

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

Original Application No. 317/2015

Rashid Ali Warsi Vs. UPSIDC Ltd. & Ors.

CORAM : HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER

Present: Applicant/Appellant(s) :Mr. Nandlal Kumar Mishra, Adv. and Mr. Rashid Ali Warsi in person
Respondent No. 1 : Mr. Rajesh Raina, Adv.
Respondent No.2 & 3 : Mr. Pradeep Mishra, Mr. Daleep Kr. Dhyani, Adv
Respondent No.4 : Ms. Savitri Pandey, Adv
CPCB : Mr. Rajkumar, Adv. with Mr. Nitin Choudhary, LA
UPSIDC : Mr. Ravi P. Mehrotra, Adv. and Mr. Abhinav Malik, Adv.

	Date and Remarks	Orders of the Tribunal
	Item No. 11 February 3, 2016	<p>Joint inspection report submitted by CPCB shows that out of 60 units only 48 are now operational. Out of the 48 industries, only one unit (M/s Ragging Sons) is having no consent. The report also reveals that the unit had already submitted an application for consent. The inspection report shows that the Primary Effluent Treatment Plant (PETP) of the unit is achieving the norms set for various parameters. The only deficiency pointed out is non installation of flow meter at the discharge point. In such circumstances, it is for the UPPCB to decide the application for consent without further delay.</p> <p>The report shows that the Common Effluent Treatment Plant (CETP) is having a capacity of 04 MLD and the CETP is not achieving the prescribed norms for various parameters. Learned counsel appearing for respondent no. 1 and 3, who have to maintain the CETP, submits that an affidavit will be filed.</p> <p>Though opportunity was granted no objection is</p>

so far filed. The respondents are permitted to file the objections, if any, within 7 days. Steps are to be taken to cure the defect noted in the inspection report.

The report further shows that out of the 48 operational units, 4 units namely

1. M/s. M. S. Trading Company, Plot No. E-15, Sec D1 (P), Apparel Park, Tronica City, Loni, Ghaziabad, Uttar Pradesh;
2. M/s. Durgeshwari Garments Private Limited, Plot No. E-13, Sec D1 (P), Apparel Park, Tronica City, Loni, Ghaziabad, Uttar Pradesh;
3. M/s National Industries, Plot No. G-264, Sec D1 (P), Apparel Park, Tronica City, Loni, Ghaziabad, Uttar Pradesh;
4. Nandi Enterprises, Plot No. K-14, Sec D1 (P), Apparel Park, Tronica City, Loni, Ghaziabad, Uttar Pradesh;

are not achieving the norms fixed for the PETP. The learned Counsel appearing for the industries submitted that they are filing affidavit and the defects will be cured. As these units are not achieving the prescribed norms for the PETP, and causing serious pollution the UPPCB is directed to close the said 4 units immediately. The units are permitted to cure the defects and apply to the UPPCB to examine the units. If such an application is filed, a joint inspection is to be carried out by UPPCB and CPCB and the Report will be submitted to the Tribunal.

The Report also shows that the units and this CETP are not maintaining the log books. Each of the industry and the CETP are directed to maintain the log

books. At the time of the joint inspection in respect of the four units, it should also be verified whether the log books are maintained or not.

Joint Inspection Report also shows that the average effluent received at CETP is approximately 2.2 MLD calculated on 24 hourly basis and the CETP is not achieving the prescribed parameters. The Learned Counsel appearing for respondent No. 1 and 3 submits that the chart produced as part of the Joint Inspection Report shows maximum rate of received effluent to CETP as 13.80816 MLD. If the case of the respondent is that the capacity of the CETP is insufficient, it is for them to install CETP of sufficient capacity. Respondent No. 1 & 3 to explain what steps they are taking to achieve the parameters fixed and to augment the capacity of the CETP, by the next date of hearing.

It is also pointed out by the Learned Counsel appearing for the UPPCB that CETP is not having the consent to operate. The respondent No. 1 & 3 to explain how they can be permitted to operate the CETP without the consent from the Pollution Control Board.

List the matter on 24th February, 2016.

.....,JM
(M.S. Nambiar)

.....,JM
(Raghuvendra S. Rathore)

.....,EM
(Prof. A. R. Yousuf)