

Item Nos. 04 & 05

Court No. 1

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

Original Application No. 744/2022

Moharram Ali Applicant

Versus

State of Uttar Pradesh Respondent

WITH

Original Application No. 277/2022

Liyakat Ali & Ors. Applicant(s)

Versus

State of U.P. Respondent

Date of hearing: 22.03.2023

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Rahul Khurana & Mr. Hasil Jain, Advocate for Applicant in OA
744/2022

Respondent: Mr. Ajay Sharma, Member Secretary, Mr. Ankit Singh, Regional Officer &
Mr. Aravind Mallappa Bangari, DM, Muzaffarnagar with Mr. Pradeep
Misra & Mr. Daleep Dhyani, Advocates
Mr. Pinaki Misra, Senior Advocate with Mr. Utkarsh Sharma, Advocate
for 14 Industrial units

ORDER

1. This order will consider Original Application Nos. 744/2022 and 277/2022 as both the matters relate to common issue of scientifically handling of hazardous waste and coal ash by industries in and around Village Nangala Bujurg, Bhopa Thana, Muzaffarnagar, UP, at the bank of Ganga Canal.

2. O.A No. 744/2022 was first dealt with vide order dated 30.09.2022 and a joint Committee comprising State PCB and District Magistrate, Muzaffarnagar was constituted to furnish a factual report. The said report was considered on 10.01.2023 which was to the effect that large amount of fly ash was stored. One Md. Nadeem died on 09.07.2022 with burn injuries due to chemical laden black ash on the side of the canal and two were injured but survived. One Md. Irfan was arrested by Police. One Anjum was also found involved in transporting chemical filled drums from his go-down which were disposed of on the land. Erring industries identified are M/s. Bindlas Duplex Ltd. (Unit 1), Bhopa Road Muzaffarnagar; M/s. Bindlas Duplex Ltd. (Unit 2), Bhopa Road Muzaffarnagar; M/s. Silverton Pulp & Papers Ltd. (Unit-1), 9th KM. Bhopa Road, Muzaffarnagar; M/s. Silverton Pulp & Papers Ltd. (Unit-2), 9th KM. Bhopa Road, Muzaffarnagar; M/s. Shree Bhageshwari Papers Pvt. Ltd. (Unit-1), 9th Km. Bhopa Road Muzaffarnagar; M/s. Shree Bhageshwari Papers Pvt. Ltd. (Unit-2), 9th Km. Bhopa Road Muzaffarnagar, in respect of M/s. Bindlas Duplex Ltd. (Unit 1).

3. The Tribunal noted that illegal dumping of hazardous chemicals and fly ash stood established. In spite of death of one person and injuries to others, adequate action had not been taken nor compensation paid to the injured and the dead. Accordingly, directions were issued for remedial action as follows:-

“

11. Let a further action taken report be submitted by State PCB and District Magistrate, Muzaffarnagar clearly stating about the person responsible for alleged dumping, including compliance of consent conditions with respect of Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 and authorizations granted under Hazardous & Other Wastes (Management and Transboundary Movement) Rules, 2016. The report needs to clarify on fly ash management plan with respect of each industry and management of hazardous waste as per authorizations granted. Further, report should state about action taken against such person/proponent for remediation and prevention

of further damage to environment and also with regard to payment of compensation to the victims/heirs of deceased persons. The report may be submitted 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.

12. Member Secretary, UP PCB, District Magistrate, Mujaffarnagar and Regional Officer, UP PCB, Mujaffarnagar shall remain present in person on the next date before Tribunal to explain as to what action has been taken by them and why delay has been caused in taking appropriate remedial and preventive action in the matter.

13. OA No. 277/2022, Liyakat Ali & Ors vs. State of U.P. may also be listed alongwith this matter on the next date.”

4. O.A No. 277/2022 was earlier dealt with separately vide order dated 28.04.2022 and report sought from the joint Committee of State PCB and District Magistrate, Muzaffarnagar. The joint Committee gave its report on 18.07.2022 identifying 14 industries, 5 of which are common in OA 744/2022. The said industries were discharging effluent through Dhandeda drain which was required to be de-silted to maintain the flow. Nature of the waste included hazardous waste. The industries were not complying with the hazardous waste norms. The Tribunal directed issue of notice to 14 industries in question apart from notice to the Irrigation and Water Resources Department, U.P Operative part of the order is reproduced below:-

“4. It is evident from the Report of the Joint Committee that treated effluent from above mentioned paper industries is being discharged through Dhandhera drain. In its report, the Joint Committee has recommended that “Department of Irrigation shall ensure for de-silting of Dhandhera drain from time to time so that the flow of discharge may be passed smoothly through the entire stretch of the Dhandhera drain.” However, there is no mention in the report where the discharge from the drain ultimately goes, whether it is utilized for irrigation or joins some river.

5. In the report, the Joint Committee has given the description of waste generated (solid/liquid) as (i.) used/waste oil, Cotton Rags etc; (ii.) Fly Ash generated from boiler operation and (iii.) Plastic Waste for pulping section but the Joint Committee has not mentioned the quantity of waste generated. The Joint Committee has reported that used/waste oil is being handed over to TSDF facility for safe disposal, generated fly ash is utilized for low lying land filling and generated plastic waste is sent to co-processing units but the Joint Committee has not taken any pains to inspect the relevant record

and verify the actual disposal of the waste by the units in question and there is no mention in the report to which TSDF used/waste oil is being handed over, where low lying land is being filled by fly ash and what is the mode of transportation of fly ash to the land fill site and what are the details of co-processing units to whom plastic waste is being sent. The Joint Committee has not referred to the consent documents and consent conditions and has not reported about compliance by the industries with consent conditions. The Joint Committee has reported that the industries have taken permission from UPGWD for drawing ground water but the Joint Committee has not mentioned about compliance by the industries with conditions regarding recharge of ground water and use of treated water and any restriction imposed on the industries.

6. The Joint Committee is directed to undertake further visits to the above said industries, look into all relevant aspects including aspects referred to above, obtain copies of the consent documents, verify the factual position including compliance with consent conditions and environmental norms and take remedial steps by following due process of law and submit report before this Tribunal within two months at judicialngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

7. A perusal of the report of the Joint Committee shows that M/s Shree Bhageshwari Papers Pvt. Ltd. (Unit-1), Shree Bhageshwari Papers Pvt. Ltd. (Unit-2), M/ Galaxy Papers Pvt. Ltd., and M/s Garg Duplex and Paper Mills Pvt. Ltd., have applied to UPGWD for NOC for drawing of ground water and M/s. Siverton Pulp & Papers Pvt. Ltd. (Unit-2) has applied for hazardous waste authorization which applications are pending. No industry can be allowed to carry on the activity for which consent is applied for before grant of such consent. The Authorities concerned are under statutory mandate to ensure that such renewal applications are disposed of before expiry of the period of the consent granted earlier and fresh applications are disposed of within reasonable period and where it is not possible to dispose of the application within such periods, the Authorities have to ensure that the activity is commenced/carried on only after grant of consent and is not commenced/continued merely on the basis of pendency of the applications. UPGWD and State PCB are directed to take remedial action/dispose off the applications submitted by the above mentioned industries pending before them within two months.

8. Notice alongwith the application and report of the Joint Committee be also issued to concerned industries namely Chairmen/Managing Directors of: (1) M/s. Silvertan Papers Ltd. (Unit-1), 9th Km. Bhopa Road, Muzaffarnagar, (2) M/s. Silvertan Papers Ltd. (Unit-2), 9th Km. Bhopa Road, Muzaffarnagar, (3) M/s. Silvertan Pulp & Papers Pvt. Ltd., 9th Km. Bhopa Road, Muzaffarnagar, (4) M/s. Silvertan Pulp & Papers Pvt. Ltd. (Unit-2), 9th 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), 9th Km. Stone, Bhopa Road, Muzaffarnagar, (9) M/s. Tehri Pulp & Papers Ltd. (Unit-2), 9th Km. Stone, Bhopa Road, Muzaffarnagar, (10) M/s. Tirupati Balaji Fibers Ltd., 9th Km., Bhopa Road, Muzaffarnagar, (11) M/s. Bindals Papers Mills Ltd., 8th

Km., Bhopa Road, Muzaffarnagar, (12) M/s. Shree Bhageshwari Papers Pvt. Limited (Unit-1), 9th Km., Bhopa Road, Muzaffarnagar, (13) M/s. Shree Bhageshwari Papers Pvt. Limited (Unit2), 9th Km., Bhopa Road, Muzaffarnagar, (14) M/s. Galaxy Papers Pvt. Ltd., Jolly Road, Muzaffarnagar, Director, U.P. Ground Water Department and District Magistrate, Muzaffarnagar requiring them to file their response/ reply to the allegations made in the application, observations made in the report of the Joint Committee and aspects referred to above within two months at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

9. Notice be also issued to Principal Secretary, Department of Irrigation and Water Resources, Government of Uttar Pradesh, requiring him to file response regarding the functional status of Dhandhera drain and related aspects including its de-silting, use of its discharge for irrigation, quality of discharge going to any river etc., within two months at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

10. In the facts and circumstances of the case, we also consider presence of the District Magistrate, Muzaffarnagar and Regional Officer, UPPCB, Muzaffarnagar before this Tribunal on the next date of hearing either through video conferencing or physically to be essential for evidence and effective and proper adjudication of questions involved in the case and accordingly direct them too.”

5. An action taken report dated 13.02.2023 has been filed in O.A No. 277/2022. Relevant extracts of the report are as follows:-

“3.0 a) Action Taken Report regarding person responsible for digging and dumping hazardous chemical on land causing casualty

It has been already submitted in the earlier joint report stating that the hazardous chemical was dumped in the year 2018 by an unknown person on the same land in question. Due to reaction of the hazardous chemicals, exothermic reaction occurred after several years in July 2022. 03 persons while crossing the area were trapped in hazardous chemical and due to exothermic reaction were seriously burnt leading to death of 1 person and severe burns on bodies of 02 people.

*In view of finding records/proof of person responsible for dumping of hazardous chemical and industries/ person responsible for dumping fly ash on the land in question, a letter was sent to SSP Muzaffarnagar by District Magistrate, Muzaffarnagar vide letter dated 16.01.2022 (**Annexure No. 1**) for providing all records of police investigations which has been carried out in the above matter. In reference to the letter issued, Police department submitted case diaries of investigations which was carried out against 02 persons responsible for dumping hazardous chemicals*

and fly ash. (Case Diary investigation reports are annexed as **Annexure No. 2**). According to the case diary no 179/2022 and 193/2022, it has been concluded that Shri Anjum S/o Latafat, Village Nangla Bujurg, Thana Bhopa, Muzaffarnagar was found to be mainly responsible and guilty for dumping of hazardous chemicals. The report has statement of the guilty stating that he was carrying out trading of hazardous chemicals, storing it in drums in a premise in village Kasampura, Thana Bhopa, Muzaffarnagar. On 12th November, 2018, chemicals which were stored in drums, started leaking due to which villagers residing around the area started having severe burning sensations in eyes. On immediate complaints of the villagers, SDM Jansath, C.O. Bhopa and other police officials reached the site immediately. Shri Anjum called excavator, dug up a patch of land belonging to irrigation department and dumped all the chemical from the drums on the land. Drums were again taken back by him. No sign or protective boundary was made around the area by the guilty.

Hence, Shri Anjum S/o Latafat, Village Nangla Bujurg, Thana Bhopa, Muzaffarnagar was found to be mainly responsible and guilty for dumping of hazardous chemicals. Further, he was carrying out the hazardous chemical storage and trading activities illegally without taking permissions from UPPCB under Hazardous Waste Management Rules.

UPPCB has imposed environmental compensation against **Shri Anjum S/o Latafat, Village Nangla Bujurg, Thana Bhopa, Muzaffarnagar from the date of incident i.e. 09.07.2022 to the date when the fly ash and other waste was disposed of safely in TSDF on 29.09.2022. The environmental compensation of Rs. 4,15,000/- has been imposed on 08.02.2023 (Annexure No. 3), for the above said period but as the fly ash and other waste had been dumped at Village Nangla Bujurg, Thana Bhopa, Muzaffarnagar place since long (period unknown) therefore, UPPCB has issued show cause notice for imposing environmental compensation Rs. 87,10,000/- on 11.02.2023 (Annexure No. 4) for last four years and 282 days in the light of Hon'ble NGT order, passed in O.A. No. 116 of 2014 Meera Shukla Versus Muncipal Corporation Gorakhpur and Others on 29.04.2019, which clearly status that;**

.....The UPSPCB may assess the amount of compensation applying the formula laid down by the CPCB not only for the days mentioned in the report of the CPCB but for the actual days of violation from the beginning but not beyond five years from the date of calculation....."

b) Action Taken Report regarding person responsible Shri Irfan alias Bhura S/o Shri Yusuf (Contractor), Village Nangla Bujurg, Thana Bhopa, Muzaffarnagar for dumping industrial fly ash illegally on land

On scrutiny of the case diaries no 179/2022 section 278, 285,338 and 193/2022 section 283, 278, 338 , it has been made clear that Shri Irfan alias Bhura S/o Shri Yusuf, Nangla Bujurg, Thana Bhopa, Muzaffarnagar was carrying out work of contractor of 04 industries generating boiler fly ash under agreement for

proper disposal of fly ash but had illegally and unscientifically dumped fly ash generated from industries on the land in question which falls under jurisdiction of Irrigation Department.

UPPCB has imposed environmental compensation against Shri Irfan alias Bhura S/o Shri Yusuf (Contractor), Village Nanla Bujurg, Thana Bhopa, Muzaffarnagar **from the date of incident i.e. 09.07.2022 to the date when the fly ash and other waste was disposed of safely in TSDF on 29.09.2022. The environmental compensation of Rs. 4,15,000/- has been imposed on 08.02.2023 (Annexure No. 5), for the above said period but as the fly ash and other waste had been dumped at Village Nanla Bujurg, Thana Bhopa, Muzaffarnagar place since long (period unknown) therefore, UPPCB has issued show cause notice for imposing environmental compensation Rs. 87,10,000/- on 11.02.2023 (Annexure No. 6) for last four years and 282 days in the light of Hon'ble NGT order, passed in O.A. No. 116 of 2014 Meera Shukla Versus Municipal Corporation Gorakhpur and Others on 29.04.2019.**

c) Action Taken Report against industries which generated boiler ash which was illegally and unscientifically disposed on the land in question

On scrutiny of the case diaries no 179/2022 section 278, 285,338 and 193/2022 section 283, 278, 338, it has been found that following industries generating the boiler fly ash had given the fly ash to the contractor (Irfan ilyas Bhura) for disposal of fly ash:-

1. M/s Bindlas Duplex Ltd (Unit- 1), Bhopa Road, Muzaffarnagar
2. M/s Silverton Pulp and Papers Pvt Ltd (Unit- 2), Bhopa Road, Muzaffarnagar.
3. M/s Shri Bhageshwari Papers Pvt Ltd (Unit- 1), Bhopa Road, Muzaffarnagar
4. M/s Bindals Papers Mills Ltd, Bhopa Road, Muzaffarnagar

Above industries were the generators of boiler fly ash, hence it was also the responsibility of the industries to ensure that the fly ash generated in their premises, was scientifically disposed off under the provisions of HWM Rules.

In view of the violation by the above defaulters, Regional Officer, UPPCB Muzaffarnagar has sent report to UPPCB Head Office to impose environmental compensation against above industries vide letter dated 31.01.2023.

In continuation, UPPCB, Lucknow imposed Environmental Compensation against the defaulter units as under :

1. UPPCB has imposed environmental compensation against M/s Bindlas Duplex Ltd (Unit- 1), Bhopa Road, Muzaffarnagar **from the date of incident i.e. 09.07.2022 to the date when the fly ash and other waste was disposed of safely in TSDF on 29.09.2022. The environmental compensation of Rs. 8,08,125/- has been imposed on 09.02.2023 (Annexure No. 7), for**

- the above said period but as the fly ash and other waste had been dumped at** Village Nanpla Bujurg, Thana Bhopa, Muzaffarnagar place since long (period unknown) therefore, UPPCB has issued show cause notice for imposing environmental compensation Rs. 1,63,31,250/- (Rs. One crore sixty three lac thirty one thousand two hundred fifty) on 11.02.2023 (**Annexure No. 8**) for last four years and 282 days in the light of Hon'ble NGT order, passed in O.A. No. 116 of 2014 Meera Shukla Versus Muncipal Corporation Gorakhpur and Others on 29.04.2019.
2. UPPCB has imposed environmental compensation against M/s Silverton Pulp and Papers Pvt Ltd (Unit- 2), Bhopa Road, Muzaffarnagar **from the date of incident i.e. 09.07.2022 to the date when the fly ash and other waste was disposed of safely in TSDF on 29.09.2022. The environmental compensation of Rs. 7,78,125/- (Seven Lac Seventy Eight Thousand One Hundred Twenty Five) has been imposed on 08.02.2023 (Annexure No. 9), for the above said period but as the fly ash and other waste had been dumped at** Village Nanpla Bujurg, Thana Bhopa, Muzaffarnagar place since long (period unknown) therefore, UPPCB has issued show cause notice for imposing environmental compensation Rs. 1,63,31,250/- (Rs. One crore sixty three lac thirty one thousand two hundred fifty) on 11.02.2023 (**Annexure No. 10**) for last four years and 282 days in the light of Hon'ble NGT order, passed in O.A. No. 116 of 2014 Meera Shukla Versus Muncipal Corporation Gorakhpur and Others on 29.04.2019,
 3. UPPCB has imposed environmental compensation against against M/s Shri Bhageshwari Papers Pvt Ltd (Unit- 1), Bhopa Road, Muzaffarnagar **from the date of incident i.e. 09.07.2022 to the date when the fly ash and other waste was disposed of safely in TSDF on 29.09.2022. The environmental compensation of Rs. 7,78,125/- (Seven Lac Seventy Eight Thousand One Hundred Twenty Five) has been imposed on 08.02.2023 (Annexure No. 11), for the above said period but as the fly ash and other waste had been dumped at** Village Nanpla Bujurg, Thana Bhopa, Muzaffarnagar place since long (period unknown) therefore, UPPCB has issued show cause notice for imposing environmental compensation Rs. 1,63,31,250/- (Rs. One crore sixty three lac thirty one thousand two hundred fifty) on 11.02.2023 (**Annexure No. 12**) for last four years and 282 days in the light of Hon'ble NGT order, passed in O.A. No. 116 of 2014 Meera Shukla Versus Muncipal Corporation Gorakhpur and Others on 29.04.2019,
 4. UPPCB has imposed environmental compensation against M/s Bindals Papers Mills Ltd, Bhopa Road, Muzaffarnagar from the date of incident **i.e. 09.07.2022 to the date when the fly ash and other waste was disposed of safely in TSDF on 29.09.2022. The environmental compensation of Rs. 7,78,125/- (Seven Lac Seventy Eight Thousand One Hundred Twenty Five) has been imposed on 08.02.2023 (Annexure No. 13), for the above said**

period but as the fly ash and other waste had been dumped at Village Nangla Bujurg, Thana Bhopa, Muzaffarnagar place since long (period unknown) therefore, UPPCB has issued show cause notice for imposing environmental compensation Rs. 1,63,31,250/- (Rs. One crore sixty three lac thirty one thousand two hundred fifty) on 11.02.2023 (Annexure No. 14) for last four years and 282 days in the light of Hon'ble NGT order, passed in O.A. No. 116 of 2014 Meera Shukla Versus Municipal Corporation Gorakhpur and Others on 29.04.2019,

4.0 Fly ash management being carried out presently by 4 Pulp and Paper Industries in question

Sl no	Name of the Industry	Total fly ash generation/ Month	Transportation of fly ash	Storage/landfill sites	Fly ash Disposal Plan with Quantity /	Remarks
1	M/s Bindlas Duplex Ltd (Unit- 1), Bhopa Road, Muzaffarnagar	150-200 MT/Month	Through Closed Containers	1-Stored in Khasra No.01 of Vill. Sikhreda, Muzaffarnagar 2-Total area filled with fly ash approx 0.230 acre out of which total available area for landfill-0.471	1. Qty. Sent to Cement Plant : 140 MT/Month 2. Qty. used for land filling on own land : 60 MT/Month 3. Qty. temporarily stored on rented	Approx 0.241 Acre land available for further storage of fly ash. Unit has done agreement with Cement Plant also
2	M/s Silverton Pulp and Papers Pvt Ltd (Unit- 2), Bhopa Road, Muzaffarnagar.	1500-2000 MT/Month	Through Closed Containers	Fly ash stored in premises and Disposed through Cement Plant and Bulk Ash Supplier	1. Qty. Sent to Cement Plant : 1400 MT/Month 2. Qty. sent to Bulk Ash Supplier : 350 MT/Month 3. Quantity temporarily stored of flu ash	Agreement done with Cement plant and Bulk ash supplier
3	M/s Shri Bhageshwari Papers Pvt Ltd (Unit- 1), Bhopa Road, Muzaffarnagar	600-650 MT/Month	Through Closed Containers	1-Stored in Khasra No. 187, 228, 354 of Vill. Nagla Bujurg, Muzaffarnagar 2-Total area filled with fly ash approx 0.40 Ha. out of which total available area for landfill-3.253 Ha.	1. Qty. Sent to Cement Plant : 440 MT/Month 2. Qty. used for land filling on rented land : 175 MT/Month 3. Qty. temporarily stored on rented	Approx 2.853 Acre land available for further storage of fly ash. Unit has also done agreement with Cement Plant
4	M/s Bindals Paper Mills Ltd, Bhopa Road, Muzaffarnagar	1500-MT/Mont	Through Closed Vehicles	Fly ash stored in premises and Disposed through Cement Plant	1-All generated ash Sent to Cement Plant : 1800 MT/Month 2. Quantity temporarily stored of fly ash Approx. 450 MT	Agreement with Cement plant

5.0 Hazardous waste management being carried out presently by concerned Pulp and Paper Industries

Sl no	Name of the Industry	Status of Haz. Authorization	Qty. sent to TSDF for disposal	Qty. stored in premises temporarily	Remarks
1	M/s Bindlas Duplex Ltd (Unit-1), Bhopa Road, Muzaffarnagar	Issued and granted upto 16.11.2027 a) Contaminated Cotton Rags or Other Cleaning Material – 0.075 MT b) Empty Barrels/ Containers/Liners contamination with Haz. Chem./ Waste – 1.2 MT c) Used or Spent Oil – 0.225 MT	Approx. 0.13 MT collected and disposed through TSDF in previous quarter (As per the manifest of the TSDF)	Total waste stored at present – 0.20 MT	Qty. sent to TSDF is verified from Manifest of TSDF
2	M/s Silverton Pulp and Papers Pvt Ltd (Unit- 2), Bhopa Road, Muzaffarnagar.	Issued and granted upto 02.08.2027 a) Contaminated Cotton Rags or Other Cleaning Material – 0.15 MT b) Empty Barrels/ Containers/Liners contamination with Haz. Chem./ Waste – 2.0 MT c) Used or Spent Oil – 0.4 MT	Approx. 0.37 MT collected and disposed through TSDF in previous quarter (As per the manifest of the TSDF)	Total waste stored at present – 0.5 MT	Qty. sent to TSDF is verified from Manifest of TSDF
3	M/s Shri Bhageshwari Papers Pvt Ltd (Unit- 1), Bhopa Road, Muzaffarnagar	Issued and granted upto 13.09.2027 a) Contaminated Cotton Rags or Other Cleaning Material – 0.1 MT b) Empty Barrels/ Containers/Liners contamination with Haz. Chem./ Waste – 0.8 MT c) Used or Spent Oil – 0.15 MT	Approx. 0.25 MT collected and disposed through TSDF in previous quarter (As per the manifest of the TSDF)	Total waste stored at present – 0.25 MT	Qty. sent to TSDF is verified from Manifest of TSDF
4	M/s Bindals Paper Mills Ltd, Bhopa Road,	Issued and granted upto 26.04.2027 a) Contaminated Cotton	Approx. 0.26 MT collected and disposed	Total waste stored at present –	Qty. sent to TSDF is verified

	Muzaffarnagar	Rags or Other Cleaning Material – 0.1 MT b) Empty Barrels/ Containers/Liners contamination with Haz. Chem./ Waste – 3.0 MT c) Used or Spent Oil – 0.425 MT d) Chemical containing residue arising from decontamination – 0.15 MT	through TSDF in previous quarter (As per the manifest of the TSDF)	0.7 MT	from Manifest of TSDF
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Compliance regarding compensation to be provided to the victims

Hon'ble NGT in its order dated 10.01.2023 has directed to provide payment of compensation to the victims/heirs of deceased persons. In compliance of the directions, District Magistrate Muzaffarnagar has initiated process to provide compensation to the victims as per the law.

5.0 Status of OA no 277/2022 Liyakat Ali & Ors Vs State of U.P

Hon'ble NGT in its order dated 10.01.2023 has also directed that

“.....”14. List for further consideration on 17.02.2023 alongwith OA No. 277/2022, Liyakat Ali & Ors vs. State of U.P.....”

6.0 Background:

In reference to the grievance arisen by Mohd. Liyakat Ali and other residents of Village Dhandhera, Muzaffarnagar, complaining pulp and paper mills discharging highly polluted chemical mixed water in the land abutting their land. It was further stated that the drain was blocked due to negligence of Mr. Dhoom Singh and Mr. Tanveer, Contractors of Public Works Department (PWD) during construction of culvert in the drain which resulted in diversion of industrial waste directly to the agricultural fields of the applicants. Complainant demanded the compensation against the loss of agriculture crop.

7.0 Brief note/compliance in reference to Hon'ble NGT first order dated 28.04.22 in OA No. 277/2022, Liyakat Ali & Ors vs. State of U.P

*In the compliance of Hon'ble NGT order dated 21.07.2022, joint committee visited the concerned industries and submitted joint committee report before Hon'ble NGT on dated 20.10.2022 (**Annexure No. 15**). Total 14 Pulp and Paper industries were identified concerning the above O.A. All the industries were inspected by the joint committee comprising of officials of UPPCB and District Administration. Out of 14 industries 11 industries were found not having proper records w.r.t scientific disposal of fly ash generated from the industries. Hence, all 11 industries were issued show cause notices along with environmental compensation under Air Act 1981. 02 industries were found in violation of PWM rules as it was found that the waste plastic generated from the paper industries were not having proper records for scientific disposal of plastic waste. Hence, show cause notices to 02 industries were issued under the EP Act 1986. Total of Rs. 20.60 Lac Environmental compensation was imposed to 11 Industries and compensation was recovered from all the concerned industries. Details of environmental compensation issued and recovered by individual industries is annexed as **Annexure No. 16**. The joint action taken report was submitted to Hon'ble NGT on 20.10.2022.*

8.0 Latest Order Passed by Hon'ble NGT on 21.10.2022 in OA No. 277/2022, Liyakat Ali & Ors vs. State of U.P

On consideration of joint report submitted to Hon'ble NGT, following directions were issued, effective part of which states that:

“.....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.”

Hon'ble NGT order dated 21.10.2022 sought 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.

9.0 Compliance of latest directions of Hon'ble NGT dated 21.10.2022

*As per the directions issued by Hon'ble NGT dated 21.10.2022, Action taken report by UPPCB was submitted to Hon'ble NGT on 02.01.2023 vide letter no. 1310/OA-277/Liyakat Ali/M.Nagar/2023 dated 02.01.2023 which is annexed as **Annexure-17**.*

10.0 Brief report regarding latest report submitted by UPPCB to Hon'ble NGT

(a) Regarding drain water quality

In compliance to the said orders of the Hon'ble NGT dated 21.10.2022, officials of UPPCB Muzaffarnagar visited the drains into which the concerned pulp and paper industries are discharging treated effluent which in turn joins river Kali West on dated 21.12.2022. During visit, water samples from the drains and River Kali West were collected. Sampling locations are as follows :

- 1. Kukra drain before confluence to Dhandhera Drain*
- 2. Begraipur drain / Dhandhera drain (Main Muzaffarnagar drain) near UPSIDC, Begraipur*
- 3. River Kali West after meeting Begraipur/Dhandhera Drain (Main Muzaffarnagar Drain)*

11.0 Findings from the Analysis Reports :

- The reports showed that high COD levels are present in the Begraipur drain (Main Muzaffarnagar drain). Major heavy metals (Lead, Chromium, Zinc) present in the**

drains are within the prescribed limits. However, parameters of Hardness, magnesium and calcium (majorly contributed by untreated sewage/domestic effluent) is above the prescribed limits.

- **Chloride and Iron are found above prescribed norms, however, concerned industries majorly Pulp & Paper Industries) do not use raw material having chloride/iron compound.**
- **Kukra drain being majorly a domestic drain having around 16.0 MLD domestic untreated sewage and around 1.0 MLD treated Industrial effluent of 02 Nos. Pulp & Paper Industries. In this drain COD has been found 496 mg/l. Analysis reports are annexed as Annexure 18.**

12.0 Status of STP Installation

- *At present in City Muzaffarnagar, 01 STP of U.P. Jal Nigam capacity 32.5 MLD is operational at Kidwai Nagar on oxidation pond technology for the treatment of sewage generation for city Muzaffarnagar. There are 02 more STPs of U.P. Jal Nigam of capacity 22 MLD at village Sahawali and 32.5 MLD at Kidwai Nagar Muzaffarnagar being constructed by M/s Muzaffarnagar STP Pvt. Ltd. Muzaffarnagar under Namami Gange Project (Email : ashishlahoty@yahoo.com) Address : B-157-158, Scheme No. 10B Gopalpura Bye pass, Jaipur. Untreated sewage will be channelized through tapping of all domestic drains into the sewage treatment plant.*

S.No.	STP Capacity and Location	Concerned Drain	Status	Remark
1.	32.5 MLD Kidwai Nagar, Muzaffarnagar	Khadarwala Drain, Krishnapuri Drain, Sujru	Under Construction	50% work completed.
2.	22 MLD Vill. Sahawali, Muzaffarnagar	Sahawali/Kukra Drain	Under Construction	75% work completed.

As was observed from the analysis that untreated domestic sewage is also a major contributor of pollution in Begrajpur drain (Main Muzaffarnagar drain) before meeting River Kali West. Once proposed STPs are operational, significant decrease in BOD and COD levels may be observed in Main Muzaffarnagar drain also.

13.0 Compliance Status regarding scientific disposal of plastic waste generated from the concerned pulp and paper industries

S. N	Name & Address of	Violation Found/Action Taken	Present Compliance Status - Disposal of Fly Ash & Plastic Waste
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1.	M/s. Silvertan Papers Ltd. (Unit-1), 9 th Km. Bhopa Road, Muzaffarnagar.	Scientific disposal of fly ash and plastic waste not found during inspection. Env. Compensation imposed of Rs. 2,10,000/- which has been recovered and compliance done by the industry.	Plastic waste generated (Unit-1 & Unit-2) – 34 MT/Month Plastic Waste sent to Cement Plant – 32 MT/Month Rest Plastic waste is temporarily stored within the premises.
			Fly Ash generated (Unit-1 & Unit-2) – 972 MT/Month Disposal of Fly Ash – 955 MT/Month (Disposal through Cement Plant & Brick Kiln Manufacturer) Rest fly ash is temporarily stored within the premises in covered area along with manual water sprinkling facility.
2.	M/s. Silvertan Papers Ltd. (Unit-2), 9 th Km. Bhopa Road, Muzaffarnagar.	Scientific disposal of fly ash and plastic waste not found during inspection. Env. Compensation imposed of Rs. 2,10,000/- which has been recovered and compliance done by the industry.	
3.	M/s. Silvertan Pulp & Papers Pvt. Ltd.. 9 th Km. Bhopa Road, Muzaffarnagar.	Boiler in sister concern unit and generated plastic waste is disposed in Gasifier installed in the unit.	Approx. 115 MT/Month Plastic waste generated from process (Unit-1 & Unit-2) and completely disposed in house through Gasifier. Steam supplied to the unit by the sister concern Unit-2. Hence, fly ash is not generated in this unit.
4.	M/s. Silvertan Pulp & Papers Pvt. Ltd.. (Unit-2), 9 th Km. Bhopa Muzaffarnagar.	Scientific disposal of fly ash and plastic waste not found during inspection. Env. Compensation imposed of Rs. 1,50,000/- which has been recovered and compliance done by the industry.	Approx. 115 MT/Month Plastic waste generated from process (Unit-1 & Unit-2) and completely disposed in house through Gasifier. Fly Ash generated–1500-2000 MT/Month Disposal of Fly Ash - 1750 MT/Month (Disposal through Cement Plant & Bulk Ash Supplier) Rest fly ash is temporarily stored within the premises in covered area along with manual water sprinkling facility.
5.	M/s. Garg Duplex & Paper Mills Pvt. Ltd., 8.5 Km., Bhopa Road, Muzaffarnagar	Scientific disposal of fly ash and plastic waste not found during inspection. Env. Compensation imposed of Rs. 1,50,000/- which has been recovered and compliance done by the industry.	Plastic waste generated – 25 MT/Month Plastic Waste sent to Cement Plant – 23 MT/Month Rest Plastic waste is temporarily stored within the premises.
			Fly Ash generated – 350-400 MT/Month Disposal of Fly Ash – 380 MT/Month (Disposal through Land Filling by Contractor) Rest fly ash is temporarily stored within the premises in covered area along with manual water sprinkling facility.

6.	M/s. Shree Sidhballi Paper Mills Ltd., Bhopa Road, Muzaffarnagar	Scientific disposal of fly ash and plastic waste not found during inspection. Env. Compensation imposed of Rs. 2,10,000/- which has been recovered and compliance done by the industry.	Plastic waste generated – 20 MT/Month Plastic Waste sent to Cement Plant – 18 MT/Month Rest Plastic waste is temporarily stored within the premises.
			Fly Ash generated – 300-350 MT/Month Disposal of Fly Ash – 330 MT/Month (Disposal through Land Filling by Contractor) Rest fly ash is temporarily stored within the premises in covered area along with manual water sprinkling facility.
7.	M/s. Meenu Paper Mills Pvt. Ltd., 9.5 Km., Bhopa Road, Muzaffarnagar	Scientific disposal of fly ash and plastic waste not found during inspection. Env. Compensation imposed of Rs. 2,10,000/- which has been recovered and compliance done by the industry.	Plastic waste generated – 40 MT/Month Plastic Waste sent to Cement Plant – 35 MT/Month Rest Plastic waste is temporarily stored within the premises.
			Fly Ash generated – 280-300 MT/Month Disposal of Fly Ash – 270 MT/Month (Disposal through Land Filling by Contractor) Rest fly ash is temporarily stored within the premises in covered area along with manual water sprinkling facility.
8.	M/s. Tehri Pulp & Paper Ltd. (Unit-1), 9th Km., Bhopa Road, Muzaffarnagar	Scientific disposal of fly ash and plastic waste not found during inspection. Env. Compensation imposed of Rs. 1,80,000/- which has been recovered and compliance done by the industry.	Plastic waste generated – 30 MT/Month Plastic Waste sent to Cement Plant – 26 MT/Month Rest Plastic waste is temporarily stored within the premises.
			Fly Ash generated – 350-400 MT/Month Disposal of Fly Ash – 390 MT/Month (Disposal through Cement Plant) Rest fly ash is temporarily stored within the premises in covered area along with manual
			water sprinkling facility.

9.	M/s. Tehri Pulp & Paper Ltd. (Unit-2), 9th Km., Bhopa Road, Muzaffarnagar	Non-scientific disposal of plastic waste found during inspection. Show cause notice issued under E.P. Act. Compliance have been done.	Steam supplied to the unit by the sister concern of Unit-1. Hence no fly ash is generated in this unit.
			Plastic waste generated – 30 MT/Month Plastic Waste sent to Cement Plant– 27 MT/Month Rest Plastic waste is temporarily stored within the premises.
4.	M/s. Tirupati Baalaji Fiberr Private Limited, Bhopa Road, Muzaffarnagar	Scientific disposal of fly ash and plastic waste not found during inspection. Env. Compensation imposed of Rs. 2,10,000/- which has been recovered and compliance done by the industry.	Plastic waste generated – 20 MT/Month Plastic Waste sent to Cement Plant – 17 MT/Month Rest Plastic waste is temporarily stored within the premises.
			Fly Ash generated – 350-400 MT/Month Disposal of Fly Ash – 370 MT/Month (Disposal through Land Filling by Contractor) Rest fly ash is temporarily stored within the premises in covered area along with manual water sprinkling facility.
5.	M/s. Bindals Papers Mills Ltd., Bhopa Road, Muzaffarnagar	Scientific disposal of fly ash and plastic waste not found during inspection. Env. Compensation imposed of Rs. 2,10,000/-which has been recovered and compliance done by the industry.	Unit is based upon Agro waste. Hence, No plastic waste generated from the process.
			Fly Ash generated–1500-2000 MT/Month Disposal of Fly Ash – 1800 MT/Month (Disposal through Cement Plant)
6.	M/s. Shree Bhageshwari Papers Pvt. Ltd. (Unit-1), 9th Km., Bhopa Road, Muzaffarnagar	Scientific disposal of fly ash and plastic waste not found during inspection. Env. Compensation imposed of Rs. 1,80,000/- which has been recovered and compliance done by the industry.	Plastic waste generated – 25 MT/Month Plastic Waste sent to Cement Plant –23 MT/Month Rest Plastic waste is temporarily stored within the premises.

			<p>Fly Ash generated – 600-650 MT/Month Disposal of Fly Ash – 615 MT/Month (Disposal through Cement Plant & Land Filling) Rest fly ash is temporarily stored on rented land along with manual water sprinkling facility.</p>
7.	M/s. Shree Bhageshwari Papers Pvt. Ltd. (Unit-2), 9th Km., Bhopa Road, Muzaffarnagar	<p>Non-scientific disposal of plastic waste found during inspection. Show cause notice issued under E.P. Act. Compliance have been done.</p>	<p>Steam supplied to the unit by the sister concern of Unit-1. Hence, no fly ash generated in this unit.</p>
			<p>Plastic waste generated – 15 MT /Month Plastic Waste sent to Cement Plant – 14 MT/Month Rest Plastic waste is temporarily stored within the premises.</p>
14.	M/s. Galaxy Papers Pvt. Ltd., Jolly Road, Muzaffarnagar	<p>Scientific disposal of fly ash and plastic waste not found during inspection. Env. Compensation imposed of Rs. 1,40,000/- which has been recovered and compliance done by the industry.</p>	<p>Plastic waste generated – 20 MT/Month Plastic Waste sent to Cement Plant –19 MT/Month Rest Plastic waste is temporarily stored within the premises.</p>
			<p>Fly Ash generated – 180-200 MT /Month Disposal of Fly Ash – 180 MT/Month (Disposal through Land Filling by Contractor) Rest fly ash is temporarily stored within the premises in covered area along with manual water sprinkling facility.</p>

Pulp & Paper industries which were found not disposing fly ash in scientific manner have now submitted details regarding quantity of fly ash being generated along with details of disposal of fly ash either by proper land filling/brick making etc. Inspection of some fly ash land filling area was also conducted for verification, (Detailed report and relevant annexures are included in joint committee previous report dated 02.01.2023.

Observations/Recommendations

- 1. Kukra drain being majorly a domestic drain having around 16.0 MLD domestic untreated sewage and around 1.0 MLD treated Industrial effluent of 02 Nos. Pulp & Paper Industries. In this drain COD has been found 496 mg/l.**

Higher level of COD may be attributed due to the reasons that the drain passes through major commercial and residential areas of the city having various household activities.

- 2. The reports showed that high COD levels are present in the Begrajpur drain (Main Muzaffarnagar drain). Major heavy metals (Lead, Chromium, Zinc) present in the drains are within the prescribed limits. However, parameters of Hardness, magnesium and calcium (majorly contributed by untreated sewage/domestic effluent) is above the prescribed limits.**

Total 45 water polluting industries are operational in Muzaffarnagar discharging treated effluent directly/ indirectly in River Kali (West) majorly through Dhandera/Begrajpur drain. Violating industries can contribute potential increase in higher COD levels, if partially treated/untreated effluent is discharged in the drain. In view of prevention and control of water pollution in River Kali (West), regular inspections of industries are carried out by UPPCB and District Administration Actions are being taken up against industries under violation w.r.t treated effluent discharge norms. 02 industries were found violating and discharging untreated effluent in Dhandera/Begrajpur drain. Both industries were issued closure order along with imposition of EC. Details are given below:-

Name of Industry	Sector	Action Taken	EC details
<i>M/s Tehri Pulp & Paper Ltd. (Unit-2), Bhopa Road,</i>	<i>Pulp & Paper</i>	<i>Closure order issued on dt. 10.01.2023</i>	<i>Rs. 1.20 Lac imposed</i>
<i>M/s Magma Industries Ltd., Industrial Area Begrajpur,</i>	<i>Pharmaceuticals</i>	<i>Closure order issued on dt.10.01.2023</i>	<i>Rs. 0.60 Lac imposed</i>

- 3. Joint team is also identifying illegal industries which have potential to polluting drain and River Kali (West). In continuation, joint committee found 01 board mill operating illegally without having ETP and discharging untreated effluent into Dhandhera drain was closed down till installation and operation of ETP and grant of Consent from Board.”**

6. We have considered both the matters together and find that there are gross violations of environmental norms in handling hazardous waste. There is also patent inaction on the part of statutory and administrative authorities in the State of U.P in ensuring compliance

with the norms and compensating the victims. The issue of compensation for heirs of the deceased and injured has also not been duly dealt with in the report. **District Magistrate may provide compensation of Rs. 20 lakhs to the heirs of deceased (one) and Rs. 5 lakhs each to two injured with liberty to recover the same from the violator of norms including the concerned industries, following due process of law.**

7. It is established that plastic waste and fly ash are being unscientifically stored and disposed of in violation of Rules and to the detriment of environment. Such storage and use of landfill through contractor is not legally permissible. Stand that waste is being used for cement plants does not appear to be factually correct as no name of cement plant has been given and needs to be verified by manifest system. Compensation determined does not take into account financial capacity of the units to determine the deterrent element nor the value of the extent of damage and the cost of restoration.

8. Having regard to the above unsatisfactory state of affairs, we direct constitution of a joint Committee headed by Scientist 'F' (not below the rank of Director) in CPCB with other members being the State PCB and the District Magistrate, Muzaffarnagar. The Committee may formulate an action plan in the light of recommendations of earlier Committees referred to above and observations hereinabove and ensure remedial action in coordination with the stakeholders and other authorities. The action will include compliance of norms and fixing accountability for the past failures. The 14 industries must follow the charter for reducing the water consumption and refrain from discharging into the drain. The Committee may meet within two weeks and conduct proceedings online or offline, undertake visit to the site and verify the facts.

9. An action taken report in the matter may be filed within three months 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 25.07.2023.

A copy of this order be forwarded to the CPCB, State PCB and District Magistrate, Muzaffarnagar by email for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

March 22, 2023
Original Application No. 744/2022
& Original Application No. 277/2022
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