

Item No. 07

Court No. 1

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

(BY HYBRID MODE)

Original Application No. 406/2023

Babar Ali

Applicant

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

Date of hearing: 05.09.2023

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

Applicant: Mr. Rahul Khurana & Mr. Hasil Jain, Advs. for Applicant

Respondent: Mr. Pradeep Misra & Mr. Daleep Dhyani, Advs. for UPPCB

ORDER

1. In this Original Application, the grievance was against respondent no. 4, M/s Triveni Engineering & Industries Limited to the effect that the said unit is releasing trade effluents containing harmful chemicals directly into the drain and open fields, causing damage not only to the environment but also to the agricultural land of the farmers. Considering the grievance, this Tribunal vide order dated 30.05.2023 had constituted a joint Committee to the following effect:-

“2. In our view, a substantial question relating to environment due to implementation of Scheduled Enactments under National Green Tribunal Act, 2010 has arisen but before taking any further action in the matter, we find it appropriate to obtain a factual report for which purpose, we constitute a joint Committee comprising Uttar Pradesh Pollution Control Board, Central Pollution Control Board and District Magistrate, Muzaffarnagar who shall visit the site, collect relevant informations and submit a factual as well as action taken Report within two 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. State PCB may also indicate the compliance status of the industry in recent past based on compliance with CTO conditions.”

2. The joint Committee had carried out the inspection and has submitted the report dated 04.09.2023. The report discloses that the industrial premises of M/s Triveni Engineering & Industries Limited is known as Alco-Chemical Complex where three units-Molasses based Distillery Plant, Grain based Distillery Plant and a Bottling Plant are operating. The joint Committee after inspection has reached to the following conclusion:-

“VI. CONCLUSION

- a. *The industrial premises of **M/s Triveni Engineering & Industries Ltd.**, Jolly Road, Muzaffarnagar is known as Alco-Chemical Complex where three units- Molasses based distillery plant, Grain based distillery plant and a Bottling plant are being operated. All three units have separate consent to operate with validity upto 31.12.2024 for Molasses based distillery plant, 31.12.2023 for Grain based distillery plant and 31.07.2025 for Bottling plant.*
- b. *During the visit all three plants were found operational including plant-machinery and effluent management systems.*
- c. *Unit is having 5 borewells with valid UPGWD NOC to abstract ground water and the abstraction is within permissible limits.*
- d. *During the visit the joint team didn't find any dug-wells/ borewells for discharging the industrial waste water into the ground within the industrial premises.*
- e. *Analysis result of spent wash sample collected from feed to incineration boiler (i.e. Slop) shows solid content in the Slop is 48.2%, which indicates that unit is consuming spent wash having >45% solid content in incineration boiler.*
- f. *Unit has installed PTZ cameras at boundary wall near lagoons of Molasses plant. MEE & DDGS area in Grain plant with connectivity to CPCB & SPCB servers.*
- g. *The unit is storing raw spent wash in lagoons (having approx. only 10% solid content).*
- h. *As per the consent condition the storage capacity of the lagoons installed for more than 7 days holding capacity of the concentrated spent wash shall be dismantled within one months however, team observed that unit is still having 3 lagoons of total capacity 34500 m³ which is much more than the permitted capacity. Hence, unit is non-complying with the consent condition w.r.t. permitted storage capacity of lagoon.*

Analysis results of samples collected from Borewell and piezo well located within molasses based distillery plant were found within the permissible limit as per BIS IS 10500:2012 except phenolic compounds (0.075 mg/l against the norm of 0.002 mg/l) found in Borewell.

- i. Analysis results of samples collected from Borewell and piezo well located within grain based distillery plant were found within the permissible limit as per BIS IS 10500:2012 except phenolic compounds (0.024 mg/l and 0.295 mg/l against the norm of 0.002 mg/l) and colour (16 colour units against the norm of 15 colour unit).*
- j. Unit is having old lined bio-compost yard where no bio-compositing activity was observed during the visit however, press mud & legacy ready compost was found stored in uncovered area.*
- k. The monitoring of the stack attached with 60TPH boiler was carried out by UPPCB during the joint team, visit. As per the stack emission report PM was monitored 48.70 mg/Nm³ against the stipulated norm of 80 mg/Nm³ (as per CAQM directions no. 62). Annexure — IV*
- l. The joint team visited village Bhikki and village Nirana and interacted with villagers and also collected ground water samples from hand pumps/Borewells in village Bhikki and Nirana. A total of two ground water samples from each village were collected.*
- m. As per the analysis results of samples collected from handpumps in village Bhikki, all the parameters are within the permissible limits as per BIS (IS 10500: 2012). COD value of 07 mg/ l was found in the groundwater sample collected from the shallow depth handpump. As per the analysis results of samples collected from handpumps in village Nirana, all the parameters are within the permissible limits as per BIS (IS 10500: 2012). Team didn't observed any discharge of spent wash and industrial wastewater in nearby fields during the visit.*
- n. The water quality of pond located at Khasra No. 333 in Nirana village doesn't indicate the characteristics of industrial effluent however it shows the characteristics of domestic wastewater. Solid waste dumping was observed on the banks of pond. Team observed that domestic wastewater is being discharged into this pond.*
- o. Analysis results of the samples collected from the Jat Mujheda drain indicates that the drain is carrying industrial effluent. The change in BOD & COD values between upstream & downstream sampling locations of the Jatt Mujheda drain is not significant enough to reflect the impact of distillery effluent. Also, during visit joint team didn't found any provision of discharge from the unit M/s Triveni Engineering & Industries Ltd., Alco-Chemical Complex in drain. Hence, the deterioration in the water quality of Jat Mujedha drain is a cumulative effect due to industries located in the vicinity of the drain.*

- p. UPPCB vide direction dated 03.08.2023 issued to molasses based distillery, the unit was directed to dismantle the excess capacity of lagoons installed for more than 7 days holding capacity of the concentrated spent wash. However, team observed that unit is still having 3 lagoons filled with raw spent wash. UPPCB direction dated 03.08.2023 is attached as **Annexure-V**.
- q. As the grievance raised in this original application is that respondent no. 4 i.e. M/s Triveni Engineering & Industries Ltd. (Alco Chemical Complex) Muzaffarnagar is releasing trade effluents containing harmful chemicals directly in the drain and open fields causing damage not only to the environment but also to the agriculture land of farmers damaging the crops. Hence Regional Office UPPCB Muzaffarnagar issued letter to Chief Medical Officer (CMO)-Muzaffarnagar and District Agriculture Officer-Muzaffarnagar to obtain factual report regarding adverse impact on nearby habitat and on agriculture crops respectively vide letters no. 489/O.A. No. 406/Babar Ali/M.Nagar/2023 dated 28.08.2023 (Annexure — **VI**). In response, CMO Office intimated that they need one week time to submit the factual report vide their letter dated 01.09.2023 (**Annexure — VII**). Further, District Agriculture Officer Muzaffarnagar intimated that no adverse impact was found on nearby agriculture crops in the radius of 5 km. around the industry. Copy of letter dated 01.09.2023 from District Agriculture Officer Muzaffarnagar is attached as **Annexure — VIII**

VII. RECOMMENDATIONS

- i. Unit shall ensure the compliance of the conditions stipulated in the Consent to Operate/CCA issued by UPPCB.
- ii. Unit shall consume the raw spent wash stored in the lagoons through MEE followed by incinerator within three months by restricting its production capacity and thereafter shall dismantle the excess spent wash storage capacity of lagoons restricting it to 7 days storage of concentrated spent wash. Accordingly, unit shall prepare and submit time-bound action plan to UPPCB.
- iii. Unit shall improve housekeeping near boiler area.
- iv. Unit shall install flowmeter at the outlet of 40KLD ETP located at bottling plant. Unit to maintain logbook w.r.t freshwater consumption and effluent generation & management in bottling plant.
- v. In view of the phenolic compounds and colour in the groundwater samples collected from the borewells & piezowell of the distillery complex exceeding the permissible limit as per BIS IS 10500:2012, it is recommended that UPPCB shall carry out detailed assessment of groundwater quality including groundwater sampling & analysis in and around the unit to ascertain the groundwater contamination, if any, and need for remediation. Depending on such study, detailed remedial action plan be also prepared and executed by UPPCB in time bound manner.
- vi. As per the analysis results of the samples collected from the drain it is evident that the drain carries industrial effluent

which is a cumulative effect due to industries located in the vicinity of the drain including the Bhopa Road Industrial cluster. Hence, it is recommended that UPPCB shall ensure compliance of all the industries located in the catchment of the drain and issue necessary directions to stop any sort of partially treated/untreated effluent discharge in the drain. Accordingly, a comprehensive action plan for the rejuvenation of the drain shall be prepared by UPPCB.”

3. The above conclusion reveals that the said unit is violating the environmental norms. Hence, we deem it proper to give notice and opportunity of hearing to the said unit. Accordingly, we direct the Counsel for the applicant to take appropriate steps to serve respondent no. 4 and file affidavit of service.

4. Meanwhile, it will be open to the applicant to file response to the report dated 04.09.2023 submitted by the joint Committee.

5. List this matter on 23.11.2023.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

September 05, 2023
Original Application No. 406/2023
SN