

Item No. 06

Court No. 1

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

(By Video Conferencing)

Original Application No. 1041/2018
(I.A. No. 120/2020)

(With report dated 09.09.2020)

Shailesh Singh

Applicant(s)

Versus

Bajaj Hindustan Sugar Ltd.
(Distillery Division) & Ors.

Respondent(s)

Date of hearing: 24.09.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Respondent(s): Mr. Alok Krishna Aggarwal, Advocate for Bajaj Hindustan Sugar Ltd.
Mr. Raj Kumar, Advocate for CPCB
Mr. Pradeep Misra, Advocate for UPPCB

ORDER

1. The issue for consideration is the remedial action against the pollution by M/s Bajaj Hindustan Sugar Ltd. (distillery division), village – Paliakalan, District Lakhimpur Kheri, Uttar Pradesh.

2. The matter was earlier considered and in light of the report of the CPCB and the State PCB, finding deficiencies in the compliance of environmental norms, further report was sought. Finally, on 24.02.2020, the matter was considered in light of the report dated 02.12.2019, filed by the CPCB to the effect that the unit had yet to comply with the

environmental norms and pay the environmental compensation. The hearing was deferred to today and a further report was sought.

3. Accordingly, the CPCB has filed its report on 09.09.2020 to the effect that the CPCB directions have been substantially complied may be allowed to operate for four months subject to conditions. The recommendations in the report are :-

“It is evident from the results that the unit is generally complying with the CPCB direction dated 01.07.2019. The unit may be directed to comply with the following:

- 1. The unit shall be allowed for an initial period of 04 months during which it shall be carry out adequacy assessment of ZLD system and others as per CPCB direction. Decision on regular operation shall be taken on successful operation ZLD system and associated activities with reference to water audit and mass balance.*
- 2. The unit may be allowed to operate only after obtaining consent under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 from UPPCB.*
- 3. The unit should expedite to install spare/floating bodies at MEE for having continuous working for the system without stoppage during cleaning period in compliance of NSI recommendations.”*

4. However, the applicant has filed I.A. No.120/2020 stating that the unit remained functional, even when it was ordered to be closed, causing massive pollution. The applicant has relied upon photographs and videos taken on 23.02.2020. The applicant has also mentioned that there was public outrage against the pollution of the unit in the year 2003 and there was a news article in the “Times of India” on 25.04.2003 on the subject. It is submitted that the unit is non-compliant and discharging arsenic resulting in damage to the environment. The arsenic and chemicals were affecting the ground water quality and ground water was being extracted illegally.

5. We direct the CPCB to verify the allegations in the I.A. No. 120/2020 filed in this Tribunal on 24.02.2020 and permit the unit to operate for two months to assess the adequacy of Zero Liquid Discharge (ZLD) system. During the inspection, the pollution control devices may be interlocked with the production process to verify the results, as an additional precautionary measure.

Let a further report be furnished before the next date by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

List again on 21.12.2020.

A copy of the I.A. be sent to the CPCB and the unit by e-mail.

A copy of this order be sent to the CPCB by e-mail for compliance.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Nagin Nanda, EM

September 24, 2020
Original Application No. 1041/2018
(I.A. No. 120/2020)
SN