

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

Original Application No. 406/2023

Mohd. Farman & Anr [Earlier BABAR ALI]

Applicant(s)

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

Date of hearing: 27.05.2025

Uploaded on: 16.07.2025

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

Applicant: Mr. Rahul Khurana, Mr. Hasil Jain, Ms. Farah Khan, Mr. Gaurav Kumar  
& Mr. Shaiem Hasan, Advocates for Applicant

Respondents: Mr. Saurabh Kirpal, Senior Advocate with Mr. Anunaya Mehta & Ms.  
Kunika Champawat, Advs. for R - 4  
Mr. Pradeep Misra & Mr. Daleep Dhyani, Advs. for UPPCB

**ORDER**

1. This OA was filed with the allegation that M/s. Triveni Engineering & Industries Ltd. Alco-Chemical Unit, Muzaffarnagar was releasing trade effluents containing harmful chemicals directly in the drain and open fields, causing damage not only to environment but also to the agricultural land of the farmers damaging the crops etc. It was alleged that Respondent no. 4 had no effective system of treatment of trade effluents that is why polluted effluents were being discharged directly in an illegal manner, causing damage to environment.

2. The Tribunal by the order dated 30.05.2023 had constituted a joint Committee comprising Uttar Pradesh Pollution Control Board, Central Pollution Control Board and District Magistrate, Muzaffarnagar to obtain a factual report with a direction to the Committee to visit the site, collect relevant information and submit a factual as well as action taken Report.

3. The Joint Committee had carried out the inspection and had submitted the report dated 04.09.2023 disclosing 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 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 m<sup>3</sup> 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 composting 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/Nm<sup>3</sup> against the stipulated norm of 80 mg/Nm<sup>3</sup> (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 Mujheda 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.

4. The Joint Committee had made following recommendations:-

#### **“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 & piezo well 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.”*

5. Since it was revealed in above report that the said unit was violating some of the environmental norms, therefore, notice was issued and an opportunity of hearing was given to the unit.

6. On 23.11.2023, it was informed by the Counsel for the applicant that the original applicant Babli Ali, had died therefore I.A. No. 822/2023 was filed by his son and wife of one Mohd Matloob who were also the victim and had suffered cancer. IA was allowed and the Applicants No. 1 and 2 were brought on record as Applicants in the present OA.

7. The UPPCB had passed the order dated 20.11.2023 imposing the environmental compensation of Rs. 7,50,000/- upon the Respondent No. 4. I.A. No 338/2024 was filed by Respondent No. 4 questioning order dated 20.11.2023. By the order dated 11.11.2024, IA has been dismissed as withdrawn with liberty to avail such other remedies as are available in law.

8. The UPPCB has filed the compliance affidavit dated 22.02.2025 disclosing that the unit is now in compliance and has taken all remedial steps. The relevant extract of the compliance affidavit is as under:

**“Utilization of fly ash/inert, tree plantation, water balance**

- i. A letter was issued by the UPPCB, Muzaffarnagar to M/s Triveni Engineering & Industries, on dated 28.01.2025 for providing information regarding utilization of flyash, Trees plantation, water balance, spent wash use/management and fuel used, for the handling and disposal of flyash for which the Project proponent has submitted information vide its letter dated 12.02.2025 regarding the same.
- ii. The Project proponent has awarded contract to M/s Ram Potash (P) Jansath Road, Muzaffarnagar for the manufacturing of fertilizer derived from the wet fly ash generated from venturi scrubber. Copy of agreement is annexed herewith as Annexure 1 to this affidavit.
- iii. The unit was inspected by officials of UPPCB on dated 12.02.2025 in presence of Project Proponent Shri Rajeev Vihan (General Manager). During the said inspection, the unit was found operational.
- iv. During inspection it was found that the wet fly ash generated from operation of boiler of capacity 60 TPH was collected and sold to M/s Ram Potash (P) Ltd. The unit is using fly ash generated from incineration boiler for manufacturing of potash granular fertilizer. Details of ash production and sales have been submitted by the unit containing ash generation for the last three months (Nov.2024, Dec. 2024, and Jan.2025), sellable product sold to M/s Ram Potash and sale invoice regarding ash generated from the industry. As per information provided by project proponent, last three invoices of production and sales datum were verified and found accurate. Copy of fly ash invoice is annexed herewith as Annexure 2 to this affidavit.
- v. The unit has developed and maintained green belt in an area of about 59.55 acres out of total available land area of 170.71 acres in the premises, 55 species of trees have been planted in the green belt inside the premises apart from this the above unit has developed 4300 trees through Miyawaki method as green belt near the RO plant area inside Othe premises. Copy of developed green belt letter dated 12th February, 2025 is annexed herewith as Annexure 3 to this affidavit.

Table 1: Month wise groundwater/fresh water abstraction from borewells located within premises of molasses-based distillery plant

| Borewell No. | Month     | Total Fresh water consumption (KL) | Average fresh water consumption (KLD) |
|--------------|-----------|------------------------------------|---------------------------------------|
| Borewell – 1 | Nov. 2024 | 0                                  | 0                                     |
| Borewell – 2 |           | 22185                              | 739.5                                 |
| Borewell – 3 |           | 0                                  | 0                                     |

Total fresh water consumption in month of Nov. 2024-22185 KL.

Average fresh water consumption in month of Nov. 2024-739.5 KLD

|              |           |       |        |
|--------------|-----------|-------|--------|
| Borewell – 1 | Dec. 2024 | 44    | 1.41   |
| Borewell – 2 |           | 27098 | 874.12 |
| Borewell – 3 |           | 0     | 0      |

Total fresh water consumption in month of Dec. 2024-27142 KL

Average fresh water consumption in month of Dec. 2024-875.54 KLD

|              |           |       |        |
|--------------|-----------|-------|--------|
| Borewell – 1 | Jan. 2025 | 0     | 0      |
| Borewell – 2 |           | 27767 | 895.70 |
| Borewell – 3 |           | 0     | 0      |

|              |           |       |        |
|--------------|-----------|-------|--------|
| Borewell – 1 | Dec. 2024 | 44    | 1.41   |
| Borewell – 2 |           | 27098 | 874.12 |
| Borewell – 3 |           | 0     | 0      |

Total fresh water consumption in month of Jan. 2025-27767 KL

Average fresh water consumption in month of Jan. 2025-895.70 KLD

Overall total fresh water consumption-77094.00 KL

Overall average fresh water consumption -836.91 KLD

As per the logbook provided for groundwater withdrawal, the unit has abstracted groundwater @ 836.91 KL/day for duration Nov. 2024, Dec. 2024 and Jan. 2025 which is within the permissible limit of 1800 KL/day groundwater abstraction mentioned in the No Objection Certificate (NOC) issued by UPGWD. Copy of Water Balance information by said industry is annexed herewith Annexure 4 to this affidavit.

(ii) Table 2: Month wise different process in the Industry located within premises of molasses-based distillery plant.

| S.No | Water Consumpti on | Total Draw in KL | Use in Process | RO DM Plant m³ | Cooling Tower m³ | Drinking m³ | Bottling |
|------|--------------------|------------------|----------------|----------------|------------------|-------------|----------|
| 1.   | Nov. 2024          | 22185            | 10914          | 5133           | 2249             | 227         | 3362     |
| 2.   | Dec. 2024          | 27142            | 13151          | 7025           | 3122             | 215         | 3629     |
| 3.   | Jan. 2025          | 27767            | 13079          | 7227           | 3120             | 213         | 4128     |

Molasses based distillery unit is having three borewell (capacity of 50 HP each) with in molassed plant premises to meet the fresh water requirement and the unit has installed electromagnetng flow meter at all three borewells and maintained logbook for the same.

**Compliance status of Spent wash/Management**

During the inspection the unit was found operational at production capacity of 180 KLPD against the consent production capacity of 200 KLPD using Heavy Molasses as raw material. Inspecting officers also collected three months data of spent wash generation. Copy of Spent wash generation is annexed herewith as Annexure 5 to this affidavit.

Amount of Spent wash stored in Lagoon No. 1 is 2500 KL (Approx.)  
The details about spent wash management scheme is presented below:

- a) For achieving ZLD in Molasses based plant, the unit has installed 06 stage Multi Effect Evaporator (MEE), Incineration boiler and RO based CPU.
- b) The details about Spent wash management scheme is presented below:  
Raw Spent wash MEE Concentrated Spent wash → Incineration Boiler → Ash provided to M/s Ram Potash Pvt. Ltd. for the production of potash granules.
- c) c) The unit has installed electromagnetic flow meter at bottom of analyser column to quantify the amount of raw spent wash generated.

During the inspection officials obtained the logbook for raw spent wash generation from Nov. 2024 to Jan. 2025. The specific spent wash generation rate and average daily raw spent wash generation is calculated as 6.69 KL/KL of alcohol production and 1240.18 KLD respectively. Details of the same are mentioned in Table 4 below:

Table 3: Month wise spent wash generation from the molasses-based distillery.

| Month     | No. of Operational days | Total Spent wash generation (KLD) | Raw Spent wash (KLD) | Avg. Raw Spent wash (KLD) | Specific Spent was generation (KL/KL of alcohol production) |
|-----------|-------------------------|-----------------------------------|----------------------|---------------------------|-------------------------------------------------------------|
| Nov. 2024 | 23                      | 29948                             |                      | 1302.08                   | 6.99                                                        |
| Dec. 2024 | 31                      | 36526                             |                      | 1178.25                   | 6.35                                                        |
| Jan. 2025 | 30                      | 37701                             |                      | 1256.78                   | 6.59                                                        |

Total raw spent wash generation - 104175 KL  
Total no. of operational days - 84  
Avg. daily Spent wash generation-1240.18 KLD  
Total alcohol production - 15746.82 KL  
Avg. specific spent wash generation - 6.69 KL/KL of alcohol production

Table 4: Quantity of slop consumed in incineration boiler and ash generated

| Month | Operational Days of incineration | Slop consumed in | Slop feed to incineration on boiler | Slop feed to incineration on boiler | As Generation |
|-------|----------------------------------|------------------|-------------------------------------|-------------------------------------|---------------|
|-------|----------------------------------|------------------|-------------------------------------|-------------------------------------|---------------|

|                                                                                                                                                                                                                                                                                                                                                 | <i>boiler</i> | <i>Incineration boiler (MT)</i> | <i>(MT/ day)</i> | <i>(KLD)</i>  | <i>(MT)</i>    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|---------------------------------|------------------|---------------|----------------|
| <i>Nov. 2024</i>                                                                                                                                                                                                                                                                                                                                | <i>23</i>     | <i>10826</i>                    | <i>470.69</i>    | <i>385.81</i> | <i>1245.36</i> |
| <i>Dec. 2024</i>                                                                                                                                                                                                                                                                                                                                | <i>30</i>     | <i>13298</i>                    | <i>443.26</i>    | <i>363.32</i> | <i>2132.96</i> |
| <i>Jan. 2025</i>                                                                                                                                                                                                                                                                                                                                | <i>31</i>     | <i>13884</i>                    | <i>447.87</i>    | <i>367.10</i> | <i>2101.42</i> |
| <i>Total operational days: 84</i>                                                                                                                                                                                                                                                                                                               |               |                                 |                  |               |                |
| <i>Total Slop consumed in incineration boiler: 38008 MT</i><br><b><i>Avg. daily consumption of Slop in incineration boiler: 452.47 MT/day</i></b><br><b><i>(i.e. 370.87 KLD, considering specific gravity as 1.22)</i></b><br><i>Total Ash generated: 5479.74 MT</i><br><i>Avg. daily ash generation from incineration boiler: 65.23MT/ day</i> |               |                                 |                  |               |                |

*It was observed that management of concentrated spent wash (also known as slop), the unit has installed slop fired incineration boiler 60 TPH capacity, the unit feeding concentration spent wash i.e. slop along with baggase as subsidiary fuel in incineration boiler*

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***Bagasse consumption in a Boiler***

| <b><i>Month</i></b> | <b><i>Bagasse consumption in boiler (MT)</i></b> |
|---------------------|--------------------------------------------------|
| <i>Nov. 2024</i>    | <i>7894</i>                                      |
| <i>Dec. 2024</i>    | <i>8964</i>                                      |
| <i>Jan. 2025</i>    | <i>8293</i>                                      |

*Three months details of bagasse used in the incineration boiler from the industry have been obtained. The bagasse with slop in certain proportion was used in incineration boiler. During inspection the incineration boiler was found to be operational. Copy of Bagasse consumption in boiler by the industry is annexed herewith as Annexure 6 to this affidavit.”*

9. The Counsel appearing for the project proponent has informed that all remedial measures have been taken and the unit is fully compliant. The counsel appearing for the applicant has also no further issues and has agreed to the compliance report submitted by UPPCB.

10. In view of the above, the OA is disposed of with a direction to UPPCB to ensure that necessary actions as per law is taken for the past violations against the unit and periodic inspection of the unit is done. The action report be submitted to the to the Registrar General of the Tribunal via email at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in), preferably in the form of a searchable PDF/OCR-supported PDF and not in the form of an Image PDF within six months. If deemed necessary, the matter will be listed for consideration before the bench again.

11. O.A. is accordingly disposed of.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

May 27, 2025  
O.A. No. 406/2023  
HB