

Item No. 06

Court No. 1

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

Original Application No. 439/2019

Sushil Raghav

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 03.03.2020

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER
HON'BLE MR. SIDDHANTA DAS, EXPERT MEMBER

For Applicant(s): Ms. Meera Gopal, Advocate

For Respondent(s): Mr. Daleep Dhyani, Advocate for UPPCB

ORDER

1. This order is being passed in continuation of order dated 11.10.2019. A joint inspection and action taken report was required to be furnished by the UPPCB and the District Magistrate, Mathura and Mathura Vrindavan Nagar Nigam with reference to the allegation of discharge of sewage and domestic waste into the *Radha Kund* and *Shyam Kund* in Village Arita in Mathura District, Uttar Pradesh.
2. Accordingly, report dated 20.08.2019 furnished by the SPCB confirmed that the water in the two *kunds* was unfit for consumption on account of contamination due to discharge of sewage and domestic waste. Mathura Vrindavan Development Authority (MVDA) was to clean the said *kunds* and prevent discharge.

3. On 11.10.2019, having regard to the established water pollution, this Tribunal observed:

“3. Let the Mathura Vrindavan Development Authority furnish an action taken report by e-mail at judicial-ngt@gov.in on or before 11.11.2019.

4. The SPCB may ensure control of water pollution in exercise of its authority under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 by taking action which may include recovery of compensation on ‘Polluter Pays’ principle.

5. The water quality may be got displayed with clear warning that water was unfit for human consumption till the situation improves.”

4. No report has been filed by the Mathura Vrindavan Development Authority. Learned Counsel for the State PCB states that the Authority has been held liable to pay compensation which is in the process of being recovered.
5. Failure of the Mathura Vrindavan Development Authority renders its CEO liable to prosecution and payment of compensation under the provisions of the National Green Tribunal Act, 2010, including civil imprisonment and stopping of salary.
6. Before taking coercive measures, we give an opportunity of being heard to the CEO, Mathura Vrindavan Development Authority who may remain present in person on the next date.

A copy of this order be sent to the CEO, Mathura Vrindavan Development Authority directly as well as through Chief Secretary, UP by e-mail. The order may also be conveyed by the learned Counsel appearing for the State PCB.

List again on 15.04.2020.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Nagin Nanda, EM

Siddhanta Das, EM

March 03, 2020
Original Application No. 439/2019
DV

