

Item Nos.01

Court No. 1

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

Original Application No. 317/2015

Rashid Ali Warsi

Applicant(s)

Versus

UPSIDC Ltd. Ors.

Respondent(s)

Date of hearing: 04.04.2019

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

For Applicant(s): -

For Respondent (s): Mr. Pradeep Misra, Advocate for UPPCB

ORDER

1. Remedial measures against discharge of untreated effluents by textile units using hazardous chemicals in Loni area, Ghaziabad, Uttar Pradesh is the question for consideration.
2. Vide order dated 13.11.2018, this Tribunal noted that the Common Effluent Treatment Plant (CETP) set up by the Uttar Pradesh State Industrial Development Corporation Ltd (UPSIDC) was not functioning properly. Its management was handed over to Special Purpose Vehicle (SPV), Tronica City Association. The conveyance system was not rectified. BOD and O&G exceeded the prescribed standards. On account of chocking of drainage system, effluents were overflowing into the drain resulting in water logging. Hazardous waste was being stored unscientifically and damage was being

caused to the Jawali irrigation canal meeting Hindon River. Hindon River is tributary of Yamuna, which meets Ganga.

3. Accordingly, this Tribunal on consideration of the inspection report of the Committee, directed remedial measures to be taken by concerned authorities, to be overseen by the Committee appointed by this Tribunal in *O.A No. 231/2014, Doaba Paryavaran Samiti v. State of U.P & Ors* headed by Justice S.U Khan, former Judge of Allahabad High Court.

4. The Oversight/Monitoring Committee has furnished a report by email dated 31.01.2019. The report notes the non-cooperative attitude of the Regional Officer of the UPSIDC as well as the UPPCB. The result is that the hazardous waste continues to be stored unscientifically in closed bags and there is non-compliance of the orders of this Tribunal. BOD is exceeding the prescribed parameters. OCEMS has still to be installed. Conveyance system is not properly maintained which is required to be done by CETP Association/UPSIDC.

5. The Committee has accordingly recommended as follows:

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- i. The UPPCB be directed to ensure compliance of each direction in judgement and order dated 13.11.2018 in its true letter and spirit.
- ii. Appropriate proceedings be drawn against the Managing Director, UPSIDC, Kanpur and the Project Officer, Trans Delhi Signature City (Tronica City), Ghaziabad and they be suitably penalised for waywardness and reckon non-compliance of the

directions in judgement and order dated 13.11.2018 in O.A No. 317 of 2015, *Rashid Ali Warsi v. UPSIDC & Ors.*

iii. The CETP Association, Tronica City, Ghaziabad be directed to ensure time bound compliance.”

6. The report certainly shows insensitivity on the part of the UPSIDC and UPPCB and their apathy to enforce law. Reasons may be collusion or negligence as no other reason has been suggested. Concerned officers of UPPCB and UPSIDC are liable to be proceeded against by way of prosecution, departmental proceedings and recovery of compensation. Vicarious liability extends to heads of the Departments under Sections 25, 26 and 28 of the NGT Act, 2010 and service rules.

7. Before considering further action, we direct the Chief Secretary, Uttar Pradesh to look into the report and complicity of erring officers and take remedial measures including action against the concerned officers for the damage caused to the environment and failure to perform their duties. The Chief Secretary may furnish an action taken report within two months by e-mail ngt.filing@gmail.com within one month.

8. A copy of this order be sent to sent to the Chief Secretary by email.

9. A copy of this order be placed in file of O.A No. 606/2018, Compliance of Municipal Solid Waste Management Rules,2016 so that the matter can be monitored at the time of presence of the Chief Secretary in the said case.

List the matter for further consideration on. 18.07.2019

Adarsh Kumar Goel, CP

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

April 04, 2019
Original Application No. 317/2015
AK

