

BEFORE THE NATIONAL GREEN TRIBUNAL

O.A. No. 146/2023

CENTRAL ZONE BENCH, BHOPAL

IN THE MATTER OF:

PRATAP VAARE

.....APPLICANT

VERSUS

STATE OF M.P. & ORS.

.....RESPONDENT

INDEX

SR.	PARTICULARS	ANNEXURE	PAGE
1.	Action taken report in compliance to the Hon'ble NGT order dated 21.05.2024 in the matter of OA 146/2023 (CZ) Mr. Pratap Vaare Vs.State of M.P. & Others.		1-2
2.	Copy of letter dated 22/09/2023 of Petitioner Shri Pratap Vaare	ANNEXURE-1	3-4
3.	The Environmental Compensation for The Prospera Multi Storey building, Palmcrest Multi Storey building, Priyadarshini Colony, Gulabi Nagar (Pink City as per petition), Ward no 53, Bagmugaliya, Bhopal and the details of environmental compensation assessment	ANNEXURE-2	5-12

Date: 11.07.2024

Place: Bhopal

Submitted by MPPCB:-



through Counsel

Adv. Parul Bhadoria

Ph. No.: (+91)-8085977111;

Email: parul.bhadoria04@gmail.com

Action Taken Report

Sub: Action taken report in compliance to the Hon'ble NGT order dated 21.05.2024 in the matter of OA 146/2023 (CZ) Mr. Pratap Vaare Vs. State of M.P. & Others.

Hon'ble NGT issued following instructions on dated 21.05.2024 in the matter of OA 146/2023 (CZ) Mr. Pratap Vaare Vs. State of M.P. & Others.:-

- “3. The perusal of the report reveals that the calculation of violation from the date of listing of case, which is neither proper nor according to rules.
4. *Learned Counsel for the Pollution Control Board is directed to intimate the authorities concerned to calculate the EC according to rules and from the date of violation.*”

As per the above order of Hon'ble NGT dated 21/05/2024, the date of violation is reviewed as per the available records. In this regard, the letter dated 22/09/2023 of Petitioner Shri Pratap Vaare, which is found enclosed in the petition is considered. Copy is enclosed as **Annexure – I**. In this letter, Petitioner Shri Pratap Vaare mentioned that following units are discharging untreated sewage in to open:

1. The Prospera (builder-Amaltas)
2. Palmcrest (Builder – Sanjeev Singh)
3. Priyadarshini Colony (Builders- Asnani)
4. Gulabi Nagar

Environmental compensation is revised and the date is considered from the

date of violation mentioned in the letter dated 22/09/2023 by the petitioner. The Environmental Compensation for The Prospera Multi Storey building, Palmcrest Multi Storey building, Priyadarshini Colony, Gulabi Nagar (Pink City as per petition), Ward no 53, Bagmugaliya, Bhopal and the details of environmental compensation assessment is enclosed in **Annexure II**.

The revised Environmental Compensation for the colonies is as follows:-

Name of Colony/Multi Storey Building	Days of Violation			Revised Environment Compensation
	Violation observed date	Notice issue date	Days	
The Prospera multi storey building	22.09.2023	27.12.2023	96	8.94 Lakhs
Palmcrest multi storey building	22.09.2023	27.12.2023	96	4.80 Lakhs
Priyadarshini Colony	22.09.2023	27.12.2023	96	7.76 Lakhs
Gulabi Nagar (Pink City as per petition)	22.09.2023	27.12.2023	96	4.80 Lakhs

Brajesh Sharma
Regional Officer
RO, MPPCB, Bhopal

Prakamya Tiwari
AE,
RO, MPPCB, Bhopal



प्रताप वारे
पार्षद वार्ड क्र. 53

नगर पालिक निगम, भोपाल

मो. 9826088234

7587988953

Email pratap.ware209@gmail.com

निवास : 6, लक्ष्मी परिसर द्वितीय तल
वागसेवनिया, भोपाल

क्रमांक 38/2023

दिनांक 22/9/2023

प्रति,

राष्ट्रीय हरित प्राधिकरण
भोपाल

विषय - बिल्डर्स द्वारा वानाई गई मल्टी में खुले में सीवेज एवं गंदा पानी छोड़ने को रोकने हेतु
बाबत।

महोदय,

उक्त विषय में निवेदन है कि वार्ड क्र 53 स्थित मल्टी जिनके नाम हैं,

1. द प्रोसपेरा (बिल्डर्स -अमलतास)
2. पाल्मक्रेस्ट (बिल्डर्स-संजीव सिंह)
3. प्रियदर्शनी कालोनी (बिल्डर्स असनानी)
4. गुलाबी नगर

द्वारा खुले में सीवेज व गंदा पानी निकासी किया जा रहा है,

उपरोक्त कालोनी एवं मल्टी के बिल्डर्स ने न तो कोई अंडरग्राउंड टैंक बनवाया
एवं न ही गंदे पानी की निकासी के लिये कोई लाईन डालवाई है इनके द्वारा कालोनियो
से उत्पन्न होने वाला सारा गंदा पानी निजी निवास के चारों तरफ खाली पड़ी निजी
भूमि पर छोड़ा जा रहा है।

To
Complaint 2

NGT, CZB, BHOPAL
Receipt No. : 634
Date : 23-09-23

इतने तीनों कॉलोनियों में कुल मिलाकर करीब १००० से अधिक लोग रहते हैं। इतने सारे लोगो के इस्तेमाल किया हुआ सारा गंदा पानी इनके द्वारा खुले में छोड़ा जा रहा है। इस से न तो केवल पूरे इलाके में गंदगी, बदबू, मच्छर और बीमारी फैल रही है बल्कि इनके द्वारा भू-जल को (चूंकि इलाके में भू-जल का स्तर मुश्किल से ५५-६० फीट है) एवं इनसे संलग्न निजी भूमि को भी पदूषित किया जा रहा है। प्रदूषण का स्तर इतना ज्यादा है कि आम रहवासी का घर से बाहर निकलना, आवन-जावन करना मुश्किल हो चुका है। इतने सारे गंदे पानी के फैले होने से इलाके में बरसात में सांप बिच्छू की भी बहुत दिक्कत आती है। निजी स्तर पर रहवासियों एवं बिल्डर से निवेदन करके सिर्फ आश्वासन दिया जाता है परंतु कुछ कार्य नहीं किया जाता है। स्वच्छ भारत मिशन तक की गुहार इन लोगो के लिए बिल्कुल ऐसे है जैसे भैंस के आगे बीन।

निवेदन है कि उपरोक्त कॉलोनियों पर अतिशीघ्र कार्यवाही कर इनसे गंदे पानी की निकासी के लिए लाइन डलवाएं या इस विषय में उपरोक्त कॉलोनियों के रहवासियों एवं बिल्डर पर I.P.C. की धारा २६९/१७० के अंतर्गत सख्त से सख्त कार्यवाही की जाए।

धन्यवाद।

रुचिका

उत्तरवाला

आशुतोष

अग्रवाल

शक्ति

अग्रवाल

निरु

मिश्रा

भवदीय

As per the order dated 21.05.2024 of Hon'ble NGT in OA 146/2023 (CZ) Pratap Vaare V/s Sate of M.P. & Ors. estimation of Environmental Compensation is revised considering the date of violation observed. In this regard, days are considered from the day of violation observed by the petitioner. The first letter was issued by the petitioner Mr. Pratap Vaare to the societies on dated 22.09.2023 mentioning the sewage water flowing outside the premises. Based on the evidence of the letter, the date of violation is considered from 22.09.2023.

1. Calculation of Environment Compensation to be levied on “The Prospera” Multi Storey building, Ward no 53, Bagmugaliya, Bhopal:

It is proposed to levy Environment compensation of Sum **Rs. 8,94,000/- (Rs. Eight Lacs Ninety Four Thousand Only)** on “The Prospera” Multi Storey building, Ward no 53, Bagmugaliya, Bhopal for not treating the sewage generated. The violation period has been calculated from the date of violation observed of water (Prevention and Control of Pollution) Act, 1974 i.e, 22.09.2023 to date 27.12.2023 i.e, notice issued to “The Prospera” Multi Storey building, Ward no 53, Bagmugaliya, Bhopal. The calculation steps of Environment Compensation are as under:-

Calculation of Environment Compensation to be levied on “The Prospera” Multi Storey building, Ward no 53, Bagmugaliya, Bhopal:

Environmental Compensation (EC) to be levied on concerned individual/ authority as per the order of Hon'ble NGT in case of OA 593/2017 dated 28/08/2019 may be calculated as;

$$EC \text{ (Lacs Rs.)} = 17.5 \times (\text{Total Sewage Generation} - \text{Installed Treatment Capacity}) + 55.5 \times (\text{Total Sewage Generation} - \text{Operational Capacity}) + 0.2 (\text{Sewage Generation} - \text{Operational Capacity}) \times N + \text{Marginal cost of Environmental Externality} \times (\text{Total Sewage Generation} - \text{Operational Capacity}) \times N$$

Where N = Number of days from the date of direction of CPCB/SPCB/PCC till the required capacity systems are provided by the concerned authority. Quantity of Sewage in MLD.

As per above methodology, the information recorded during inspection and based on following parameters environment compensation is assessed:-

S.No.	Components of EC	Estimated Value	Remarks
1.	Water demand per day (MLD) (approx)	0.1215	As per population of building, the total domestic water requirement is 0.1215MLD.
2.	Total Sewage Generation per day (MLD) (approx)	0.097	As per population of building, the total sewage generated is 0.097MLD.
3.	Installed Treatment Capacity (MLD)	0.020	01 Nos. of STP 20KLD, was found installed.
4.	Operational Capacity of STP (MLD)	0	STP was found non operating condition.
5.	Gap in treatment of Sewage (MLD)	0.097	Total Sewage Generation – Installed Treatment capacity of STP = 0.077 Total Sewage Generation – Operational Treatment capacity of STP = 0.097
6.	N = Number of Days of Violation	96	No. of days of violation is calculated from the date of violation observed i.e. 22.09.2023 to date 27.12.2023 i.e. date of notice issued.
	As per the above data Environmental Compensation	Rs. 894000/-	EC= 17.5*(0.097-0) + 55.5*(0.097-0) + 0.2*(0.097-0)*96 EC= 8.94 (In Lacs Rs.)
.	As per Environment Compensation guidelines points 1.3.1 of f “In any case, minimum environment	Rs 480000/-	Total No. of days = 96 Environment Compensation will

	compensation shall be Rs. 5000 per day”		be Rs. 5000*96 = 480000/-
Conclusion: Therefore Environmental Compensation to be levied on “The Prospera” Multi Storey building, Ward no 53, Bagmugaliya, Bhopal is Rs. 894000/-			

2. Calculation of Environment Compensation to be levied on “Palmcrest” Multi Storey building, Ward no 53, Bagmugaliya, Bhopal:

It is proposed to levy Environment compensation of Sum **Rs. 480000/- (Rs. Four Lacs Eighty Thousand Only)** on “Palmcrest” Multi Storey building, Ward no 53, Bagmugaliya, Bhopal for not treating the sewage generated. The violation period has been calculated from the date of violation observed of water (Prevention and Control of Pollution) Act, 1974 i.e, 22.09.2023 to date 27.12.2023 i.e, notice issued to “Palmcrest” Multi Storey building, Ward no 53, Bagmugaliya, Bhopal. The calculation steps of Environment Compensation are as under:-

Calculation of Environment Compensation to be levied on “Palmcrest” Multi Storey building, Ward no 53, Bagmugaliya, Bhopal:

Environmental Compensation (EC) to be levied on concerned individual/ authority as per the order of Hon’ble NGT in case of OA 593/2017 dated 28/08/2019 may be calculated as;

$$EC \text{ (Lacs Rs.)} = 17.5 \times (\text{Total Sewage Generation} - \text{Installed Treatment Capacity}) + 55.5 \times (\text{Total Sewage Generation} - \text{Operational Capacity}) + 0.2 (\text{Sewage Generation} - \text{Operational Capacity}) \times N + \text{Marginal cost of Environmental Externality} \times (\text{Total Sewage Generation} - \text{Operational Capacity}) \times N$$

Where N = Number of days from the date of direction of CPCB/SPCB/PCC till the required capacity systems are provided by the concerned authority. Quantity of Sewage in MLD.

As per above methodology, the information recorded during inspection and based on following parameters environment compensation is assessed:-

S.No.	Components of EC	Estimated Value	Remarks
1.	Water demand per day (MLD) (approx)	0.0168	As per population of building, the

			total domestic water requirement is 0.0168MLD.
2.	Total Sewage Generation per day (MLD) (approx)	0.0135	As per population of building, the total sewage generated is 0.0135MLD.
3.	Installed Treatment Capacity (MLD)		01 Nos. of STPKLD, was found installed.
4	Operational Capacity of STP (MLD)	0	STP was found non operating condition.
5.	Gap in treatment of Sewage (MLD)	0.0135	Total Sewage Generation – Installed Treatment capacity of STP = Total Sewage Generation – Operational Treatment capacity of STP = 0.0135
6	N = Number of Days of Violation	96	No. of days of violation is calculated from the date of violation observed i.e. 22.09.2023 to date 27.12.2023 i.e. date of notice issued.
	As per the above data Environmental Compensation	Rs. 125000/-	EC= 17.5*(0.0135-0) + 55.5*(0.0135-0) + 0.2*(0.0135-0)*96 EC= 1.25 (In Lacs Rs.)
.	As per Environment Compensation guidelines points 1.3.1 of f “In any case, minimum environment compensation shall be Rs. 5000 per day”	Rs 480000/-	Total No. of days = 96 Environment Compensation will be Rs. 5000*96 = 480000/-

<p>Conclusion: Therefore Environmental Compensation to be levied on “Palcrest” Multi Storey building, Ward no 53, Bagmugaliya, Bhopal is Rs. 480000/-</p>			

3. Calculation of Environment Compensation to be levied on “Priyadarshini Colony”, Ward no 53, Bagmugaliya, Bhopal:

It is proposed to levy Environment compensation of Sum **Rs. 776000/- (Rs. Seven Lacs Seventy Six Thousand Only)** on “Priyadarshini Colony”, Ward no 53, Bagmugaliya, Bhopal for not treating the sewage generated. The violation period has been calculated from the date of violation observed of water (Prevention and Control of Pollution) Act, 1974 i.e, 22.09.2023 to date 27.12.2023 i.e, notice issued to “Priyadarshini Colony”, Ward no 53, Bagmugaliya, Bhopal. The calculation steps of Environment Compensation are as under:-

Calculation of Environment Compensation to be levied on “Priyadarshini Colony”, Ward no 53, Bagmugaliya, Bhopal:

Environmental Compensation (EC) to be levied on concerned individual/ authority as per the order of Hon’ble NGT in case of OA 593/2017 dated 28/08/2019 may be calculated as;

$$EC \text{ (Lacs Rs.)} = 17.5 \times (\text{Total Sewage Generation} - \text{Installed Treatment Capacity}) + 55.5 \times (\text{Total Sewage Generation} - \text{Operational Capacity}) + 0.2 (\text{Sewage Generation} - \text{Operational Capacity}) \times N + \text{Marginal cost of Environmental Externality} \times (\text{Total Sewage Generation} - \text{Operational Capacity}) \times N$$

Where N = Number of days from the date of direction of CPCB/SPCB/PCC till the required capacity systems are provided by the concerned authority. Quantity of Sewage in MLD.

As per above methodology, the information recorded during inspection and based on following parameters environment compensation is assessed:-

S.No.	Components of EC	Estimated Value	Remarks
1.	Water demand per day (MLD) (approx)	0.105	As per population of colony, the total domestic water requirement is

			0.105MLD.
2.	Total Sewage Generation per day (MLD) (approx)	0.0842	As per population of colony, the total sewage generated is 0.0842MLD.
3.	Installed Treatment Capacity (MLD)	0	No STP found installed.
4.	Gap in treatment of Sewage (MLD)	0.0842	Total Sewage Generation – Installed Treatment capacity of STP = 0.0842 Total Sewage Generation – Operational Treatment capacity of STP = 0.0842
6	N = Number of Days of Violation	96	No. of days of violation is calculated from the date of violation observed i.e. 22.09.2023 to date 27.12.2023 i.e. date of notice issued.
	As per the above data Environmental Compensation	Rs. 776000/-	EC= 17.5*(0.0842-0) + 55.5*(0.0842-0) + 0.2*(0.0842-0)*96 EC= 7.76 (In Lacs Rs.)
.	As per Environment Compensation guidelines points 1.3.1 of f “In any case, minimum environment compensation shall be Rs. 5000 per day”	Rs 480000/-	Total No. of days = 96 Environment Compensation will be Rs. 5000*96 = 480000/-
Conclusion: Therefore Environmental Compensation to be levied on “Priyadarshini Colony”, Ward no 53, Bagmugaliya, Bhopal is Rs. 776000/-			

4. Calculation of Environment Compensation to be levied on “Gulabi Nagar”(Pink City as per petition), Ward no 53, Bagmugaliya, Bhopal:

It is proposed to levy Environment compensation of Sum **Rs. 4,80,000/- (Rs. Four Lacs Eighty Thousand Only)** on “Gulabi Nagar”(Pink City as per petition), Ward no 53, Bagmugaliya, Bhopal for not treating the sewage generated. The violation period has been calculated from the date of violation observed of water (Prevention and Control of Pollution) Act, 1974 i.e, 22.09.2023 to date 27.12.2023 i.e, notice issued to “Gulabi Nagar”(Pink City as per petition), Ward no 53, Bagmugaliya, Bhopal. The calculation steps of Environment Compensation are as under:-

Calculation of Environment Compensation to be levied on “Gulabi Nagar”(Pink City as per petition), Ward no 53, Bagmugaliya, Bhopal:

Environmental Compensation (EC) to be levied on concerned individual/ authority as per the order of Hon’ble NGT in case of OA 593/2017 dated 28/08/2019 may be calculated as;

$$EC \text{ (Lacs Rs.)} = 17.5 \times (\text{Total Sewage Generation} - \text{Installed Treatment Capacity}) + 55.5 \times (\text{Total Sewage Generation} - \text{Operational Capacity}) + 0.2 (\text{Sewage Generation} - \text{Operational Capacity}) \times N + \text{Marginal cost of Environmental Externality} \times (\text{Total Sewage Generation} - \text{Operational Capacity}) \times N$$

Where N = Number of days from the date of direction of CPCB/SPCB/PCC till the required capacity systems are provided by the concerned authority. Quantity of Sewage in MLD.

As per above methodology, the information recorded during inspection and based on following parameters environment compensation is assessed:-

S.No.	Components of EC	Estimated Value	Remarks
1.	Water demand per day (MLD) (approx)	0.047	As per population of colony, the total domestic water requirement is 0.047MLD.
2.	Total Sewage Generation per day (MLD) (approx)	0.0378	As per population of colony, the total

			sewage generated is 0.0378MLD.
3.	Installed Treatment Capacity (MLD)	0	No STP found installed.
4.	Gap in treatment of Sewage (MLD)	0.0378	Total Sewage Generation – Installed Treatment capacity of STP = 0.0378 Total Sewage Generation – Operational Treatment capacity of STP = 0.0378
6	N = Number of Days of Violation	96	No. of days of violation is calculated from the date of violation observed i.e. 22.09.2023 to date 27.12.2023 i.e. date of notice issued.
	As per the above data Environmental Compensation	Rs. 348500/-	EC= 17.5*(0.0378-0) + 55.5*(0.0378-0) + 0.2*(0.0378-0)*96 EC= 3.485 (In Lacs Rs.)
.	As per Environment Compensation guidelines points 1.3.1 of f “In any case, minimum environment compensation shall be Rs. 5000 per day”	Rs 480000/-	Total No. of days = 96 Environment Compensation will be Rs. 5000*96 = 480000/-
Conclusion: Therefore Environmental Compensation to be levied on “Gulabi Nagar”(Pink City as per petition), Ward no 53, Bagmugaliya, Bhopal is Rs. 480000/-			