

Item No. 04

Court No. 1

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

(By Video Conferencing)

Original Application No. 68/2021

Sushil Raghav

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 19.03.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Mr. Akash Vashishtha, Advocate

ORDER

1. This application seeks directions to take remedial action to prevent untreated sewage/effluent being discharged in the storm water drains in Karkarmodel, situated in Municipal Corporation Ward No. 43. at Sahibabad in Ghaziabad.

2. We find that the issue raised has already been dealt with by this Tribunal vide order dated 27.01.2021 in *O.A. No. 06/2012, Manoj Mishra vs. Union of India & Ors.* relating to remedial action to prevent pollution of river Yamuna and drains and tributaries connected thereto in Delhi, Haryana and Uttar Pradesh. In relation to State of Uttar Pradesh, the Yamuna Monitoring Committee (YMC) appointed by this Tribunal gave its recommendations which have been quoted in the said order. Therein, reference was made to earlier order dated 06.07.2020 with reference to report of the YMC dated 29.06.2020. The report dealt with the issue (as quoted in the orders of this Tribunal dated 06.07.2020 and also 27.01.2021) as follows:-

“

(XIII) State of Uttar Pradesh and Pollution of the River Yamuna

Hon'ble NGT may consider issuing the following directions:

1. *Independent assessment of flow in all the drains reaching Yamuna be undertaken within next two months and thereafter submit action plan for setting up STPs to bridge the gap with definite and monitorable timelines.*
2. **Out of 427 MLD of treatment capacity in Sahibabad and Loni STPs with only 80 MLD capacity are compliant to standards.** *A direction to UP Jal Nigam, Ghaziabad MDA and Ghaziabad Municipal Corporations to upgrade/rehabilitate the STPs to meet revised environmental standards of TSS/BOD: 10/10 mg/L within next two years and the authorities being directed to submit Action plan to achieve this within next three months.*
3. **Stoppage of all sewage from sewerred areas of Sahibabad Banthala and Indira Puri** *as per the Action Plan prepared by the State Government by December 20.*
4. *Implementation of Septage management by December 20 in all areas which are not sewerred.*
5. *UPSIIDC be directed to ensure setting up CETPs and ensure their proper functioning. UPPCB be directed to put in place policy for realizations in case the industries failed to pay. As requested by the UP PCB the arrears of unpaid EC be directed to be realized as arrears of land revenue.*
6. *The YMC is unable to comment on the omnibus compendium submitted for NMCG funding pertaining to Phyto and Bio remediation. However, when approved the **drains which are polluting the Sahibabad and its tributary drains need to be taken up if feasible.** The reply of UP on in- situ bio/phyto remediation is vague and does not inspire confidence about the seriousness of the intent.*
7. **A direction is required to be given to the UP Irrigation Engineer in Chief and the Principal Secretary Irrigation relating to the inordinate delay in paying DDA for undertaking the rejuvenation of the flood plains on the UP side as a deposit work which was promised on several occasions but has not made any headway in the last 7 months when one months time had been sought.”**

3. The Tribunal directed the State of UP to take further action in terms of the above recommendations (vide order dated 06.07.2020 (as also quoted in the order dated 27.01.2021) to be monitored by Oversight Committee headed by Justice SVS Rathore, former Judge of the Allahabad High Court at Lucknow. In further report of the YMC dated 07.12.2020, dealt with in the order of this Tribunal dated 27.01.2021, the recommendations of the YMC were noted as follows:-

“

S. No.	Issues as per YMC Final report of 29.6.20 and NGT's order of 6.7.20	Recommendations of YMC
1 to 12...xxx.....xxx.....xxx		
13	State of Uttar Pradesh and Pollution of the Yamuna	YMC recommends that Hon'ble NGT may consider issuing the following directions: 1. Since Shahibabad and Indirapuri drains, which have a very high BOD/COD of 195/580 and 237/930 mg/L respectively and contribute substantial volume of both industrial and domestic sewage into Yamuna, the State of UP should complete the trapping of entire sewage and industrial effluent in these drains within next 3 months, failing which the directions contained in para:15(A)(iv) of NGT's order dated 11.9.19 should be invoked: “For delay of the work, the Chief Secretary, State of Uttar Pradesh must identify the officers responsible and assign specific accountability. Wherever there are violations, adverse entries in the ACRs must be made in respect of such identified officers for delay in setting up of STPs, sewerage network and its connectivity by the concerned head of the department. i). The State of Uttar Pradesh will be liable to pay Environment Compensation if defaults take place as under: a). The operational deficiencies of the existing STPs must be rectified within three months failing which Environmental compensation of Rs. 5 Lacs per month for STP shall be deposited with CPCB.....” 2. CPCB and UPPCB should jointly assess the STPs at Ghaziabad, Dundahera, Shahibabad, Indirapuram and Loni with regard to their functionality, capacity utilisation and compliance to standards and submit a report to the Tribunal/YMC within one month. The joint team should also give its comments on the functional upgradation being undertaken by the State and whether the work can be completed as per the schedule given by the State of UP. 3. The joint team constituted by District Administration, Ghaziabad, should undertake inspections of industries in non -conforming areas on a regular basis as the industries once closed have a tendency to restart. Strong punitive action under the Water Act/ Municipal Acts is needed with zero tolerance for industrial discharge from particular areas. 4. The State of UP should in coordination with DDA take effective steps for rejuvenation and protection of the floodplains and submit a status report on demarcation, eviction of encroachments and rejuvenation work done on the UP portion of the floodplains. 5. A decision also should be taken on the cost sharing of the floodplain rejuvenation works and funds made available to DDA for rejuvenation of UP portion of the floodplains as agreed between the two states.

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4. The said report was also accepted as follows:-

“23. Accordingly, we direct that in terms of directions of the Hon'ble Supreme Court and earlier orders of this Tribunal, henceforth **the Chief Secretary, NCT of Delhi, in coordination**

*with other authorities (such as, Additional Chief Secretary Urban Development, DDA, IDMC, DPCC, DJB) and the Chief Secretaries of Haryana and UP may personally monitor the progress, by evolving effective administrative mechanism to handle grim situation caused by years of neglect. Causes of failure of existing mechanism and remedial measures required be addressed in the light of reports of the Committee. This needs to be further overseen at National level by the Central Monitoring Committee, headed by Secretary Jalshakti, which also includes NMCG and CPCB, in terms of earlier orders of this Tribunal. To give effect to the orders of the Hon'ble Supreme Court, the Tribunal has already directed constitution of River Rejuvenation Committees (RRCs) in all the States/UTs by order passed in OA No. 673 of 2018 in Re: News item published in "The Hindu" authored by Shri Jacob Koshy titled "More river stretches are now critically polluted : CPCB, to be headed by the Environment Secretaries of States/UTs, to prepare and execute action plans for restoration of the polluted river stretches, under the oversight of the Chief Secretaries of the States/UTs. Such action plans are already in place. **The RRCs of Delhi, Haryana and UP may accordingly monitor execution of the action plans with proper inter-departmental coordination, to remedy the polluted stretches of river Yamuna in their respective jurisdiction, subject to oversight of the Chief Secretaries on quarterly basis, who may thereafter give their quarterly reports to the Central Monitoring Committee (CMC) headed by the Secretary, Jal Shakti in terms of order dated 21.09.2020 in O.A. No. 673/2018, supra.**"*

5. In view of above, no separate order is necessary on this application, the matter having already been dealt with.

The application is disposed of.

A copy of this order to forwarded to the Chief Secretary, Uttar Pradesh by e-mail for compliance.

Adarsh Kumar Goel, CP

S.K. Singh, JM

Dr. Nagin Nanda, EM

March 19, 2021
Original Application No. 68/2021
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