding action taken/proposed to be taken.

12. In its reply, the Chief Engineer (Ganga), Irrigation and Water Resource Department, Uttar Pradesh, Meerut has mentioned that the work of the desilting of the Dhandhera drain has been got done in compliance of order dated 21.07.2022; that water of the drain is not used for irrigation; and industrial effluent from the concerned 14 industries is discharged in the drain after treatment and that the drain joins the main drain in Muzaffarnagar. However, in the reply it has not been mentioned where the discharge from Muzaffarnagar main drain goes. It has also not been mentioned as to whether the same goes to any river and what is the quality of the water discharged into the river. The Chief Engineer (Ganga), Irrigation and Water Resource Department, Uttar Pradesh, Meerut is directed to file additional reply addressing these aspects.

13. In their replies the concerned 14 Industries have made reference to agreements with contractors for disposal of fly ash in low lying areas but details regarding the same were not furnished to UPPCB and also same have not been provided along with the replies.

14. In view of its statutory obligations under the enactments specified in Schedule I of the National Green Tribunal Act, 2010, the UPPCB is directed to verify the factual position regarding discharge of drain water of Muzaffarnagar main drain into river, quality of discharged water going to river, status of installation of STP with conveyance system in

Muzaffarnagar, disposal of plastic waste and fly ash and take further remedial action by following due process of law.

15. Learned Counsel for the concerned 14 industries seeks time to file additional replies.

16. Report by UPPCB and replies on behalf of concerned 14 industries, Uttar Pradesh Ground Water Department and the Chief Engineer (Ganga), Irrigation and Water Resource Department, Uttar Pradesh, Meerut be filed within two months at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

17. List for further consideration on 04.01.2023.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

October 21, 2022  
AG