

Item No. 04

(Court No. 1)

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

(By Video Conferencing)

Original Application No. 102/2021

Acharya Damodar Shastri & Anr.

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 20.05.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE M. SATHYANARAYANAN, JUDICIAL MEMBER
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Mr. Akash Vashishtha, Advocate

ORDER

1. The issue raised in this application relates to failure of the State-authorities in preventing discharge of untreated sewage and waste water/effluents from Vrindavan and Kosi towns in river Yamuna and Kosi drain near Sunrakh. The applicants have mentioned that there are two STPs at Pagal Baba (4 MLD) and 100-bed hospital (8 MLD) which are inadequate to deal with the nearly 20 MLD of wastewater generated from the Vrindavan town alone (excluding the Kosi drain). Gigantic quantum of sewage generated from the illegal and unauthorised colonies and constructions on the riverbed and floodplains, which have been allowed to flourish, with the active collusion of land mafia/realtors and the government agencies and their officers. Numerous more such illegal constructions and encroachments in the form of houses, ashrams, car parkings and shops etc. are continuing to take place unabated on the

eco-fragile floodplains of Yamuna in Vrindavan, all of which are discharging their sewage/wastewater directly into the river Yamuna. Most of the sewer lines and storm drains in Vrindavan remain choked with silt and wastes of all kinds. As a result, waste water is constantly overflowing from the drains on to the roads, lanes and points near the temples and other places of significance. The water quality analysis conducted by the UP Pollution Control Board of the river Yamuna in Vrindavan for January 2021, recorded the BOD levels at 6.2 mg/lit, almost double the maximum permissible levels of up to 3 mg/lit. The Total Coliform was detected to be 68000 MPN/100 ml, about 136 times higher than the maximum allowed levels of 500 MPN/100 ml. The Fecal Coliform was measured to be 31000 MPN/100 ml, about 12.4 times higher than the maximum permissible levels of 2500 MPN/100 ml. The National Mission for Clean Ganga erroneously stated in the letter dated 23.07.2020 that the work of the sewerage has been completed. The State Pollution Control Board has failed to perform its duties to prevent, control and abate pollution in Vrindavan under Section 17 of the Water (Prevention and Control of Pollution) Act, 1974. The act of allowing illegal constructions on the Yamuna floodplains and the discharge of untreated sewage/wastewater and industrial effluents into the storm water drains and then further in river Yamuna violates the judgment, dated 13.01.2015, passed by this Hon'ble Tribunal in *Manoj Misra v. Union of India* (O.A. 6 of 2012 and O.A. 300 of 2012). Further despite specific directions of this Hon'ble Tribunal, vide Order, dated 27.01.2021, to the Chief Secretary of the State of Uttar Pradesh, the Central Monitoring Committee headed by Secretary, Jalshakti and the River Rejuvenation Committees of Uttar Pradesh, inter alia, to remedy the polluted stretches of Yamuna are not being complied with.

2. We have considered the matter. The Tribunal has already dealt with the issue exhaustively on the subject of rejuvenation of river Yamuna vide order dated 27.01.2021. After considering the observations and recommendation of the Monitoring Committee comprising the former Chief Secretary, Delhi and a former Expert Member of the National Green Tribunal, *inter-alia*, following operative direction was issued:

“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.”**

3. Thus, the subject matter of the application stands covered by the above directions. Only issue which survives is execution and monitoring by the authorities. The Tribunal has already directed the Chief Secretary, UP, (with respect to river Yamuna in the State of UP) to monitor the compliance of the directions of the Tribunal to prevent discharge of

untreated sewage/effluents in river Yamuna and drains connected thereto and to protect the floodplain zone against encroachments. The Tribunal has also laid down a scale of compensation to be paid for delay in taking remedial measures including interim measures. The progress is to be further monitored on continuous basis by the River Rejuvenation Committees (RRCs) of the State, constituted in pursuance of orders of this Tribunal in O.A. No. 673/2018 and also in compliance of directions in the judgment of the Hon'ble Supreme Court in *Paryavaran Suraksha Sammiti v. Union of India & Ors.*¹

4. Accordingly, we direct Chief Secretary, UP, with the assistance of concerned officers, to look into the issue mentioned above and review the remedial action in pursuance of direction in the order of this Tribunal dated 27.01.2021 as well as judgement of the Hon'ble Supreme Court in *Paryavaran Suraksha Sammiti, supra*. In particular, review may cover the status of interception and diversion of drains carrying sewage and sullage to the river Yamuna, adequacy of treatment capacity, demarcation and greening of flood plains and removal of encroachments therefrom, management of septage and maintenance of *ghats*. We also request the Monitoring Committee constituted by this Tribunal for monitoring compliance of environmental norms in the State of UP, headed by Justice SVS Rathore, former Judge of the Allahabad High Court at Lucknow, to look into the matter and give its independent report of the compliance status as on September 30, 2021 before the next date by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

List for further consideration on 25.10.2021.

¹ (2017) 5 SCC 326

A copy of this order be forwarded to the Chief Secretary, UP and Justice SVS Rathore, former Judge of the Allahabad High Court at Lucknow, by e-mail.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

M. Sathyanarayanan, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

May 20, 2021
Original Application No. 102/2021
AVT