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

Original Application No. 486 of 2014

(M.A. No. 800 of 2014)

In the matter of:

1. Gauri Maulekhi
   D-4, Chandralok, Rajpur Road,
   Dehradun- 248001
   Uttrakhand

……. Applicant

Versus

1. Union of India
   Through the Secretary
   Ministry of Environment, Forest & Climate Change
   Indira Paryavaran Bhawan,
   Jor Bag Road
   New Delhi- 110003

2. State of Uttrakhand
   Through its Chief Minister
   Uttrakhand Secretariat
   Subhash Road,
   Dehradun- 248001
   Uttrakhand

3. Principal Chief Conservator of Forest, Uttrakhand
   Forest Headquaters, Dilaram
   Rajpur Road,
   Dehradun- 248001
   Uttrakhand

4. Uttrakhand Pollution Control Board
   Through its Member Secretary
   29/20, Nemi Road
   Dehradun- 248001
   Uttrakhand

5. Central Pollution Control Board
   Through its Member Secretary
   Parivesh Bhawan

East Arjun Nagar
New Delhi- 110032

6. M/s Century Pulp and Paper
Through its Managing Director
Ghanshyam Dham
P.O. Lalkuan
District Nainital
Uttrakhand

Also at
610-61, DLF Tower-B
Jasola District Centre
New Delhi- 110025

……Respondents

Counsel for appellant:
Mr. Rahul Choudhary, Advocate for Applicant

Counsel for Respondents:
Mr. Vikas Malhotra and Mr. M.P. Sahay, Advs.
for respondent nos. 1
Mr. Rahul Verma, AAG Adv. for respondent nos. 2 & 3.
Mr. Mukesh Verma Adv. for respondent no. 4
Mr. Rajkumar Adv. with Mr. S.L. Gundli, L.O.
for respondent no. 5
Mr. Pinaki Misra, Sr. Adv. along with Mr. Ranjana Roy Gawai, Mr. Salim A. Inamdar, Ms. Sonakshi Awassthi and Mr. Surya Kapoor Advocates for respondent no. 6

Present:
Hon'ble Mr. Justice Swatanter Kumar (Chairperson)
Hon'ble Mr. Justice U.D. Salvi (Judicial Member)
Hon'ble Dr. D.K. Agrawal (Expert Member)
Hon'ble Prof. A.R. Yousuf (Expert Member)
Hon'ble Mr. Ranjan Chatterjee (Expert Member)

JUDGMENT

Per U.D. Salvi J.(Judicial Member)

Reserved on: 7th September, 2015

Pronounced on: 4th May, 2016

1. The applicant, resident of Dehradun, Uttarakhand, an environmental activist and Member Secretary of organisation

"People for Animals for Uttrakhand" has filed the present application against the respondent-authorities nos. 1 to 5 and the respondent no. 6- M/s Century Pulp and Paper Ltd., herein after referred to as 'paper industry' for:

(a) Injunction restraining the respondent no. 6- paper industry from discharging harmful toxic effluents without any treatment and disposing wastes in forest and other revenue areas;

(b) Directions to the respondent-authorities to assess the damage caused by the said paper industry on account of the pollution caused due to illegal disposal of effluent and waste;

(c) Directions to the respondent no. 6- paper industry to clean and restore the area and ground water and pay damage to the affected persons and

(d) Imposition of fine and penalty on respondent no. 6-paper industry for polluting the environment.

2. Briefly, the applicant's case is as under:

(i) According to the applicant, respondent no. 6 company, established a paper mill in the year 1984 at the present site i.e. on the foot hill of Himalayas at Lalkuan in District Nainital and started production of paper, board and writing material. 'No Objection Certificate' (for short NOC) vide letter dated 27th September, 1994 was issued by Uttar Pradesh Pollution Control Board (for short UPPCB) in favour of respondent no. 6- Paper Industry to establish

paper production industrial activity having production capacity of 38,000 tons per year of writing paper, 31,200 tons per year of Rayon grade pulp and 180 tons per day of Vegas based writing printing paper subject to due compliance of Special/General conditions stipulated therein. The NOC was provided for industrial effluent outflow of 39,812 KLD per day.

(ii) According to the applicant, huge flow of untreated toxic effluent is flushed out of the plant from its eastern side into the local stream which has been a source of drinking water and irrigation for the villagers nearby, and unauthorised disposal of solid hazardous waste is being dumped on the open ground and in pits, thereby causing pollution in the environment, namely, water, stream, forest and agricultural fields.

(iii) The applicant placed reliance on the specific study titled "Seasonal variations in different physic-chemical parameters of the effluents of Century Pulp and Paper Mill, Lal Kuan, Uttrakhand" by Piyush Malaviya and V.S. Rathore published in Journal of Environmental Biology, April, 2007 to reinforce her case. The applicant also referred to the various inspection reports of the State Pollution Control Board giving analysis of the air and water samples collected from the respondent no. 6- paper industry between 2005 and 2012.

(iv) Quoting a specific instance of dumping of white ash by the respondent no. 6- paper industry in the pits of Pal Stone Crusher at about 5:30pm on 24th August, 2013, the applicant submitted that she filed a complaint with the local police station against the said act for taking appropriate action as per the complaint annexed as annexure- A-7 to the application. The applicant also submitted that the compliant under Indian Forest Act dated 26th August, 2013 was for an act of the respondent no. 6- paper industry dumping waste resulting in drying up of the trees vide complaint dated 26th August, 2013 being annexure A-8.

(v) The applicant further submitted that despite several newspaper reports regarding disposal of the Hazardous waste in the open, the authorities failed to take any steps to stop pollution caused by the respondent no. 6- paper industry and the respondent no. 6- paper industry continued to indulge in such acts of disposing of the waste and discharging effluents as aforesaid.

(vi) According to the applicant, local Nala/stream flows along several human habitats and joins Gola River which ultimately flows into Ram Ganga-a tributary of river Ganga; and the release of toxic chemical waste as aforesaid has given rise to various ailments namely, jaundice, TB and cancer amongst the people living around

or in the vicinity of the polluted stream, particularly, Ghora Nalah region of Rajiv Nagar.

3. Notice of this application was issued to respondents, namely, respondent no. 1-Minstry of Environment and Forest (full form MoEF), respondent no. 2- State of Uttrakhand, respondent no. 3- Principal Chief Secretary of Forest, Uttrakhand, respondent no. 4- Uttrakhand Environment Protection and Pollution Control Board (for short UKEPPCB), respondent no. 5- Central Pollution Control Board (for short CPCB) and respondent no. 6- M/s Century Pulp and Paper Ltd. Service of notice was waived on behalf of the respondent nos. 1 to 5. In due course respondent no. 6 was also served with notice of the application. However, only respondent nos. 4, 5 and 6 filed their response.

4. Respondent no. 4 UKEPPCB resisted the application with the affidavit dated 27th January, 2015 (page 117). Respondent no. 4- Board made reference to the Joint Inspection conducted by the team of CPCB and its officers and issuance of directions to the respondent no. 6- paper industry to stop its manufacturing operations till compliance of the pollution control measures vide letter dated 8th December, 2011. According to the respondent no. 4- Board, the respondent no. 6- paper industry had taken all measures for implementation of Charter for Water Recycling and Pollution Prevention in Pulp and Paper Industries of Ganga River Basin as per guidelines of CPCB and had in place full fledged effluent

treatment plant treating the effluent with primary, secondary and tertiary systems. According to the respondent no. 4-Board the respondent no. 6- paper industry was and is being monitored from time to time and action was taken if the effluent did not achieve the norms as prescribed; and the pollution level of the industry cannot be decided on colour of the effluent only. Respondent no. 4-Board further made reference to ground water survey conducted by Central Pulp and Paper Research Institute at different locations near the industry and submitted that results of the report indicated that the quality of the ground water was as per norms.

5. The respondent no. 5- CPCB responded with the affidavit dated 6th January, 2015 (page 96). The respondent no. 5-CPCB submitted that its role in the matter was limited to coordinate the activities of the State Pollution Control Boards and to provide technical assistance and guidelines to State Pollution Control Board; and the State Pollution Control Board i.e. respondent no. 4 UKEPPCB as per the delegation of powers assigned under Water (Prevention and Control) Act 1981, and Air (Prevention and Control) Act, 1974 is authorised to grant consent to establish/operate to the industrial units within its jurisdiction and as such, regular monitoring of industrial units did not come in its mandate; and CPCB conducts inspection of industrial units in connection with R & D Projects/Studies undertaken, based on any specific reference regarding pollution issues and under Environmental Surveillance Squad

(ESS) Programme, and develops standards and guidelines for various sectors of industrial units. Respondent no. 5-CPCB reveals in its affidavit that based on inspection under ESS Programme it had given directions to the respondent no. 6- paper industry on 12th July, 2011, 8th December, 2011 and 1st March, 2012 under Section 5 of the Environment (Protection) Act, 1986 in order to seek compliance with the prescribed discharge standards. It further revealed that based on inspection conducted on 26th June, 2014 for compliance verification it asked respondent no. 6- paper industry vide letter dated 26th November, 2014 to comply with further pollution control measures and give compliance report within 90 days. According to respondent no. 5- CPCB the respondent no. 6- paper industry, which is large wood, agro and waste paper based paper mill having three different units producing Rayon Grade Pulp (2610MT/Month), writing and printing paper (7050 MT/Month using Bagasse paper), writing and printing paper (3104 MT/Month using wood); unit no. 2 producing tissue paper (3000 MT/Month using waste paper based) and writing and printing paper (7500 MT/Month using waste paper); and unit no. 3 producing Multilayer packaging board (15000 MT/Month using wood) upgraded their ETPs. Respondent no. 5-CPCB further revealed that it had evolved standards and guidelines for paper industry and UKEPPCB is fully empowered to initiate appropriate action against respondent no. 6- paper industry to resolve the problem of air

and water pollution referred to by the applicant. As regards the observations made during inspection conducted on 26th June, 2014 of the three separate ETPs of respondent no. 6- paper industry, the respondent no. 5- CPCB revealed that the ETP no. 1 and 3 were found non-compliant with respect to BOD, COD, pH and TSS discharge norms (unit no. 1 non-compliant as regards BOD, COD and TSS norms and unit no. 3 non-complied in respect of pH and TSS norms). Pertinently, it revealed that there was no discharge from ETP of unit no. 2 and entire treated effluent was being recycled; and the treated effluent from ETP unit nos. 1 and 3 was being discharged into Ghoda Nallah which meets River Gola after travelling 16Kms and flows onwards to meet Kicha River and ultimately River Ram Ganga. Respondent no. 5- CPCB further revealed that as per the conditions stipulated in Consolidated Consent to Operate and Authorization, no hazardous waste (dry hazardous sludge) was to be disposed of on land, drain or stream and was required to be sold to registered Recycler/ Reprocessors and stored till then in double lined HDPE pit constructed with RCC.

6. Respondent no. 6- paper industry countered the case of the applicant with the affidavit dated 16th February, 2015 (page 240). Referring to Section 14 of the National Green Tribunal Act, 2010. Respondent no. 6- paper industry raised the preliminary objections with respect to the maintainability of the application as having been filed beyond the limitation

period provided in the said provision. Respondent no. 6- paper industry also invoked the *Doctrine of Res Judicata* with reference to closure of the case lodged by the applicant vide FIR dated 25th August, 2013 at Lal Kuan police station, District Nainital-vide order dated 19th July, 2014 at annexure R-1 to the reply. Respondent no. 6- paper industry asserted that it had adopted the complete scheme for treatment of effluent and for water conservation. Respondent no. 6- paper industry, further revealed that it has efficient effluent treatment plant capable of giving primary, secondary and tertiary treatment to the effluent generated and discharged from the industry and the efficacy of the treatment given was being strictly monitored with the aid of well equipped environmental laboratories. Respondent no. 6- paper industry further referred to grant of Environmental Clearance dated 21st March, 2011 by the MoEF & CC for expansion of the existing unit as well as to consents to establish and consent to operate granted by the UKEPPCB from time to time. Respondent no. 6- paper industry questioned the authenticity of the photographs as well as Study referred to by the applicant in her application. It dismissed the allegations regarding toxicity of effluents as well as its potential to cause ailments like TB, jaundice etc. According to the respondent no. 6- paper industry the hazardous waste was being stored in scientific manner and not disposed of in open as alleged; and the solid waste was/is being used for board manufacturing.

Generally, the respondent no. 6- paper industry denied the allegations regarding pollution of the environment caused by it.

7. Having noticed the fact that the paper and pulp industry is a highly polluting industry and the industry was ordered to be closed in the year 2011 and found to be in default as regards the running of three ETP vide inspection report dated 26th June, 2014 and the photographs produced by the applicant for showing disposal of waste in the pits created by M/s Pal stone crusher, Halduchera and the grant/renewal of consent to operate by the Pollution Control Board on 23rd April, 2014 and 18th June, 2014 without supporting inspection report, we ordered the joint inspection of the industry by the team consisting of representative of MoEF, CPCB, UKEPPCB and nominee of IIT Rorkee as follows:

> *1) The unit shall be inspected by the Joint Inspection Team consisting of representatives of MoEF, CPCB and Uttarakhad Pollution Control Board and the Professor nominated from IIT, Roorki. The inspecting team shall submit a report to the Tribunal positively before the next date of hearing.*
> *2) The report shall deal with all aspects of the activity of this industry and its various units, performance of ETPs, the elements of pollution, where the effluents are being discharged, what is the source of water, quantity of water utilized and quantity of effluent discharged.*
> *3) In addition thereto it shall be recorded in the report, if necessary after inspection of the records of the PCB and the industry, as to when the first application for obtaining consent of the Board was moved and when the consent to establish and to operate were granted . If the unit was established post 1974 Act, it shall also be reported as to when the Application moved for renewal /grant to consent to operate and when such consent was granted. The*

inspection reports on the basis of which such consent was granted shall be annexed to the report.

4) It shall be specifically mentioned if the consent was granted when conducting physical inspection of the unit and analysis of the effluents or otherwise.

5) When did the industry established the ETP for the first time. The periods when they were found to be under/non-performing and their present status.

6) Inspection team shall collect a trade effluent of the industry from the premises and at the point of discharge where it meets at the point of released of effluent in River Gola. The analyse report of the water, trade effluents and the ambient air quality shall be submitted to the Tribunal on the next date of hearing. The samples from stack as well as ambient air quality would be collected.

7) At the time of inspection the unit shall perform to its optimum capacity and that will be ensured by the inspecting team. It is not necessary for the inspecting tram to give advance notice to the industry.

8) We direct the industry to operate to its optimum capacity atleast for the coming two weeks and fully cooperate with the inspecting team for compliance of the direction of this Tribunal.

9) The inspecting team shall also records it is in with regard to disposal of the solid waste by the industry and places where such solid waste is being dumped, its impact and even likely impact on the ground quality and ground water quality. Samples may also be collected from those sites.

Joint inspection of the paper industry was conducted and its report dated 21st April, 2015 was duly placed on record.

8. Controversy thus raised warrants answers to the following points:

1. Whether the application is barred by limitation and is not maintainable in law?
2. Whether the respondent no. 6- paper industry contributed to the environmental pollution in any manner whatsoever?
3. Whether the respondent no. 6- paper industry is liable to pay compensation? And if yes what is the quantum of compensation?

4. Whether remedial measures are warranted and if yes what are the remedial measures?

5. What order?

Point No. 1

9. Learned Counsel appearing on behalf of the applicant submitted that the present application is for relief under Section 15 of the NGT Act, 2010 and not under Section 14 of the said Act as contended by the respondent no. 6- paper industry and the cause of action vis-a-vis the present application first arose when she noticed the dumping of the fly ash from the paper mill in the pit of the Pal Stone Crusher on 24th August, 2013. As a sequel to it the applicant submitted that she made further enquiry, collected material and filed the present application within the period prescribed under section 15 of the NGT Act, 2010.

10. Plea of limitation, it appears has been raised by the respondent no. 6- paper industry with reference to the Section 14 of the NGT Act, 2010. Plain reading of the application and the relief sought by the applicant clearly reveals that the applicant is espousing the cause of victims of pollution and seeking relief of compensation and restoration of environment as envisaged under Section 15 of the NGT Act, 2010. Evidently, the cause of action vis-a-vis the applicant first arose when she came across the dumping of the fly ash as referred to in the application. The application reveals, without commenting on its merits, the fact of release of dark brown,

toxic stinking water, in the Nala carrying the effluent from respondent no. 6- paper industry. The application also reveals that the applicant collected the material including the Study paper "Seasonal variations in different physic-chemical parameters of the effluents of Century Pulp and Paper Mill, Lal Kuan, Uttrakhand" showing failure of the respondent no. 6 unit in managing its effluent. All these facts revealed in the application cumulatively depict a picture of pollution caused by the respondent no. 6- paper industry and the people in the locality or in the vicinity of the said stream falling victim to it. We are therefore, of the considered opinion that the present application which has been filed on 19th November, 2014 is preferred within the period of five years of accrual of cause of action as aforesaid as prescribed under Section 15 of the NGT Act, 2010.

11. As regards invocation of *Doctrine of Res Judicata* on the basis of the closure of the criminal case lodged upon the complaint of the applicant little needs to be observed in as much as the issues before us were not heard and finally decided in the said criminal proceedings. Point no. 1 is therefore, answered negatively.

Point Nos. 2 & 3

12. Exhaustive inquiry on the material aspects in the present case at the hands of joint inspection team comprising of representative of MoEF, CPCB, UKEPPCB and nominee of IIT

Roukee was initiated by us vide order dated 27th February, 2015. Joint Inspection Report dated 9th March, 2015 reveals:

> *"As per the records available, the Unit applied for grant consent for discharge of trade effluent/ domestic effluent on 01.08.1984 and consent was granted on 20.12.1984 under Water Act, 1974 by Uttar Pradesh Pollution Control Board (UPPCB). The Unit applied for consent under Air Act, 1981 which was received to UPPCB on 30.08.1984 and the UPPCB granted consent to the Unit on 22.12.1984 under Air Act, 1981. The above said consents are annexed at Annexure-1.*
> *Subsequently, the unit applied for the expansion of their production capacity vide letter dated 13.07.1994 to the Uttar Pradesh Pollution Control Board (UPPCB). UPPCB accorded NOC for the expansion of the Unit vide letter dated 27.09.1994.*
> *The details on consent to establish, product and present consented capacities are as follows:*

S.No	***Product***	***Date*** *(consent to establish)*	***Present Consented Capacity/Month***
Unit-1 (Agro-based)			
1	*Rayon Grade Pulp*	*27.09.1994 (expansion)*	*2610MT*
2	*Writing & Printing (Bagasse based)*	*27.09.1994 (expansion)*	*7050MT*
3	*Writing & Printing (Wood based)*	*27.09.1994 (expansion)*	*3104MT*
Unit -2 (waste paper based)			
4	*Tissue Paper*	*09.04.2009 (expansion)*	*3000MT*
5	*Writing Printing paper*	*31.01.2008*	*7500MT*
Unit-3 (Multilayer Packaging Board)			
6	*Multi layer Packaging Board*	*07.07.2011*	*1500MT*
7	*ODL Pulp*	*07.07.2011*	*13500MT*

> *The consent to establish dated 27.09.1994 (for expansion), 09.04.2009 (for expansion), 07.07.2011 and the consent to operate (Renewal) is enclosed at Annexure-2.*
> *The Unit has obtained Consent to Operate (Renewal) on 23.04.2014 for Unit- 1&2 and on 18.06.2014 for Unit-3 from Uttarakhand Environment Protection and Pollution Control Board (UEPPCB) under Water Act, 1974 and Air Act, 1981 and Hazardous Water Rules, 2008 for a period from 1.04.2014 to 31.03.2015."*

It, therefore, appears that the respondent no.6- Paper industry carried out manufacturing activity with consent to operate

both under Air Act and Water Act since August and December, 1984. However, the respondent no.6-paper industry continued to remain under obligation not to release/discharge the untreated effluents or the treated effluents not exceeding the prescribed parameters for air and water quality standards under law.

13. The Joint Inspection Report further recorded that on the day of the inspection- 9th March, 2015 fresh water consumption was about 31394m^3 by the industry for production of 992.01MT and the unit was found discharging treated effluent @ 27160m^3 per day into local drain. The report further noted functioning of three separate ETPs for all three units respectively. The Joint inspection team found that the treated effluent was being discharged into Paha/Ghora Nallah which finally meets Gola River. Analysis of grab samples of Gola River water at Pulbhatta, Kicha Udham Singh Nagar gave following results:

Parameters	**CPCB**	**UEPPCB**
pH	7.32	7.41
BOD	23.0	20.0
COD	143	Not analyzed
TSS	92	--
D.O	Not analyzed	1.2
TDS	--	762
E Conductivity,µmohs/cm	--	1120
All the parameters are in mg/l except ph.		

Thus the Joint Inspection Team observed that the Gola River water quality showed significant pollution levels at Pullbhatta and suggested a detailed study of the river to be carried out to

identify the pollution source other than the respondent no. 6-paper industry so as to take requisite mitigative measures.

14. Joint inspection team at the end of its report at para 10 recorded the following conclusion:

10.0 Conclusions:

During the visit, it was observed that Century Pulp & Paper Mills had a poor record of pollution control in the past, but since 2011 onwards industry has taken necessary measures to upgrade ETPs, and utilization of sludge etc.. The overall comments regarding different aspects of pollutions are as follows:

- ***Air Pollution:***
  For air pollution control, electrostatic precipitators (ESPs) were installed or made functional, ambient air and stack monitoring data also corroborate the fact. The stack emission monitoring result for particulate matter (PM) shows compliance with the prescribed emission norms. The mill had signed MoU/contracts for supplying Ash to Jaypee and Shree Cement mills. For further reducing dust in the ash storage yard, traffic related dust it would be advisable to install sprinkler system for dust suppression and for the safety of workers. Industry can utilize the treated effluent for sprinkling, road washing for further suppression of traffic related dust.
- ***Solid Waste Management:***
  Regarding Solid Waste Management, the mill has installed state-of the art disk thickener and screw press type for dewatering of ETPs sludge. The dewatered sludge is further utilized in making boards and low quality paper. Lime Kiln to take care of Lime Mud was operational and found satisfactory.
- ***Hazardous Waste Management:***
  Used oil is the only hazardous waste generated in industry. It is utilized as fuel along with furnace oil in lime kiln.
- ***Water Pollution:***
  The overall ETPs performance and comments are as follows:
  - *The unit daily freshwater consumption of Unit is about 31,098 m^3/day from the bore wells. The unit has provided freshwater storage tanks and from their freshwater is transported to different units through pipelines. It shows*

that water consumption is around 31.6 m^3/tone of paper produced.

- *The industry had taken necessary measures for wastewater related pollution control. Three ETPs were installed and all of them were found functional. The unit has three ETPs namely, ETP-1, 2 and 3 for the treatment of effluent generated from unit- 1, 2 and 3 respectively.*
- *The ETP-1, ETP-2 and ETP-3 treated effluent shows compliance with the prescribed effluent discharge norms except BOD & TSS value at ETP-1. As one sample analyzed by IIT-Roorkee of ETP-1 shows BOD value as 58.0 mg/l (against norms of 30 mg/l) however CPCB results shows it as 23.0 mg/l, UEPPCB as 21 mg/l and one sample of CPCB lab shows TSS value as 108 mg/l (against the norms of 100 mg/l) at ETP-1 however the IIT-R lab results shows it as 60 mg/l and UEPPCB lab as 70 mg/l.*
- *It is noted that industry is augmenting ETP-1 by additional Diffused Aeration based system; however tertiary coagulation followed by filtration in addition to diffused aeration system shall improve effluent quality significantly.*
- *The ETP-2 treated effluent (after dynasand filter) is collected in a tank and completely reused within the plant and not discharged outside. However, the quantum of discharge at the final outlet was quite high and therefore industry needs to maximize the recycling of treated effluent within the plant.*
- *The ETP-3 has been modified & upgraded (by second stage- biological treatment by MBBR system, tertiary coagulation) and during inspection it was found running satisfactorily. Some portion of the effluent is utilized in the mill.*
- *It is suggested All four ETP and one STP operations should be controlled by SCADA based with on line recording of easily measurable parameters such as Flow, pH, Conductivity, DO, Turbidity. There should be real-time display of measured (both current and monthly cumulative) flows at prominent places. Proper aesthetics in the vicinity of plant should be maintained. Short and medium term strategy to be devised for further treated effluent utilization so as to maximize the reuse/recycle of ETPs treated effluent within the process and for other purposes like*

horticulture/plantation/dust suppression etc within the premises.

- ***Odour:***
  Scum and sludge from UASB should be removed as per operation and maintenance instructions. As it is one of the most odour producing areas of the paper mill, the system should be properly covered to control odour. Action plan for biogas utilization in boiler should also be chalked out.

15. Only the respondent no. 6-paper industry chose to file objections to the joint inspection report dated 9th March, 2015. The respondent no. 6-paper industry raised objections with the contention that the tests conducted by the Government accredited laboratories such as Central Pulp and Research Institute, Uttrakhand Environment Protection and Pollution Control Board and Shri Ram Research Institute from time to time in years 2014 and 2015 confirmed that all the parameters under Environment Protection Act, 1986 read with Environment Protection Rules, 1986 as regards pH, TSS, BOD and COD in the effluent from the ETPs were in permissible limits as prescribed in law and the analysis reports from the laboratory of IIT Roorkee, being not recognised laboratory by NABL, may be not so authentic as compared to the result from the accredited laboratories.

16. Pertinently, all the members of the Joint Inspection Team Professor IIT Roorkee, Scientist 'D' MoEF&CC, Scientist 'C' CPCB, Delhi and Regional Officer UEPPCB were in agreement with each other and in token thereof had subscribed their hands to the Joint Inspection report and had recorded status of the industry in light of the queries made by us as follows:

S.No	Hon'ble NGT Direction	Status
1.	The unit shall be inspected by the joint inspection team consisting of representative of MoEF, CPCB and Uttarakhand SPCB and the professor nominated from IIT-Roorkee. The inspecting team shall submit a report to the Tribunal positively before the next date of hearing.	The inspection of the industry was performed on March 09, 2015 and the inspection team comprises of the following: 1. Dr. A.A. Kazmi, Professor, IIT-Roorkee 2. Dr. S.C. Katiyar, Scientist 'D', MoEF & CC, Regional Office, Dehradun, Uttrakhand. 3. Shri Kamlesh Singh, Scientist 'C' CPCB, Delhi. 4. Shri D.K. Joshi, Regional Officer, UEPPCB, Haldwani
2.	The report shall deal with all the aspects of the activity of this industry and its various units, performance of the ETPs, the element of pollution, where is the source of water, quantity of water utilized and quantity of effluent discharges.	The report has mentioned all the ETPs performance. The ETP-1, ETP-2 and ETP-3 treated effluent shows compliance with the prescribed effluent discharge norms except BOD & TSS value at ETP-1. As one sample analyzed by IIT-Roorkee lab for ETP-1 shows BOD value as 58.0 mg/l (against the norms of 30 mg/l) however CPCB results shows it as 23.0 mg/l, UEPPCB as 21.0 mg/l and one sample of CPCB lab shows TSS value as 108 mg/l (against the norms of 100 mg/l) at ETP-1 however the IIT-R lab results shows it as 60 mg/l and UEPPCB lab as 70 mg/l. ETP-1 was found under upgradation as the industry was commissioning a new Aeration tank (diffused aeration system). Source of the water: Tube wells (23 no.) Quantity of water utilized: 31,394 m^3/day Quantity of effluent discharged: 27,160 m^3/day.
3.	In addition thereto it shall be recorded in the report, if necessary after inspection of the records of the PCB and the industry, as to when the first application for obtaining consent of the Board was moved and when the consent to establish and to operate were granted. If the unit was established post 1974 Act, it shall also be reported as to when the application moved for renewal/grant to consent to operate and when such consent was granted. The inspection report on the basis of which such consent was granted shall be annexed to the report.	The Unit was established in the year 1984. As per the records available and collected, the unit first time applied for consent for discharge of trade effluent/domestic effluent on 01-08-1984 and subsequently consent was granted by Uttar Pradesh Pollution control Board (UPPCB) on 20.12.1984 under Water Act, 1984 The unit applied for consent under Air Act, 1981 which was received in UPPCB on 30.08.1984 and the UPPCB granted Consent to the Unit on 22.12.1984 under Air Act, 1981. The above said consents are annexed at Anexure-1 The team could not find the records/inspection report on the basis of which first consent was granted by UPPCB.
4.	It shall be specifically mentioned if the consent was granted when conducting physical inspection of the Unit and analysis of the effluent or otherwise.	UEPPCB official inspected the Unit on 16.04.2014 & 31.05.2014 and carried out wastewater analysis & emission monitoring and based on the inspection report consent to operate was renewed by UEPPCB on 23.04.2014 (for unit 1&2) and 18.06.2014 (for Unit-30. A copy of the inspection report is annexed at

<table>
<tr><td></td><td></td><td>annexure- 3</td></tr>
<tr><td>5.</td><td>When did the industry established the ETP for the first time. The periods when they were found to .be under non performing and their present status</td><td>The industry established their ETP during the year 1984 and comprises of primary clarifier, lagoon, aeration tank and secondary clarifier for treating the effluent generated from Unit-1 (Rayon Grade pulp & Writing & printing paper by wood0.
The Writing 7 Printing Paper (because based at Unit-1) was established in 1994, Unit -2 in the year 2008-09, and Unit -3 in 2011.
At present, the paper mill has three separate effluent treatment plants 9ETPs) for all the three Units (1, 2 & 3) respectively.
The unit was found non-complying with desired norms by CPCB on 18-4-2011 & 12-13.10.2011 and based on the inspection reports, CPCB issued closure direction to the Unit vide letter dated 08.12.2011 under Section 5 of the Environment (Protection) Act, 1986.
Subsequently, the Unit replied to CPCB vide letter dated 26.11.2011 and 05.01.2012 which were examined. The Unit was re-inspected by CPCB for verification of the compliance status on 16.02.2012.
Based on the inspection report, the Unit was asked on 01.03.2012 u/s 5 of the EP Act, 1986 to resume manufacturing operation and comply with the effluent and emission discharge norms and to submit a bank Guarantee of 20.00 Lakhs.
The unit was inspected by CPCB on 26.06.2014 and was found non-complying with the effluent discharge norms.
CPCB asked the Unit vide letter dated 26.11.2014 to comply the prescribed measures and submit the compliance report to CPCB within 90 days.
CPCB inspected the Unit on 01.03.2015 and final discharge effluent was found complying with the prescribed effluent discharge norms.
The status during the joint inspection on 09.03.2015 is as below:
<table>
<tr><th>S.No</th><th>CPCBs Prescribed measures</th><th>Present Status</th></tr>
<tr><td>1</td><td>To operate and optimize the performance of the ETPs so as to comply with the prescribed discharge norms and to comply with the CPCBs direction dated 01.03.2012.</td><td>The Unit has optimized the performance of ETP-2 & ETP-3 however ETP-1, needs to be upgraded.</td></tr>
<tr><td>2</td><td>To expedite the installation and commissioning of the UASB aeration reactor followed by Tube settler and diffused aeration system for treatment of bagasse washing</td><td>The Unit has installed UASB, tube settler and dissolved air floating system and diffused aeration system for bagasse treating washing</td></tr>
</table></td></tr>
</table>

			effluent.	effluent.
		3	To discharge treated effluent only after tertiary treatment system and after compliance with the prescribed discharge norms.	The Unit discharges its effluent after tertiary treatment. However, ETP-1 sample analysis showed BOD as 58 mg/l (IIT-R analytical result) and TSS as 108 mg/l (CPCB analytical) exceeding the norms.
		4	To operate floating aerators in the equalization tank.	The unit has installed floating aerators at the equalization tank.
6.	Inspection team shall collect a trade effluent of the industry from the premises and at the point of discharge where it meets at the point released of effluent in River Ganaga. The analyze report of the water, trade effluents and the ambient air quality shall be submitted to the Tribunal on the next date of hearing. The samples from stack as well as ambient air quality would be collected.	The inspection team collected samples from the ETP-1, 2 & 3 and stack of coal fired boiler an performance study found the following: 1. ETP-1 performance needs to be enhanced by upgrading the ETP. 2. At ETP-1, a new aeration tank (diffused aeration system0 is being installed. 3. ETP-2 & 3 performance was found satisfactory. The inspection team collected sample from the Gola River and sample analysis shows BoD- 23.0 mg/l, COD- 143 mg/l, TSS- 92 mg/l (source: CPCB Laboratory). The stack monitoring of coal fire boiler shows particulate matter (PM) as 108.1 mg/Nm^3).			
7.	At the time of inspection the Unit shall perform to its optimum capacity and that will be ensured by the inspecting team. It is not necessary for the inspecting team to give advance notice to the industry.	During inspection, the Unit was operational at a production capacity of 992 MT.		
8.	We direct the industry to operate to its optimum capacity at least for the coming two weeks and fully cooperate with the inspecting team for compliance of the direction of this Tribunal.	**Date**	**Production** (MTon)	
		01.03.2015	958.95	
		02.03.2015	892.94	
		03.03.2015	889.33	
		04.03.2015	1106.70	
		05.03.2015	1043.39	
		06.03.2015	1004.28	
		07.03.2015	857.61	
		08.03.2015	944.66	
		09.03.2015	992.01	
9.	The inspecting team shall also records it is in with regard to disposal of the solid waste by the industry and places where such solid waste is being dumped, its impact and even likely impact t on the ground water quality. Samples may also be collected from these sites.	**Solid Waste and its disposal method:** 1) **Fly Ash Management:** The Unit sells its ash to Shree Cement Mill and Jaypee Cement. The paper mill had signed MoU for supplying ash to Shree Cements and had made contract for lifting Ash with M/s DS Trading Company (for Jaypee) and m/s Asth Industries. 2) **Lime Mud:** The lime Mud is recalcined in Lime Kiln i.e. it is		

		converted into quick lime (CaO). This quick lime is re-used in causticising process. 3) **ETP Sludge:** The ETP sludge is dewatered through sludge handling system (consisting flocculation reactor, disk thickener & screw press). The dewatered sludge is then used in manufacturing of multi layer boards of Unit – 3 4) **Pith:** The pith/solid waste removed from the bagasse washing effluent is used as fuel in boiler. The inspection team visited places nearby the industry and found no solid waste dumped there. Therefore, no ground water samples were collected for analysis.

Objection raised by the respondent no. 6-paper industry to the joint inspection report, therefore, deserves to be rejected.

17. Significantly, joint inspection report made a comment that respondent no. 6-paper industry had a poor record of pollution control in the past, i.e. prior to the year 2011. Except the denial, the respondent no. 6-paper industry has nothing much to comment as regard this observations made by the joint inspection team. In this context, the analysis reports of the samples collected by the UKEPPCB between the years 2005 and 2008 at annexure A-4 to the application make pertinent revelations.

18. Perusal of these reports- annexure A-4 to the application reveal that the effluent discharged from the ETP outlets as well as final outlets of the ETP was brownish and on occasions had unpleasant odour contrary to the prescribed standard therefor. These samples, on occasions, showed higher suspended solids and almost all the samples showed high BOD and COD levels. These facts tally with the observations made in the Study paper "Seasonal variations in different

physic-chemical parameters of the effluents of Century Pulp and Paper Mill, Lal Kuan, Uttrakhand" which records detection of high levels of BOD, COD and lignin concentration above the permissible discharge limits for the industrial waste waters in the stream carrying the effluents of the respondent no.6- paper industry. The said study paper succinctly quoted the chemistry of paper production, effluent generated and its effect on flora and fauna in following terms:

> *During cellulose pulp production, lignin is removed in the cooking stage and in subsequent bleaching stage. In the conventional bleaching, chlorolignins as well as low molecular weight chlorinated aromatic and aliphatic compounds are formed. Most of the chlorinated compounds are produced in the first chlorination stage, and in the subsequent alkaline extraction stage of the bleaching sequence (Osterberg and Lindstrom, 1985). Many of the low molecular weight compounds, especially chlorinated guaiacols and phenols are toxic to the aquatic flora and fauna.*
>
> *The pulp and paper industries every year generate more than 700 billion gallons of highly couloured and toxic effluents mainly containing high molecular eight modified and chlorinated lignin. About 300 different chlorinated organic compounds in bleached pulp mill effluent have been identified till date. About 200 of these compounds are chlorinated resin acids, phenols and dioxins (Huymh et al., 1985).*

19. The study paper further reveals that three sites S1, S2 and S3 at distance of 1, 6 and 7 kms respectively from origin of effluent from the respondent no. 6-paper industry were selected for collection of samples and the analysis of the samples collected from these three sites show maximum content of phenol, BOD and COD at a site S1 with a decreasing level of total phenol, BOD and COD at S2 and S3 progressively.

20. This co-relation between the toxicity (chlorinated guaiacols and phenols) and BOD and COD points out that the toxicity is proportional to higher BOD and COD levels. These revelations further corroborate the remark made by the Joint Inspection Team that the respondent no. 6 paper industry had a poor record of pollution control in past i.e. prior to 2011.

21. It appears that the surprise inspection carried out by the CPCB on 6th May, 2015 has resulted in collection of samples of mixed treated effluents of all the three ETPs and from unlined stream drain, and the analysis results of the samples analysed in CPCB accredited laboratories revealed that the treated effluent samples were not meeting the standards as per the results shown herein below:

Sample	pH	BOD	COD	TSS	TDS
Raw effluent at the inlet of ETP-1 (4.30pm)	6.92	416	1192	1901	1262
Overflow of Primary Clarifier of ETP-1(4.30pm)	6.93	200	526	133	1332
Treated effluent outlet- outside factory(2.00pm)	7.61	163	508	297	1642
Treated effluent drain- inside factory (6.00 pm)	7.60	66	281	370	1369
Storm/sewage drain passing though factory	7.40	5	25	64	1372

22. Respondent no. 6-paper industry in a reply dated 5th August, 2015 to the surprise inspection report filed by the CPCB submitted that the results of the tests conducted by the Government accredited laboratories including analysis results of the samples collected during the surprise inspection dated 1st March, 2015 conducted by the CPCB were found to be within permissible limits on all the parameters of the effluent as per the prescribed norms. The reply further referred to the visit of the scientist of the CPCB on 8th May, 2015 and the noting made by him of the readings in respect of final effluent

discharge recorded on the online monitoring system and submitted that the same were found within prescribed norms. According to respondent no. 6-paper industry the variation in the analysis report could be attributed to the failure to observe the procedure stipulated by law for collection of sample under Section 11(3) of the Environment (Protection) Act, 1986. Countering these submissions the applicant in its rejoinder dated 17th August, 2015 pointed out to the CPCBs unsettled observations that the parameters of the effluent were found exceeding on 18th April, 2011, 12th -13th October 2011, 26th June, 2014 and finally 06th May, 2015. The applicant also pointed out that the parameters were found exceeding by the UKEPPCB in the reports at annexure A-4. The applicant explained that difference in the analysis results can be attributed to longer holding times and/ or poor sample preservation as well as sample being not vigorously mixed/shaken before analysis; and such failures would result in low BOD or TSS levels.

23. All said and done, when there is a specific challenge to the procedure adopted for collection of the samples with reference to the legal provisions and admissibility of such analysis results in legal proceedings. It is necessary to consider the impact of such challenge before any final conclusions are based on such analysis results. The respondent no. 6-paper industry asserted that no representative of the respondent no. 6-paper industry was called during collection of the samples

on 6th May, 2015. Section 11 of the Environment (Protection) Act, 1986 reads as under:

> ***11.Power to take sample and procedure to be followed in connection therewith.-*** *(1) the Central Government or any officer empowered by it in this behalf, shall have power to take, for the purpose of analysis, samples or air, water, soil or other substance form any factory, premises or other place in such manner as may be prescribed.*
> *(2) The result of any analysis of a sample taken under sub-section (1) shall not be admissible in evidence in any legal proceeding unless the provisions of sub-sections (3) and 94) are complied with.*
> *(3) Subject to the provisions of sub-section (4), the person taking the sample under sub-section (1) shall-*
>
> *a) serve on the occupier or his agent or person in charge of the palce, a notice, then and there, in such form as may be prescribed, of his intention to have it so analyzed;*
> *b) in the presence of the occupier or his agent or person, collect a sample for analysis;*
> *c) cause the sample to be placed in a container or containers which shall be marked and sealed an shall also be signed both by the person taking the sample and the occupier or his agent or person;*
> *d) send without delay, the container or the containers to the laboratory established or recognized by the Central Government under section 12.*
>
> *(4) When a sample is taken for analysis under sub-section (1) and the person taking the sample serves on the occupier or his agent or person, a notice under clause (a) of sub- section (3), then,-*
>
> *a) in a case where the occupier, his agent or person wilfully absents himself, the person taking the sample shall collect the sample for analysis to be placed in a container or containers which shall be marked and sealed and shall also be signed by the person taking the sample, and*
> *b) in a case where the occupier or his agent or person present at the time of taking the sample refuses to sign the marked and sealed container or containers of the sample as required under clause (c) of sub-section (3), the marked and sealed container or containers shall be signed by the person taking the samples,*
>
> *and the container or containers shall be se t without delay by the person taking the sample for analysis to the laboratory established ore recognise under section 12 and such person shall inform the Government Analyst appointed or recognised under section 13 in writing, about the wilful absence of the occupier or his agent or*

person, or, as the case may be, his refusal to sign the container or containers.

24. Analogous provision is found in Section 21 of the Water Act which reads as under:

> ***21. Power to take samples of effluents and procedure to be followed in connection therewith.-*** *(l) A State Board or any officer empowered by it in this behalf shall have power to take for the purpose of analysis samples of water from any stream or well or samples of any sewage or trade effluent which is passing from any plant or vessel or from or over any place into any such stream or well.*
> *(2) The result of any analysis of a sample of any sewage or trade effluent taken under subsection (1) shall not be admissible in evidence in any legal proceeding unless the provisions of subsections (3), (4) and (5) are complied with.*
> *(3) Subject to the provisions of sub-sections (4) and (5), when a sample (composite or otherwise as may be warranted by the process used) of any sewage or trade effluent is taken for analysis under sub-section (1), the person taking the sample shall –*
> *(a) serve on the person in charge of, or having control over, the plant or vessel or in occupation of the place (which person is hereinafter referred to as the occupier) or any agent of such occupier, a notice, then and there in such form as may be prescribed of his intention to have it so analysed;*
> *(b) in the presence of the occupier or his agent, divide the sample into two parts;*
> *(c) cause each part to be placed in a container which shall be marked and sealed and shall also be signed both by the person taking the sample and the occupier or his agent;*
> *(d) send one container forthwith, - (i) in a case where such sample is taken from any area situated in a Union Territory, to the laboratory established or recognized by the Central Board under Sec. 16; and (ii) in any other case, to the laboratory established or recognized by the State Board under Sec. 17;*
> *(e) on the request of the occupier or his agent, send the second container,*
> *(i) in a case when such sample is taken from any area situated in a Union Territory, to the laboratory established or specified under sub-section (1) of Sec. 51; and*
> *(ii) in any other case, to the laboratory established or specified under sub-section (1) of See. 52.*
> *[(4) When a sample of any sewage or trade effluent is taken for analysis under sub-section (1) and the person*

taking the sample serves on the occupier or his agent, a notice under Cl. (a) of subsection (3) and the occupier or his agent wilfully absents himself then,-

(a) the sample so taken shall be placed in a container which shall be marked and sealed and shall also be signed by the person taking the sample and the same shall be sent forthwith by such person for analysis to the laboratory referred to in sub-clause (0 or sub-clause (ii), as the case may be, of Cl. (e) of sub-section (3) and such person shall inform the Government analyst appointed under sub-section (1) or sub-section (2), as the case may be of Sec. 53, in writing about the wilful absence of the occupier or his agent; and

(b) the cost incurred in getting such sample analysed shall be payable by the occupier or his agent and in case of default of such payment, the same shall be recoverable from the occupier or his agent, as the case may be, as an arrear of land revenue or of public demand: Provided that no such recovery shall be made unless the occupier or, as the case may be, his agent has been given a reasonable opportunity of being heard in the matter.]

(5) When a sample of any sewage or trade effluent is taken for analysis under sub-section (1) and the person taking the sample serves on the occupier or his agent a notice under Cl. (a) of subsection (3) and the occupier or his agent who is present at the time of taking the sample does not make a request for dividing the sample into two parts as provided in Cl. (b) of sub-section (3), then, the sample so taken shall be placed in a container which shall be marked and sealed and shall also be signed by the person taking the sample and the same shall be sent forthwith by such person for analysis to the laboratory referred to in sub-clause (0, or sub-clause (ii), as the case may be, of Cl. (d) of sub-:section (3).

25. Thus, it can very well be seen that for analysis results to be admissible in evidence in any legal proceedings the procedure as stipulated in the said provisions is to be followed. No scope for any mischief making the findings of the analysis contentious is left upon following such procedure. Moreover, what law requires has to be followed. We have nothing before us to say that there was due compliance in terms of the procedure laid down by law for collection of samples. We, therefore, refrain ourselves from drawing any conclusions on

the basis of the said analysis results concerning the samples collected during surprise inspection conducted on 6th May, 2015.

26. Nonetheless the aforesaid discussion points out to the failings of the respondent no. 6 paper industry in managing pollution caused due to the effluents discharged in Paha Nala particularly, as revealed through Joint Inspection Report dated 9th March, 2015 and the unchallenged reports of UKEPPCB and CPCB as referred to herein above.

27. As regards the disposal of fly ash, there is nothing concrete before us to say that the trucks carrying the fly ash as shown in the photographs produced by the applicant belong to or were hired by the respondent no. 6-paper industry. The respondent no. 6-paper industry had not only denied indiscriminate dumping of fly ash but has referred to the disposal of the fly ash by sell to Shree Cement Mill and Jaypee Cement Mill as well as on its utilization for production of fly ash bricks/paver blocks within the factory area. Respondent no. 6-paper industry has produced the relevant records and the photographs at annexure R-9 & R-10 annexed to the counter affidavit dated 18th May, 2015. It is, therefore, difficult to hold that the respondent no. 6-paper industry disposed of fly ash as alleged.

28. The respondent no. 6-paper industry further contended that there are 18 industries including three sugar mills, 12 paper manufacturing industries and few distillery generating

fly ash and other solid waste located in close proximity in the area in question; and domestic and other industrial waste generated by small workshops and railway station at Lalkuan town flows in Paha Nala through the drain passing through the premises of respondent no. 6-paper industry; and as such further detailed study is required to identify the source of solid waste/pollution for prescribing mitigative measures. However, a fact remains that the respondent no. 6-paper industry had contributed to the environmental pollution in some measure as aforesaid. Degree of contribution to pollution is immaterial while deciding the liability of polluter. Comments at para 281 in volume 45 of Halsbury's Law of England, Fifth Edition which is reproduced herein below for better understanding of this concept:

> *281. Degree of contribution to pollution. If water is polluted from several separately owned sources, it is no defence that the pollution caused by the defendant is only a small part of the whole. The defendant will be liable even if his discharge is innocuous in itself but becomes a pollutant when combined with other effluents in the water.*

29. Perceptibly, no instances of ailments caused directly due to the pollution caused by the respondent no.6-paper industry are placed before us. The effluents exceeding the permissible norms being released in the environment are bound to cause environmental imbalance placing the flora and fauna under illegitimate stress and in the long run such effluents are bound to have deleterious effect on the environment. Considering the period of industrial activity and the volume of daily effluent

generated we are of the considered opinion that the respondent no. 6- paper industry is liable to pay damages of Rs 30 lakhs. Point nos. 2 and 3 are answered accordingly.

Point No. 4 & 5

30. We have before us material to suggest that Gola River water quality has been affected and fly ash is found dumped at Lal Kuan area namely at the locations i) m/s Himalaya Stone Crushers, Bareilly Road, Haldwani, ii) M/s Daldwani Stone Crushers, Lal Kuan, iii) M/s Gaula Stone Crushers, Anandpur, Kiccha, iv) M/s Krishna Stone Industry, Bareilly Road, Haldwani, v) m/s Vindhyavasini Stone, Rampur Road, Haldwani, vi) m/s Pal Stone Crusher, Bareilly Road, Haldwani, vii) M/s Hindustan Stone Crusher, Bareilly Road, Haldwani, viii) M/s Subhash Stone Crusher, Bareilly Road, Haldwani, ix) M/s Narula Stone Crusher, Bareilly Road, Haldwani, x) M/s jai Shri Ram Stone Crusher, Rampur Road, Haldwani and xi) M/s la Kuan Stone Crusher, Bareilly Road, Haldwani, xii) M/s J.P. Stone Crushers Pvt. Ltd. Rampur road, Haldwani, xiii) M/s Gorapadhav Stone Co., Bareilly Road, Haldwani, xiv) M/s Swastik Stone Crusher, Rampur Road, Haldwani, xv) M/s Uttarakhand Stone Prop.,Bareilly Road, Haldwani, xvi) M/s P.N.C. Contraction, Rampur Road, Haldwani, xvii) M/s Kumaon P. Gravels, Bareilly Road, Haldwani, xviii) M/s Gurunanak Stone Industries, Anandpur, Kichcha, xix) M/s Shubham, Stone Crusher, Anandpur, Kichcha, xx) M/s Tarai Stone Crusher, Anandpur, Kichcha. This calls for a thorough

survey and study of the said area to answer whether any remedial measures are necessary and what are those remedial measures. The State of Uttarakhand is under obligation to carry out such study and to mend the matter to make the environment benign.

31. We therefore, dispose of this application with following order:

I. The respondent no. 6- M/s Century Pulp and Paper Ltd. shall comply with the recommendations made by the Joint Inspection Team in its report dated 9th March, 2015 within a period of three months.

II. The respondent no. 6- M/s Century Pulp and Paper Ltd. shall pay an amount of Rs 30 lakhs as environmental compensation and shall credit the same to Environment Relief Fund established under Section 24 of the National Green Tribunal Act, 2010 for being utilized for the purposes of restitution of the environment in Lal Kuan area of District Nainital, Uttrakhand.

III. We constitute and appoint a Team of Senior Scientist one each from Department of Environment Science, University of Jammu, along with CPCB and IIT, Roorkee to carry out survey and study of the aforesaid area and Gola River to ascertain the environmental degradation caused and to suggest remedial measures to be taken for restoration of the environment. The Team so constituted shall carry out such study and submit its findings to the Respondent no.

2- State of Uttrakhand within three months and respondent no. 2- State of Uttrakhand shall carry out such remedial measures and submit its compliance report before us within next two months.

IV. Respondent No. - M/s Century Pulp and Paper Ltd. Shall pay cost of Rs. 3 lakhs to the applicant.

V. Original Application No. 486 of 2014 stands disposed of accordingly.

……,CP
(Swatanter Kumar)

……,JM
(U.D. Salvi)

……,JM
(D.K. Agrawal)

……,EM
(A.R. Yousuf)

……,EM
(Ranjan Chatterjee)