

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

Original Application No. 336/2023
(I.A. No. 717/2023 & I.A. No. 755/2023)

Pankaj Srivastava

Applicant

Versus

Birla Carbon India Private Limited

Respondent

Date of hearing: 09.10.2023

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

Respondent: Ms. Vanita Bhargava & Ms. Nikitha Shenoy, Advs. for Birla Carbon India Pvt. Ltd. (R - 1)

ORDER

1. The grievance raised in this OA is in respect of discharge of untreated black water in the drain connected to Renu river by M/s. Birla Carbon Renukoot Plant in District Sonbhadra, Uttar Pradesh.

2. In pursuance to the direction of the Tribunal dated 18.05.2023, a report dated 11.08.2023 has been filed by the joint Committee. The report mentions that during the visit of the team of officials from UPPCB along with Member of Parliament on 22.01.2021, black colour effluent was seen flowing into the adjacent drain which is finally meeting the River Son through River Renu. It is further stated that the unit was again visited by the joint Committee comprising of representatives from CPCB, UPPCB, District Magistrate and that the unit was reusing and recycling the treated effluents. However, the team of officials had found that there was a bypass arrangement through the boundary wall near ETP through which the dark blackish effluent was letting out into the drain outside the plant premises.

3. In the subsequent visit by the Regional Officer, UPPCB on 02.03.2023, the unit was found to be complying.

4. The report further reveals that the Regional Office, UPPCB, Sonbhadra Office vide report dated 05.03.2021 had recommended environmental compensation @ of Rs. 30,000/- per day for the period of 40 days from 22.01.2021 to 02.03.2021 and a show cause notice was issued but by order dated 29.11.2022, environmental compensation of Rs. 1,20,000/- for violation period of 4 days was imposed.

5. On perusal of the record, it is found that the show cause notice dated 24.03.2021 clearly mentions about inspection dated 22.01.2021 and default of discharge of effluent in the drain, but in the final order dated 29.11.2022 while imposing the environmental compensation for 4 days, the violation noted in the inspection dated 22.01.2021 has been completely given a go by and has not even been taken note of.

6. We *prima-facie* do not find sufficient material on record justifying the imposition of environmental compensation for four days instead of 40 days from 22.01.2021 to 02.03.2021 as mentioned in the show cause notice dated 24.03.2021.

7. Learned Counsel for M/s. Birla Carbon Renukoot Plant seeks two weeks' time to examine this aspect and make her submissions.

8. Meanwhile, let notice be also issued to the Chief Environment Officer (Circle 2), UPPCB who had passed the order dated 29.11.2022. The Registry is directed to take appropriate steps to serve the notice.

9. List on 01.12.2023.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

October 09, 2023
Original Application No. 336/2023
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DV