

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 617/2022

Pushpender

...Applicant

Versus

State of Uttar Pradesh & Ors.

...Respondents

Date of hearing: 24.04.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: None.

Respondents: Mr. Arvind Kumar, Advocate for respondent no. 2-UPPCB.
Mr. Jatin Ghuliani, Mr. Kunal Veer Chopra, Advocates for
respondent no. 4-PPGCL.
Ms. Prerna Singh, Advocate for respondent no. 5-M/s
Ultratech Cement Ltd.
Mr. Kabir Hathi, Advocate for Ms. Jesal Wahi, Amicus
Curiae.

Application is registered based on a letter petition received by email.

ORDER

1. The grievance in this application is that M/s Tata Company and M/s Ultratech Company are causing pollution due to storage of cement brought by trucks to village Berni Post Bemra Shankargadh, Tehsil Bara District Prayagraj in Uttar Pradesh. The above said companies are discharging waste water which has contaminated drinking water and rendered the same unfit for consumption.

2. Vide order dated 29.09.2022, this Tribunal constituted a Joint Committee comprising of the CPCB, the Uttar Pradesh Pollution Control Board (UPPCB) and the District Magistrate, Prayagraj with direction to submit its report within one month and also to supply a copy of its report to the Project Proponents and the concerned authorities. In compliance thereof report of the Joint Committee was submitted by UPPCB vide email dated 17.01.2023.

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3. Vide order dated 23.01.2023 notices were ordered to be issued to respondents no. 1 to 5 and pursuant to notice replies have been filed and by respondent no. 2-UPPCB vide email dated 20.04.2023, by respondent no. 4-PPGCL vide email dated 01.04.2023 and by respondent no. 5-M/s Ultratech Cement Ltd.

4. Vide order dated 23.01.2023, Ms. Jesal Wahi, Advocate was appointed as *amicus curiae* to assist this Tribunal in just and fair adjudication of the questions involved in the case. Learned *amicus curiae* may undertake such visits to the industries in question as considered necessary and respondents no. 4 and 5 are directed to allow the amicus curiae to make such visits. Learned *amicus curiae* may also submit report/suggestions regarding the questions relating to environment involved in the case **within two weeks** by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF. The UPPCB is directed to pay an amount of Rs. 50,000/- to the learned *amicus curie* besides expenses incurred on transportation (including economy class Air fare), Boarding/Lodging and other related/incidental charges.

5. In its report, the Joint Committee had referred to the environmental violations, recorded its conclusions and made recommendations on the basis thereof. Despite supply of copy of report of the Joint Committee and due notice of the observations/recommendations of the Joint Committee, appropriate remedial measures have not yet been taken and there are deficiencies on the part of the Project Proponents.

6. This aspect is best illustrated by the fact that 500 KLD RO installed by M/s PPGCL under its Corporate Social Responsibility (CSR)

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is still non-operational even months after submission of the report of the Joint Committee.

7. Even today learned Counsel for respondent no. 4-M/s PPGCL is referring to the letter written to the concerned SDM while conceding that even today RO is not operational.

8. Respondent no. 4-M/s PPGCL and the District Magistrate, Prayagraj are directed to take requisite action immediately on receipt of a copy of this order for making the RO functional by carrying out all requisite measures including change of transformer, as may be required, with the help of/by involving the concerned governmental/private agencies and to send compliance report in this regard **within seven days** by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF. In case of any requirement of issuance of any directions to any governmental agency/authority, respondent no. 4-M/s PPGCL and the District Magistrate, Prayagraj shall be at liberty to move this Tribunal for appropriate directions and the Registry is directed to ensure that application if any filed in this regard is listed before this bench on working day next to the date of receipt of the application so that the matter of making the RO functional is not delayed.

9. Both the Project Proponents are directed to file additional replies giving in detail in tabular form the compliance status with respect to each EC/CTE/CTO consent conditions and also the activities carried out by them in discharge of their corporate social responsibility with relevant documents.

10. The additional replies by respondents no. 4 and 5-Project Proponents be filed **within 10 days** by email at judicial-ngt@gov.in

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preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF.

11. The respondent no. 2-UPPCB is also directed to take appropriate remedial action in view of the recommendations made in its report by the Joint Committee and file Action Taken Report **within 10 days** by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF.

12. List for further consideration on 16.05.2023.

13. In view of the facts and circumstance of the case, we consider personal appearance of the District Magistrate, Prayagraj, the Regional Officer, UPPCB and the General Managers of M/s PPGCL and M/s Ultratech Cement Ltd. through VC, before this Tribunal on the next date of hearing to be essential for assisting this Tribunal in just and proper adjudication of the questions involved in the case and they are accordingly directed to remain present through VC before this Tribunal on that date.

14. A copy of this order be sent to the District Magistrate, Prayagraj, the Regional Officer, UPPCB, Ms. Jesal Wahi, *amicus curiae* the General Managers of M/s PPGCL and M/s Ultratech Cement Ltd by email for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

April 24 2023
AG