

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

Original Application No. 208 of 2014

In the Matter of :-

Krishan Kant Singh V/s. M/s. Sariya Distillery Sardar Nagar, Gorakhpur

**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, Advs.
Respondent No. 1 : Dr. Yashpal Singh with Ms. Antima Bazar.
Respondent No.5: Ms. Savitri Pandey, Adv for State of UP
Ms. Alpana Poddar, Adv. For CPCB**

	Date and Remarks	Orders of the Tribunal
	Item No. 12 January 19, 2015	<p style="text-align: center;"><u>Original Application No. 208 of 2014</u></p> <p>This is an Application filed on behalf on M/s. Saraiya Distillery, Sardar Nagar, Gorakhpur. This is a distillery industry which is undoubtedly a polluting industry. They claim to be a no discharge unit. It may be noticed that this unit has 23 acres of its own land for Bio-composting and a lagoon of 78,000 cubic metres. It may be noticed that this unit has not been found to be complying with the environmental law now for a considerable time. But despite this, both air and water consent under the Air (Prevention and Control of Pollution) Act, 1981 and Water (Prevention and Control of Pollution) Act, 1974 have been granted to this unit on one excuse or the other, just as noticed on certain basic facts appearing on the records before us. On 10th February, 2014, notice was issued by the U.P. Pollution Control Board under section 33(A) of the Water (Prevention and Control of Pollution Act), 1974 mentioning five directions</p>

including the following :-

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1. Operate the reverse osmosis plant in a proper manner for purification of spent wash in the industry.
 2. Operate the closed bio gas digester of the industry at full capacity.
 3. Make arrangements for pressmud according to the capacity for making bio compost by mixing RO rejected spent was with pressmud.
 4. Do not dispose of spent was RO rejected ferment wash/polluted effluent in viocy drain.
 5. Ensure strict compliance of the provisions of the Charter of Central Pollution Control Board in the industry.

Therefore, you are requested to comply with the above instructions and inform the Board of the action taken, failing which the office will be forced to take action under Sec. 33A of the Water (Prevention & Pollution Control) Act, 1974

These directions apparently were not carried out”, which resulted in issuance of another notice by the Pollution Control Board on 26th, May 2014. Besides reiterating that the directions contained in the letter dated 10th February, 2014 had not been complied with, it also mentioned more defects for compliance. More specifically, it was noticed:-

- “1. It is found during inspection that the effluent discharge was polluted. After analysis of the sample collected on 3.4.14, quantity of the followings are found more than the prescribed

		<p>standards of the Board – BOD 384 mg/liter, suspended matter 608 mg, COD 1240 mg/liter, oil and grease – mg/litre.</p> <p>2. Instructions issued on 10.2.14 are not complied with. Kindly take note that non-compliance of the instruction of the Board is punishable under the provisions of the Water Act.</p> <p>3. You do not have proper arrangements of purification of the effluent discharge and you do not dispose it of according to the standards prescribed by the Board. You also have not announced any time bound program for water pollution control and dispose of effluent according to the standards prescribed by the Board.</p> <p>4. You also have not deposited the prescribed charges. The complete disinvestment of your industry, according to regional office/balance sheet/consent application form is Initial/renewal charges for this are Kindly refer to the last page of the consent application form. Consent charges payable by you is Rs. for Year, against which you have paid only Rs..... Remaining charges of Rs. are yet to be paid which may be paid at the earliest.</p> <p>5. You have not furnished the desired information under clause 22(A) of the Consent Application Form. Hence, your application form is incomplete.</p> <p>6. You have not disclosed the measured quantity of daily water consumption and effluent discharge. You have also not submitted analysis reports of specimen of effluent before and after of collection analysed by a recognized laboratory.</p>
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7. You have not forwarded the layout of polluted effluent of different sources of industry, purification plant and flow sheet of final disposal point.

8. You have also not supplied audited balance sheet of the industry to ensure liability of consent charges, nor have you sent a certificate of chartered accountant detailing out the entire disinvestment (fixed capital +/- existing capital – existing liability) for the years 2008-2013.

9. You are disposing of effluent always by violating the provisions of the Water Act; hence, in case of constant violation of the provisions of the Water Act, this office will be forced to take legal action against you without issuing any further notice in this regard and the proceedings against you shall be initiated at your cost and liability.

10. You are hereby directed to submit design and detailed layout of effluent purification plant and a time bound program of setting up effluent purification plant so that discharge of effluent from you industry may be controlled according to the prescribed standards of the board. You are also directed to set up the complete purification plant by (date) and submit a progress report every month. If you fail to comply with the above directions, this office will be forced to take legal action under the provisions of Water Act, 1974 and Environment Protection Act, 1986.

In view of the above, you cannot be granted consent for disposal of polluted effluent in the public interest. Therefore, your application for consent is rejected and the following instructions are issued for

compliance :-

1. Ensure complete compliance of the provisions of the Charter of C.P.C.B.
2. Do not dispose of spent wash/R O rejected ferment wash/polluted effluent in viocy drain.
3. Operate the closed bio gas digester of the industry at full capacity.
4. Operate the reverse osmosis plant in a proper manner for purification of spent wash in the industry.
5. Ensure compliance of the instructions issued by the Board vide its letter dated 10.02.14.

You are also directed to comply with the provisions of the Water Act and make sure that river water, well water is not polluted directly or indirectly.”

After this, the Learned Counsel appearing for the Applicant claims to have complied with the terms, it moved an Application for consent on 19th June, 2014. The board was very kind to this industry and did not withdraw the consent, despite persisting default. However, it permitted the distillery unit to carry on its activity. The Unit applied for the renewal of the consent on 19th June, 2014 again without complying with any direction that was stated in the letter and the consent was not granted and renewed at that time. However, the unit probably appears to have carried on its operation. Not only this, unit was inspected by the team of Board on 20th December, 2014 and in the inspection report, it was observed that the discharge was being directly made into the Viocy drain via industrial drain which meets Farry nala which ultimately meets river Ganga. Discharge of

effluent from the industry thus continued against the consent condition of zero effluent discharge. It was also stated that the analysis report shows polluted effluent being discharged into Viocy drain and thus imparting pollution load in the drain. Various other defects were also noticed in this report.

The board still persisted with its kindness and even till today the industry is operating without the consent. In any case, even according to the Board the consent has expired on 21st December, 2014. In the circumstances, above noticed, unit does not have any consent as of today and it is a seriously polluting unit. Thus we direct its closure forthwith. The unit will not be permitted to carry on its activity. Once the unit complies with all the conditions and becomes complying and non-polluting unit, it will apply to the Board which then shall conduct the joint inspection along with Central Pollution Control Board and before granting and/or renewing the consent, the inspection report shall be taken into consideration. The inspecting team will collect air and water samples, analyse them and shall give its specific report as to how the unit is performing as a zero discharge unit and what are other anti-pollution devices functioning and their achievement levels at the time of inspection. The unit may be permitted to operate to its optimum capacity to really examine the impact of tis activity upon the environment.

If, after such report, consent is granted, then the applicant can approach to the Tribunal for recommencing its operation in accordance with law. With the above directions, Original Application No. 208 of 2014 is finally disposed of while leaving the parties to their own cost.

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