

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

(By Hybrid Mode)

Execution Application No. 23/2022
In
Original Application No. 324/2016
(With report dated 27.01.2023)

Shailesh Singh		Applicant
	Versus	
State of UP & Ors.		Respondent(s)

Date of hearing: 03.02.2023

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

Applicant: Ms. Preeti Singh, Advocate in E.A 23/2022
Respondents: Mr. Pradeep Misra & Mr. Daleep Dhyani, Advocates for UPPCB
Mr. Pinaki Misra & Mr. Sanjeev Ralli, Senior Advocates with Ms. Vanita Bhargava, Advocate for M/s Radico Khaitan Ltd. (PP)

ORDER

1. This Application seeks execution of order of this Tribunal dated 18.03.2021 directing remedial action against pollution of Kosi River in Rampur District inter alia by Rampur Distillery (Radico Khaitan) - the Project Proponent (PP).
2. Case of the applicant is that River Bhella in Muradabad is a tributary of Kosi River in Rampur which is a tributary of Ramganga, which in turn is a tributary of river Ganga. From the reports of CPCB and State PCB, pollution by the PP was established and this Tribunal issued directions for remedial action. The matter was considered by the Tribunal by three orders

- dated 20.05.2019, 23.07.2019 and 15.01.2020, before final order dated 18.3.2021. The Tribunal found that pollution of river Bhella in Moradabad where it meets Rampur drain by the PP.

3. Since directions of this Tribunal were not complied with, the applicant filed Execution Application No. 19/2021 which was dealt with vide orders dated 12.08.2021, 09.12.2021 and finally 12.05.2022. By the said last order, after directing remedial action against violations, following final directions were issued:-

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*14. In view of above, let the monitoring norms be reviewed accordingly and for the past violations, further remedial action taken in terms of recovery of compensation for the violations for being used for restoration of environment and augmentation of ground water levels. Integrated water management approach may include water shed management, adopting of ZLD policies and recycling/reuse of treated water for secondary/industrial purposes to save potable water for drinking purposes and other such steps as result in maintaining balance of water extracted and replenished. Imbalance as is being caused today needs to be remedied to prevent threatening reduction of flow in the rivers. **This may be done by a joint Committees in States of UP and Uttrakhand, headed by Additional Chief Secretary, Agriculture with nominees of Departments of Soil Conservation, Forest, Water Resources and Panchayati Raj and Rural Development.** They may hold meetings on monthly basis to review the level of the water tables and effectiveness of the measures taken and remedial action required. They will be free to interact with any other experts/institutions for a coordinated and concerted action in the matter. Any project by way of remedial action recommended by the joint Committee may be undertaken jointly by the concerned industries and the State in such manner as may be decided. Quarterly progress reports may be provided to CGWA which is engaged in mapping of the relevant data on the subject, to be placed on the website of the CGWA.”*

4. In the present Application, it is stated that as per photographs taken on 24.07.2022, the PP - Rampur Distillery (Radico Khaitan) is discharging effluent into the drain which finally joins the river. Directions in the order dated 18.03.2021 are still not being followed. This is disputed by learned counsel appearing for the PP.

5. Vide order dated 16.09.2022, the Tribunal sought a factual and action taken report from Additional Chief Secretary, Agriculture, U.P and the State PCB. Accordingly, such report has been filed by the State PCB on 27.01.2023 mentioning the status of the industry, status of CTO conditions/ general conditions and compliance.

6. The conclusions and recommendations are as follows:-

“Conclusion –

1. *The unit is having valid Consent to Operate under section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974 and section 21/22 of the Air (Prevention and Control of Pollution) Act, 1981as well as authorization under the provisions of Hazardous and other wastes (Management and Transboundary Movement) Rules, 2016 for storage and disposal Hazardous wastes. Overall, the unit is complying CTO conditions.*
2. *The leakage observed in treated condensate line. It was directed to rectify the same on top priority at the time of inspection.*
3. *The unit is maintaining Zero Liquid Discharge (ZLD) and no trade effluent was being discharged found from outside of factory premises into drain/river or on land. Domestic treated effluent was found discharged into the drain.*

Recommendation:

The pipelines of spent wash lying in the drain upto the lagoon of Ajeetpur site shall be replaced outside/underground to avoid any mixing of spent wash with the drain water in case of any leakage.”

7. In view of above, we accept the report and direct that the PP to take further remedial action which may be overseen by the State PCB. The State PCB may also finalize the pending proceedings on the show cause notice already issued expeditiously, preferably within two months.

The application is disposed of.

A copy of this order be forwarded to State PCB and the Project Proponent by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

February 03, 2023
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