

Item No. 03

**BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONE BENCH, BHOPAL
(Through Video Conferencing)**

Original Application No. 18/2021 (CZ)

Manish Sharma & Anr.

Applicant(s)

Versus

State of Madhya Pradesh & Ors.

Respondent(s)

Date of hearing: **05.01.2022**

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant (s) : Mr. Prabhat Yadav, Adv.
For Respondent(s) : Mr. Sachin k. Verma, Adv.
Ms. Parul Bhadoria, Adv.
Mr. Anurag Mahashwari, Adv.
Mr. Amitesh Martin, Adv.

ORDER

1. Heard learned counsel for the parties and peruse the record.
2. The issue of discharge of chemical polluted water into the Local River and agricultural land of the local habitants villagers by respondent no. 7 and 8 has been raised in this application.
3. The respondent no. 7 and 8 runs the sugar mills situated in surrounding of Gadarwara District Narsinghpur, M.P. The waste material and untreated water of the sugar mills has been mixed with the local river and the said river fulfilling the water supply of the agricultural field of the local villagers through the ponds and environmental caused into the villagers due to the illegal waste of said mills, the said mills produced the sugar in huge quantity and the sugar mills of respondent no. 7 & 8 is emitting fly ash into the air. The fly ash is affecting the health of the people living in the vicinity of the sugar mill besides damaging crops. The sugar mills of respondents no. 7 & 8 is not

upgraded its anti-pollution measures and do not follow the guidelines set by the respondents for disposal of waste material of the sugar plant. Due to these illegalities of the respondent no. 7 and 8 where have the animals drink the said chemical water, it caused their death unnaturally and also affected the environment and pollution into the entire surrounding of Gadarwara and agriculture field of the local villagers who used the said river water for their cultivation work, further caused the health problem of the villagers due to the odour of sugar mill.

4. The matter was taken up by this Tribunal on 24.05.2021 and the committee was constituted in the following terms :-

“9. We deem it just and proper to call a report on the matter in issue in present application, from a Joint Committee consisting of:-

- i. Collector Narsinghpur, District Narsinghpur (M.P.)*
- ii. Chief Municipal Officer, Nagar Palika Gadarwara Narsinghpur District Narsinghpur (M.P.)*
- iii. Madhya Pradesh Pollution Control Board.*

10. The Committee is directed to visit the place and submit the factual and action taken report within six weeks. The State PCB will be the nodal agency for coordination and logistic support.

11. The report in the matter be filed by the Committee by email at ngtczbbho-mp@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

5. In compliance of the order, the joint committee has submitted the report which is as follows :-

“Brief of Sugar Mills/ Ethanol Plant :-

There are two sugar mills namely M/s Shakti Sugar Mill Pvt. Ltd. Village-Kodia Tehsil- Gadarwada Dist-Narsinghpur & M/s Narmada Sugar Pvt. Ltd. along with Ethanol Plant located at same premises at Village-Podar, Salichuka Tehsil-Gadarwada Dist-Narsinghpur situated in Tehsil Gadarwada District-Narsinghpur. The sugar mills are a seasonal industry which is generally

operated from November to March depending on availability of Sugar Cane and Ethanol plant (distillery) operates throughout the year. Details of Sugar Mills/ Ethanol Plant are as follows:-

I. SHAKTI SUGAR MILL PVT. LTD.

Village-Kodia Tehsil-Gadarwada Dist-Narsinghpur :-

The Sugar Mill had started production in the year 2010. The Board has granted consent for the following product and production capacity

Product	Productions Capacity/ Year
Moasses	5000.000 M.T.
Sugar	10000.000 M.T.
Note :- Plant Capacity 1250 TCD (Sugar Cane Crushing Capacity per day)	

Breakup of waste water generation from the plant is as follows:-

Sr. No.	Particulars	Quantity of waste water in KLD
1	Excess hot condensate water	349 (261 KLD water is recycled in the plant for 30 TPH boiler from a ventuary scrubber, cooling tower) remaining 88 KLD waste water is generated which is goes to in the ETP.
2	Blow Down of cooling towers, Reject of D.M. Plant, Blow- Down of Boiler, Boiling house spary pond over flow, evaporators soda boiling washing, domestic waste etc.	67 KLD
Total		155 KLD

The industry has installed Effluent Treatment Plant (ETP) based on activated sludge process and storage lagoon of capacity of approx 6000M³ for storage of treated effluent. The treated effluent is being used for irrigation by surrounding farmers and for spray on press mud.

Air Pollution and its Control Measures: - The Industry has installed two boilers with 30 TPH & 7.5 TPH which is attached with 34 meter height of stack. Baggase is used as a fuel in the boilers. The industry has installed ventuary scrubber for the control of air pollution in each boilers.

Solid Waste Management: - The Press mud is generated as solid waste which is converted in manure in the plant premises & Baggas is used as a fuel.

2-A NARMADA SUGAR MILL PVT. LTD.

Village-Podar Salichuka Tehsil-Gadarwada Dist_Narsinghpur :-

The Sugar Mill had started production in the year 2006. The Board has granted consent for the following product mainly:-

Product	Productions Capacity/ Year
Moasses	33750 M.T.
Sugar	71250 M.T.
Electricity by co-generation	30 MWH
Note :- Plant Capacity 4500 TCD (Sugar Cane Crushing Capacity per day)	

The Sugar Mill has also generated the electricity by co-generation capacity 30 MW.

The waste water generation from sugar plant is approx 995 KLD. The unit has recycled the waste water approx 700 KLD through condensate polishing unit (CPU) which was installed at January-2021. Approx 300 KLD waste water is generated which is going to the ETP. The Industry has installed Effluent Treatment Plant (ETP) 500 KLD based on activated sludge process. Storage lagoon 15 days capacity for storage of treated effluent is provided.

Air Pollution and its Control Measures - The Industry has installed two boilers which is 150 TPH boiler attached with 78 meter height of stack & 25 TPH Incineration boiler attached with 70 meter height of stack. Baggase is use as a fuel in the boilers. The Industry has installed ESP for the control of air pollution in the boiler.

Solid Waste Management :- The Press mud is generated as a solid waste which is given to nearby farmers & Baggas is used as a fuel.

2- (B) NARMADA SUGAR MILL PVT. LTD (ETHANOL PLANT) LTD.

Village -Podar Salichuka Tehsil- Gardarwada Dist-Narsinghpur :-

The Plant is located at the site of Narmada Sugar Mill Pvt. Ltd in the same premises. The Plant has started production in year 2019. The Board has granted consent for the following product and production capacity.

Product	Productions Capacity
<i>Molasses Based Fuel Ethanol Plant</i>	<i>60 KLD</i>

The Waste water generated from the plant is about 600 KLD which is concentrate by Multi Effect Evaporators (MEE). To reduce the effluent quantity up to 160 KLD.

Concentrate spent wash is used as a fuel along with baggas in incineration boiler to maintained zero discharge.

The industry uses treated effluent of Sugar mill when its operational, the condensate polishing unit (CPU) is being used in the plant.

During the inspection Stack & Ambient Air Quality monitoring has been conducted by the Regional laboratory M.P. Pollution Control Board Jabalpur. Results are found within norms. Copy of Monitoring reports is attached.

During the inspection water quality monitoring is also conducted in following points:-

- 1- Storage of seepage water accumulated at Kacchha Pond.*
- 2- At the confluence point of river Umar and Bagah Nala.*

Report of water quality is attached.

FIELD OBSERVATIONS:-

1- Shakti Sugar Mill Pvt. Ltd :-

- During inspection the industry was not in operation due to non availability of sugar cane.*
- ETP was found empty but some quantity of sludge was found in storage lagoon.*
- Sufficient land is not available in plant premises for utilization of treated effluent.*
- Some quantity of press mud is also placed in plant premises. During rainy season there is possibility of water pollution in nearby drain.*
- A small drain is found near ETP area which joins ledi river (local river) after travelling a distance of approximately 7 Kilometer. There is possibility of discharge of effluent into drain.*
- The plantation & housekeeping is found poor.*

2-(A) Narmada Sugar Mill Pvt. Ltd.: -

- *During inspection the industry was not in operation due to non availability of sugar cane.*
- *There is a drain which meets Bagah Nala which finally joins river Umar after travelling approx 10 kilo meter near Dhanora Village. Time to time complaints have been received regarding discharge of effluent outside the Factory premises. During inspection in the month of January 2021 the discharge of effluent was found in the Umar River through bagah nala.*
- *During inspection on 07.07.2021 the discharge of effluent was not found in drain. Natural water was found flowing in the drain. The bagah Nala before mixing Umar River was also found almost dry. Water was filled in pockets.*
- *ETP was found empty but some quantity of sludge was found in storage lagoon.*
- *Sufficient land is not available in plant premises for utilization of treated effluent.*
- *The plantation & housekeeping is found poor.*

2-(B) Narmada Sugar Mill Pvt. Ltd (Ethanol Plant):-

- *During inspection the plant is found operational. MEE was also found operational.*
- *The Industry has constructed 2 settling tanks above the ground and a holding lagoon at the ground level, holding lagoon of spent wash is found almost full (approx 6 to 9 inch is found vacant). During inspection it is found that some quantity of effluent was overflowing into the nearby area. During rainy season there are chances of overflow of the effluent outside the premises.*
- *During inspection it is found that there is leakage of effluent in back of ethanol plant in Kacchha pond. The Unit has pumped the effluent into the lagoon for treatment. There is a possibility of discharge of effluent along with rain water.*
- *The free board of storage lagoon was not maintained 25 % vacant to reduce the possibility of over flow of the effluent.*

- *The Environmental clearance has been granted by the MOEF for establishing 60 KLD ethanol Plant on 11th January 2019. As per EC conditions the industry has to develop green belt at least 33% of total project area. During inspection, it was found that the industry has not developed the green belt around the factory premises.*
- *The Housekeeping is found poor.*

ACTION TAKEN BY MPPCB:-

1- Shakli Sugar Mill Pvt. Ltd: -

- *A Court Case No. 952/2011 dated 07.07.2011 has been filed against the industry in the Court of First Class Magistrate Gadarwara due to non compliance of consent conditions of Under Section 21, 37 & 39 of Air (Prevention & Control of Pollution) Act 1981 & Under Section 25, 44 & 45A of Water (Prevention & Control of Pollution) Act, 1974 which is pending before the Court of Law.*
- *A Court Case No. 1103/2013 dated 01/10/2013 has been filed against the industry in the Court of First Class Magistrate Gadarwara due to non compliance of consent conditions of Under Section 21, 37 & 39 of Air (Prevention & Control of Pollution) Act, 1981 & Under Section 25, 44 & 45A of Water (Prevention & Control of Pollution) Act, 1974 which is dispose off.*
- *A Court case No. 297/2016 dated 18.02.2016 has been filed against the industry in the court of First class Magistrate Gadarwara due to non compliance of consent conditions of Under Section 21, 37 & 39 of Air (prevention & control of Pollution) Act 1981 & Under Section 25,44 & 45A of water (Prevention & Control of Pollution) Act 1974 which is dispose off.*

2. Narmada Sugar Mill Pvt. Ltd.

- *A Court Case No. 953/2011 dated 07.07.2011 has been filed against the industry in the court of First class Magistrate Gadarwara due to non compliance of consent conditions of Under Section 21, 37 & 39 of Air (prevention & control of Pollution) Act 1981 & Under Section 25, 44 & 45A of water (Prevention & Control of Pollution) Act 1974, which is pending before the Court of Law.*

- A Court Case No. 296/2016 dated 18/02/2016 has been filed against the industry in the court of First class Magistrate Gadarwara due to non compliance of consent conditions of Under Section 21, 37 & 39 of Air (prevention & control of Pollution) Act 1981 & Under Section 25, 44 & 45A of water (Prevention & Control of Pollution) Act 1974 which is dispose off.
- The Environmental Compensation (EC) of Rupees. 6.75 Lack has been imposed for discharging effluent between 19.01.2021 to 06.02.2021 outside the factory premises. Copy of HO letter No. 1036 dated 08.07.2021 is enclosed.
- Notice has been issued for non compliance of consent condition mainly storage of spent wash in kachha lagoon and not maintain at least 25 % free board in holding tank of the ethanol plant.

Photographs taken during the inspection is recorded in GPS Camera which is enclosed.

RECOMMENDATIONS:-

1- Shakti Sugar Mill Pvt. Ltd: -

- The industry shall purchase sufficient land for the use of treated effluent.
- The Industry shall installed bag filter in the boiler for the control air pollution.
- At least 25 % of land should be converted into the green belt.
- Internal road should be make pakka
- Housekeeping of industry should be improved
- The industry shall maintain zero discharge condition

2-(A) Narmada Sugar Mill Pvt. Ltd: -

- The Industry has to purchase sufficient land for the use of treated effluent
- The size of storage lagoon for sugar mill treated effluent shall be increased to store at least 2 month of the effluent to maintain the zero discharge conditions.
- At least 33% of land should be converted into the green belt, internal road should be made pakka.

- *Housekeeping of industry should be improved*
- *The Industry shall maintain zero discharge condition.*

2(B)- Narmada Sugar Mill Pvt. Ltd (Ethanol Plant) -

- *The size of storage lagoon for spent wash shall be increased to maintain free board of 25% lagoon vacant.*
- *The leakage of effluent in back side of ethanol plant in Kacchha pond. The unit has pumped the effluent into the lagoon for treatment. There is a possibility of discharge of effluent along with rain water which shall be stopped immediately.*
- *At least 33% of land should be converted into the green belt as per EC conditions.*
- *Housekeeping of industry should be improved.*
- *The industry shall maintain zero discharge condition.”*

6. After submission of the report the Madhya Pradesh Pollution Control Board was directed to submit the action taken report. In compliance thereof, the State Pollution Control Board has submitted Action Taken Report as follows :-

“Following Action has been taken in this regards:-

Narmada Sugar Mill Pvt. Ltd :-

- *A court Case No. 516/2021 dated 27.08.2021 has been filed against the industry in the court of First-class Magistrate Gadarwara due to non compliance of consent conditions of Under Section 43 & 44 of Water (Prevention & control of Pollution) Act, 1974 which is pending before the Court of Law.*
- *The Hon'ble National Green Tribunal (NGT), Principal Bench in the matter of OA No. 593/2017 (WP (CIVIL) No. 375 of 2012, Paryavaran Suraksha Samiti & Anr. vs. Union of India & ors. directed Central Pollution Control Board (CPCB) that:*

"The CPCB may take penal action for failure, if any, against those accountable for setting up and maintaining STPs, CETPs and ETPs. CPCB may also assess and recover compensation for damage to the environment and said fund may be kept in a separate

account and utilized in terms of an action plan for protection of the environment. Such action plan may be prepared by the CPCB within three months"

- *That in correspondence with the order of Hon'ble National Green Tribunal (NGT), Principal Bench in the matter of OA No. 593/2017, CPCB issued Guidelines for calculation of Environmental Compensation (EC) to be calculated and imposed in correspondence of environmental damage caused by the industry/ individual.*
- *The Environmental Compensation (EC) for discharging effluent between 19.01.2021 to 06.02.2021 outside the factory premises accordingly, the environmental compensation for 18 days has been computed by the committee constituted for the computation the environmental compensation in its meeting dated 30.06.2021 in accordance with the guidelines issued by Central Pollution Control Board and amount of compensation of Rs. 6.75 lack has been imposed for violation of consent conditions."*

7. Respondent no. 1 has submitted the reply containing the action taken by the State Pollution Control Board and argued that action has already been taken by the State Pollution Control Board and matter does not survive.
8. The matter was again taken up by this Tribunal on 23.11.2021 and State Pollution Control Board was directed to submit a report with regard to the parameter and functioning of the STP. In compliance thereof the State Pollution Control Board has submitted the report as follows:-

“Shakti Sugar Mill Pvt. Ltd. Village-Kodia Tehsil-Gadarwada Dist-Narsinghpur :-

The Sugar Mill had started production in the year 2010. The Board has granted consent for the following product and production capacity.

Product	Productions Capacity/ Year
<i>Molasses</i>	<i>5000.000 M.T.</i>
<i>Sugar</i>	<i>10000.000 M.T.</i>
<i>Note :- Plant Capacity 1250 TCD (Sugar Cane Crushing Capacity per day)</i>	

Breakup of waste water generation from the plant is as follows:-

Sr. No.	Particulars	Quantity of waste water in KLD
1	Excess hot condensate water	349 (261 KLD water is recycled in the plant for 30 TPH boiler from a venturi scrubber, cooling tower) remaining 88 KLD waste water is generated which is goes to in the ETP.
2	Blow Down of cooling towers, Reject of D.M. Plant, Blow- Down of Boiler, Boiling house spray pond over flow, evaporators soda boiling washing, domestic waste etc.	67 KLD
Total		155 KLD

The industry has installed Effluent Treatment Plant (ETP) based on activated sludge process and storage lagoon of capacity of approx 6000M³ for storage of treated effluent. The treated effluent is being used for irrigation by surrounding farmers and for spray on press mud.

Air Pollution and its Control Measures: - The Industry has installed two boilers with 30 TPH & 7.5 TPH and is attached with 34 meter height of stack. Bagasse is used as a fuel in the boilers. The industry has installed venturi scrubber for the control of air pollution in each boilers.

Solid Waste Management: - The Press mud is generated as solid waste which is converted in manure in the plant premises & Bagasse is used as a fuel.

Field Observations:-

- During inspection the industry was found operational with full capacity.
- ETP was found operational and Treated water is being used surrounding agriculture land and plantation.
- Presently, storage lagoon (capacity 6000M³) is found empty where excess treated water will be stored.
- Sufficient land is not available in plant premises for utilization of treated effluent but project proponent has

made an agreement with the nearby farmers. During inspection treated water is used for irrigation in surrounding agriculture land. The industry has made agreement with nearby farmers for around 9 acres for the utilization of treated effluent.

- This plant is fall in catchment of ledi river (local river) during the visit no discharge is found in ledi river and river was found fully dry at village lalwani.
- As per instruction given by Board about 300 trees is planted during this monsoon season in the Premises.
- Board has conducted Stack monitoring were result was found within prescribed standards.
- Treated water quality monitoring is also done during the inspection result was found within norms for irrigation purpose.

Monitoring Report (Stack & Treated water) is enclosed.

2(a) Narmada Sugar Mill Pvt. Ltd. Village-Podar Salichuka Tehsil-Gadarwada Dist-Narsinghpur :-

The Sugar Mill had started production in the year 2006. The Board has granted consent for the following product mainly:-

Product	Productions Capacity/ Year
Moasses	33750 M.T.
Sugar	71250 M.T.
Electricity by co-generation	30 MWH
Note :- Plant Capacity 4500 TCD (Sugar Cane Crushing Capacity per day)	

The Sugar Mill has also generated the electricity by co-generation capacity 30 MW.

The waste water generation from sugar plant is approx 995 KLD. The unit has recycled the waste water approx 700 KLD through condensate polishing unit (CPU) which was installed at January- 2021. Approx 300 KLD waste water is generated which is going to the ETP. The Industry has installed Effluent Treatment Plant (ETP) 500 KLD based on activated sludge process. Storage lagoon 15 days capacity for storage of treated effluent is provided.

Air Pollution and its Control Measures - The Industry has installed two boilers which is 150 TPH boiler attached with 78 meter height of stack & 25 TPH Incineration boiler attached with 70 meter height of stack. Baggase is use as a fuel in the boilers. The Industry has installed ESP for the control of air pollution in the boiler.

Solid Waste Management :- The Press mud is generated as a solid waste which is given to nearby farmers & Baggas is used as a fuel.

Field Observations:-

- During inspection the industry was found operational with full capacity.
- ETP was found operational and Treated water is being stored in lagoon. The said lagoon was found with HDPE lining.
- During inspection, old PCC lagoon (15 days holding tank) was found filled with effluent.
- The industry has provided condensate polishing unit (CPU) for treatment of condensate water and treated water is recycled in ethanol plant for fermentation.
- There is a drain that meets with Bagah Nala which finally joins River Umar after travelling approx 10 kilometers near Dhanora Village. During inspection, no industrial effluent discharged was found in Bagah Nala.
- Board has conducted Stack monitoring where result was found within prescribed standards.
- During the inspection of Treated Water Quality Monitoring, results were found to be within the prescribed irrigation purpose norms.
- Presently domestic effluent is treated and disposed through septic tank and soak pit. Industry has proposed to install STP of 30 KLD but no progress is found during the inspection.

Monitoring Report (Stack & Treated water) is enclosed.

Improvement done in this crushing season (2021-22) as per instructions:-

- *As per instruction given by the Board, the industry has purchased about 9 acres of land recently.*
- *The industry has constructed two lagoons which are lined with HDPE and one lagoon is found under constructions combined with capacity of 03 lagoons about 1 Lakh KL. The Industry has used separate lagoons for treated and untreated water.*
- *The industry has informed that the treated effluent will be recycled in ethanol plant for fermentation during the off season.*
- *PP has made agreement with nearby farmers for around 29 acres of land for utilization of treated effluent. At present, 7 acres of land is available for the utilization of the treated effluent.*
- *As per instruction given by Board about 600 trees is planted during this monsoon season in the premises and 7 acres land is also available for irrigation purpose.*

2- (B) NARMADA SUGAR MILL PVT. LTD (ETHANOL PLANT) LTD. VILLAGE - PODAR SALICHUKA TEHSIL-GADARWADA DIST-NARSINGHPUR :-

The Plant is located at the site of Narmada Sugar Mill Pvt. Ltd in the same premises. The Plant has started production in year 2019. The Board has granted consent for the following product and production capacity

Product	Productions Capacity
<i>Molasses Based Fuel Ethanol Plant</i>	<i>60 KLD</i>

The Waste water generated from the plant is about 600 KLD which is concentrate by Multi Effect Evaporators (MEE). To reduce the effluent quantity up to 160 KLD concentrate spent wash is used as a fuel along with baggas in incineration boiler to maintained zero discharge.

Field Observations:-

- *During inspection the plant was found close due to maintenance.*
- *The Industry has constructed 2 settling tanks above the ground and a holding lagoon at the ground level, holding lagoon of spent wash is found almost full (approx 6 to 9 inch is found vacant).*
- *The free board of storage lagoon was not maintained 25% vacant to reduce the possibility of over flow of the effluent.*
- *The Environmental clearance has been granted by the MOEF for establishing 60 KLD ethanol Plant on 11th January 2019. As per EC conditions the industry has to develop green belt of at least 33% of total project area. During inspection, it was found that the industry has developed the green belt in some parts of the factory premises and around 7 acres of land is reserved for agriculture purposes.”*

9. Learned counsel for the applicant has submitted that there are still violation of environmental norms by respondent no. 8 and in response thereof the learned counsel for the respondent no. 8 has argued that the environmental compensation which has been assessed by the State Pollution Control Board has been complied with and as per report and action taken by the joint committee no violation has been found. The current status report submitted by the State Pollution Control Board reveals that there is no violation at the time of inspection and it has been clarified that during inspection the plant was found closed due to maintenance and industry has constructed two settling tanks above the ground and a holding lagoon at the ground level, holding lagoon of spent wash which is found to be full. It has further been reported that the industry has developed the green belt in some part of the factory premises and around 7 acre of land is reserved for agriculture purposes.
10. In light of the above facts, presently, no violation has been reported by the State Pollution Control Board. The applicant has argued that he can file an affidavit with regard to the violation of the environmental norms. The applicant may move an application before the State Pollution Control Board and after

examining the factual position the State Pollution Control Board has to take necessary legal action according to law. Since, as per report submitted by the State Pollution Control Board, no violation as on today has been reported, thus, no further action is required by this Tribunal.

The Original Application No. 18/2021 stands disposed of accordingly.

Sheo Kumar Singh, JM

Arun Kumar Verma, EM

05th January, 2022
O.A. No. 18/2021(CZ)
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