



केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

By Speed Post

B-190198/WQM-II(RG)/CPCB/Sugar/14/2016-17

Date: 13.05.2020

To,

Member Secretary,
Uttar Pradesh Pollution Control Board
Building No. TC-12v, Vibhuti Khand,
Gomti Nagar, Lucknow-226010

DIRECTIONS UNDER SECTION 18 (1) (b) OF THE WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974

WHEREAS, amongst others, under section 17 of the Water (Prevention and Control of Pollution) Act, 1974, one of the functions of the State Pollution Control Board (SPCB)/Pollution Control Committee (PCC), constituted under the Water (Prevention & Control of Pollution) Act, 1974 is to plan a comprehensive programme for prevention, control and abatement of pollution of streams and wells located in the State /UT and to secure the execution thereof; and

WHEREAS, the Central Government has notified the standards for discharge of environmental pollutants from various categories of industries under the Environment (Protection) Act, 1986 and the rules framed there under; and

WHEREAS, SPCBs/PCCs can stipulate stringent standards than those notified by the Central Government for discharge of environmental pollutants from various categories of industries, under the Environment (Protection) Act, 1986 and Rules framed there under; and

WHEREAS, Hon'ble NGT vide order dated 14.08.2019 in the matter of Adil Ansari Vs. M/s Dhampur Sugar Mills Ltd. And Ors., O.A. No. 539/2019 directed CPCB and SPCB to furnish a joint factual and action taken report *with regard to the four Units (three sugar mills and one distillery unit)* of M/s Dhampur Sugar Mills Ltd..

WHEREAS, the joint inspections of the following three sugar units and one distillery unit were carried out during from 27.11.2019 to 29.11.2019 by teams of officials from CPCB and UPPCB:

1. Dhampur Sugar Mills, Sugar Unit, Asmoli, Sambhal, Moradabad
2. Dhampur Sugar Mills, Sugar Unit, Dhampur, Bijnor
3. Dhampur Sugar Mills, Sugar Unit, Meerganj, Bareilly
4. Dhampur Sugar Mills, Distillery Unit, Dhampur, Bijnor

AND WHEREAS, the joint inspection reports of these units having factual status and action taken by CPCB and UPPCB were filed in Hon'ble NGT on 31.01.2020; and

WHEREAS, Hon'ble NGT vide order dated 04.02.2020 considered the Joint Inspection report filed by the CPCB and directed the following:

1. EC amount cannot be credited to ESCROW account and that unit has to undertake compliance and remediation from its own resources and stated that this direction needs to be revised. Let this be done by Uttar Pradesh State Pollution Control Board.

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, Delhi-110032

दूरभाष/Tel: 43102030 22305702 वेबसाइट/Website: www.cpcb.nic.in

2. Further action be taken promptly by statutory regulators as per law and further action taken report be filed jointly by the CPCB and the State PCB; and

WHEREAS, CPCB vide letter dated 05.03.2020 issued to UPPCB to provide the status of the action taken against the units as per the recommendations of the joint inspection reports and to request CGWA to verify the status of ground water recharge and to calculate Environmental compensation for illegal extraction of ground water.; and

WHEREAS, no response/action taken report received from UPPCB till date; and

WHEREAS, a meeting through video conference was held on 15.04.2020 with officials of UPPCB and CPCB to review the action taken by the SPCB in compliance of Hon'ble NGT order dated 04.02.2020 in the matter of Adil Ansari vs M/s Dhampur Sugar Mills I.td. And Ors., O.A. No. 539/2019 and the following observations were made in the meeting:

1. Regional officers of Bijnor, Moradabad and Bareilly of UPPCB and Divisional Head & other concerned officers of WQM-II Division of CPCB participated in the meeting.
2. Concerned Regional officers of Bijnor, Moradabad & Bareilly of UPPCB conveyed that these units have not been issued any statutory direction/letter till date for implementation of any specific action/measures as recommended in the inspection reports as per Hon'ble NGT order dated 04.02.2020 in O.A No. 539/2019.
3. RO, Bijnor, UPPCB informed that UPPCB has incorporated two conditions in the CTO given to the units namely, M/s Dhampur Sugar mills Ltd. (Sugar unit), Dhampur Bijnor and M/s Dhampur Sugar mills Ltd. (Distillery unit), Dhampur Bijnor for implementation of recommendations of Joint Inspection reports. However, it was made clear that incorporating conditions in CTO cannot be considered as compliance of NGT order.
4. RO, Moradabad, informed that M/s Dhampur Sugar mills Ltd. (Sugar unit), Asmoli, Sambhal has three boilers out of which 2 boilers of 70 TPH and 50 TPH capacity are not working at present. Wet scrubbers on the boilers are also not working which are being replaced by Electro Static Precipitators. As recommended in the inspection report, the unit has already placed an order for Condensate Polishing Unit.

It is evident that UPPCB has neither taken any statutory action against these four industrial units to implement observation and recommendations of the inspection reports and nor informed to CPCB about any such statutory action taken, which are required as per Hon'ble NGT order dated 04.02.2020 in O.A. No. 539/2019 in the matter of Adil Ansari vs M/s Dhampur Sugar Mills Ltd. and Ors.,

NOW, THEREFORE, in view of above observations and in exercise of the powers conferred under section 18(1) (b) of the Water (Prevention and Control of Pollution) Act, 1974, you are hereby directed to promptly take further statutory action in accordance with Hon'ble NGT order dated 04/02/2020 in O.A. No. 539/2019 in the matter of Adil Ansari vs M/s Dhampur Sugar Mills Ltd. and Ors., and further action taken report may be forwarded to CPCB within 15 days of receipt of directions. You are also directed to comply with the following directions;

1. UPPCB shall issue appropriate directions to the four units to ensure compliance of observations/recommendations made in the joint inspection reports filled in NGT in O.A. No. 539/2019 in the matter of Adil Ansari vs M/s Dhampur Sugar Mills Ltd. and Ors.,
2. UPPCB shall issue appropriate direction to M/s Dhampur Sugar Mills, Sugar Unit, Meerganj, Bareilly, to deposit Rs.16,20,000/- toward EC as levied by CPCB vide direction dated 06/11/2019 under section 5 of Environment (Protection) Act, 1986 into UPPCB account open for such fund.

3. UPPCB shall take appropriate legal action for closure and prosecution of M/s Dhampur Sugar mills Ltd. (Sugar unit), Asmoli, Sambhal Moradabad and Dhampur Sugar Mills, Sugar Unit, Meerganj, Bareilly, which were found to be bypassing the effluents into drains.
4. Compensation for withdrawal of ground water without permission will be recovered by these units.

The Action Taken Report by the Uttar Pradesh Pollution Control Board shall be sent to the CPCB before 15th May, 2020 positively for filing in Hon'ble NGT in compliance of Hon'ble NGT order dated 04/02/2020 in O.A no. 539/2019 O.A. No. 539/2019 in the matter of Adil Ansari vs M/s Dhampur Sugar Mills Ltd. and Ors.


(RAVI S. PRASAD)
CHAIRMAN

Copy to:

1. **The Chairman** : for kind information, please
Uttar Pradesh Pollution Control Board
Building No. TC-12v, Vibhuti Khand,
Gomti Nagar, Lucknow-226010
2. **Joint Secretary (CP Division),** : for kind information, please
Ministry of Environment, Forests, & Climate
Change
Indira Paryavaran Bhawan, Jorbagh Road,
New Delhi – 110013
3. **Regional Director** : for follow up and ensuring
Regional Directorate compliance
Central Pollution Control Board,
1st Floor, PICUP Bhawan, Vibhuti Khand,
Gomti Nagar, Lucknow – 226 010
4. **Incharge,** : for uploading on CPCB website
IT Division, CPCB
5. **Guard file/Master file** : for record
WQM, CPCB Delhi


(PRASHANT GARGAVA)
MEMBER SECRETARY