BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
O.A NO. 116 OF 2014  
WITH  
O.A NO. 437 OF 2015  

IN THE MATTER OF:-  
MEERA SHUKLA  
APPLICANT  
VERSUS  
MUNICIPAL CORPORATION, GORAKHPUR & ORS.  
RESPONDENT(S)  
WITH  
VISHWA VIJAY SINGH  
APPLICANT  
VERSUS  
UTTAR PRADESH POLLUTION CONTROL BOARD & ORS.  
RESPONDENT(S)  

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(NAZIMUDDIN)  
SCIENTIST 'E'  
CENTRAL POLLUTION CONTROL BOARD  
PARIVESH BHAWAN, EAST ARJUN NAGAR  
DELHI- 110032  

PLACE: - DELHI  
DATED: 17.09.2018

Hon’ble NGT directions:

Hon’ble NGT, Principal Bench, New Delhi, vide its order dt. 19.07.2019 in the matter of Meera Shukla Vs Municipal Corporation, Gorakhpur & Ors. with Vishwa Vijay Singh Vs UPPCB & Ors. (O.A. No. 116/2014 with O.A. No. 437/2015), has directed in para 4(iii)(a) about M/s Malvika Cement Pvt. Ltd. UD-1 Industrial Area, Sultanpur Road, Raebareli (UP) that:

"there was no consent obtained by the unit from UP PCB under the Air (Prevention and Control of Pollution) Act, 1981 and Water (Prevention and Control of Pollution) Act, 1974 and unit was exceeding the prescribed standard of Particulate Matter, PM_{10} as 289.36 mg/Nm3, as per the Air Monitoring Data Report of UPPCB dt. 22.04.2019 and thus the unit may be required to pay Environmental Compensation (EC) of Rs. 4,68,37,500/- for operating without requisite consent since January 2009 as per formula evolved by CPCB for compensation for industrial pollution" and

"the Joint Committee of CPCB & UP PCB may now take appropriate action in light of facts after following the due procedure of law by way of prosecution, prohibiting polluting activity and recovering compensation on `Polluter Pays Principle’"

Action taken by CPCB:

In compliance to the said order of NGT, a joint committee of CPCB and UPPCB represented by Mr. Ruma Oraon, Sc-D’ and Mr. S. K. Shukla, AE, UP PCB was constituted. The committee submitted its report vide letter dated 16.08.2019, based on inspection done on 16.08.2019. The plant is found lying closed In view of the observations of the joint committee, CPCB vide letter dated 29.08.2019 asked UPPCB to ensure the following and provide Action taken report to CPCB within 15 days:

1. Environmental Compensation (EC) is deposited by the unit to UPPCB as per Hon’ble NGT order dt. 19.07.2019 within one week.
2. Consent to Operate is obtained by the unit from UP PCB.
3. Adequate emission control systems and stacks are installed by the unit at all polluting sources for compliance of prescribed emission standards.
4. NOC from CGWA is obtained and flow meter is installed by the unit at borewell.
5. Hot Mix Plant is removed from its premises.

Action taken by SPCB :

In response to CPCB letter dated 29.08.2019, UPPCB vide letter dated 06.09.2019 has taken necessary action and submitted the ATR as under:

a. UPPCB has issued closure direction dated 16.08.2019 u/s 31A of Air Act, 1981 to the unit for not having consent of UPPCB and NOC of CWGA and keeping a hot mix plant in the premises without permission.
b. A case has been filed by UPPCB against the unit in Special Court on 22.08.2019 for not opening the gate for inspection on 05.04.2019.

c. For compliance of Hon'ble NGT order dated 19.07.2019, for recovery of EC, UPPCB has informed that they have sought necessary information from the unit for calculation of EC for maximum 5 years duration, as per the principle enshrined in NGT order dated 29.04.2019 in another OA 437/2015.

(Nazimuddin)
Scientist-E, CPCB
To,
The Member Secretary,
Central Pollution Control Board,
‘Parivesh Bhawan’, East Arjun Nagar,
Delhi-110 032


Sir,


The Revised Joint Inspection Report of M/s Malvika Cement Pvt. Limited, UD-1, Industrial Area, Sultanpur Road, Raebareli (UP) is handed over to UPPCB on 16.08.2019. CPCB is the nodal agency for compliance of the order. A copy of the Revised Joint Inspection Report is enclosed herewith for your kind perusal and necessary action please.

Yours faithfully,

[Signature]

Regional Director

Encl.: as above
JOINT INSPECTION REPORT OF M/S MALVIKA CEMENT PVT. LIMITED,
RAEBARELI(UP)

In the matter of

Meera Shukla Vs Municipal Corporation, Gorakhpur & Ors. With Vishwa Vijay Singh Vs UPPCB & Ors.
(O.A. No. 116/2014 with O.A. No. 437/2015)

Background:
M/s Malvika Cement Pvt. Limited (hereafter Referred as ‘The unit’) is located at UD-1, Industrial Area, Sultanpur Road, Raebareli (UP). The unit was inspected by a joint team of CPCB, RD(N), Lucknow and UPPCB, Regional Office, Raebareli on 06.08.2019 in compliance of Hon’ble NGT, Principal Bench, New Delhi order dated 19.07.2019 in the matter of Meera Shukla Vs Municipal Corporation, Gorakhpur & Ors. With Vishwa Vijay Singh Vs UPPCB & Ors. (O.A. No. 116/2014 with O.A. No. 437/2015). The salient observation and recommendation based on the inspection are as below:

Observations:
1. The unit has infrastructure for production of PPC (Portland Pozzolana Cement) with installed capacity (as per NOC) of 200 Ton Per Day (TPD) using Clinker, Gypsum and Fly ash as major raw material. During inspection, the unit was in not operation. It was informed by the unit representative (Sh. Ahish Pratap Singh), the unit is not in operation since 24.03.2017 due to its own reason.
2. The unit has been granted Consent to establish (NOC) by UPPCB on 12.09.2007.
3. As per condition stipulated in Consent to establish, the unit has to obtain consent to operate before starting of production, which is not complied by the unit.
4. The unit is operated without Consent to operate under the Water (Prevention and Control of Pollution) Act,1974 and the Air (Prevention and Control of Pollution) Act,1981 since its commissioning. The unit has also not applied for the same.
5. UPPCB vide its letter dated 07.12.2018 issued notice to the unit for obtaining consent to operate (Annexure-1).
6. The unit is meeting its fresh water requirement through one borewell. No flow meter is installed at the borewell. The unit has not obtained NOC from CGWA for ground water abstraction.

M/s Malvika Cement Pvt. Limited

Page 1 of 3
7. The unit receives Fly ash from NTPC, Unchahar (Raebareilly, UP), Clinker from Satna (MP) and Gypsum form local vendors.

8. The unit has one Ball Mill with capacity 08 TPH. Emission from Ball Mill is emitted through exhaust/stack of height approx. 15 ft. Bag Filter is installed as APCD.

9. It was informed by the unit representative that the unit is in the process to repair Ball Mill and Bag Filters.

10. The unit has provided shed area for storage of raw materials.

11. It was also observed that a Hot Mix Plant was kept in the unit premises, which was found closed during inspection.

12. As per Hon’ble NGT order dated 19.07.2019, the NGT committee headed by Justice D.P. Singh, Former Judge of Hon’ble High Court, Allahabad has made recommendations including EC.

Recommendations:

It is evident from the above observation that the unit is operated without obtaining consent from UPPCB since its commissioning. In light of report of the NGT committee headed by Justice D.P. Singh, Former Judge of Hon’ble High Court, Allahabad, following is recommended:

1. The unit shall ensure for the complete compliance of Hon’ble NGT order dated 19.07.2019 including Environmental compensation (EC).

2. The unit should not be allowed to operate till taking essential steps for environmental conservation/restoration including the following
   a. The unit should only be operated after obtaining consent from UPPCB.
   b. The unit should install electromagnetic flow meter at the borewell and maintain log book for fresh water consumption.
   c. The unit should obtain NOC from CGWA for ground water abstraction.
   d. The unit should provide adequate stack height in Ball Mill Stack with Air Pollution Control Device (APCD).
   e. The unit should remove/dismantle Hot Mix Plant from the premises of the unit.
   f. The unit should repair Filters in Ball Mill and Cement Silo as observed during the inspection.
   g. The unit should ensure strict compliance of the Environmental Guidelines for Prevention and Control of Fugitive Emissions from Cement Plants & notified

3. Further, in case the unit fails to comply with the Hon’ble NGT order dated 19.07.2019 in time or start its operations without ensuring compliance on recommendations referred above and taking any significant action for improvement of environment, UPPCB shall initiate prosecution against the owner of the industry.

**Inspection Team:**

1. Sh. Runa Oraon, Sc. 'D', CPCB, R.D., Lucknow
2. Sh. S.K. Shukla, AE, UPPCB, Regional Office, Raebareli
प्रितिलिपि-
1. मुख्य पर्यावरण अधिकारी(प्रूडचूरण) 2009 द्वारा प्रदूषण नियंत्रण बोर्ड के संचालन को सुचारू रूप से आयोजित करने के लिए।
SPEED POST

B-33014/2019/CP/IPC-II 29.08.2019

To,

The Member Secretary
Uttar Pradesh Pollution Control Board
H.No.TC-12V, Vibhuti Khand,
Gomti Nagar, Lucknow-226 010,
Uttar Pradesh.


Sir,


In compliance of the said order of NGT, a joint committee of CPCB and UPPCB has submitted its report based on inspection done on 16.08.2019 (copy enclosed) which reveals that the plant is presently closed due to own reasons, it is not having consent of UPPCB and NOC of CWGA, stack height is not adequate and a hot mix plant is kept in the premises without permission.

In view of the observations of the joint committee UPPCB is requested to take necessary action to ensure the following and provide Action taken report to Central Pollution Control Board within 15 days.

1. Environmental Compensation (EC) is deposited by the unit to UPPCB as per Hon'ble NGT order dt. 19.07.2019 within one week.
2. Consent to Operate is obtained by the unit from UP PCB.
3. Adequate emission control systems and stacks are installed by the unit at all polluting sources for compliance of prescribed emission standards
4. NOC from CGWA is obtained and flow meter is installed by the unit at borewell.
5. Hot Mix Plant is removed from its premises.

[Handwritten note]

(Prashant Gargava)
Member Secretary

[Handwritten note]

[Signature]
उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड

उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड

दिनरेखा 6.9.19

पंजीकृत

सेवा में,

सदस्य सचिव
केंद्रीय प्रदूषण नियंत्रण बोर्ड
परिषद भारत पुरूषों अध्येता नगर,
दिल्ली-110032

विषय मा राष्ट्रीय हरत अधिकरण, नई दिल्ली हरत ओपुहस्या-116/2014 विद ओपुहस्या-1437/2015 मार्शल बनाम मूलिकापत्र कार्यालय, गोरखपुर एवं अन्य में मेसर्स मालिका सीमेंट, प्राक्सिमो, आयोगक केंद्र, सुलतानपुर रेड, साइट-1, रायबरेली में पारित आदेश दिनरेखा 19.7.2019 के संबंध में।

महोदय,

कृपया उपस्थित विषयक अपने पत्रक-बी-33014/2019/सीपी/आदेश-11 दिनरेखा 29.8.2019 का संदर्भ ग्रहण करें जो माननीय राष्ट्रीय हरत अधिकरण, नई दिल्ली हरत ओपुहस्या-116/2014 विद ओपुहस्या-1437/2015 मार्शल बनाम मूलिकापत्र कार्यालय, गोरखपुर एवं अन्य में दिनरेखा 19.7.2019 में मेसर्स मालिका सीमेंट, प्राक्सिमो, आयोगक केंद्र, सुलतानपुर रेड, साइट-1, रायबरेली के संबंध में पारित आदेश के अनुमान के संबंध में। माननीय राष्ट्रीय हरत अधिकरण, नई दिल्ली हरत ओपुहस्या उपस्थित प्रकरण में पारित आदेश दिनरेखा 19.7.2019 के अनुमान में प्रस्तावित उद्योग का निषेधक केंद्रीय प्रदूषण नियंत्रण बोर्ड, आयोगक कार्यालय, लखनऊ एवं 30 प्रदूषण नियंत्रण बोर्ड, केंद्रीय कार्यालय, रायबरेली के अधिकारियों द्वारा संयुक्त रूप से दिनरेखा 6.8.2019 को किया गया था। संयुक्त निषेधक आदेश में की गयी संसर्गतियों के आधार पर उद्योग के विकिर्दो हरत द्वारा कूट कार्यवाही का विवरण निर्देशित है:—

1. निषेधक के समय उद्योग बदन पाया गया था एवं संयुक्त जारी संसर्गत विषयक की रिपोर्ट के अनुसार दिनरेखा 24.3.2017 से उद्योग बदन लागी गई है। अब: उद्योग द्वारा बोर्ड से सहमति(जल एवं वायु) प्राप्त न करते, लिखित दस्तावेज देने से एन.आई.एस. प्राप्त न करते उद्योग परिसर में हार्टिस्ट जलाने का हटाने के संबंध में उद्योग के विकिर्द वायु(प्रदूषण नियंत्रण तथा निर्माण) अधिनियम,1981 की धारा-31ए के अनुसार उद्योग के पत्रक-एवं 40121/सी-5/एन.आई.एस.-32/19 दिनरेखा 16.8.2019 के माध्यम से उपस्थित का अनुमान सुनिश्चित करने तक बन्द करने के आदेश दिये गये हैं (सुलभ संदर्भ हेतु ध्यानार्थ संलग्न)।

2. उद्योग द्वारा दिनरेखा 5.4.2019 को निषेधक के समय उद्योग का गैट न बंद रहने जाने के कारण वायु(प्रदूषण नियंत्रण तथा निर्माण) अधिनियम,1981 की धारा-38(बी) के अनुसार उद्योग के उल्लंघनीय आकारों के दिनरेखा मा विवेश न्यायालय में दिनरेखा 22.8.2019 को परिवर्तन कार्य किया गया है।

T.C. 12 - V, Vibhuti Khand
Gomti Nagar, Lucknow-226010
Phone: 2726381, 2726382, 2726691, 2726881
Fax: 6522 - 2726764
website: www.uppecb.com
3. माननीय राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा पारित आदेश दिनांक 19.7.2019 के अनुसार, उद्योग के विलुप्त पत्ता परिवर्तन शास्त्रीयता अग्रिम प्राप्त करने हेतु नियमानुसार पहले उद्योग के अंकज्ञापन की कार्यवाही की जा रही है जिसके सम्बन्ध में उद्योग के संचालन अधिकार का पूर्ण विवरण साक्ष्याद्वारा सहित प्रेषित करने हेतु उद्योग को पत्र प्रेषित किया गया है। कार्यवाही है कि उद्योग के विलुप्त पत्ता परिवर्तन का अंकज्ञापन माननीय राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा पूर्व में ओएएसंख्या–116/2014 द्वारा ओएएसंख्या–437/2015 में पारित आदेश दिनांक 29.4.2019 जिसका संसूचना अंश निम्नवतः है, के आलोक में किया जाना है।

..............” The UPPCB may assess the amount of compensation applying the formula laid down by the CPCB not only for the days mentioned in the report of the CPCB but for the actual days of violation from the beginning but not beyond five years from the date of calculation.”

उपरोक्त आदेश आपके अवलोकनान्तर एवं आवश्यक कार्यवाही हेतु प्रेषित है।

संलग्नकृत—उपरोक्तानुसार।

भवदीय,

(आर्थिक लिबररी)
सदस्य सचिव
सेवा में,

मेंसरी मालविका सीमेंट प्राइलिटी, 
इक्सट्रॉमैल एरीया, बाँद-1, सुलतानपुर रोड, 
रायबरेली।

यह कि मेंसरी मालविका सीमेंट प्राइलिटी, इक्सट्रॉमैल एरीया, बाँद-1, सुलतानपुर रोड, रायबरेली जिसे आगे उद्घाटन कहा जायेगा, कब्जों माल के रूप में विकल्प, निवेश एवं प्रदूषण को प्रयोग कर पॉटेंशियल नोजोलोजिया सीमेंट-200 टन/विम के उत्पादन के कार्य हेतु प्राप्त हुए स्थल पर कार्यरत है, जो कि वायु (प्रदूषण नियंत्रण तथा नियमित) अधिनियम, 1981 की धारा-40 के अनुसार एक कम्पनी है।

यह कि नागरिक हस्तित अधिकार, नई दिल्ली द्वारा ओएटी संख्या-116/2016 के आदेश दिनांक 19.07.2019 के अनुसार में मेंसरी मालविका सीमेंट प्राइलिटी, रायबरेली का केंद्रीय प्रदूषण नियंत्रण बोर्ड एवं उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड के अधिकारियों द्वारा दिनांक 06.08.2019 को संसूचित किया गया। निरीक्षण के समय उद्घाटन उपचार नहीं पाया गया।

यह कि उद्घाटन द्वारा राज्य बोर्ड से स्थापनात्मक सहमति (एनआरसी) दिनांक 12.09.2007 द्वारा जारी की गयी थी जिसकी शर्त संख्या-3 के अनुसार उद्घाटन को संचालन से पूर्व राज्य बोर्ड से जल (प्रदूषण नियंत्रण तथा नियमित) अधिनियम, 1974 एवं वायु (प्रदूषण नियंत्रण तथा नियमित) अधिनियम, 1981 के अनुसार जल एवं वायु संवर्धित प्रक्रिया किया जाना आवश्यक था, किन्तु उद्घाटन द्वारा उक्त शर्त का पालन कर बोर्ड से जल (प्रदूषण नियंत्रण तथा नियमित) अधिनियम, 1974 तथा वायु (प्रदूषण नियंत्रण तथा नियमित) अधिनियम, 1981 के अनुसार जल एवं वायु संवर्धित प्रक्रिया किये गये हैं। केंद्रीय प्रदूषण नियंत्रण बोर्ड एवं उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड के संसूचित द्वारा दिनांक 06.08.2019 को किये गये निरीक्षण के प्रस्ताव सहमति है। निरीक्षण रिपोर्ट की गयी है—

1. The unit shall ensure for the complete compliance of Hon’ble NGT order dated 19.07.2019 including Environmental Compensation (EC).
2. The unit should not be allowed to operate till taking essential steps for environmental conservation/restoration including the following.
   a. The unit should only be operated after obtaining consent from UPPCB.
   b. The unit should install electromagnetic flow meter at the borewell and maintain log book for fresh water consumption.
   c. The unit should obtain NOC for CGWA for ground water abstraction.
   d. The unit should provide adequate stack height in Ball Mill Stack with Air Pollution Control Device (APCD).
   e. The unit should remove/dismantle Hot Mix Plant from the premises of the unit.

TC-12-V, Vibhuti Khand
Gomti Nagar, Lucknow-226010
E-mail: info@uppcb.com
Web site www.uppcb.com

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f. The unit should repair Filters in Ball Mill and Cement Silo as observed during inspection.


अतः: उपरोक्त वाणिज्य परिस्थितियों के दृढ़गति जन स्वास्थ्य के हित में जन साहित्य को स्वच्छ बातचीत प्रदान करने हेतु या (प्रदूषण निवारण तथा नियम) आदेश प्रकाश, 1981 की धारा- 31 'ए' के अन्तर्गत राज्य बोर्ड की प्रदत्त शर्तादेस के अन्तर्गत एवं उपरोक्त वाणिज्य तथ्यों के परिस्थित के समान अविकारी की अनुमान से उद्देश्य में व्यापारी मालिका सीमेंट प्रातिष्ठान, इलजस्ट्री एरिया, साइड-1, पुलिलावँ स्टेशन, रायवे रेलवे को निम्न निर्देश दिये जाये हैं कि:

1. The unit shall ensure the complete compliance of Hon'ble NGT order dated 19.07.2019.
2. The unit shall remain closed and only be operated after obtaining valid consent form UPPCB.
3. The unit shall install electromagnetic flow meter at the borewell and maintain log book for fresh water consumption.
4. The unit shall obtain NOC for CGWA for ground water abstraction.
5. The unit shall provide adequate stack height in Ball Mill Stack with Air Pollution Control Device (APCD).
6. The unit shall remove/dismantle Hot Mix Plant from the premises of the unit.
7. The unit shall repair Filters in Ball Mill and Cement Silo as observed during the inspection.

स्वागत अविकारी हरा यह निर्देश हेतु अविकार

प्रतिलिपि— निम्नलिखित को चूकनार्थ एवं आवश्यक कार्यवाही हेतु अविकार

1. जिज्ञासिकारी, रायवे रेलवे।
2. पुलिस अधिकारी, रायवे रेलवे।
3. राज्य बोर्ड डिवीजन, राज्य बोर्ड प्रदूषण नियंत्रण बोर्ड, पिकन भवन, प्रिंजील खान, गोविंद नगर, लखनऊ।
4. क्षेत्रीय अविकारी, उपाध्य प्रदूषण नियंत्रण बोर्ड, रायवे रेलवे की इस आवश्यक से प्रतिष्ठा की उद्देश्य को जारी निर्देश की प्रति अपने तर्क से भी उद्देश्य को प्राप्त करते तथा सतत अनुसरण करी निर्देश का असलन कराना सुसंगत करें।

मुख्य प्रबंधक अविकारी, २०२०-५
Item No.01 & 02
Court No. 1

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No.116/2014
WITH
Original Application No.437/2015

Meera Shukla
Versus
Municipal Corporation, Gorakhpur &Ors.

WITH
Vishwa Vijay Singh
Versus
U. P. Pollution Control Board &Ors.

Applicant(s)
Respondent(s)
Applicant(s)
Respondent(s)

Date of hearing: 19.07.2019

CORAM:
HON’BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON’BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON’BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON’BLE DR. NAGIN NANDA, EXPERT MEMBER

For Applicant(s):
Ms. Katyani, Advocate

For Respondent(s):
Ms. Priyanka Swami, Advocate for the State of Uttar Pradesh and Municipal Corporation, Gorakhpur
Mr. Sanjay Kumar Visen, Advocate for Gorakhpur Development Authority
Mr. Rajkumar, Advocate for CPCB
Mr. I.K Kapila, Advocate for UP Jal Nigam
Mr. Pradeep Misra, Mr. DaleepDhyan, Advocate for UPPCB

ORDER

1. The issue raised in O.A 116/2014 is regarding the contamination of water bodies and ground water, specifically Ramgarh Lake, Ami
River, Rapti River and Rohani River in and around District Gorakhpur. The matter was considered vide the order dated 23.08.2018. A Monitoring Committee was constituted headed by former Judge of Allahabad High Court to comply with the directions of this Tribunal already issued. The Committee was to have an action plan prepared for taking remedial measures and also to see that no further pollution is caused and furnish a report to the Tribunal. The matter has been dealt with on several dates since then and the Tribunal has passed directions with regard to installation of STPs and CETPS by GIDA, closure of industries operating illegally, shifting of construction activities, unscientific disposal of municipal and other wastes.

2. Reports received from the Committee have been dealt with vide orders dated 25.10.2018 (in respect of M/s Yash Paper Mills), 17.12.2018 (regarding damage to the forest land by Bajaj Sugar Mills, Lakhimpur, M/s GallantIspat Limited, Gorakhpur and M/s Rungta Industries Pvt. Ltd., Gorakhpur, M/s Crazy Snacks Ltd., Gorakhpur, M/s Yash Paper Mills, Ayodhya, Pollution of River Ami, Pollution by M/s Bajaj Hindustan Limited (Distillery Unit), illegal constructions around Ramgarh Lake, pollution in Baba Raghav Das Medical College), 07.03.2019 (on the subject of pollution by M/s Bharati Research and Breeding Farm, M/s Mother Shree Dairy, M/s Alkane Construction Equipment Pvt. Ltd., M/s Burnet Pharmaceutical Pvt. Ltd., M/s GorakahnathAgro Industries Pvt. Ltd., M/s Royal Savera Foods Pvt. Ltd., and M/s Dr. Sandhu Hatchery), and 29.04.2019
(M/s Bhavnya Colonizers, Gorakhpur and M/s. Jalan Complex Private Limited).

3. We have perused the reports dated

(i) 11.05.2019 with regard to M/s K M Sugar Mills Limited (Distillery Division) and M/s K M Sugar Mills Limited (Sugar Division), Faizabad, and additional report dated 08.07.2019 with regard to the Sugar Division;

(ii) 23.05.2019 with regard to Ramgarh Lake; and

(iii) 08.06.2019 on the subject of pollution by (a) M/s Malvika Cement Pvt. Ltd., Raibareilly and (b) pollution of River Gomti furnished by the above Committee.

4. We proceed to consider the above reports seriatim.

(i) 11.05.2019 with regard to M/s K M Sugar Mills Limited (Distillery Division) and M/s K M Sugar Mills Limited (Sugar Division), Faizabad and additional report dated 08.07.2019 with regard to the Sugar Division: It is reported that though the unit is ZLD, it was found discharging effluents bypassing the ETP in Masoda drain meeting River Tamsa. The water was polluted and rendered unfit for human consumption resulting in various diseases. The Committee recommended that compensation of ₹ 5 crore be recovered for welfare of the effected inhabitants in the villages. The units be required to provide potable water to the inhabitants. The effluent discharge
should be stopped. The findings and the recommendation of the Committee are as follows:

*Findings*

1. Thus, the following facts are proved beyond doubt from the report of the inspecting team (supra):
2. Distillery unit discharges effluent in Masoda drain, bypassing the incineration/evaporation to save electricity, which ultimately meets river Tomsa (Tomsa).
3. The Mill and its distillery units are polluting the ground water on account of discharge and storage of polluted water in the vicinity since decades.
4. The test report of water shows that it is not fit for human consumption and is causing variety of diseases like cancer, asthma etc.
5. At least the villages residing in three villages Masoda Khapur, Itaura and Alavalpur have no other sources of potable water except the ground water which is polluted on account of industrial effluent (supra) of K.M. Sugar Mill.
6. The consent given by UPPCB to M/s K. M Sugar Mill (distillery and sugar unit) is for ZLD (zero liquid discharge) which at the face of the record has been deliberately violated in spite of closure and opening of unit several times.

*Proposal and Recommendation.* In view of above, we propose and recommend as under:

1. The Mill be saddled with exemplary compensation of rupees five crores which may be used for the welfare of the villages Masoda, Khanpur, Alavalpur and Itaura and other villages adjoining to river Tamasa in the vicinity of Tehsil Sadar District Ayodhya to save them from diseases caused due to pollution from industrial unit and provide potable water under the supervision of District Magistrate Ayodhya with overall supervision by Principal Secretary Urban Development.
2. The industrial unit should establish two overhead tanks for potable water in villages Masoda, Khanpur, Alavalpur, and Itaura on the basis of project report prepared by the UP-Jal Nigam and expenses (rupees 226.77lacs and rupees 199.59 lacs respectively with escalation cost) on the said overhead tanks and their maintenance be borne by M/S K.M Sugar Mills, Distillery and Sugar unit equally under the supervision of District Magistrate Ayodhya.
3. Since the Mill has been consented by UPPCB to operate on zero discharge the district authorities from their own agencies on the
expenses incurred by the industrial unit should construct a concrete wall expeditiously, say within a period of one month to stop the flow of industrial effluent/sewage in Masoda drain.

4. In the absence of STP, the sewage appears to discharge in drains, from where it goes into the Tamsa River and thereafter in Ghagra causing serious environmental hazards to the people of the locality. Let both the industrial units install STP within a period of one year with due communication to the Monitoring Committee, CPCB and UPPCB. Both the units must start work within a period of three months.

5. Separate electricity connection for incineration, STP and ETP be provided by the industry (supra) within a month.

6. The recommendations made by the inspection team (supra) is accepted and the instruction be complied with by the industrial unit within three months, failing which not only by the distillery units but the sugar unit be also closed.

7. The compliance to be made by the mill shall be verified by the Joint team of Scientists of CPCB and UPPCB immediately after three months from the date of order passed by NGT and report be forwarded to Eastern UP Rivers and Water Reservoir Monitoring Committee/NGT.*

The additional report dated 08.07.2019 brings to light that inspite of above report the Sugar Division continued to discharge as found in later inspection. In the said report, the findings and recommendations are as under:

14. *In view of above and from material on record we sum up our finding as under:

(i) M/s K.M Sugar Mills Ltd. disposing the treated effluent on their own irrigation land (25 acre) through the underground H.D.P.E pipeline. This pipeline is passing below the railway line and from the cultivable land of the farmers.

(ii) The farmers/villagers have complained that without their consent M/s K.M Sugar Mill Ltd. have taken underground pipeline to dispose of the treated industrial effluent at their own agricultural land.

(iii) The treated industrial effluent discharge on agricultural land (Location l) is found non-complying w.r.t notified discharge standards. The concentration of suspended solids
was found 1.12 times higher than the standards. And treated industrial effluent discharge on agricultural land (Location II) is found non complying w.r.t notified discharge standards. The concentration of BOD was found 1.37 times higher than the notified standards, whereas concentration of COD was found 1.672 times higher.

(ii) As per the analysis result of ground water sample, the concentration of Magnesium is found more than the acceptable limit of IS:10500.

Thus, bases on the above observations, directions may be issued under Section 05 of Environment (Protection) Act, 1986 to sugar unit and suitable environmental compensation may be charged for each non-complying day.

15. **Assessment of Environment Compensation** Accordingly, the sugar unit has been discharging treated effluent that does not meet the discharge standards on their agricultural land of 25 acres (supra) and the land of farmers/villagers since the date of operation. Thus, for polluting industries the scale of compensation we assess at ₹10,000 per day for the last three years, thus making the environment compensation is ₹One crore eighty-two lakhs sixty thousand.

14. **Proposal/Recommendation** In view of above, we propose and recommend as under:

1) The Mill be saddled with environment compensation of ₹1,09,50,000 (One crore nine lakhs and fifty thousand) which may be used for the welfare of the villagers of Mahawara, Ayodhya to save them from diseases caused due to pollution from the industrial unit and provide potable water under the supervision of District Magistrate Ayodhya with overall supervision by Principal Secretary Urban Development.

2) The Mill within a period of two months shall remove all treated/untreated industrial effluent discharged and stored in agricultural land by passing through the pipeline under the railway line, private and agricultural land.

3) The Mill shall not operate the H.D.P.E pipeline passing below the railway line and from the cultivable land of the farmers without taking due consent from the DRM Railways and the Gram Sabha of village Mahawara as well as private tenure holder.

4) Since the Mill has been consented by the UPPCB to operate on zero discharge, the district authorities from their own
agencies on the expenses incurred by the industrial unit should stop the flow of effluent on agricultural land which is likely to pollute underground water and adjoining agricultural land through seepage.

5) The compliance to be made by the Mill shall be verified by the joint team of scientists of CPCB and UPPCB immediately after three months from the date of order passed by NGT and report be forwarded to Eastern UP Rivers and Water Reservoirs Monitoring Committee/NGT.

6) Any ordered or orders as the Hon’ble NGT pleases may be passed."

In the light of earlier approach adopted by this Tribunal with regard to action on such reports1 we direct that the copies of the said reports be furnished to the CPCB and UPPCB for further appropriate action of prohibiting polluting activity, recovering compensation for the damage and prosecution. The said joint Committee may furnish an action taken report in the matter within one month by email at judicial-ngt@gov.in. The state PCB will be the nodal agency for coordination and compliance.

(ii) 23.05.2019 with regard to Ramgarh Lake

The report is to the effect that depth of the lake was reduced. The lake was polluted by discharge of untreated sewage, unplanned constructions in catchment area and surface run-off in the agricultural fields. This has resulted in damage to the aquatic life and the ecology. The construction by GIDA, within 500 meters from the lake, is without environmental clearance are liable to be removed. The allottees may be given compensation of ₹ 5 Lakh for each family for shifting to some

1Order dated 07.03.2019 at para 11 & 13 and order dated 17.12.2018 at para 11
other place. The constructions within 500 meters are liable to be removed except the circuit house. Private construction within 50 meters be also removed by giving compensation of ₹2 Lakhs. The findings and recommendations are as follows:

**Findings:** The constructions raised under the scheme floated by the GDA, subject to discussion and judgments of the Hon’ble Supreme Court, suffer from following substantial illegalities, which are in no way curable.

1. While launching the scheme to raise construction of flats/houses and other structures within 500 meters of Ramgarh lake towards west, north east and south west side, the GDA has acted in flagrant violation of Section 7 of the Act, 1973 (supra), which is a condition precedent to be followed by all the development authorities while proceeding with the scheme of construction of residential colonies or buildings so as to ensure that he natural habitat, ecological balance, flora and fauna of the vicinity including wetland, water reservoirs and life of aquatic animals are not affected.

2. The GDA has disregarded the provisions of Ramsar Convention, to which the Government of India is a signatory and which is binding guideline (supra), in view of the provisions contained in Article 4 of the Declaration to all wetland. In the present case, the wetland of Ramgarh lake is a complex wetland covering 150 acres of land. Auction of land in favour of Bhavija Constructions and Jalan Constructions, in respect of which a separate report is forwarded.

3. The Rules, 2010 are exhaustive and recognize the Ramsar Convention of 1971 without any rider, hence the Construction raised over the wetland of Ramgarh lake are in contravention of Ramsar Convention as well as statutory mandate contained in the Rules, 2010.

4. So far as the Rules, 2017 are concerned, they do not seem to apply at the moment since all the constructions raised on complex wetland of Ramgarh lake are of the period earlier to 2017.

5. Since the very root of the decision taken by the GDA to launch the scheme for development of colony or construction of flats on the wetland of Ramgarh lake suffers from jurisdictional error as well as vice of arbitrariness coupled with malice in law, all subsequent actions of the GDA being nullity in law collapse
and fall. (vide: Mulraj vs. MurtiRaghunathji Maharaj, AIR 1967 SC 1386 and other judgments (supra) of Apex Court).

6. As discussed in the preceding paragraphs, constructions raised by the GDA in the wetland/catchment area of Ramgarh lake are apparently in contravention of the Apex Court’s judgment (supra) and the High Court judgment (supra), hence the decision of the GDA to make constructions or launch housing schemes in question is void ab initio. Since for the aforesaid reason, the original order vitiates, all subsequent actions/decisions of the GDA crumble down, therefore all constructions made by the GDA over the said area without environmental clearance are liable to be demolished.

28. Though the committee of Shri Ashish Tiwari, Member Secretary, UPPCB recommended for demolition of constructions raised within an area of 250 meters from the bank of Ramgarh lake, but he very fairly invited the attention to the notification dated 14.09.2006, which makes it mandatory to obtain environmental clearance for any construction within 500 meters of the inner bank of Ramgarh lake. We appreciate the gesture of Shri Ashish Tiwari, Member Secretary, UPPCB and his knowledge with regard to the rules (supra). Undoubtedly, in view of the Notification dated 14.09.2006, all constructions done by the GDA within an area of 500 meters from inner bank of Ramgarh lake without environmental clearance are in gross violation of law and the decisions taken in respect thereof are void ab initio, hence liable to be demolished. However, leaving this aspect of the matter to be considered on judicial side, we confine our recommendation/proposal for demolition of all constructions within 500 meters or (200+50+250) 250 meters from inner bank of Ramgarh lake made by the GDA on the Eastern, North Eastern and South Eastern sides of Ramgarh lake in view of the opinion expressed by the Rejuvenation Committee, headed by Shri Ashish Tiwari, Member Secretary, UPPCB. So far as the opinion expressed by the Additional Rejuvenation Committee, headed by Shri N.K.Janoo, Director Zoo, Gorakhpur, UP is concerned, we recommend for its acceptance in toto with request for follow up action in terms thereof.

PROPOSALS/RECOMMENDATIONS

1. All constructions under the schemes launched by the GDA without environmental clearance within 500 meters of Ramgarh lake on north west, south west and west sides are
daring acts and fraud on the Constitution committed by the GDA. All such constructions within 500 meters without environmental clearance by the GDA in contravention of law (supra) are liable to be demolished within a period of six month Circuit House along with its extended portion and zoo.

2. The GDA be directed to provide land/plot of equal size to all the allottees in its other schemes along with rupees 5 lacs to each and every family to enable them to re-establish their houses and be not put to suffer. This amount of 5 lacs would be in addition to damages claimed by the houseowners from Court, if any.

3. All vertical constructions including metal road within 50 metres of Ramgarh lake be demolished. In case any portion of a house constructed on the basis of map sanctioned by the GDA is demolished, the GDA shall pay the cost of such demolished portion alongwith rupees 2 lacs to each of the house owners on the basis of assessment made by its Engineers to renovate their houses. This amount of rupees 2 lacs would be in addition to the damages claimed by the house-owners through Court, if any.

4. A committee comprising the Secretary, Urban Development Shri Anurag Yadav and the Secretary, Environment Shri Roopesh Kumar be constituted to monitor the whole process in accordance to the directions issued by the Hon’ble NGT in case instant proposal is accepted.

5. The GDA be saddled with environmental compensatory costs of rupees 10 crores, which should be used for beautification and restoration of natural habitat of complex wetland of Ramgarh lake under the supervision of aforesaid two officer committee (supra).

6. No pucca permanent construction as well as metal road on all sides of Ramgarh lake within the area of 50 meters be made and continued. In view of the recommendations made by the Rejuvenation Committee, within 50 meters area of all sides of Ramgarh lake from inner bank, the UP Forest Department as well as the GDA may plant indigenous trees, develop flora and fauna around the lake and make all necessary arrangements including the desilting of Ramgarh lake for survival of aquatic
animals. No bolder or concreting be used on the inner side of Ramgarh lake to maintain ecological balance.

7. Natural chargers of Ramgarh lake, namely, GordhioyaNala (drain) and SirsiaNala (drain) be restored by removing encroachments made thereon within three months and their desilting be done in next three months by GDA and Irrigation Department (total six months) for continuity of fresh water supply to Ramgarh lake. The State Government shall provide necessary financial and other assistance.

8. All remaining 18 drains be capped on war footings to save the life of Ramgarh lake expeditiously, say within a period of one year and accordingly appropriate project report be prepared and be submitted to the Government of UP for grant of financial support, if already not done.

9. Any other instruction or order, as the Hon’ble NGT may deem necessary, be issued to uphold the majesty of law under the facts and circumstances of the present case. Subject to above, we also propose to accept the recommendations of Rejuvenation Committee and Additional Rejuvenation Committee (supra).

10. Long term and short term action plans as proposed by the Rejuvenation Committee, vide Experts’ opinion dated 0503.2019 be acted upon by the State Government through the Ministry of Urban Development/Irrigation with follow up decision in three months.”

We have considered the report. We are of the view that in line with the order earlier passed on 17.12.2018, a copy of the report be forwarded to the Principal Secretary, Urban Development, Uttar Pradesh who may furnish action taken report in the matter within one month by email at judicial- ngu@gov.in.
08.06.2019 on the subject of pollution by (a) M/s Malviya Cement Pvt. Ltd., Raibareilly and (b) pollution of River Gomti

(a) M/s Malviya Cement Pvt. Ltd., Raibareilly: The report is to the effect that it came to the notice of the Committee from the Regional Officer of the Uttar Pradesh State PCB (UPPCB), Raibareilly that M/s Malviya Cement Pvt. Ltd., Raibareilly was operating in violation of law and was not allowing its inspection to be carried out. In spite of intervention of the District Magistrate, team of the CPCB and UPPCB was not able to carry out the inspection. The Regional Officer of the UPPCB also gave a report that he was not being allowed to enter the premises.

The Committee drew an inference that there was no consent obtained by the industry from the UPPCB under the Air (Prevention and Control of Pollution) Act, 1981, the Water (Prevention and Control of Pollution) Act, 1974. As per the Air Monitoring Data Report of the UPPCB dated 22.04.2019, particulate matter, PM_{10}, was 289.36 which was beyond the prescribed standard. The Committee has accordingly suggested that the unit may be required to pay environmental compensation to the tune of ₹ 4,68,37,500 for operating without requisite consent since January, 2009 as per formula evolved by the CPCB for compensation for industrial pollution and the Chief Secretary, Uttar Pradesh may look into the matter for initiating appropriate penal
action against the unit for obstructing the public servants in carrying out their duty. It was also observed that UPPCB failed to take steps for a long period for which it should also be held accountable by way of an enquiry and payment of compensation. This aspect may also be looked into by the Chief Secretary, Uttar Pradesh and a report furnished to this Tribunal within one month by e-mail at judicial-ngt@gov.in.

The joint Committee of the CPCB and UPPCB may now take appropriate action in the light of facts found after following the due procedure of law by way of prosecution, prohibiting polluting activity and recovering compensation on ‘Polluter Pays’ principle. Such action may be taken within one month and a report furnished to this Tribunal by e-mail at judicial-ngt@gov.in before the next date.

A copy of this order along with the report be forwarded to the Chief Secretary, Uttar Pradesh, CPCB and the UPPCB.

The nodal agency will be the CPCB for compliance and further action by the joint Committee.

(b) **Pollution of River Gomti** In O.A No. 24/2018 an allegation was made about pollution in River Gomti on account of untreated effluents being discharged through drains on account of inadequate drainage capacity and blockage of drainagesystem due to garbage and polythene bags. There is collection ofsewage polluting and degrading the environment. Reference was also made to the CAGreport of
2017, uploaded on the website in May 2017, recording failure of the Uttar Pradesh Pollution Control Board (UPPCB) and other Government authorities. It was alleged that though crores of rupees have been spent, the pollution continues.

Vide order dated 17.01.2019 the Tribunal directed the concerned authorities to take remedial measures which were to be overseen by Justice D.P Singh formed judge of the Allahabad High Court who was also heading the Committee in the present case as already noted.

Accordingly, report 08.06.2019, has been furnished by the oversight committee showing deficiencies in the management of sewage and other discharges resulting in contamination of groundwater, pollution of River Gomti. It may be noted that River Gomti is one of the 351 polluted river stretches in O.A No. 673/2018 of this Tribunal. The Chief Secretary has been required to monitor measures for rejuvenation by order dated 16.01.2019 in O.A No. 606/2018. The Committee has found that on account of polluting activities and lack of adequate remedial measures, extraordinary situation has arisen requiring prompt actions.

The recommendations of the Committee are as follows:

*Proposals/Recommendations*

Considering the gravity of the situation and pollution of river Gomti, we propose/recommend as under:

1. Advisory be issued by District Magistrates of all 11 districts i.e. Filihbit, Shahjahanpur, Lakhimpur Kheri, Hardoi, Sitapur, Lucknow, Barabanki, Faizabad, Sultanpur, Pratapgarh and Jaunpur and the State of UP for people of the State not to take bath in the river Gomti till it is made
environment friendly and children be advised not to have
morning walks at the banks of river Gomti apart from taking
bath or swimming.

2. The District Magistrates of all 11 districts (supra) shall
ensure to send a DPR through Jal Nigam or other agency to
the Government of India under NamamiGange project, in case
not already sent, to tap all sewer-lines/drains which are
discharging untreated sewage into river Gomti within their
respective districts in three months.

3. The Government of India may consider the DPRs of all 11
districts (supra) under the NamamiGange Fund within next	hree months and the work for construction of STP/ETP,
CETP, as the case may be, must begin within a period of nine
months.

4. A Committee of Secretary, Urban Development, Secretary,
Environment and Secretary Irrigation be constituted to
supervise the implementation of the orders issued by the
Honorable NGT within specified time-frame (supra) under the
supervision of Principal Secretary Urban Development.

5. (i) UPPCB has failed from its very inception to implement
the statutory mandate to keep the Gomti clean as evident
from the fact that the Nagar Nigams/Nagar Palikas have
neither been saddled with environmental compensation nor
have they been prosecuted. This commission and omission
makes them accountable and the officers are liable to be
prosecuted under the Indian Penal Code and Environment
Protection Act 1986 (supra) and is saddled with
environmental compensation of ₹ 6,64,75000 as assessed
(supra) which may be used in appropriate manner for
cleanliness and purity of water of River Gomti under the
supervision of the Committee of Secretary Urban
Development, Secretary Environment and Secretary Irrigation
(supra).

(ii) It is evident from the evidence on record that UP Jal Nigam
has not been running the SPS/STPs around the clock for
transfer of sewage hence are liable to share the responsibility
of the sin of polluting the river Gomti. Hence UP Jal Nigam
may be saddled with environmental compensation of ₹ 3
crores which may be used in appropriate manner for
cleanliness and purity of water of River Gomti under the
supervision of Committee of Secretary Urban Development, Secretary Environment and Secretary Irrigation (supra).

(iii) Nagar Nigam Lucknow has already been proposed to be saddled with environmental compensation of ₹ 5 crores with regard to the report of municipal solid waste. Hence in the present case, to keep on polluting Gomti, the liability of Nagar Nigam Lucknow in committing the sin since of polluting the river Gomti for decades is accessed to ₹ 2 crores which may be used in an appropriate manner for cleanliness and purity of water of River Gomti under the supervision of Committee of Secretary Urban Development, Secretary Environment and Secretary Irrigation (supra).

(iv) The municipalities of 10 districts (supra) may be saddled with environmental compensation of ₹ 1 crore each which shall be used to provide quality of life to the citizens of respective districts and ensure cleanliness of river Gomti under supervision of Committee of Secretary Urban Development, Secretary Environment and Secretary Irrigation (supra).

6. No plastic waste, biomedical waste or municipal solid waste shall be dumped or stored within 150 metres of river Gomti on both sides. Further, no construction may be permitted within 150 metres on both sides of river Gomti (within municipal limits of Lucknow).

7. Government of UP through Principal Secretary Finance may deposit a performance guarantee of ₹ 100 crores as decided by Honorable NGT to ensure that within two years, all drains discharging their effluents and sewage in Gomti shall be tapped, otherwise the amount under the performance guarantee be forfeited and used for upliftment of environmental standard of river Gomti.

8. Municipal Commissioner of Lucknow Nagar Nigam and the District Magistrates/Eos of 11 districts (supra) be instructed to ensure that no solid waste or bio-medical waste is discharged into drains and subsequently into river Gomti by use of plastic/steel/fiber nets at discharge points.

9. Owing to long gestation periods of installation of STPs/CETPs, UP Jal Nigam and District Magistrates of 11 districts (supra) may be directed to begin within 2 months, bioremediation projects of all the piled solid waste at the
banks of river Gomti and its drains of all the 11 districts of UP (supra) by selecting the appropriate bioremediation technique and technologies such as Modular STP based on Electrocoagulation, filtration, Eco-Bioblock, Phytoriod, GeoTube, Phytoremediation etc. which will effectively reduce pollutant concentration to an innocuous state.

10. Nagar Nigam, UP Jal Nigam be directed to complete all formalities under law keeping in view the observation made by the CPCB and UPPCB in its report (supra) within a period of 3 months. Apart from the above instructions, recommendations made by scientists of CPCB and UPPCB are accepted which are as under:

"1. Nagar Nigam/UP Jal Nigam Lucknow may submit DPR for construction of sewage treatment plant (STP) and tapping of major drain discharging untreated sewage of city in River Gomti making it unfit for bathing and human uses.
2. To increase the sewage treating capacity, Jal Nigam/Nagar Nigam has prepared the project and has submitted to the Government for approval.
3. To provide additional water into the River and thus bring about improvement in the future drinking water situation and environment of Lucknow city through Mahdoiya and Ataria escape of the Sharda Canal System.
4. To develop the Riverfront by developing green belt on the banks of the River, under which facilities like cycle track, walking track, water sports facilities, water transport and tourism activities can be promoted.
5. To provide water for regeneration of the River by reviving lakes and ponds in Sitapur, Lakhimpur Kheri and Lucknow districts.
6. Nagar Nigam should immediately removed illegal dumping of solids on River Bank and in its catchment area.
7. River Gomti ghats may develop with green plantation and remove the sitting and garbage dumped in River Stream for maintain natural flow of River."

We direct that a copy of this report be forwarded to the Chief Secretary, Uttar Pradesh who may furnish action taken report in the matter within two month by email at judicial-ngt@gov.in. A copy of the said report may be placed by the
registry in O.A No. 673/2018 which is now to come up on 29.11.2019. O.A No.24/2018 which is listed on 09.08.2019 may now be listed after 29.11.2019.

5. While we place on record our appreciation for services rendered by the Committee, the Committee may conclude its proceedings and submit its final report which may set out recommendations cumulatively at one place in a tabular form on or before 31.08.2019 to this Tribunal. The Chief Secretary of Uttar Pradesh may suggest further course of alternative oversight mechanism after the Committee concludes its proceedings.

List again on 26.11.2019. The scheduled date will stand deferred.

Adarsh Kumar Goel, CP
S.P. Wangdi, JM
K. Ramakrishnan, JM
Dr. Nagin Nanda, EM

July 19, 2019
Original Application No.116/2014 with
Original Application No.437/2015
AK