

From : Sh. RAJA CHATTERJEE Registrar <registrarngt-kolkata@gov.in>

Thu, Apr 18, 2024 12:29 PM

📎 6 attachments

Subject : Fwd: Non-compliance of Hon'ble NGT Order

To : Judicial Section <ngtjudicial-kolkata@gov.in>

Reply To : Sh. RAJA CHATTERJEE Registrar <registrarngt-kolkata@gov.in>

----- Forwarded Message -----

From: "Administrative Section" <adm.ngt@nic.in>
To: "Consultant Judicial-NGT(P.B.)" <judicial-ngt@gov.in>, "Sh. RAJA CHATTERJEE Registrar" <registrarngt-kolkata@gov.in>
Sent: Thursday, April 18, 2024 9:48:40 AM
Subject: Fwd: Non-compliance of Hon'ble NGT Order

----- Forwarded Message -----

From: nabinkisanbph@gmail.com
To: nacbelpahar@gmail.com, paribesh1@ospboard.org, "member secy" <member.sec@ospboard.org>, "Public Grievance" <publicgrievance-ngt@gov.in>, "Administrative Section" <adm.ngt@nic.in>, "Mrinal Kanti Biswas" <mkbiswas.cpcb@nic.in>, "Collector Jharsuguda" <dm-jharsuguda@nic.in>
Sent: Wednesday, April 17, 2024 9:20:02 PM
Subject: Non-compliance of Hon'ble NGT Order

Respected Madam/Sir,

Attached herewith the letter for your kind perusal please.

Yours faithfully
Nabin Kisan,
Gumadera, Belpahar.

--

सादर / Regards,

प्रशासन अनुभाग / Administration Section,
राष्ट्रीय हरित अधिकरण / National Green Tribunal,
प्रधान न्यायपीठ / Principal Bench,
फरीदकोट हाउस / Faridkot House,
कॉपरनिकस मार्ग / Copernicus Marg,
नई दिल्ली / New Delhi-110001

--

RAJA CHATTERJEE
REGISTRAR,
NATIONAL GREEN TRIBUNAL,
EASTERN ZONAL BENCH, KOLKATA.
PHONE No. 033-23240094
EMAIL: registrarngt-kolkata@gov.in



20.05.2022-NGT Order.pdf
163 KB



image2.jpeg
282 KB



image3.jpeg
322 KB



image1.jpeg
355 KB

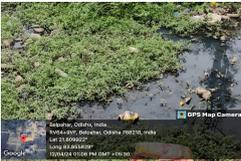


image4.jpeg
303 KB



Represent to EO, BPH.pdf
2 MB

Fwd: Non-compliance of Hon'ble NGT Order by Belpahar Municipality, Jharsuguda

From : Sh. RAJA CHATTERJEE Registrar <registrarngt-kolkata@gov.in>

Tue, Apr 23, 2024 02:24 PM

 1 attachment

Subject : Fwd: Non-compliance of Hon'ble NGT Order by Belpahar Municipality, Jharsuguda

To : Judicial Section <ngtjudicial-kolkata@gov.in>

Reply To : Sh. RAJA CHATTERJEE Registrar <registrarngt-kolkata@gov.in>

From: "Public Grievance" <publicgrievance-ngt@gov.in>

To: "Sh. RAJA CHATTERJEE Registrar" <registrarngt-kolkata@gov.in>

Sent: Tuesday, April 23, 2024 2:18:07 PM

Subject: Fwd: Non-compliance of Hon'ble NGT Order by Belpahar Municipality, Jharsuguda

From: nabinkisanbph@gmail.com

To: paribesh1@ospcboard.org, "Public Grievance" <publicgrievance-ngt@gov.in>, "Registrar General" <rg.ngt@nic.in>

Sent: Tuesday, April 23, 2024 12:24:20 PM

Subject: Non-compliance of Hon'ble NGT Order by Belpahar Municipality, Jharsuguda

Respected Sir,

Attached herewith the grievance petition regarding non-compliance of Hon'ble NGT order by Belpahar Municipality, Jharsuguda. It is requested that action may please be taken for non-compliance of the order of NGT.

Yours faithfully

Nabin Kisan,
Gumadera, Belpahar.

--

RAJA CHATTERJEE
REGISTRAR,
NATIONAL GREEN TRIBUNAL,
EASTERN ZONAL BENCH, KOLKATA.
PHONE No. 033-23240094
EMAIL: registrarngt-kolkata@gov.in



Represent to SPCB, Odisha.pdf

1 MB

Fwd: Non-compliance of Hon'ble NGT Order by Belpahar Municipality, Jharsuguda

From : Sh. RAJA CHATTERJEE Registrar <registrarngt-kolkata@gov.in>

Wed, Apr 24, 2024 03:12 PM

 1 attachment

Subject : Fwd: Non-compliance of Hon'ble NGT Order by Belpahar Municipality, Jharsuguda

To : Judicial Section <ngtjudicial-kolkata@gov.in>

Reply To : Sh. RAJA CHATTERJEE Registrar <registrarngt-kolkata@gov.in>

From: "Public Grievance" <publicgrievance-ngt@gov.in>

To: "Sh. RAJA CHATTERJEE Registrar" <registrarngt-kolkata@gov.in>

Sent: Wednesday, April 24, 2024 3:05:55 PM

Subject: Fwd: Non-compliance of Hon'ble NGT Order by Belpahar Municipality, Jharsuguda

From: "Registrar General" <rg.ngt@nic.in>

To: "Public Grievance" <publicgrievance-ngt@gov.in>

Sent: Wednesday, April 24, 2024 1:57:25 PM

Subject: Fwd: Non-compliance of Hon'ble NGT Order by Belpahar Municipality, Jharsuguda

From: nabinkisanbph@gmail.com

To: paribesh1@ospcboard.org, "Public Grievance" <publicgrievance-ngt@gov.in>, "Registrar General" <rg.ngt@nic.in>

Sent: Tuesday, April 23, 2024 12:24:20 PM

Subject: Non-compliance of Hon'ble NGT Order by Belpahar Municipality, Jharsuguda

Respected Sir,

Attached herewith the grievance petition regarding non-compliance of Hon'ble NGT order by Belpahar Municipality, Jharsuguda. It is requested that action may please be taken for non-compliance of the order of NGT.

Yours faithfully

Nabin Kisan,
Gumadera, Belpahar.

RAJA CHATTERJEE
REGISTRAR,
NATIONAL GREEN TRIBUNAL,
EASTERN ZONAL BENCH, KOLKATA.
PHONE No. 033-23240094
EMAIL: registrarngt-kolkata@gov.in

 **Represent to SPCB, Odisha.pdf**
1 MB

From:
Nabin Kisan,
Malipada, Gumadera,
Belpahar-768 218, Jharsuguda.
April 16, 2024.

To
The Member Secretary,
State Pollution Control Board, Odisha
Paribesh Bhawan, A/118, Nilakantha Nagar,
Unit – VIII, Bhubaneswar – 751012.

Subject: **Non-Compliance of Hon'ble National Green Tribunal
Orders.**
Ref: OA No. 48/2021/EZ before Hon'ble NGT.

Respected Sir,

I, Nabin Kisan is a permanent resident of Malipada, Gumadera, Belpahar, Jharsuguda. I am writing to express my deep concern and draw your kind attention regarding the continued non-compliance of the order dated:20.05.2022 passed by the Hon'ble National Green Tribunal (NGT) in the matter of waste water management in Belpahar Municipality, Jharsuguda. It is pertinent to mention here that CPCB & SPCB were also a party in the referred case.

In the month of June, 2021, Belpahar Municipality forcefully diverted sewage water to the private land of Shri Nabin Kisan for the benefit of few individuals violating environmental laws & rules. Private land owners like me, nearby residents and general public who were affected by this illegal diversion represented to Belpahar Municipality & District Administration against such diversion, which were unheard. Subsequently, a case was filed by me at the National Green Tribunal (OA No. 48/2021/EZ).

During the course of hearing Hon'ble NGT observed & noted in its judgement/order dated: 20.05.2022 (Copy attached) as follows:-

(5) This report clearly shows that the Consent to Operate (CTO) has not been obtained by the Belpahar Municipality for constructing the drain and it has also not set-up the Sewage Treatment Plant (STP) of adequate capacity for collection of waste water including sewage & sullage water which is a serious violation of the Solid Waste Management Rules, 2016.

(11) The Enquiry/Inspection Report clearly confirms the allegations of the Applicant that an RCC drain has been constructed over his land without his permission or consent thereby destroying his agricultural land. We are equally surprised to note as to how this drain water is allowed to mix with storm water drain which again flows through the private land of the Applicant.

Nabin Kisan

(14) We are surprised as to how this RCC drain could have been permitted by the Executive Officer of the Belpahar Municipality to be constructed on the private land of the Applicant without his permission/consent.

The Hon'ble NGT issued specific instructions to address the pressing issue of waste water and stormwater drainage in Belpahar Municipality, which are vital for ensuring a pollution-free environment and safeguarding the health of the citizens in the area. **However, it is distressing to note that these directives have not been adhered to, and sewage water continues to flow over the private land, spreading in an area of several acres, causing immense hardship to the residents of the region. The area has turned up as a breeding ground of mosquito and other harmful insects. Further down south, the sewage water is getting mixed in to the bathing Ghats of Limtikira village, where mostly SC/ST people are living.**

Further, I would like to draw your attention to the following specific directions from the Hon'ble NGT order dated: 20.05.2022:

16 (b): After removal of the said drainage, **adequate diversion shall be made by the Belpahar Municipality either on its own or by taking assistance of other State Agencies/Authorities or District Administration for creating a diversion of the waste water as well as storm water drain to ensure that such waters do not flow over any private land.**

16 (f) The Executive Officer, Belpahar Municipality, as well as District Magistrate & Collector, Jharsuguda, are also directed to expedite and complete the construction process of the Sewage Treatment Plant (STP) in question within a period of three months.

16 (g) The Principal Secretary, Housing and Urban Development Department, Govt. of Odisha, and the Odisha Water Sewerage Board, Govt. of Odisha, are also directed to ensure the construction of the waste water treatment system (STP) in the Belpahar Municipality within a period of three months. Failure to complete the STP and make it functional will entail a cost of Rs. 25,000/- (Rupees Twenty-Five Thousand only) per day till completion, to be deposited by the Housing and Urban Development Department, Govt. of Odisha, with the Odisha State Pollution Control Board.

The deliberate non-compliance of Hon'ble NGT orders by Belpahar Municipality has damaged several acres of fertile agricultural land and have far-reaching adverse effects on the health and well-being of the citizens living in the affected area, thereby violating our fundamental rights to a pollution-free environment and depriving us from our source of livelihood. Regrettably, despite passing of nearly two years since the issuance of the Hon'ble NGT order, no action has been taken by Belpahar Municipality to rectify the situation. I am attaching few photographs and a video of the continuous violations that is taking place even after the order of the Hon'ble Tribunal.

Alabiy K. Sanyal

I request for your immediate intervention in this matter to ensure that the directives of the Hon'ble NGT are strictly enforced, and all necessary measures are taken to mitigate the environmental hazards caused by the non-compliance. The health and well-being of the residents of Belpahar Municipality depend on the timely resolution of this issue. I believe that your prompt intervention will serve the best interests of the affected community and the environment as a whole.

Yours Sincerely,

Nabin Kisan

(Nabin Kisan)

Malipada, Gumadera, Belpahar-768 218,

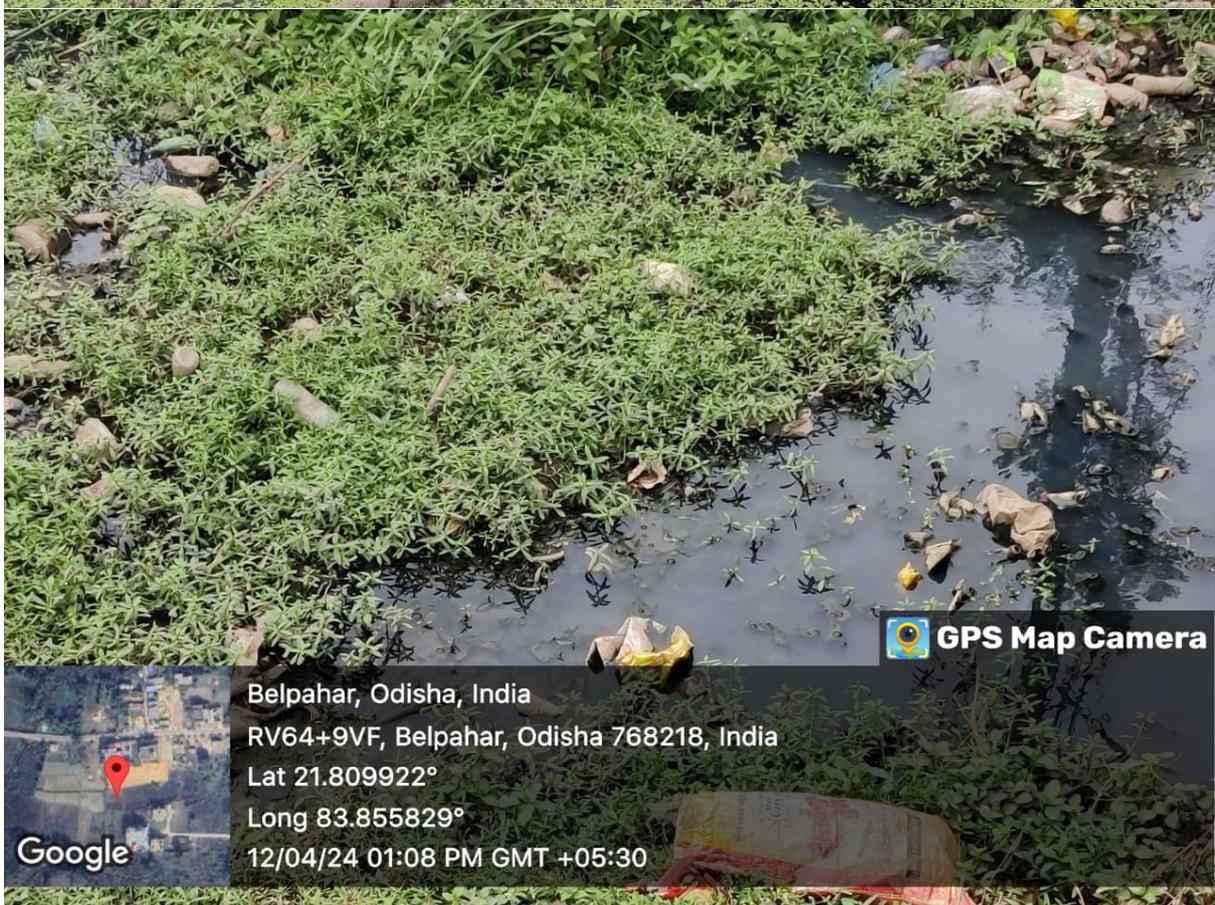
Dist: Jharsuguda, Odisha.

Copy for kind information to:

- 1) The Registrar, National Green Tribunal, Eastern Zone Bench, Finance Centre, 3rd Floor, Block III B New Town Kolkata- 700 157. E-mail: registrarngt-kolkata@gov.in
- 2) The Regional Director, Central Pollution Control Board, Kolkata.
- 3) The District Magistrate & Collector, Jharsuguda, Odisha.
- 4) The Executive Officer, Belpahar Municipality.







**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(Through Video Conferencing)**

Original Application No. 48/2021/EZ

In the matter of:

Nabin Kisan,
S/o Bira Kisan,
R/o Malipada, Gumadera,
At/Po: Belpahar, District-Jharsuguda,
Odisha,

...Applicant(s)

Versus

1. Govt. of Odisha,
Through Principal Secretary,
Department of Housing and Urban Development,
3RD Floor, Kharvel Bhavan, West Wing,
Room No. 302, Bhubaneswar,
Pin – 751001,
2. Belpahar Municipality,
Through Chairman,
At/PO: Belpahar,
District-Jharsuguda,
Pin – 768217,
3. District Magistrate & Collector, Jharsuguda,
At/PO: Jharsuguda, District-Jharsuguda,
Odisha,
4. State Pollution Control Board, Odisha,
Through Chairman,
Paribesh Bhawan, A/118, Nilakantha Nagar,
Unit-VIII, Bhubaneswar,
Pin – 751012,
5. Central Pollution Control Board,
Through Chairman,
Parivesh Bhawan, East Arjun Nagar,
New Delhi – 110032,
6. Ministry of Environment, Forests and Climate Change,
Through Secretary,
Indira Paryavaran Bhawan, Jor Bagh,
New Delhi – 110003,

...Respondent(s)

Date of hearing: 20.05.2022

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER**

For Applicant(s) : Mr. Shreyan Das, Advocate (in Virtual Mode)

For Respondent(s) : Mr. Saliaza Nanda Das, ASC for R-1&3, (in Virtual Mode)
Mr. Batakrishna Behera, ASC for R-2, (in Virtual Mode)
Mr. Dipanjan Ghosh, Advocate for R-4,
Mr. Surendra Kumar, Advocate for R-5,
Mr. Debasish Ghosh, Advocate for R-6 (in Virtual Mode)

ORDER

1. We have heard the learned Counsel for the parties and perused the documents on record.
2. The allegation of the Applicant in the present Original Application is that he is a farmer and owner of agricultural land bearing Khata No. 4920 over which the Respondent No.2, Belpahar Municipality, is constructing a new sewerage line by diverting it from its existing location, i.e., Om Shanti Centre, Gumadera, Belpahar, Odisha, in order to connect it to the nearby culvert at Ward No.7, where the fresh water from the big main pond and the small pond of Gumadera spills over and gets collected. The contention of the Applicant is that as a result of this diversion due to construction of new sewerage line the water is now overflowing on his agricultural land thereby virtually destroying it.
3. The Tribunal issued notices to the Respondents to file their affidavits before the next date of listing stating as to how and why this sewerage line is being diverted over the land of the Applicant and how the water is being allowed to overflow into the agricultural land of the Applicant.
4. The Odisha State Pollution Control Board in its affidavit dated 18.08.2021 has brought on record the report of the Inspection

Committee. The Observations and Recommendation of the Committee's Report read as under:-

“Observations:

1. Belpahar Municipality has 19 Nos. of wars. Wastewater including sullage water generated from different wards is discharged to nearby open low lying private lands without any treatment. It has five Nos. of major indentified outfalls (Land discharge points). Out of that, the alleged site i.e., Gumadera out fall is one of major wastewater discharge point. Previously, it was located in a low-lying land near Gumadera Om Shanti Center of Ward No. 7 of Belpahar Municipality.

2. In response to the grievance petition filed by OM Shanti Centre, Gumadera, Belpahar before the Collector, Jharsuguda regarding stagnation of foul-smelling wastewater, Belpahar municipality has constructed 68m length of RCC drain, connecting with PWD drain by the road side for channelization of wastewater from the discharge point near OM Shanti centre towards the culvert of ward No.7. As a result, wastewater gets channelized through the proper RCC drain and finally gets discharged near the Culvert and is mixed with storm water drain (local nallah) which flows through the private land of the applicant Sri Nabin Kisam. The surface runoff & over flow of rain water of big pond & small pond of Gumedra get channelized through the said local nallah culvert of ward no. 7 which is used for Irrigation purposes. Stagnation of wastewater is some part of the land of applicant near the culvert of ward No.7 was noticed.

3. One no. of water sample was collected from the final discharge point near the culvert and submitted to the laboratory for analysis. It is revealed from the sample report that the parameters of the water sample for exceeds the prescribed standard of the Board, Analysis report is enclosed for kind reference.

4. Belpahar Municipality has not provided proper drainage network for collection of wastewater including Sewage & Sullage water and has not installed Sewage Treatment Plant of

adequate capacity. It has also not obtained Consent to Establish & operate for the same.

5. Belpahar Municipality has not obtained consent to operate from SPCB, Odisha under section 25/26 of the Water (PCP) Act, 1974 for discharge of domestic wastewater into any stream or well or sewage or any land.

6. It was learnt from the site that no crop was cultivated in the land of the applicant in the previous year, i.e., prior to discharge of wastewater. Hence, no crop damage has occurred due to such discharge.

7. The diversion of the drainage network does not impact the ambient air quality due to diversion of drainage network was not correct.

Conclusion:

- *The allegation of discharge of wastewater of Municipality to the land of the applicant was submitted. Wastewater including sullage water generated from different wards of Belpahar Municipality is discharged to nearby open low lying private lands without any treatment.*
- *It has not provided proper drainage network for collection of wastewater including Sewage & Sullage water and has not installed Sewage Treatment Plant of adequate capacity.*
- *Belpahar Municipality has not obtained consent to operate from SPCB, Odisha under section 25/26 of the Water (PCP) Act, 1974 for discharge of domestic wastewater into any steam or well or sewer or any land.*

Recommendation:

In view of the above, Belpahari Municipality may be directed to stop discharge of wastewater to private land of applicant through temporary flexible arrangement and submit a time bound action plan for proper collection & treatment of the domestic wastewater generated from the Municipality.”

5. This report clearly shows that the Consent to Operate (CTO) has not been obtained by the Belpahar Municipality for constructing the drain and it has also not set-up the Sewage Treatment Plant (STP) of adequate capacity for collection of waste water including sewage & sullage water which is a serious violation of the Solid Waste Management Rules, 2016.
6. In the affidavit of the Belpahar Municipality, Respondent No.2, dated 25.09.2021, the only defence taken by the Belpahar Municipality is that most of the landlords in the municipal areas have been using their land for housing and other commercial purposes. The Plot No. 4920 of Holding No. 699 of Belpahar consists of only Ac. 0.27 decimals which is no more suitable for agricultural purpose. It is also stated that the area is low-lying area. There is no categorical denial that sewage and sullage water is not being drained into the private lands including the land of the Applicant. It is further stated that a proper collection network of drains for domestic waste water along with its adequate treatment facilities is going to be provided in a time bound manner at a suitable place. This shows that even the so called suitable place has not been identified by the Belpahar Municipality, Respondent No.2. It is also stated that the Urban Local Body is going to establish a Sewage Treatment Plant which will be completed in a time bound manner.
7. This affidavit shows that till date the STP has not been constructed nor the Municipality's drain is connected to the STP. In para 5 of the affidavit, it is unnecessarily stated that the Applicant's occupation is 'service' and his primary source of income is not from farming but service. This land is also not being cultivated for years

together and, therefore, it is not correct to say that the fertility and usability of others land is going to be damaged due to construction of drain. This, in our opinion, is a wholly irrelevant and irresponsible statement made by the Municipality and is no defence for allowing sewage and sullage water to be drained into private land i.e., land of the Applicant.

8. The Enquiry Report further mentions that water sample was collected from the final discharge point near the culvert and submitted to the laboratory for analysis and it was revealed from the analysis report that the parameter of the water sample far exceeds the prescribed standard prescribed by the Board with reference to Suspended Solids (SS) and Biological Oxygen Demand (BOD). The analysis report is in sharp contradiction to the averments made by the Respondent No.2 in para 9 of his affidavit stating that there is no degradation of environment or grievous threat to the health of the residents of the area including the applicant.
9. The Tribunal, therefore, imposed a personal cost of Rs. 25,000/- (Rupees Twenty Five Thousand only) on the Sub-Collector-cum-Administrator, Belpahar Municipality and the said Municipality was also directed to file its Action Taken Report.
10. One affidavit dated 19.05.2022 has been filed on behalf of the Respondent No.4, Odisha State Pollution Control Board; the same is taken on record. Along with this affidavit, an Enquiry Report has also been filed as Annexure-R4/4 to the affidavit (page nos. 101 to 104 of the paper book) which reads as under:-

“Background

There are 19 nos. of wards in Belpahar Municipality having Population of 38,993 (as per 2011 census). Wastewater including sullage water generated from different wards is discharged to nearby open low lying private lands without any treatment. It has five nos. of major identified outfalls (land discharge points). Out of that, the alleged site i.e. Gumadera out fall is also one of the wastewater discharge points. Previously, the outfall was located in a low-lying land near Gumadera Om Shanti Centre of Ward no.7 Belpahar Municipality. OM Shanti Centre, Gumadera, Belpahar filed grievance petition before the Collector. Jharsuguda regarding stagnation and foul smelling of waste water and to resolve the issue, Belpahar Municipality has constructed RCC drain of about 68 m. connecting with PWD drain by the road side for channelization of waste water from the discharge point near OM Shanti Centre towards the culvert of ward no. 7. As a result, wastewater gets channelized through the RCC drain and finally gets discharged near the Culvert and is mixed with storm water drain (Local Nallah) which flows through the private land of the applicant, Sri Nabin Kisan. Further, the surface runoff, over flow of rain water and seepage of a big pond & small pond located at Gumadera gets channelized through the said local nallah culvert of ward no. 7. A part of 68m length of RCC drain was also been constructed over the land of Nabin Kisan adjacent to the Road.

In the meantime, Belpahar Municipality has approached Orissa Water Sewage Board for construction of STP and till such time it has provided an earthen settling cum collection pond of capacity 50m³ approximately lined with HDPE impervious liner near Gumadera Outfall. Wastewater including sullage water generated from the nearby wards is channelized by the municipality to settling cum collection pond for temporary storage and is collected by cesspool vehicle from time to time for further treatment in Septage Treatment Plant.

Observation:-

SI No.	Points raised by Hon'ble NGT	Observations
1.	Belpahar Municipality is constructing a new sewerage line by diverting it from its	<ul style="list-style-type: none"> Belpahar Municipality has already

	<p>existing location, i.e., Om Shanti Centre, Gumadera, Belpahar, odisha over the agriculture field of the Applicant being Khata No.4920.</p>	<p>constructed new RCC drain of 68m length, connecting with PWD drain by the road side for channelization of wastewater from the discharge point near OM Shanti Centre towards the culvert of ward no.7 in the year 2021 to resolve the issue regarding stagnation of foul smelling of wastewater near OM Shanti Centre, Gumadera, Belpahar.</p> <ul style="list-style-type: none"> • A part of 68m length of RCC drain has also been constructed along the PWD road over the land of Nabin Kisan adjacent to the Road.
2	<p>Sewage or sullage is being carried over this drain over the agricultural field of the Applicant and whether it is also spilling on the said applicant's agricultural field</p>	<ul style="list-style-type: none"> • Earlier, wastewater used to be channelized through the newly constructed RCC drain and finally

	<p><i>thereby causing environmental pollution.</i></p>	<p><i>was getting mixed discharged near the Culvert and was mixed with storm water drain. (Local Nallah)</i></p> <ul style="list-style-type: none"> <i>In the mean time, the municipality has taken steps to stop the discharge of wastewater to the land of the applicant by providing an earthen settling cum collection pond of capacity 50m³ approximately lined with HDPE impervious liner near Gumadera outfall.</i> <p><i>Wastewater including sullage water generated from the nearby wards is channelized by the municipality to settling cum collection pond for temporary storage and is collected by cesspool vehicle from time to time for further treatment in STP.</i></p>
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		<p><i>Photographs are enclosed for kind reference.</i></p> <ul style="list-style-type: none"> • <i>On the day inspection, it is observed that there is no spill over the earthen settling cum collection pond.</i> • <i>Though not happening now, there might be possible chances of overflow /spill during rain and breakdown of cesspool vehicle/machineri es.</i> • <i>The applicant & other inhabitant present at the site also apprised the committee that no progress of construction of adequate wastewater treatment system (STP) was visible at the same time. Executive Offider of Belpahar Municipality stated the</i>
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		<p><i>Committee that Municipality had approached Government (H&UD Deptt.) & Orissa Water Sewerage Board for construction of adequate wastewater treatment system(STP).</i></p>
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Recommendation:

In view of the above, Belpahar Municipality may be directed to

- *Expedite the process of construction of adequate wastewater treatment system (STP) after obtaining approval from Government.*
- *Submit time bound action plan for proper collection & treatment of the domestic wastewater generated from the Municipality within three months.”*

11. The Enquiry/Inspection Report clearly states without mincing words that waste water gets channelized through RCC drain constructed by the Belpahar Municipality and gets discharged near the culvert and is mixed with storm water drain (local nallah) which flows through the private land of the Applicant, Sri Nabin Kisan. It is further stated that surface runoff, overflow of rain water and seepage of a big pond and small pond located at Gumadera gets channelized through the said local nallah culvert of Ward No. A, and part of a 68 meter length of RCC drain has also been constructed over the land of Sri Nabin Kisan adjacent to the road. It is also stated that Belpahar Municipality has approached the Orissa Water Sewage Board for construction of STP and till such

time, it has provided an earthen settling cum collection pond of 53m³ capacity lined with HDPE impervious liner near Gumadera Outfall. It is also stated that settling cum collection pond for the temporary storage is collected by a cesspool vehicle from time to time and taken for further treatment in the Septage Treatment Plant.

12. The Enquiry/Inspection Report clearly confirms the allegations of the Applicant that an RCC drain has been constructed over his land without his permission or consent thereby destroying his agricultural land. We are equally surprised to note as to how this drain water is allowed to mix with storm water drain which again flows through the private land of the Applicant.
13. Mr. Batakrishna Behera, learned Additional Standing Counsel appearing (in Virtual Mode) for the Respondent No.2, Belpahar Municipality, sought to submit that RCC drain has been constructed by the Public Works Department (PWD). The Enquiry/Inspection Report does not confirm this. On the contrary, the Report mentions that part of the RCC drain of 68 meters length has been constructed by the Belpahar Municipality.
14. We are surprised as to how this RCC drain could have been permitted by the Executive Officer of the Belpahar Municipality to be constructed on the private land of the Applicant without his permission/consent.
15. Further in Original Application No.606/2018 vide National Green Tribunal, Principal Bench, order dated 14.12.2020, the Tribunal has clearly mentioned that since the statutory timelines have expired and directions of the Hon'ble Supreme Court and the Tribunal to comply with the Solid Waste Management Rules, 2016

remained unexecuted, interim compensation scale was laid down for continued failure after 31.03.2020. It is further stated that any such continued failure will result in liability of every Local Body to pay compensation at the rate of Rs.10 lakh per month per Local Body for population of above 10 lakhs, Rs. 5 lakh per month per Local Body for population between 5 lakhs and 10 lakhs, Rs. 1 lakh per month per other Local Body from 01.04.2020 till compliance. If the Local Bodies are unable to bear financial burden, the liability will be of the State Governments with liberty to take remedial action against the erring Local Bodies. In this regard, directions in the order of the Tribunal dated 28.02.2020 in OA 606/2018, applicable to all States/UTs are reproduced herein below:-

“41. In view of above, consistent with the directions referred to in Para 29 issued on 10.01.2020 in the case of UP, Punjab and Chandigarh which have also been repeated for other States in matters already dealt with, we direct:

- a. *In view of the fact that most of the statutory timelines have expired and directions of the Hon’ble Supreme Court and this Tribunal to comply with Solid Waste Management Rules, 2016 remain unexecuted, interim compensation scale is hereby laid down for continued failure after 31.03.2020. The compliance of the Rules requires taking of several steps mentioned in Rule 22 from Serial No. 1 to 10 (mentioned in para 12 above). Any such continued failure will result in liability of every Local Body to pay compensation at the rate of Rs. 10 lakh per month per Local Body for population of above 10 lakhs, Rs. 5 lakh per month per Local Body for population between 5 lakhs and 10 lakhs and Rs. 1 lakh per month per other Local Body from 01.04.2020 till compliance. If the Local Bodies are unable to bear financial burden, the liability will be of the State Governments with liberty to take remedial action against the erring Local Bodies. Apart from compensation, adverse entries must be made in the ACRs of the CEO of the said Local Bodies and other senior functionaries in*

Department of Urban Development etc. who are responsible for compliance of order of this Tribunal. Final compensation may be assessed and recovered by the State PCBs/PCCs in the light of Para 33 above within six months from today. CPCB may prepare a template and issue an appropriate direction to the State PCBs/PCCs for undertaking such an assessment in the light thereof within one month.

b. *Legacy waste remediation was to 'commence' from 01.11.2019 in terms of order of this Tribunal dated 17.07.2019 in O.A. No. 519/2019 para 28 even though statutory timeline for 'completing' the said step is till 07.04.2021 (as per serial no. 11 in Rule 22), which direction remains unexecuted at most of the places and delay in clearing legacy waste is causing huge damage to environment in monetary terms as noted in para 33 above, pending assessment and recovery of such damage by the concerned State PCB within four months from today, continued failure of every Local Body on the subject of commencing the work of legacy waste sites remediation from 01.04.2020 till compliance will result in liability to pay compensation at the rate of Rs. 10 lakh per month per Local Body for population of above 10 lakhs, Rs. 5 lakh per month per Local Body for population between 5 lakhs and 10 lakhs and Rs. 1 lakh per month per other Local Body. If the Local Bodies are unable to bear financial burden, the liability will be of the State Governments with liberty to take remedial action against the erring Local Bodies. Apart from compensation, adverse entries must be made in the ACRs of the CEO of the said Local Bodies and other senior functionaries in Department of Urban Development etc. who are responsible for compliance of order of this Tribunal. Final compensation may be assessed and recovered by the State PCBs/PCCs in the light of Para 33 above within six months from today.*

c. *Further, with regard to thematic areas listed above in para 20, steps be ensured by the Chief Secretaries in terms of directions of this Tribunal especially w.r.t. plastic waste, bio-medical waste, construction and demolition waste which are linked with solid waste treatment and disposal. Action may also be ensured by the Chief Secretaries of the States/UTs*

with respect to remaining thematic areas viz. hazardous waste, e-waste, polluted industrial clusters, reuse of treated water, performance of CETPs/ETPs, groundwater extraction, groundwater recharge, restoration of water bodies, noise pollution and illegal sand mining.

- d. *The compensation regime already laid down for failure of the Local Bodies and/or Department of Irrigation and Public Health/In-charge Department to take action for treatment of sewage in terms of observations in Para 36 above will result in liability to pay compensation as already noted above which are reproduced for ready reference:*
- i. *Interim measures for phytoremediation/ bioremediation etc. in respect of 100% sewage to reduce the pollution load on recipient water bodies – 31.03.2020. Compensation is payable for failure to do so at the rate of Rs. 5 lakh per month per drain by concerned Local Bodies/States (in terms of orders dated 28.08.2019 in O.A. No. 593/2017 and 06.12.2019 in O.A. No. 673/2018) w.e.f. 01.04.2020.*
 - ii. *Commencement of setting up of STPs – 31.03.2020. Compensation is payable for failure to do so at the rate of Rs. 5 lakh per month per STP by concerned Local Bodies/States (in terms of orders dated 28.08.2019 in O.A. No. 593/2017 and 06.12.2019 in O.A. No. 673/2018) w.e.f. 01.04.2020.*
 - iii. *Commissioning of STPs – 31.03.2021. Compensation is payable for failure to do so at the rate of Rs. 10 lakh per month per STP by concerned Local Bodies/States (in terms of orders dated 28.08.2019 in O.A. No. 593/2017 and 06.12.2019 in O.A. No. 673/2018) w.e.f. 01.04.2021.*
- e. *Compensation in above terms may be deposited with the CPCB for being spent on restoration of environment which may be ensured by the Chief Secretaries' of the States/UTs.*
- f. *An 'Environment Monitoring Cell' may be set up in the office of Chief Secretaries of all the States/UTs within one month from today, if not already done for coordination and compliance of*

above directions which will be the responsibility of the Chief Secretaries of the States/UTs.

g. Compliance reports in respect of significant environmental issues may be furnished in terms of order dated 07.01.2020 quarterly with a copy to CPCB.”

16. We, therefore, dispose of this Original Application with the following directions:-

- (a) The RCC drain constructed over the land of the Applicant, Sri Nabin Kisan, shall be removed within 10 (ten) days.
- (b) After removal of the said drainage, adequate diversion shall be made by the Belpahar Municipality either on its own or by taking assistance of other State Agencies/Authorities or District Administration for creating a diversion of the waste water as well as storm water drain to ensure that such waters do not flow over any private land.
- (c) The Executive Officer, Belpahar Municipality, shall deposit a personal cost of Rs. 25,000/- (Rupees Twenty Five Thousand only) with the Registrar, National Green Tribunal, within 10 days.
- (d) A further compensation of Rs. 2,00,000/- (Rupees Two Lakhs only) shall be paid by the Belpahar Municipality to the Applicant for degradation and damage caused to his agricultural land.
- (e) The Odisha State Pollution Control Board shall determine Environmental Compensation with regard to degradation of environment on account of discharge of untreated sewage and sullage in Govt./Private land without following the guidelines of Solid Waste Management Rules, 2016. The Environmental Compensation assessed accordingly shall be paid by the

Belpahar Municipality and deposited with the Odisha State Pollution Control Board. The Odisha State Pollution Control Board will utilize the amount for restoration of damage caused on account of such untreated discharge.

(f) The Executive Officer, Belpahar Municipality as well as District Magistrate & Collector, Jharsuguda, are also directed to expedite and complete the construction process of the STP in question within a period of three months.

(g) The Principal Secretary, Housing and Urban Development Department, Govt. of Odisha and the Odisha Water Sewerage Board, Govt. of Odisha, are also directed to ensure construction of waste water treatment system (STP) in the Belpahar Municipality within a period of three months. Failure to complete the STP and make it functional will entail cost of Rs. 25,000/- (Rupees Twenty Five Thousand only) per day till completion, to be deposited by the Housing and Urban Development Department, Govt. of Odisha, with the Odisha State Pollution Control Board.

17. A compliance report with regard to the directions given herein above shall be filed by the State Respondents, Govt. of Odisha, by 30.08.2021.

18. There shall be no order as to costs.

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B. Amit Sthalekar, JM

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Saibal Dasgupta, EM

May 20, 2022,
Original Application No. 48/2021/EZ
AK