

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

Writ Petition (C) No. 418 of 1998@@
CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC

Imtiaz Ahmed ...Petitioner

Versus

Union of India & Ors. ..Respondents

O R D E R~@@
CCCCCCCC

1. M/s. Insilco, carrying on the silica industry filed an affidavit in this Court indicating that the company has taken all precautionary measures and safeguards and has complied with the recommendations of the Central Pollution Control Board (CPCB). On the basis of the said affidavit the CPCB was requested to inspect the premises of the company and pursuant to that direction, the premises of the company had been inspected on 6th July, 2000. The Additional Director, CPCB, Shri Ansari had submitted a report indicating how Insilco has not been complying with all the recommendations. On behalf of the company an objection had been filed to the aforesaid report of the CPCB. In view of the objections filed, the Court directed that the report of the CPCB should be re-examined by an independent agency and accordingly NEERI was requested to examine the report of the CPCB and inspect ..2/-

the premises of Insilco and give its independent response on the datas which had been furnished by the CPCB. The NEERI pursuant to the aforesaid direction submitted a report indicating therein that Insilco has been complying with the norms and standards.

2. To the aforesaid report a response of the CPCB has been filed indicating some minor infractions. But having considered the report of NEERI as well as the subsequent response of the CPCB, we are of the considered opinion that the Insilco has complied with the required norms and measures in accordance with the recommendations of the CPCB. We, therefore, dispose of this petition by permitting the Insilco to continue with its industry on the premises in question.

3. The CPCB had submitted a report after inspection of several industries located in Gajraula with several remarks thereon. The aforesaid remarks are quoted herein below:

"1. Gajraula has been declared as industrial

estate because of its location on the State highway and also having direct/linkage through ...3/-

-3-

rail. Though it has potential for future industrial development, the same needs to be regulated, so that receiving air and water quality is maintained, as desired.

2. All the industries have their effluent treatment plants and air pollution control devices installed or are meeting stack height regulation, but there is a possibility that the industries may discharge untreated wastewater in odd hours, for which interlocking of effluent treatment plant operation with the process operation is necessary.

3. During festival days and mass-congregation at Kuchla Ghat on the Ganga, upstream of which Mahova river/Bagad river joins the Ganga, the local administration of Moradabad is imposing ban on industries to dispose their effluents into Bagad. Under these circumstances, the industry should have controlled discharge after treatment of effluents in a manner to be decided by the ...4/-

-4-

State Pollution Control Board. Since the groundwater table in the area is very high, the industry should take precautions for storage of their treated effluents in lined storage tanks only.

4. The largest wastewater generating unit in the area is M/s Vam Organics and Chemicals Ltd. who has developed storage capacities for holding of treated effluents from distilleries through construction of lined-storage lagoons to store the effluents for ten months. The effluent is stored for evaporating and for regulated discharge only during rainy season. The industry should also ensure that the water quality of the Ganga, after meeting with Mahova/Bagad river, should not be below BATHING quality, i.e. Class B (according to the classification done for the surface water quality). They should also maintain records for quantity of treated effluent water discharge and wastewater balance. No discharge should take place without the prior ...5/-

-5-

knowledge/permission/consent from the State Pollution Control Board and the local administration. The U.P. State Pollution Control Board should also monitor the groundwater quality in and around the lagoons for early detection of any seepage to cover groundwater pollution at the expenses of the industry. In case of compensation if provided the industry

should be responsible for remedification of ground water quality.

5. The UP State Industrial Development Corporation, agency responsible for the development of area, or Industries Association should draw an environmental management plan after conducting Environmental Impact Assessment for the group of industries. Till such time the Environmental Management Plan is made, neither any new large and medium polluting unit should be allowed to come up nor expansion of the existing unit be allowed by the concerned department."

...6/-

-6-

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J

4. Having regard to the industries located in Gajraula and the possible impact of the effluents discharged by the said industries, we also direct that the recommendations given by the CPCB, as aforesaid, should be considered as a part of the order of the Court and all the industries including Insilco should abide by the aforesaid recommendations. The U.P. State Pollution Control Board should take effective measures for necessary inspection in terms of the order contained in para 3(1) to 3(5) above. The U.P. Pollution Industrial Development Corporation should draw an environmental management plan in accordance with the aforesaid order and it is further directed that no new large or medium polluting unit should be allowed to come up or the existing unit should be allowed any expansion by the appropriate authority with the State of U.P.

5. The Writ Petition stands disposed of accordingly.

.SP1

.....J@@
BBBBBBBBBBBBBBBBBBBBBBBB
(G.B. PATTANAİK)@@
BBBBBBBBBBBBBBBBBBBB

New Delhi;
February 28, 2002

.....J@@
BBBBBBBBBBBBBBBBBBBBBBBB
(S.N. PHUKAN)@@
BBBBBBBBBBBBBBBBBBBB

.PA
.PL65
ITEM No.1

Court No. 3

SECTION PIL
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(Civil) No.418/1998

IMTIAZ AHMED

Petitioner (s)

VERSUS

(With Appln(s). for directions)
(With Office Report)
[In R/O: Insilco Pvt. Ltd. and Shree Acids & Chemicals Ltd.]

Date : 28/02/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAİK
HON'BLE MR. JUSTICE S.N. PHUKAN

For Petitioner (s)

Petitioner-In-Person

For Respondent (s)

For CPCB

Mr. Vijay Panjwani,Adv.

Mrs Manik Karanjawala,Adv.

For UP PCB

Mr. Pradeep Misra,Adv.

Mr. T. Mahipal, Adv.

Forr INSILCO

Mr. Raju Ramachandran, Sr. Adv.

Mr. Pramod Dayal,Adv.

Ms. Lipika Sharma, Adv.

Mr. R.N. Keshwani,Adv.

Mr. R.N. Poddar, Adv.

Mr. BV Balram Das, Adv.

Mr. P. Parmeswaran,Adv.

UPON hearing counsel the Court made the following

O R D E R

.....L.....I.....J

Heard the Mr. Ramachandran, Sr. Adv., Mr. Panjwani and other learned counsel for the parties for about 10 minutes.

The writ petition stands disposed of in terms of the signed order.

(J.S. Rawat)
Court Master

(Suneet Bala Sharma)
Court Master

(Signed order is placed on the file)