

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

Original Application No. 530/2023

Anuj Kumar Applicant

Versus

State of Uttarakhand & Ors. Respondent(s)

WITH

Original Application No. 495/2023

Mohd. Amjad & Anr. Applicant(s)

Versus

State of Uttarakhand & Ors. Respondent(s)

Date of hearing: 22.11.2023

**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. Prakash Pandey, Adv. for Applicant in OA 530/2023 (Through VC)
Mr. Rahul Khurana, Mr. Hasil Jain & Mr. Shaiem Hasan, Advs. for
Applicant in OA 495/2023

Respondent: Mr. Mukesh Verma, Adv. for UKPCB in OA 530/2023 (Through VC)
Mr. Vikrant Pachnanda, Adv. for MoEF & CC in OA 530/2023
Mr. Pradeep Misra & Mr. Daleep Dhyani, Advs. for UPPCB in OA
495/2023 (Through VC)
Mr. Manish Jain & Mr. Vikash Kumar Verma, Advs. for R - 7 & 8 in OA
495/2023
Mr. Saurabh Balwani, Adv. for CPCB in OA 495/2023 (Through VC)

ORDER

1. The grievance raised in the Original Application No. 495/2023 is in respect of severe water pollution at Shukratal Ganga Ghat in Muzaffarnagar, Uttar Pradesh. In the connected Original Application No. 530/2023, the grievance is in respect of non-compliance of the environmental norms by respondent no. 7, M/s Rai Bahadur Narayan Singh Sugar Mills Limited. The Tribunal by order dated 14.08.2023

passed in O.A. No. 495/2023 had constituted a joint Committee and had also specified the action to be taken by the joint Committee by making the CPCB as nodal agency for coordination and compliance and by issuing the following directions:-

“4. In view of the averments made in the application, we consider it appropriate that a Joint Committee be constituted to verify the factual position. Accordingly, we constitute a Joint Committee comprising of Central Pollution Control Board (CPCB), Regional Office, Ministry of Environment, Forest and Climate Change (MoEF&CC), National Mission for Clean Ganga (NMCG), Uttarakhand Environment Protection and Pollution Control Board (UEPPCB), Uttar Pradesh Pollution Control Board (UPPCB) and District Magistrates (DMs) of Haridwar and Muzaffarnagar and direct the same to meet within one week, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representatives of the concerned project proponents, verify the factual position which shall include (i) details of industries located in Laksar Industrial area and Muzaffarnagar Industrial area which are discharging effluents in the drain connecting to the River Banganga; (ii) details of industries which are functioning without consent/EC; (iii) functioning of STP/ETP and other waste water treatment mechanism and (iv) mechanism for utilization of waste water for agriculture and other land use purposes rather than discharging in the drain and take appropriate remedial action by following due course of law and giving opportunity of being heard to the concerned project proponents. The CPCB will be the nodal agency for coordination and compliance.”

2. In terms of the direction of the Tribunal, the joint Committee has filed the report on 21.11.2023. A perusal of the report of the joint Committee reveals that on the day of inspection, M/s Rai Bahadur Narayan Singh Sugar Mills Limited (Sugar and Distillery) were found to be non-operational on account of the monsoon season and the report mentions that they will resume operation after the rainy season. It has been pointed out that the concerned units have now resumed their operation and are now functional. Hence, the joint Committee is required to carry out the inspection of the Sugar and Distillery Units of M/s Rai Bahadur Narayan Singh Sugar Mills Limited and ascertain the position in respect of the set up and compliance of the environmental norms and conditions of CTO by these units and submit a fresh report.

3. Even in respect of the inspection done during the non-operational period of the units, certain recommendations has been made by the joint Committee for these units. Therefore, the units are expected to comply with the said recommendations unless they have any objection in this regard. The Counsel for respondent nos. 7 and 8 have sought time to file objection to the said report and hence the objection, if any, be filed within four weeks.

4. The Committee has carried out post-monsoon drain and river monitoring by visiting the site on October 11-12,2023 and the report of the Committee in this regard starts from paragraph 2.3 in respect of river Banganga. The entire length of river has been divided in three stretches. In respect of stretch one, the Origin to d/s of Sultanpur, the finding of the Committee is as under:-

“In this stretch, intermittent flow observed in the river. No source of fresh water draining into River Banganga was observed during this stretch including at origin. River receive discharge from runoff rain water, untreated sewage from Sultanpur drain and villages in the catchment area such as Mahtauli, Tanda, Mubarakpur, Chamrawal, Nehandpur Suthari and Muzaffarpur Gujra Jadeed. No water sample was collected.”

This clearly reflects that the river receives discharge from untreated sewage from Sultanpur drain and villages in the catchment area.

5. Similarly, in respect of river Solani, the entire length is divided in three stretches and in respect of stretch II, the finding is as under:-

“In this stretch, river receive major flow from discharge of 9 domestic drains (near Sultanpur) from Roorkee city, discharge of treated sewage from 33 MLD STP Roorkee along with one tributary namely Ratmau river which also originate from foothills of Shivalik range of Himalayas near Dehradun. Three river samples including one from Ratmau river were collected to analyze the status of river water quality in this stretch. Analysis results of Ratmau river water sample shows pH-8.1, DO-6 mg/l, BOD-1.17 mg/l, COD-9 mg/l, TSS-70 mg/l and TDS-204 mg/l. Values of Bio-chemical Oxygen Demand (BOD) and Chemical Oxygen Demand (COD) in Solani river

water samples are found in the range from BDL-7 mg/L and 7-29 mg/L, respectively indicating moderate organic load of polluting sources. Value of dissolve oxygen found in the range of 6-6.2 mg/l. However, the overall water quality observed in this stretch has characteristics of moderate pollution which may be attributed to the discharge of treated sewage from STP & untreated sewage of Roorkee via drains. Water quality of river Solani after confluence of river Ratmau was meeting primary water quality criteria for bathing w.r.t. pH (8.1), DO (6.2 mg/l) and BOD (BDL)."

6. While considering the monitoring of 33 MLD Saliyar STP- Roorkee, the Committee has found that the STP operating agency has not obtained CCA from UKPCB and the Committee has sought compliance of following directions from the STP operating agency:-

"STP operating agency shall be directed to comply the following:

- a. Augmentation of sewage network in STP catchment area to ensure optimum utilization of design capacity of STP.*
- b. Install OCEMS and provide its connectivity with CPCB/SPCB server.*
- c. Ensure consistent compliance with the discharge norms prescribed under Hon'ble NGT order dated 30.04.2019 in O.A. No. 1069/2018.*
- d. Optimize disinfection system as per feed flow condition.*
- e. STP shall obtain valid CCA from UKPCB."*

7. The sample analysis by the Committee in respect of the compliance of norms by the STP is as under:-

*"j. Grab samples were collected from the inlet, outlet and SBR basin during the visit. Analysis results of samples collected from STP outlet indicate that STP is complying for w.r.t discharge norms prescribed under Hon'ble NGT order dated 30.04.2019 in O.A. No. 1069/2018 except **total phosphorus-2.7 mg/l (against norm of 1 mg/l) and fecal coliform-14×10⁴ MPN/100 ml (against norm of <230 MPN/100 ml).**"*

8. The above analysis clearly indicates that the STP is not functioning as the fecal coliform contents are very high.

9. In respect of pollution source mapping of Laksar drain, the Committee has found that untreated sewage of Laskar town is flowing

along with the storm water in the drain and the conclusion of the Committee in this regard is as under:-

“The Laksar drain originates from Laksar town in Uttarakhand and carries storm water along with the untreated sewage of Laksar town. From origin to confluence with River Banganga, Laksar drain carry untreated sewage of several villages in the catchment. The drain traverses a distance of approximately 20.37 kilometers before confluence with River Banganga near Idrishpur village in Uttarakhand. The monitoring team interacted with the residents of the villages in the catchment of the drain. The villagers informed that polluted water in Laksar drain is observed when the unit is in operation.”

10. The Committee has divided the entire length of the Laksar drain in three stretches and while considering the stretch one, the Committee has found that the solid waste was dumped along with the drain and the observation of the Committee in this regard is as under:-

*“Further, at approximately 0.34 kilometers downstream, wastewater sampling was done from the Laksar drain at upstream of unit. Flow in the drain near lagoons was measured as 3.6 MLD. Municipal solid waste was dumped along the drain (**Figure-29**). Wastewater characteristics (BOD-14 mg/L and COD-76 mg/L) indicated that the drain carry sewage only.”*

11. In respect of stretch II of the drain, the Committee has reached the following conclusion which clearly reflects the discharge of untreated water into the drain:-

*“The Laksar drain passes through the industry premises via an open channel. The industry has installed five lagoons, of which three were used for storing spent wash, one was used for storing treated effluent while one was not in use. The drain flow adjacent to these lagoons, and damage to the lagoon walls at various locations indicated the possibility of episodic discharge of untreated wastewater into Laksar drain (**Figure-30**). Further, the Laksar drain passes adjacent to the ETP of Sugar plant with no defined boundary between the unit’s ETP and Laksar drain which further indicates the possibility of discharge of untreated/partially treated effluent into the Laksar drain.”*

12. In respect of pollution source mapping of Hadwa drain, the Committee in paragraph 2.3.3 has found that increased flow in Hadwa

drain was due to discharge of untreated sewage from nearby villages in the catchment such as Majri, Kheri Mubarakpur and Maheshwara.

13. The conclusion of the Committee in respect of the river Banganga and river Solani are as under:-

“3. Conclusions

1. *Joint committee comprising of officials from CPCB, MoEF&CC, NMCG, UPPCB, UKPCB, and district administrations of Haridwar and Muzaffarnagar convened meeting and site visits in compliance to Hon’ble NGT orders dated 14.8.23 & 23.8.23 in OA No 495/2023 & 530/2023.*
2. *Details of the site visit undertaken by committee are mentioned in Para 2.2.*
3. *In compliance to Hon’ble NGT orders mentioned above the committee interacted with both applicants and same are mentioned in Para 2.2.2.2 & 2.2.2.5.*
4. *The committee verified the factual status w.r.t. industries located in Laksar & Muzaffarnagar areas and same are mentioned in Para 2.2 & 2.3.*
5. *Also, committee carried out mapping and monitoring of River Banganga, its tributary (River Solani) and Laksar drain & its first order drain (Hadjwada drain). The conclusion on water quality of rivers are mentioned in below point 6 onwards.*
6. **River Banganga:**
 - i. *River Banganga originates near Mahtauli village in Roorkee district, Uttarakhand after receiving untreated sewage from villages such as Mahtauli, Tanda, Mubarakpur, Chamrawal, Nehandpur Suthari and Muzaffarpur Gujra Jadeed and confluences with river Ganga near Haiderpur wetland near Bijnor Ganga Barrage in Uttar Pradesh.*
 - ii. *River Banganga lacks freshwater source from its origin till downstream of Sultanpur town in Uttarakhand. River Banganga receive freshwater from Pathri river and, after confluence of Pathri river, water quality of river Banganga was meeting primary water quality criteria for bathing w.r.t. pH, BOD and FC.*
 - iii. *Near Idrishpur village in Roorkee district, Uttarakhand, Laksar drain confluences with river Banganga. No industrial pollution in Laksar drain was observed however during visit, the industries in the catchment of Laksar drain i.e., M/s R.B.N.S. Pvt. Ltd. (Sugar & Distillery) were found non-operational.*
 - iv. *Fishes were observed in Laksar drain after confluence of Hadwa drain till its confluence with river Banganga. Water quality of river Banganga improved after confluence of Laksar*

drain and was meeting primary water quality criteria for bathing w.r.t. pH, DO, BOD and FC.

- v. At approximately 1.3 Kms upstream of Shukratal Ghat in Muzaffarnagar district, river Solani meets with Banganga and water quality of river Banganga was meeting primary water quality criteria for bathing w.r.t. pH, DO, BOD and FC.*

7. River Solani:

- i. River Solani originates from the Himalayan foothills, near Dehradun and runs along an approximate length of 145 km through Biharigarh, Bhagwanpur, Roorkee, Laksar city/towns before falling into River Banganga at upstream of Shukratal in Muzaffarnagar.*
- ii. River Solani receive flow from rain along with discharge of untreated sewage from nearby villages namely Kishanpur, Hasanpur etc and treated sewage of 33 MLD STP Roorkee. Moderate pollution in river was observed from origin to upstream of Laksar town. The STP was found complying w.r.t discharge norms prescribed under Hon'ble NGT order dated 30.04.2019 in O.A. No. 1069/2018 except Total phosphorus (2.7 mg/L against norm of 1 mg/l) and Faecal coliform (14×10^4 MPN/ 100 ml against norm of <230 MPN/ 100 ml).*
- iii. The water quality of river Solani before confluence with river Banganga was meeting primary water quality criteria for bathing w.r.t. pH, DO, BOD and FC.*
- iv. Water quality of River Banganga after confluence of River Solani at Shukratal Ghat, Muzaffarnagar was meeting primary water quality criteria for bathing w.r.t. pH, DO, BOD and FC.*

8. Due to non-operation of M/s RBNS Sugar & Distillery the industrial impact on Laksar drain couldn't be assessed. Analysis results of the samples collected from Laksar drain doesn't indicates any industrial pollution impact and after confluence with Hadwada drain fishes were observed in it till its confluence to Banganga river. However, industrial units namely M/s RBNS Sugar & Distillery units have potential to pollute Laksar drain. Similarly, M/s Cavendish India ltd. has potential to pollute the Hadwa drain which ultimately meets Laksar drain.

9. The recommendations of the committee w.r.t. Sugar unit, Distillery unit, M/s Cavendish India Ltd and STP as mentioned in respective sections may be implemented under supervision of UKPCB.

10. In view of colour in the groundwater sample collected from the handpump near the bio-compost yard of the distillery complex, it is recommended that UKPCB shall carry out detailed assessment of groundwater quality including ground water 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 UKPCB in time bound manner."

14. Paragraph 10 of the report reveals that the assessment of ground water quality including the ground water sampling analysis in and around the unit is still to be done.

15. Hence, we direct that adequate immediate remedial action will be taken by the concerned authorities to cure the anomalies and violations which have been found in the report.

16. While considering the report, certain clarifications were sought from the Counsel for the UKPCB as also Counsel for CPCB, which they have failed to clarify by submitting that they do not have instruction in the matter since the report was submitted yesterday late at night.

17. In view of above, we direct that the Secretary, UKPCB as also Secretary, CPCB will remain personally present before the Tribunal by virtual mode on the next date to apprise the Tribunal about the correct factual position as also the details of contents of the report.

18. The fresh report in terms of the directions of the Tribunal dated 23.08.2023 be submitted by the joint Committee after carrying out the inspection of M/s Rai Bahadur Narayan Singh Sugar Mills Limited (Distillery and Sugar Unit). Let the report be submitted within six weeks. A copy thereof be duly supplied at the time of filing of report to the Counsel for the respondent nos. 7 and 8 in OA No. 495/2023. Objection, if any, to the report will be filed by the concerned respondents within two weeks thereafter.

19. List this matter on 31.01.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

November 22, 2023
Original Application No. 530/2023
& Original Application No. 495/2023
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