

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

Original Application No.785/2023

News item titled “Kasaulli Distillery dumps effluents into water source supply affected” appearing in Tribune dated 15.12.2023

Date of hearing: 23.10.2024

**CORAM: HON’BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON’BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON’BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Respondents: Mr. A.D.N. Rao, Senior Advocate (Through VC) with Mr. Vipul Wadhwa,
Mr. Rishabh Rela & Mr. Rahul Mishra, Advs. for R - 5
Mr. Vikrant Pachnanda, Adv. for CPCB
Mr. Anil Joshi, Member Secretary, HP SPCB (Through VC)
Mr. Aaditya Vijaykumar & Mr. Naman Garg, Advs. for HP SPCB (Through VC)
Mr. Anubhav Sharma, Adv. for R - 3 (Through VC)

ORDER

1. The Tribunal in this original application, registered *suo-motu*, is considering the issue of dumping of effluents into the natural source of water in Kasauli Khad by the Respondent No. 5. The Tribunal initially by order dated 09.01.2024 had constituted the Joint Committee, which had submitted the report dated 05.03.2024 and the Tribunal after considering the said report on 09.04.2024 had found some discrepancies in respect of the signature of scientist B, sub-office Shimla, MoEF&CC and accordingly had constituted a fresh Joint Committee with a direction to the Joint Committee to get the sample analysis done for the report.

2. On 22.07.2024, when the matter was listed, the Tribunal found that in pursuance to the order dated 09.04.2024, the sample was collected on 03.07.2024 when the rains had started and the discharge sample was diluted. In the said background, the Tribunal on 22.07.2024 had directed the virtual appearance of the Member Secretary, HP PCB.

3. Member Secretary, HP PCB virtually present has submitted that the delay in collection of the sample was due to the process of coordinating with the members of the Joint Committee. Having regard to fact situation earlier noted, we expect that the order of the Tribunal especially relating to the collection and analysis of the sample will be complied with promptly in future.

4. The second Joint Committee submitted the report on 23.08.2024 pointing out the lapses/non-compliance by the Project Proponent (PP) relating to not maintaining the log book for utilizing the stream water, not installing the electromagnetic flow meter for raw spent-wash at the process and providing its connectivity to CPCB and SPCBs server, not having permission from the Groundwater Authority for utilizing water from natural streams, the dilution resulting into inaccurate result about BOD and COD, not installing the flow meter device at the biogas pipeline made upto boiler, non-preparation of Irrigation Management Plan (IMP) for the use of treated effluent in the land of the PP, not maintaining the log book for the quantity of coal ash generated and disposed from the unit premises and not maintaining log book record of hazardous waste generated and disposed of as per the Rules of 2016, storage and non-disposal of sludge in the drying bag. The Joint Committee has also observed that a reduction in BOD and COD in the absence of biogas generation indicates possible dilution of effluent by the unit.

5. Learned Counsel for Respondent No.5-PP seeks four weeks to file objections to the report of the Joint Committee. The Member Secretary, HP PCB also seeks four weeks to file action taken report. The Member Secretary is also directed to file water balance report concerning Respondent No. 5-PP.

6. List on 17.02.2025.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

October 23, 2024
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