

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

.....

**ORIGINAL APPLICATION NO. 228 OF 2014**

**IN THE MATTER OF:**

Yogesh Nagar  
President Jai Ho Sankalp Seva Ka  
Gurjar Colony  
Dadri, Gautam Budh Nagar  
Uttar Pradesh-203207

.....Applicant

Versus

1. Union of India  
Through its Secretary  
Indira Paryavaran Bhawan  
Jor Bag, Lodhi Road  
New Delhi-110003
2. State of Uttar Pradesh  
Through its Chief Secretary  
Government of Uttar Pradesh  
Secretariat, Lucknow-226001  
Uttar Pradesh
3. Uttar Pradesh Pollution Control Board  
Through its Member Secretary  
Picup Bhawan, III Floor, Vibhuti Khand  
Gomti Nagar, Lucknow  
Uttar Pradesh-220016
4. Central Pollution Control Board  
Through its Member Secretary  
Parivesh Bhawan  
East Arjun Nagar  
New Delhi-110032
5. Central Ground Water Authority  
Through its Member Secretary  
West Block-II, Wing-3, Ground Floor  
Sector-1, R.K. Puram  
New Delhi-110066

6. District Magistrate  
Collectorate Office Suraj Pur  
Gautam Budh Nagar-201308  
Uttar Pradesh

7. Greater Noida Industrial Development Authority  
Through its Chairman  
169, Chitvan Estate, Sector Gamma-II  
Greater Noida, Gautam Budh Nagar-201308  
Uttar Pradesh

8. Ministry of Health & Public Welfare  
Through its Secretary  
Nirman Bhawan  
New Delhi-110001

.....Respondents

**COUNSEL FOR APPLICANT:**

Mr. Rahul Choudhary & Ms. Pallavi Talware, Advocate

**COUNSEL FOR RESPONDENTS:**

Ms. Panchajanya Batra Singh, Advocate MoEF & CC for  
Respondent No. 1

Ms. Savitri Pandey, Ms. Azma Parveen, Advocates for State of  
UP, Respondent No. 2 & 6

Mr. Daleep Kr. Dhayani and Mr. Pradeep Misra, Advocates for  
Respondent No. 3

Mr. B.V. Niren, Advocate for Respondent No. 5

Mr. Ravinder Kumar, Advocate for Respondent No. 7 & 8

Mr. Saurabh Kawatra, Advocate for Respondent No. 9

Mr. Abhimanyu Pratap Singh, Advocate for Respondent No. 10

Mr. Abhishek Paruthi, Advocate for CPCB

Ms. Shweta Bharti and Mr. Neelesh Sinha Ms. Rashmi,  
Adv. for Noticed Company

Mr. Nishit Agrawal, Advocate for M/s Suchi Paper Mill Ltd.

Mr. B. L. Batra, Advocate for M/s India Woodlini Ltd. &

M/s. Avvi Components Pvt. Ltd

**JUDGMENT**

**PRESENT:**

**Hon'ble Mr. Justice Swatanter Kumar (Chairperson)**

**Hon'ble Mr. Justice M.S. Nambiar (Judicial Member)**

**Hon'ble Dr. D.K. Agrawal (Expert Member)**

**Hon'ble Mr. Bikram Singh Sajwan (Expert Member)**

**Reserved on: 2<sup>nd</sup> November, 2015**

**Pronounced on: 10<sup>th</sup> December, 2015**

1. Whether the judgment is allowed to be published on the net?
2. Whether the judgment is allowed to be published in the NGT Reporter?

**JUSTICE SWATANTER KUMAR, (CHAIRPERSON)**

The applicant is a resident of the area which is affected by the water and air pollution being caused by the factories and the industries operating in Chhapraula Industrial Area (for short 'the industrial area'). The pollution caused by these factories and industries is adversely affecting the village of the applicant as well as the surrounding villages. The villages have jointly created a body 'Jai Ho Sankalp Seva Ka' which have been found to struggle and fight against this pollution. According to the applicant, there are about 300 big and small factories and industries operating in this industrial area, which falls under the Bisrakh Block in Gautam Budh Nagar. Amongst these, some big and small factories and industries are carrying on the following activities:

- i. Chemical units discharging effluents without any treatment contaminating the ground water.
- ii. Battery units working in lead who dispose acid directly contaminating the ground water and also causing air pollution because of lead.
- iii. Paper Mills who discharge effluents in the open drain and dispose off their wastes in open.
- iv. Rice processing unit causing large scale pollution by discharging effluents in open drain and doing reserve boring for disposing of their effluents and other wastes. The rice mill is also causing air pollution on large scale.
- v. LED unit discharging effluent in drain without any treatment."

2. The pollutants are being released/discharged from these factories and industries in this industrial complex which has adversely affected the ground water and water bodies of villages Khera Dhramapura, Bishnuli, Sadullapur, Sadopur, Achheja, Dujana, Chhapraula, Roja, Jalalpur of Bisrakh Block of Gautam Budh Nagar, Uttar Pradesh. These factories and industries have been operating for quite some time. But in the last five years the number of new industries and expansion of the existing industries have gone up tremendously. The industries are extracting ground water without any permission, thus depleting the ground water level on the one hand and on the other by discharging the effluents on the land resulting in contamination of ground water. The Bisrakh Block has been declared as 'over exploited' by the Central Ground Water Authority (for short 'CGWA') as back in the year 2011. All these industries have not obtained the permission from the CGWA for extracting the ground water. Thus this activity is also illegal. The effluents discharged from the industries by carrying on the above stated activities are causing serious health hazards and resultantly, people in that area are suffering from deadly diseases like cancer, hepatitis, stone and other kidney diseases, skin allergy, jaundice, cholera etc. They made a complaint to the State Pollution Control Board on 17<sup>th</sup> July, 2014. The complaint was also made vide letter dated 19<sup>th</sup> July, 2014 to the Sub-Divisional Magistrate apprising him of the gravity of the situation. The water was taken from the hand pump in the area

and that of K.R.B.L. Company. The analysis report showed that the water samples do not meet the prescribed standards of IS-10500:2012 specification, indicating that the water is not fit for drinking purposes. Even the print media have printed several articles on the same. Having failed to get any relief at the hands of the authorities concerned, the applicant has filed the present application under Section 18 read with Section 14 and 15 of the National Green Tribunal Act, 2010 (for short the 'NGT Act') with following prayers:

- “(i) Direct Central Pollution Control Board, State Pollution Control Board or any other agency to do the proper assessment of the Bisrakh Block about pollution of groundwater and proper remedial measure.
- (ii) Direct for restoration and cleaning of ground water and other polluted area of the Bisrakh Block.
- (iii) Direct for closure of all illegally operating industries and factories and those who are not complying with the Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution) Act, 1981 and other environmental laws and regulation.
- (iv) Direct the health department to do proper health assessment of the residents of the Bisrakh Block about impact on the residents of polluted and contaminated groundwater and payment of damage and compensation for causing death and other diseases.
- (v) Direct for payment of damage and cost of restoration of the ground water on the polluting industries on the basis of polluter pays principle.”

In support of the above case, the applicant has filed representations, documents, analysis reports and even the list of the name of the companies because of which people suffered from diseases as afore indicated.

3. The UPPCB has filed a reply on 15<sup>th</sup> December, 2014 and has stated that in the month of August, 2014, samples from hand pumps at six locations from the villages on GT Road in Greater Noida region were taken and the analysis report of the samples shows higher values of total hardness, total dissolved solids, alkalinity but the metals like chromium hexavalent and lead which have carcinogenic characteristics have not been found. Higher values could be attributed to natural presence and excessive withdrawal of ground water in these villages. After receiving notice from the Tribunal, the Board further collected samples from seven hand pumps at nine locations in different villages in the area and from two bore wells of the industries located in the area, through its Regional Office, Greater Noida. The analysis report reveals that no metal having carcinogenic characteristic has been found. The samples have also been sent to Central Laboratory, Lucknow for examining the pesticides in the analysis report. It was found that the hardness in groundwater samples is above the prescribed norms at some locations. However, characteristic of calcium and magnesium is not carcinogenic in nature. The ground water testing report of M/s. Noida Testing Laboratory, shows high levels of Calcium, Magnesium and Alkalinity, Total Hardness but the presence of heavy metals like Cadmium, Cyanide, Lead, Mercury, Molybdenum, Nickel, Arsenic and Chromium have been found to be within the prescribed norms and the ground water did not bear any

colour and foul smell. State of Uttar Pradesh as well as Ministry of Environment, Forest and Climate Change (for short 'MoEF & CC') has stated that the contentions and reliefs sought in the application falls within the domain of functional responsibility of the 'State Pollution Control Board' which is the designated statutory authority to control the pollution. Furthermore, it was stated that the application was not submitted along with any scientific data. The drainage, sewage line and water supply line in the industrial complex are under completion and shortly be opened to public use. According to the authorities, the Uttar Pradesh Pollution Control Board has been required to submit a complete and comprehensive report before the Tribunal. The respondents have not permitted any industry to discharge effluents directly in to the drains in the ground through reverse boring. The UPPCB has already carried out a survey and on the basis of tests and analysis, came to the reasoned finding that the water in the area does not contain carcinogenic elements which can cause cancer. In the affidavit filed on behalf of the CPCB, it has been stated that UPPCB should and is empowered to take appropriate action. In relation to visiting the affected villages and collecting the samples of ground water; the major findings of the report are as under:

“That major findings of the report are mentioned below:

- i. Presence of coliform bacteria is observed in groundwater samples of Village Sadapur, Sadullapur, Accheja, Dujana and Bisarakh block.
- ii. Pesticides are not found in any of the groundwater sample.

- iii. With respect to total alkalinity and hardness, all groundwater samples are exceeding the desirable limits.
- iv. Iron Concentration is above the prescribed limits at Village Sadapur, Sadullapur, Accheja, Dujana, Bisarakh, Jalalpur, Chapraula, Kheda, Bishnuli.”

4. According to M/s. K.R.B.L Limited, they have not caused any pollution and have all the consents and permissions from the concerned authorities. According to them, they have taken all necessary safeguards and machinery has been installed at the unit of respondent no. 9 to ensure that no untreated effluents are discharged into the water stream. According to them bald allegations have been made against them. The factory of respondent no. 9 was established in the year 1992 and the name was subsequently changed to Khushi Ram Behari Lal Limited in 1993. Earlier the premises were only a warehouse and a trading house. The production was started only after the installation of the Effluent Treatment Plant with a capacity of 600KL/day in the year 1997. The unit had got consent under the Air (Prevention and Control of Pollution) Act, 1981 (for short ‘Air Act’) and Water (Prevention and Control of Pollution) Act, 1974 for short ‘Water Act’) and they have installed anti-pollution devices. The respondent has its own power plant for running the industrial unit in which rice husk is used as fuel. The only by-product produced from the power production is rice husk ash. It is stated that the respondent was earlier disposing of the fly ash at the site owned by it near the unit but have now ceased to dispose of the fly ash in such manner. It is

also stated by the answering respondent that it has entered in a contract for disposal of rice husk ash and is now in the process of refurbishing the site through plantation and converting the site into a lush green environment. The discharge from the unit of answering respondent is around about 300KL/day while the ETP has a capacity of 600KL/day. As such, it is not causing any pollution.

5. CGWA has also filed its reply. They have submitted that it is a National Apex Agency, entrusted amongst others with responsibilities to provide scientific inputs for management, exploration, monitoring, assessing, augmenting and regulating the groundwater resources of the country. They have stated that the issues raised in the application relates to pollution which is a subject falling in the jurisdiction of State Pollution Control Board. The Resource Estimates-2011 as prepared by the authority shows that the Bisrakh Block is falling under 'over-exploited' category.

6. Above is the case pleaded by the respective parties. Before discussion on the merits we may notice that vide order dated 19<sup>th</sup> February, 2015, M/s. KRB limited was ordered to be impleaded as respondent no. 9 in the main application. However, vide order dated 22<sup>nd</sup> April, 2015, keeping in view the controversy in main application, the Tribunal directed as under:

**“M.A. No. 139 of 2015**

The Applicant is seeking in the present Application direction to the State Pollution Control Board and

Central Pollution Control Board to inspect the area, identify polluting industries, closing of industries/factories operating without any permission and polluting the environment with particular reference to the industries enumerated and named in paragraph 4 of the Application. It is the case of the Applicant that industries as he has named in the Application are not in the list of the polluting industries supplied by the Pollution Control Board and the Units are clandestinely operating without any permission whatsoever from the State Pollution Control Board. The relief in the present application is justified. Respondent No. 3 and 4 State and Central Pollution Control Boards respectively shall inspect the area referred in the application and initiate action in accordance with law against the industries which have been particularly identified therein as operating without permission. The action taken report shall be placed before us on the next date of hearing.

**Original Application No. 228 of 2014**

Pleadings in Original application are virtually complete. Pleadings shall be exchanged between the parties.

Posted for hearing on 11<sup>th</sup> May, 2015.”

7. The status report had been filed. From the status report it was clear that there are four industries which had been categorized as Red and are mentioned at S. No. 1, 3, 11 and 34 of the list 5. The industries mentioned at S. No. 16, 17, 19, 20, 25, 28 to 33, 35, 36, 39 & 41 of that list were categorized as Orange. But they have still not applied for the consent of the Board.

8. A Joint Inspection was directed to be conducted by CPCB & UPPCB and analysis report to be submitted to the Tribunal. The Joint Inspection Report was filed on record and some analysis reports were also placed on record which we have already noticed above. On 24<sup>th</sup> September, 2015, the Tribunal directed issuance of

show cause notice to the defaulting and polluting industries as mentioned in the Joint Inspection Report as to why orders for closure of such industries and directions to pay environmental compensation be not imposed. This contained the details of the industries including those which were operating without consent and were causing pollution. The CPCB after its Joint Inspection had filed the list of the industries which were found to be polluting. That list reads as follows:

**“LIST OF DEFAULTING INDUSTRIES AS PER REPORT  
FILED BY CENTRAL POLLUTION CONTROL BOARD,  
NEW DELHI**

“S.NO.	NAME AND ADDRESS	STATUS OF CONSENT	DEFAULTING PARAMETERS (MG/LTR.)	NOTICE SERCED
1	M/s. Suchi Paper Mills Ltd. Kh. No. 589/2, Vill. Chapraulla, Bisrakh Road, G.T. Road, Greater Noida	GRANT UPTO 31.12.2015	BOD-57	LETTER NO. 941/GEN.32/2015 DT. 29.9.2015
2	M/s. Indus Tubes Ltd., G.T. Road, Chapraulla Greater Noida	GRANT UPTO 31.12.2015	Ph-3.29 TSS-961	LETTER NO. 941/GEN.32/2015 DT. 29.9.2015
3	M/s. Hero Motor Ltd., 10 KM Stone, G.T. Road, Chapraulla, Dadri Greater Noida	GRANT UPTO 31.12.2015	Fe-9.24	LETTER NO. 941/GEN.32/2015 DT. 29.9.2015
4	M/s. Garg Tubes Ltd., G.T. Road, Accheja, Greater Noida	GRANT UPTO 31.12.2015	TSS-116, Mn-22.0, Fe-5064.95, Zn-71.40	LETTER NO. 941/GEN.32/2015 DT. 29.9.2015
5	M/s. K.R.B.L Ltd., 9 <sup>th</sup> Mile Stone, Vill. Accheja, Post Dujana, B.S. Road, Greater Noida	GRANT UPTO 31.12.2015	BOD-35	LETTER NO. 941/GEN.32/2015 DT. 29.9.2015
6	M/s. Kawatro Papers Pvt. Ltd., Vill Dhoom Manikpur, G.T. Road, Dadri, Greater Noida	GRANT UPTO 31.12.2015	TSS-140, BOD-262, COD-448	LETTER NO. 941/GEN.32/2015 DT. 29.9.2015
7	M/s. Meternered Ltd., (Old Name M/s. Gupta Chemical) Vill. Beel Akbarpur, Dadri, Greater Noida	GRANT UPTO 31.12.2015	Ph-2.05, TSS-224, BOD-39	LETTER NO. 941/GEN.32/2015 DT. 29.9.2015
8	M/s. India Wood Line Ltd. Khasra No. 72, Dujana-Badalpur Road, Chapraulla, Greater Noida	GRANT UPTO 31.12.2015	Expansion without NOC	LETTER NO. 941/GEN.32/2015 DT. 29.9.2015
9	M/s. Arvi Components Pvt. Ltd., Khasra No. 540/2, Bisrakh Road, Village Chapraulla, G.T. Road, Greater Noida	GRANT UPTO 31.12.2015	Expansion without NOC	LETTER NO. 941/GEN.32/2015 DT. 29.9.2015

9. We have already referred above the findings of the Joint Inspection Report, wherein various pollutants like coliform bacteria was observed in the groundwater samples of villages Sadapur, Sadullapur, Accheja, Dujana and Bisrakh Block. It was clearly stated that the total alkalinity, hardness was in excess in all groundwater samples. Iron concentration was also noticed to the above prescribed limits in some of the villages.

10. At this stage, we may also refer to the contents of the Joint Inspection Report, which would be relevant for the Tribunal to deal to the controversy in issue:

### **“3. OBJECTIVE OF JOINT INSPECTION:**

Objective of Joint inspection was to identify Polluting Industries, Closed Industries, and Industries running without any Permission/Authorization in Chhapraula area of Bisrakh Block Village of Gautam Budh Nagar and collection of effluent samples from the water polluting units in compliance of the Hon'ble NGT order to assess the industrial impact in the area in regard to ground water and stream water pollution.

### **4. METHODOLOGY:**

- i) Dry inventory
- ii) Wet inventory

#### **4.1 Dry Inventory:**

Dry inventory was conducted jointly by officials of Central Pollution Control Board and U.P. Pollution Control Board, Regional Office, Greater Noida on May 6, 2015 for identifying Polluting Industries, Closed Industries, and Industries running without any Permission/Authorization in Chhapraula area of Bisrakh Block Village of Gautam Budh Nagar

## 4.2 Wet Inventory:

Effluent samples from 09 Water Polluting Units were collected jointly by Central Pollution Control Board and U.P. Pollution Control Board, Regional Office, Greater Noida during 19-24 August, 2015 in compliance of the Hon'ble NGT order.

The team Comprised of the following officials:

1. Sri Abhey Singh Soni, Scientist D, CPCB Delhi.
2. Shri Praveen Kumar, Regional Officer, Greater Noida, UPPCB
3. Shri Utsav Sharma, Asstt. Env. Engineer, UPPCB, Greater Noida
4. Shri Kisan Singh JE, UPPCB, Greater Noida
5. Ms. Alka Srivastava, SSA, CPCB, Delhi

Earlier CPCB team during December 2014, collected **21 samples of groundwater** of villages namely Sadopur, Sadullapur, Achheja, Dujana, Bisrakh Block, Jalalpur, Chhapraula, Khera Dhramapura and Bishnuli.

## 5. Observations:

The Joint team visited the area and inspected around 48 various types of units running in area of Bisrakh Block, Chhapraula, Acheja, Dujana, Dhoommanikpur, Ranuali, Bisnauli Bheel Akbarpur of Gautam Budh Nagar and collected the relevant information/statutory compliance status. As per records with UPPCB, 09 units are highly water polluting and attempts were made to collect effluent samples from these 09 units. The specific requisite information of 48 units and analysis report of effluent samples of 09 units has been incorporated in Tabular Form **at Annexure-1 and Annexure-2.**

The Overall Salient Observation of the inspecting team are given below;

- The area comes under Tehsil Dadri of Dist Gautam Budh Nagar. The area has mixed land use with dense population and Industries are situated in a scattered way in the notified industrial area of Greater Noida Development Authority.

- There are around 137 units in the area (as per the list submitted in the Hon'ble NGT by R.O.UPPCB, Greater Noida).
- Out of 137 units, 30 are of Red category, 29 are of Orange category and rest 78 are of Green category units.
- Out of 137, total Number of water polluting units are 16, out of which 09 units as per records with UPPCB are highly water polluting whereas 07 water polluting units are very small and quantity of water consumption and discharge is very less. 45 units are Air Polluting units.
- Rest comes under Green Category and which are Non Polluting in Nature (Dry Process of Fabrication, Assembling, Repairing etc.). However majority of the green category/non-polluting units were found to be running without Consent to Operate from UP Pollution Control Board (UPPCB) and even without Consent to Establish.
- 18 industries out of 137 are closed as per records of UPPCB.
- Some of the units named in the Petition, are found non existing.
- Most of the industries are in Small Scale Category.
- The units which are having valid Consent to Operate from UPPCB were found to have adequate Effluent Treatment Plant and Air Pollution Control Devices and were found operational at the time of inspection.
- Area has become densely populated over the years but till date no sewerage/drainages system has been layed down in the area due to which domestic effluent from different villages is seen getting collected in low lying area &

sleeping in to the ground water which might contaminates the Ground water.

- No potable water supply has been provided by the concern civic authorities to meet the drinking water demand, hence entire area is dependent on the individual borewell.
- No Reverse Boring was found in any of the industries inspected.
- Industrial and domestic effluent of the entire area is being discharged through Dasana & Dhoom Dujana drains, which eventually meets Hindon River.

## 6.0 FINDINGS

### Findings of the Joint inspection is as follows:

1. The concentration of BOD, TSS, COD, Fe and Zn are exceeding the limit in some of the units listed at Annexure-1.
2. In the Ground water monitoring of the area following important findings are made: **Details of the sampling location and Results of analysis of groundwater samples (Attached at Annexure-3).**
  - i. All groundwater samples are meeting the desirable range of pH i.e. 6.5-8.5,
  - ii. With respect to total dissolved solids, 06 samples (GW3, GW7, GW8, GW11, GW12 and GW17) collected at village namely Sadullapur, Dujana, Jalalpur) are exceeding the desirable limits and remaining 15 samples are meeting the desirable limits of 500 mg/l.
  - iii. With respect to total alkalinity and hardness, all groundwater samples are exceeding the desirable limits.
  - iv. Chlorides, Sulphate and Fluoride are found within the desirable limits in all groundwater samples except at sample

- location GW8 i.e. Handpump of Shri Jaipal's House Village Dujana.
- v. Calcium is exceeding the desirable limit of 75 mg/l at 08 locations (GW2, GW3, GW8, GW9, GW10, GW11, GW12 and GW17).
  - vi. Nitrate concentration is exceeding at 04 sampling locations (GW2, GW7, GW8 and GW10).
  - vii. With respect to Bacteriological parameters, total coliform and fecal coliform count is found at 05 sampling locations (GW1, GW3, GW4, GW6, GW8 and GW9).
  - viii. Pesticides concentration is not traceable in any of the sample.
  - ix. Cadmium, Arsenic, Chromium and Nickel are below detectable limit in all 21 samples. Lead was found only at one locations i.e. GW17.
  - x. Iron concentration at 12 sampling locations (GW2, GW3, GW4, GW5, GW7, GW9, GW10, GW11, GW14, GW17, GW-19 and GW21) is above the prescribed limits.

## **7.0 Conclusion:**

- i. There are 137 units in the area out of which 30 are of Red category, 29 are of Orange category and rest 78 are falling in Green category.
- ii. All the units which are having valid Consent to Operate from UPPCB were found to have adequate Effluent Treatment Plant and Air Pollution Control Devices and were found operational at the time of inspection.
- iii. Some of the units are not meeting the limits in respect of pH, BOD, COD, TSS, Iron and Zinc, however these are not carcinogenic.
- iv. Presence of coliform bacteria is observed in groundwater samples of Village Sadapur, Sadullapur, Accheja, Dujana and Bisarakh block.
- v. Pesticides are not found in any of the groundwater sample.

- vi. With respect of total alkalinity and hardness, all groundwater samples are exceeding the desirable limits.
- vii. Iron Concentration is above the prescribed limits at Village Sadapur, Sadullapur, Acheja, Dujana, Bisarakh, Jalalpur, Chapraula, Kheda, Bishnuli.

## **8. Recommendations:**

Based on the above observations and findings following recommendations are made:

- i. UPPCB should take appropriate action under the Environment (Protection) Act, 1986 against the units which are operating without Consent
- ii. Units which have installed resin manufacturing (Red Category) process without obtaining Consent to Establish from UPPCB should not be allowed to operate without obtaining requisite permissions from UPPCB.
- iii. Online Monitoring system need to be installed by the water polluting units, listed at S.No. 1,2,3, 7 and 8.
- iv. Proper sewerage system/drainage system need to be developed in the area to avoid seepage / percolation of contaminated water in the Ground water.
- v. Proper potable water system need to be provided by the district administration to avoid illegal boring in the area.
- vi. Proper sewerage system/drainage system need to be developed in the area to avoid seepage/percolation of contaminated water in the Ground water.
- vii. For Godowns and other such Establishments (Marriage Hall, Farm House, Water House etc.) operating in the area the matter may be taken up by District Administration; especially with regard to permissions and No Objection Certificates from different departments for discharging domestic sewage treatment/discharge facility and handling of solid waste generated.

viii. Recommendation for individual units as given in Annexure-1 need to be implemented by UPPCB.”

From the above Joint Inspection Report and Analysis Reports it is clear that part of the case of the applicant is substantiated. The grievance of the applicant is not without basis and people of these villages are being exposed to various environmental and health hazards as a result of the pollutants existing in the hand pump ground water and air pollution. It is not only the duty of the State and Pollution Control Boards but even that of the State Government to ensure decent and clean environment to the people living in that area. The industrial cluster comprising of nearly 137 factories out of which large number have been found to be polluting. The Joint Inspection Team has specifically noticed that there are of 30 red category, 29 of orange category and 78 of green category industries existing in that cluster. In the case of M/s. KRBL Limited, respondent no. 9 though the consent is valid up to 31.12.2015 still their BOD was found to be in excess of the prescribed parameters. The Pollution Control Board has already issued notice and on 29<sup>th</sup> September, 2015. Similarly, M/s. Suchi Paper Mills Ltd. is identically placed to M/s. Kawatra Papers Pvt. Ltd. and M/s. Metenered Ltd. (old name M/s. Gupta Chemical) parameters were found to be discharging their effluents in excess of the prescribed limits. The notices had also been served by the UPPCB to M/s. India Woodlin (P) Ltd. and M/s. Arvi Components Pvt. Ltd. and both

of them have consent valid up to 31<sup>st</sup> December, 2015. But they have carried out expansion of the plant without any NOC and/or valid consent. On 29<sup>th</sup> September, 2015, they were also served with the notices from the Board for violating the conditions of consent order as well as the law. M/s. Indus Tubes Ltd. had filed their replies stating that 95 per cent of the treated effluent is recycled and rest five per cent on land for the purpose of horticulture, irrigation and quenching tank and thus they have become 'zero discharge' unit. As far as the recommendation in the Inspection report dated 09.09.2015 is concerned, where the noticee company was recommended to improve APCS and to increase the capacity of the Chimney and ID Fan for better results. The noticee company have submitted that they have carried out improvement in APCS and have complied with all the terms, conditions and recommendations stated in the report. Even the noticee company have complied the directions issued by the Board and on 30<sup>th</sup> September, 2015, and they have submitted an Audit Report and they prayed that the fresh inspection may be carried out.

11. In view of the above discussion, it is clear that so many industries are operating without consent of the Board. There are industries which are of Red Category and they have also been found in non-compliance of directions issued by the Board. The concerned State Government and the Board are expected to carry out their statutory duties, so as to ensure that the people of these villages are not provided with are not left with no alternative but to

use contaminated water for human consumption. Therefore, we dispose of this application with following directions:

- a. That all the industries which are operating without obtaining the consent of the Board and fall in the Red Category, shall be closed forthwith.
- b. M/s. India Woodlin (P) Ltd. and M/s. Arvi Components Pvt. Ltd. who have expanded their plants and production without consent and discharged their effluents is directed to close their units forthwith.

They would be at liberty to move application for obtaining consent of the Board and permission from all other concerned authorities to carry on their activities. If the industries upon inspection are found complying and non-polluting, then they should be issued the Consent to Operate including extension of the plant with the prior approval of the Tribunal. Rest seven industries mentioned above would be served with the final notice by the UPPCB within two weeks from today and directions would be issued to these units for compliance and requiring them to bring the effluents discharged by them within parameters, particularly, BOD to be within prescribed limits and they would be given a period of four weeks to become compliant and non-polluting industries.

- c. After five weeks they would be inspected by the Joint Inspection Team of the CPCB and UPPCB and if they are found to be compliant and non-polluting, they would be issued

Consent to Operate, subject to the prior approval of the Tribunal. If they are found to be non-compliant and polluting industries and have not carried out the directions of the Board, are to be closed with immediate effect. In the event, the industries which falls in Red Category, will comply with the directions of the Board in the stipulated period and submit reports with the request for Joint Inspection, and if found non-compliant thereafter, they would be subjected to immediate closure without any further delay.

d. In relation to all the industries, we direct the UPPCB to issue appropriate notices, issue directions for compliance to make all these units compliant and non-polluting. It shall also maintain a record of their date of establishment, operation and the period for which they were operating without consent or in violation of the conditions of consent to operate.

e. All the industries falling in any category and which are extracting ground water would be required to obtain permission from the CGWA positively by 31<sup>st</sup> December, 2015. If they fail to obtain such permission and comply with the directions of the Board, the CGWA and the UPPCB shall take action in accordance with law.

f. We direct the CGWA, CPCB and UPPCB to take immediate steps for preventing and controlling the contamination of ground water in all the villages. We would also recommend the State of Uttar Pradesh to take steps that

should be taken, to remove the pollutants from the groundwater and to fix treatment plants along with hand pumps, so that ground water being used for human consumption is free from any contamination.

g. We also make it clear that if the industries fail to comply with the directions, they shall remain closed. All these industries shall be liable to pay environmental compensation for all the period including for the past when they were polluting the environment as and when the report is placed before us for making these industries operational.

12. With the above directions and observations this application is disposed of with no order as to costs.

**Justice Swatanter Kumar**  
**Chairperson**

**Justice M.S. Nambiar**  
**Judicial Member**

**Dr. D. K. Agrawal**  
**Expert Member**

**Mr. B.S. Sajwan**  
**Expert Member**

New Delhi  
10<sup>th</sup> December, 2015