

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

**Original Application No. 451 of 2016**

**Selaqui International School Vs. Union of India & Ors.**

**CORAM :** HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER  
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER

**Present:**

<b>Applicant:</b>	<b>Ms. Bansuri Swaraj, Mr. Siddhesh Kotwal, Ms. Urvarshi Bandhu, Ms. Shreya Bhatnagar and Ms. Raghunatha Sethypathy, Advs.</b>
<b>Respondent Nos. 1</b>	<b>Mr. Ayush Negi, Adv.</b>
<b>Respondent No.3</b>	<b>Mr. Mukesh Verma and Mr. Bikash Kr. Sinha, Advs.</b>
<b>Respondent No. 4:</b>	<b>Mr. Vinay Garg and Mr. Uday Singh, Advs.</b>
<b>Respondent No. 6:</b>	<b>Mr. Sanjay Upadhyay, Mr. Salik Shafique, Adv.</b>
<b>Respondent Nos. 7,9,10,11,14,15&amp;17:</b>	<b>Mr. Ravinder Kumar, Mr. Sidharth Batra Advs.</b>
<b>Respondent Nos. 12&amp;13:</b>	<b>Mr. Amit Kumar Adv. for Mr. Sidharth Joshi, Adv.</b>
<b>Respondent No. 16:</b>	<b>Mr. Nakul Sachdeva and Ms. Bhavita Modi, Advs.</b>
<b>Respondent Nos. 18</b>	<b>Ms. Prachi Mishra and Mr. Chaitanya and Mr. Pragya Garg, Advs.</b>
<b>CPCB</b>	<b>Mr. Rajkumar, Adv. and Mr. Bhupender, LA</b>
<b>Respondent no.20&amp; 22</b>	<b>Ms. Pragya Ohri, Adv</b>
<b>Respondent no.19</b>	<b>Mr. Prashant Manchanda Adv.</b>

Date and Remarks	Orders of the Tribunal
<p style="text-align: center;"><b>Item No.</b> <b>08</b></p> <p style="text-align: center;"><b>January</b> <b>27, 2017</b></p> <p style="text-align: center;"><b>ss</b></p>	<p>The Learned Counsel appearing on behalf of Respondent No. 18 submits that she has already filed the Reply. Let copy of the Reply be served upon the Learned Counsel appearing for the Applicant. Rejoinder thereto, if any, be filed within three weeks from today.</p> <p>Respondent Nos. 1, 4 and 21 have not filed their Replies. Last opportunity is granted to them to file their replies. Replies be filed within two weeks from today. Rejoinder(s) thereto, if any, be filed within two weeks thereafter.</p> <p>CPCB shall upload the reply on the website in order to enable all the Learned Counsel appearing in this case to receive copy thereof. The uploading should be completed within three days from today.</p>

	<p>Item No. 08</p> <p>January 27, 2017</p> <p>ss</p>	<p>List this matter on 09<sup>th</sup> March, 2017.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,EM (Bikram Singh Sajwan)</p> <p>.....,EM (Ranjan Chatterjee)</p>
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BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 451 OF 2016

IN THE MATTER OF

SELAQUI INTERNATIONAL SCHOOL

APPLICANT

VERSES

UNION OF INDIA & ORS.

RESPONDENTS

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MDOH 09.12.16

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787-A  
Paritosh Kumar

(Paritosh Kumar)  
Scientist 'E'

Central Pollution Control Board  
Parivesh Bhawan, East Arjun Nagar  
Delhi - 110032  
(Mob.9873010853)

NATIONAL GREEN TRIBUNAL  
NEW DELHI  
File No: C 715/2016  
2-12-16  
7

Place : Delhi

Dated : 22<sup>nd</sup> November, 2016

**BEFORE THE NATIONAL GREEN TRIBUNAL**

**PRINCIPAL BENCH, NEW DELHI**

**ORIGINAL APPLICATION NO. 451 OF 2016**

**IN THE MATTER OF**

**SELAQUI INTERNATIONAL SCHOOL**

**APPLICANT**

**VERSES**

**UNION OF INDIA & ORS.**

**RESPONDENTS**

**REPLY AFFIDAVIT ON BEHALF OF THE CENTRAL POLLUTION CONTROL BOARD, PARIVESH BHAWAN, EAST ARJUN NAGAR, DELHI - 110032, RESPONDENT NO.02 IN THE AFORESAID MATTER**

I, Paritosh Kumar, S/o Late Shri C.L.Arnिया, working as Scientist 'E' working in the Central Pollution Control Board (CPCB), Parivesh Bhawan, East Arjun Nagar, Delhi - 110032 do hereby solemnly affirm and declare as under:

2. That I, in the capacity of Scientist 'E' in the Central Pollution Control Board (CPCB), am fully conversant with the facts of the case and competent to swear this affidavit.

**PRELIMINARY**



That this Original Application has been filed by Selaqui International School through its Headmaster Shri Rashid Sharffudin, R/o Chakrata Road, Selaqui, Dehradun, Uttarakhand regarding pollution caused due to release of toxic effluents by the 19 industries operating in Pharmacy, Selaqui, Dehradun. The Applicant School has alleged that these 19 industries are operating in violations of the provisions of the Environment (Protection) Act, 1986, the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 and Rules made thereunder.

4. That the Applicant School has also alleged that due to discharge of toxic effluents and chemical waste from these Industries, the water of stream/water channel has become toxic which ultimately falls in the river Sorna. That the Applicant School has alleged that in addition to the chemical effluents these factories located in Pharma City are also discharging solid waste into the water channel which includes plastic containers and wrappers clogging the said water channel
5. That the Applicant School prayed that Hon'ble Tribunal may direct the CPCB and UEPPCB to conduct inspection of these 19 Pharmaceutical Industries. These Pharmaceutical Industries be stopped operating in violation of the aforesaid Acts and operating without consent under the Water Act and Air Act. The Applicant school also prayed that appropriate directions be issued to these 19 industries to take remedial measures to restore the affected area in and around the Applicant School.

#### **ON MERIT**

6. That this Original Application has been heard by this Hon'ble Tribunal on 24.08.2016 and after hearing the counsel of the Applicant, directed to issue notice to the Respondents. The Central Pollution Control Board has been impleaded as Respondent No.02.
7. That the answering Respondent No.02, the Central Pollution Control Board submits that 19 Pharmaceutical Industries impleaded as Respondent Nos. 05 to 23 and are located in Pharma City, Selaqui, Dehradun, Uttrakhand are in formulation nature. The Uttrakhand Environment Projection & Pollution Control Board (UEPPCB), Respondent No.03 has identified only one bulk drug unit in their State as per list of Status of online effluent and emission monitoring devices forwarded by the UEPPCB, vide letter, dated 01.07.2015. The copy of the letter, dated 01.07.2015 along with list of Status of Industries is enclosed as **ANNEXURE – I**.

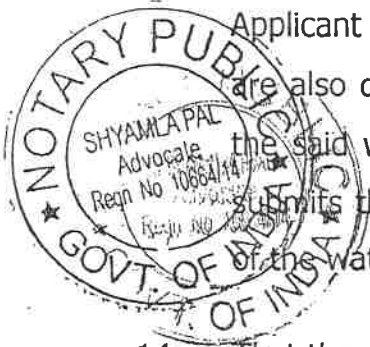


That the answering Respondent No.02, the CPCB submits that the formulation units are technically less polluting than in bulk drug units.

#### **PARAWISE COMMENTS**

9. That the averments contained in paras 01 to 03 relating to the information of the Applicant School need no comments.

10. That the averments contained in paras 04 to 09 relate to the pollution being caused by the 19 industries located in Pharma City, Selaqui, Dehradun, Uttrakhand. These 19 industries are pharmaceutical industries and are operating in violation of the provisions of the Environmental Laws. The discharge of toxic effluents and chemical wastes from these industries, the water of streams/water channel have become toxic which ultimately falls into the river Sorna. In reply to the averments of these paras, the answering Respondent No.02, the CPCB submits that the averments of these paras can appropriately be replied by the Respondent No.01, 03, and 04.
11. That the averments contained in paras 10 & 13 relating to the reference of an Article titled "Heavy Metal Concentrations in Pharmaceutical Effluents of Industrial Area of Dehradun, (Uttrakhand), India" published in the Journal of Environmental and Analytical Toxicology. In reply to the averments of these paras the CPCB submits that these are matter of records, therefore, need no comments.
12. That the averments contained in para 14 relate to the submissions of Applicant School regarding discharge of untreated chemical wastes into the water channel thereby inhalation of such toxic chemical greatly affect the health of the staffs and students of the Applicant School. In reply to the averments of this para the CPCB, the Respondent.No.02 submits that the discharge of untreated chemical wastes into the environment is harmful to the human health and ecosystem. However, the water quality of water channel is not supported by the analysis report.
13. That the averments contained in para 15 relate to the submission of the Applicant School that in addition to the chemical effluents these industries are also discharging solid wastes into the water channel thereby clogging the said water channel. In reply to the averments of this para the CPCB submits that disposal of solid wastes into the water channel clog the flow of the water channel.
14. That the averments contained in paras 16 & 17 relate to the industries, the Respondent No.05 to 23 discharge certain chemicals in the air causing difficulty in breathing. The Applicant School also alleged that number of cases of asthma and other respiratory disorders increased considerably among the students of the Applicant School. In reply to the averments of these paras the CPCB, the Respondent No.02 submits that the Applicant



School not provided the analysis report and reports from hospitals in support of their allegations therefore, need no comments.

15. That the averments contained in paras 18 to 21 relate to the notice, dated 09.06.2009 issued by the Respondent No.04, the State Infrastructure and Industrial Development Corporation of Uttarakhand Ltd. to M/s India Glycol Ltd. regarding impact of toxic waste and discharge from the factory. The averments of these paras can appropriately be replied by the Respondent No.03, the UEPPCB.
16. That the averments contained in paras 22 & 23 relate to the submission of the Applicant School regarding representations and complaints made to various officers in the State of Uttarakhand and no action has been taken against the Respondent industries. In reply to the averments of these paras the CPCB did not receive any complaint pertaining to this matter. Therefore, need no comments. However, averments of these paras can appropriately be replied by the Respondent No.01, 03 and 04, the State of Uttarakhand, UEPPCB and SIIDC of Uttarakhand Ltd. respectively.
17. That the averments contained in paras 24 & 25 relate to the reference of directions issued by the UEPPCB under the Water Act, 1974 and Air Act, 1981 to the two industries. These industries were found not to have any effluent treatment plant installed or operating. No action has been taken against the other Respondent Industries. In reply to the averments of these paras, the CPCB submits that the UEPPCB has empowered to take action by issue closure directions to the industries violating the environmental laws. However, the averments of these paras can appropriately be replied by the Respondent No.03, UEPPCB.

### **GROUND**



17. That the averments contained in para 26 (A to C) of Grounds need no comments.
- That in reply to the averments contained in paras 26 (D to E) of the Grounds, the answering Respondent No.02, the CPCB submits that the UEPPCB, the Respondent No.03 has empowered to close down the industries operating without valid consent/environmental clearance and/or causing environmental pollution.

- 19. That in reply to the averments of para 26 (F to H) of the Grounds, the CPCB submits that it is mandatory for polluting industries to install and properly operate the pollution control devices for prevention of environmental (water/air/noise) pollution from industrial activities.
- 20. That in reply to the averments of para 26 (I to J) of the Grounds, the answering Respondent No.02, the CPCB submits that the installation of adequate pollution control measures is ensured by the concerned State Pollution Control Board before granting consent to operate to the industries. The action is to be taken by the UEPPCB, the Respondent No.03 against the non-complying industries.
- 21. That the averments contained in paras 26 (K to N) of the Grounds need no comments from the answering Respondent No.02, the CPCB. However, the CPCB reiterated as stated in earlier paras.
- 22. That the averments contained in paras 27 to 30 need no comments.
- 23. That in view of the above submissions the Central Pollution Control Board, the answering Respondent No.02 submits for consideration of this Hon'ble Tribunal that appropriate directions may be issued to the Respondents for compliance. OR

Pass any such other order or further orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the present case. The Central Pollution Control Board shall abide by the order or orders passed by this Hon'ble Tribunal.

*Pawan Kumar*  
**DEPONENT**



Verified at Delhi on this 22<sup>nd</sup> day of November, 2016 that contents of the above affidavit are correct to be best of my knowledge and belief and nothing has been concealed therein.

*Pawan Kumar*  
**DEPONENT**

*[Signature]*  
 Identify the Deponent who has Signed  
 Thumb Impression before me.

**ATTESTED**  
*[Signature]*  
 NOTARY PUBLIC DELHI  
 GOVT INDIA



HEAD OFFICE

Uttarakhand Environment Protection  
and Pollution Control Board  
29/20, Nemi Road, Dalanwala, Dehradun (Uttarakhand)



उत्तराखण्ड पर्यावरण संरक्षण एवं प्रदूषण नियंत्रण बोर्ड  
29/20, नेमी रोड, डालनवाला, देहरादून (उत्तराखण्ड)

785

Ref: UEPPCB/HO/Gen-46(RTMS)/2015/

Dehradun,

Date: 01-7-2015

2408-501

SPEED POST

MS  
PCI-I  
7/7/15

CHAIRMAN OFFICE  
C. P. C. B.  
No. 333 To,  
Date 7/7

The Chairman,  
Central Pollution Control Board,  
Parivesh Bhawan, East Arjun Nagar  
Sahadara, Delhi - 110032

4114/MS  
9-7-15

Sub.: Compliance of the directions issued under section-18(1)(b) of the Water (Prevention and Control of Pollution) Act 1974 and under section-31(A) of the Air (Prevention and Control of Pollution) Act 1981- regarding Self Monitoring of Compliance.

Sir,

This has reference to your letter ref. No. B-29016/04/06/PCI-I/1624 dated 29.05.2015 on above subject matter. As desired, please find enclosed herewith status of On-line effluent and emission monitoring devices in prescribed format.

With regards,

Encl.: As above.

Seccda  
Sen

Yours faithfully,

(Vinod Singhal)  
Member Secretary

Copy to:

1. Chairman, UEPPCB, Dehradun for kind information please.
2. Member Secretary, Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Shaḥdara, Delhi - 110032 for kind information please.
3. In-Charge, Zonal Office, Central Pollution Control Board, Picup Bhawan, Ground Floor, Vibhuti Khand, Gomti Nagar, Lucknow - 226010 for kind information please.

Member Secretary

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ANNEXURE-1

Pulp & Paper	: 36
Sugar	: 09
Distilleries	: 04
Pharmaceuticals/Drugs/Pesticides	: 02
Others	: 20
Common HW Incinerator	: 01
Common BMW Incinerator	: 02
CETPs	: 02
<b>Total Directions issued for RTMS</b>	<b>: 76</b>

Status of RTMS (June 30, 2015)

S/N	Name & Address of Industry	Category of Industry / CETP/CH /W/BMWI	Date of Issue of direction by UEPPCB	Whether on line effluent monitoring system provided (Yes/No)	Whether on line emission monitoring system provided (Yes/No)	Whether data submitted to SPCB (Yes/No)	Whether data submitted to CPCB (Yes/No)	If data submitted URL of website	Whether Bank Guarantee provided by Industry (Yes/No)	Name of Vendor / Instrument Supplier / Make	Name of certified agency for instrument (USEPA/TUV/MCERTS / Others)	
1	2	3	4	5	6	7		9	10	11	12	
1	M/S Bahl Paper Mills Limited, 5 <sup>th</sup> Km. Stone, Aliganj Road, Kashipur, Distt. U.S.Nagar Uttarakhand	17-category	14.01.2015	Order placed for RTMS on 06.02.2015	NA	No	--	--	BG of Rs. 4.85 Lacs Submitted	Errand Enterprises, Delhi Xylem	CCAIEPI-EP ETL TUV-ISO	
2	M/S B.R. Papers Pvt. Ltd., Vill-Lalpur, P.O.Kunda, Kashipur, Distt. U.S.Nagar, (Uttarakhand)	17-category	14.01.2015	Order placed for RTMS on 26.03.2015.	NA	No	--	--	BG of Rs. 3.875 submitted.	--	--	
3	M/S Banwari Paper Mills Limited, Ramnagar Road, Kashipur-244713 (Uttarakhand)	17-category	14.01.2015	Order placed for RTMS on 24.03.2015.	NA	No	--	--	BG of Rs. 3.875 Lacs submitted.	Errand Enterprises, Delhi Xylem	CCAIEPI-EP ETL TUV-ISO	
4	M/S Century Pulp & Papers, (Waste Paper Unit) Ghanshyamdham, P.O.-Lalkuan, Distt: Nainital (Uttarakhand)	17-category	14.01.2015	Installed RTMS jointly at final Outlet (As all three units have one common outlet)	NA	No	--	--	BG not submitted.	Errand Enterprises, Delhi Xylem	CCAIEPI-EP ETL TUV-ISO	
5	M/S Century Pulp & Papers, (Board Unit) Ghanshyamdham, P.O.-Lalkuan, Distt: Nainital (Uttarakhand)	17-category	14.01.2015		NA		--					--
6	M/S Century Pulp & Papers,	17-category	14.01.2015		NA		--					--

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	Haridwar (Uttarakhand)											
45.	M/S Uttam Suagr Ltd., Vill Libberheri, Parganra- Manglore Tehsil - Roorkee, Distt. - Haridwar (Uttarakhand)	17-category	14.01.2015	--	--	No	--	--	--	--	--	--
	C. Distillery											
46.	M/S India Glycol Ltd. (Distillery Unit) Bazpur Road, Kashipur, Distt. - US Nagar (Uttarakhand)	17-category	14.01.2015	Camera installed.	Order placed for RTMS.	No	--	--	--	BG of Rs. 86181 submitted.	--	--
47.	M/S Doon Valley Distillers Kuanwala, P.O. - Harrawala, Dehradun (Uttarakhand)	17-category	14.01.2015	Camera installed	--	No	--	--	--	BG of Rs. 10 Lacs (100%) submitted.	--	--
48.	M/S The Bazpur Co-operative Sugar Factory Ltd., (Distillery Unit), Bazpur, Distt. US Nagar (Uttarakhand)	17-category	14.01.2015	--	--	No	--	--	--	--	--	--
49.	M/S RBNS Sugar Ltd. (Distillery Unit), Laksar, Distt. Haridwar (Uttarakhand)	17-category	14.01.2015	--	Order placed for RTMS	No	--	--	--	BG not submitted.	M/S Pioneer Automation & Engineers Delhi Make: DURAG Model: D-R 290,	--
	Pesticides											
50.	M/S Shivalik Rasayan Ltd., Kolphupani, Premnagar, Dehradun (Uttarakhand)	17-category	14.01.2015	Camera installed	--	No	--	--	--	BG of Rs. 25,000.00 submitted.	--	--
	Bulk Drugs											
51.	M/S Indo. Phyto Chemicals Private Limited Kh. No.-118, Kh. No.-118, Shakkanpur, Pirumdera, Ramnagar, Distt. Nainital (Uttarakhand)	17-category	14.01.2015	--	--	No	--	--	--	--	--	--
	OTHERS											
52.	M/S Roquette Riddhi Siddhi Pvt Ltd	Starch	14.01.2015	RTMS	NA	No	--	--	--	BG of Rs. 4.0	Forbes	

Mob: 0972010850

Handwritten signature or initials.