

Item No. 01

Court No. 1

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

(By Video Conferencing)

Execution Application No. 23/2022
In
Original Application No. 324/2016

Shailesh Singh

Applicant

Versus

State of UP & Ors.

Respondent(s)

Date of hearing: 16.09.2022

**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 Applicant in E.A 23/2022

Respondent(s): M/s Pinaki Misra and Sanjeev Ralli, Senior Advocates with Ms. Vanita Bhargava, Advocate for M/s Radico Khaitan Ltd., the project proponent (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. In view of above, we consider it appropriate to ascertain factual position by requiring the Additional Chief Secretary, Agriculture, U.P and the State PCB to furnish a factual report in the matter with regard to compliance status by the PP, particularly mode of disposal of effluents vis a vis CTO conditions within two months by email at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. The Applicant and the PP may give their respective versions to Additional Chief Secretary, Agriculture, U.P and the State PCB within two weeks from today. The State PCB will be the nodal agency for compliance.

List for further consideration on 03.02.2023.

A copy of this order be forwarded to the Additional Chief Secretary, Agriculture, U.P and the State PCB by email for compliance. The applicant may also furnish a set of papers to Additional Chief Secretary, Agriculture, U.P and the State PCB with a copy of this order.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

September 16, 2022
Execution Application No. 23/2022
In Original Application No. 324/2016
AB