

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

**M.A. No. 875 of 2014 and M.A. No. 879 of 2014  
In  
Original Application No. 196 of 2014  
And**

**Original Application No. 200 of 2014  
(Civil Writ Petition No. 3727 OF 1985)**

**IN THE MATTER OF:**

**Krishan Kant Singh  
V/s.**

**M/s. Hindustan Cocacola Beverages Pvt. Ltd., Mehdiganj, Rajatalab,  
Varanasi  
And**

**M.C. Mehta V/s. Union of India & Ors.**

**CORAM : 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 PROF. A.R. YOUSUF, EXPERT MEMBER**

**Present Applicant :** Mr. Rahul Choudhary and Ms. Pallavi Talware, Adv.  
**Respondent No.5:** Ms. Savitri Pandey, Adv for State of UP  
**Respondent No. 18:** Mr. Devashish Bharuka, Adv.  
Mr. Raj Kumar, Adv. For CPCB  
Ms. Panchajanya Batra Singh, Adv. For MoEF  
Mr. Mukesh Verma, Adv. For Uttarakhand PCB.  
Mr. B.V. Niren, Adv. And Mr. Ardhendumauli Kumar Prasad, for Water Resource and CGWA  
Mr. Pradeep Misra and Mr. Daleep Kr. Dhyani, Adv.  
Mr. Aviral Saxena and Mr. Abhishek Attrey, Adv.  
Mr. Sanjeev Ralli and Mr. Prem Grover, Adv. With Mr. Dinesh Jindal, LO for GNCTD & DPCC  
Mr. C.D. Singh (AAG) and Vikas Shukla, Adv. For State of Chhattisgarh  
Ms. Yogmaya Agnihotri, Adv.  
Mr. Sudhir Makkar, Adv. in M.A. No. 879 of 2014  
Mr. Anil Grover, AAG of Haryana with Mr. Rahul Khurana, Adv. For State of Haryana  
Mr. Ankur Khandelwal and Ms. Suveni Bhagat, Adv.  
MR. Rudreshwar Singh and Mr. Gopal Jha, Adv.  
Mr. Bhavya Bharti, Adv.  
Mr. Jayesh Gaurav, Adv. For Jharkhand JSPCB  
Mr. Vikas Malhotra and Mr. M.P. Sahay, Adv.

**Present Applicant :** Mr. M.C. Mehta – applicant in person  
**Respondent No. 1 :** Ms. Panchajanya Batra Singh, Mr. Vikas Malhotra and Mr. M.P. Sahay, Adv.  
Mr. Vikas Malhotra and Mr. M.P. Sahay, Adv.  
**Respondent No. 3 :** Mr. Pradeep Mishra and Mr. Daleep Kr. Dhyani, Adv. For UPPCB  
**Respondent No. 5:** Ms. Savitri Pandey, Adv.  
**Respondent No. 18 :** Mr. Devashish Bhaluka with Ms. Anu Tyagi, Adv.  
Mr. B.V. Niren, Adv.  
Mr. Amit Agrawal, Adv. For WBPCB  
Mr. Ishwar Singh, Adv. For MoEF  
Mr. Mukesh Verma, Adv. For Uttarakhand C.P. & PCB

	Date and Remarks	Orders of the Tribunal
	<p><b>Item Nos. 14 &amp;15</b></p> <p><b>January 20, 2015</b></p> <p><b>SN</b></p>	<p><b><u>M.A. No. 875 of 2014</u></b></p> <p>This is an Application filed by M/s Mother Dairy Fruit and Vegetable Pvt. Ltd. at Pilkhuwa</p> <p>Nobody is present on behalf of the Applicant.</p> <p>The Application is dismissed for default of appearance.</p> <p>With the above directions, M.A. No. 875 of 2014 stands disposed of.</p> <p><b><u>M.A. No. 879 of 2014</u></b></p> <p>Learned counsel appearing for Board submits that they would file their Reply within one week from today to this Application. We direct that a joint inspection shall also be conducted by the CPCB. The Joint inspection Team shall consist of representatives of CPCB and UP PCB. The report submitted by the inspecting team should be comprehensive and would deal with all aspects of source of water, utilisation of water, water cess payment, treatment plant, STP, use of DG sets and effluent quality. The Report shall be placed before the Tribunal on the next date of hearing.</p> <p>List this matter on 29<sup>th</sup> January, 2015.</p> <p><b><u>Original Application No. 196 of 2014 &amp; Original Application No. 200 of 2014 (Civil Writ Petition No. 3727 OF 1985)</u></b></p> <p>The Uttar Pradesh Pollution Control Board has filed details of the industries before the Tribunal today. According to this document 15 industries which do not</p>

have effluent treatment plant have been closed. 43 industries which were not having consent and were not achieving the prescribed norms have also been ordered to be closed. 99 other industries were under self closure. Still to an other 134 industries, show cause Notices have been issued and 19 out of them have applied for consent which have been granted by the Board. 109 industries, out of 134 have been ordered to be closed by the Board. In light of this, we direct the Pollution Control Board to file comprehensive and complete details of the 19 industries to whom consent has been granted along with the copies of the inspection report conducted by the Board. We make it clear that the effluent analysis Report of all these industries should be placed before the Tribunal alongwith other details.

All other industries afore-noticed should be closed which are stated to be closed. A surprise inspection will be conducted by the representatives of the CPCB and the UPPCB and it shall be confirmed before the Tribunal as to whether all these closed industries are actually closed and are non-operational for all purposes. The electricity supply and water supply to all these industries shall be directed to be disconnected forthwith.

It is unquestionable that 700 tannery industries in Kanpur which are located on the banks of river Ganga are one of the highest source of pollution river Ganga that to by serious pollutants which are injurious to human health, bio-diversity and ecology of the river. It is stated before us that the CETP established for treating this seriously polluting trade effluent is practically non-functional and is not performing to its optimum capacity. Some units which have installed ETP's in their respective

units are again practically un-operational because of non-availability of electricity and cost factor. This serious environmental issue needs to be resolved whatever be the cause. It is pointed out that the proposal for shifting the entire 700 tannery industries from the bank of river Ganga can be one solution. The other would be making the CETP already in existence fully effective by upgrading its technology and ensuring its optimum performance. Further even additional CETP could be installed while ensuring that no trade effluent discharged by these seriously polluting industries, is permitted to enter into the drain and tributaries of river Ganga. We direct issuance of Notice to the Uttar Pradesh Jal Nigam which is responsible for upkeep and running of CETP installed near the industrial cluster at Jajmau, Kanpur. Managing Director of UP Jal Nigam will be present with complete records before the Tribunal and submit a Report on the following:

1. Whether the CETP is operational 24X7 or not?
2. What is the quality of the treated effluent that is being discharged into the river Ganga?
3. What is the cost that the Nigam has borne for last one year for running the CETP?
4. Whether there is requirement for installation of additional CETP at any location of these cluster?
5. Whether there is electric power supply 24X7, if not, what is the source of power?
6. Whether the Nigam has ever obtained consent of the UPPCB to establish and operate the CETP?

If the answer is in the negative, reasons thereof.

We direct the State Government to place before the Tribunal a concrete proposal as to whether they would

like to upgrade and establish additional CETP, if required to ensure that only the treated effluent as per prescribed standard enter into river Ganga or they would prefer a new industrial cluster pocket for shifting all these industries which will have complete modern technology.

We direct the inspection of this entire industrial cluster by UPPCB, representative of the CPCB, representative of the MoEF and a representative of the National Ganga River Basin Authority to submit a Report to the Tribunal on the next date of hearing as to which is the most effective way of preventing and controlling the pollution of river Ganga at least from this industrial cluster presently. This team shall collect effluent that is being discharged into the River Ganga, analyse the same and submit a Report before the Tribunal on the next date of hearing.

This Committee shall also identify the drains which are around and into which all the 700 tannery units are discharging their effluent and how they are joining river Ganga. The Report will also identify as to whether the entire effluent as a matter of fact is being brought to CETP, if yes, how?

We make it clear that all the tannery industries would be liable to contribute applying Polluter Pays Principle for establishment of such CETP and its maintenance. If any such amount has already been directed to be paid by any court, the details thereof shall be brought before the Tribunal by the State, UP Jal Nigam and UPPCB.

We make it clear in unambiguous terms that if the industry, the Government and the Pollution Control Board and the Nigam do not act with complete sense of

responsibility and take effective steps to prevent and control the pollution of river Ganga in all respect at least from this industrial cluster, we will be compelled to Order complete closure of all the 700 tannery industries operating in Kanpur on the banks of river Ganga.

This is a case which requires performance of all the stake-holders of their duty and obligations. The Government has to be cautious of its constitutional and statutory duty to provide clean environment and wholesome water in river Ganga. The industrial sector (tannery industry) should discharge its corporate social responsibility by discharging treated effluent and cause no pollution. The public authorities should run the CETP and other effluent treatment plants effectively and to their optimum capacity. Then alone there can be resolution of such a serious problem of environmental pollution.

The life of millions cannot be put at stake for carrying on of a commercial activity for a group of individuals. Balance have to be struck and we would not hesitate in striking of that balance between the development and the environment.

List this matter on 29<sup>th</sup> January, 2015.

The Learned Counsel appearing for the Board submits that he would be filing the Report in relation to industries located on River Kali, the main Tributary of river Ganga before the next date of hearing.

All other States would file their respective Reports comprehensive in all respect with the list of the industries before the next date of hearing. We make it clear that from 29<sup>th</sup> January, 2015 this case would be taken on day to day basis.

		.....,CP (Swatanter Kumar)
		.....,JM (M.S. Nambiar)
		.....,EM (Dr. D.K. Agrawal)
		.....,EM (Prof. A.R. Yousuf)

