BEFORE THE NATIONAL GREEN TRIBUNAL

AT DELHI PRINCIPAL BENCH

ORIGINAL APPLICATION NO. 593/2017

IN THE MATTER OF:

PARYAVARAN SURAKSHA SAMITI

& ANOTHER .... APPLICANT

VS

UNION OF INDIA & 2 OTHERS ....RESPONDENT

INDEX

5.	True copy of the email dated 23.03.2023 is annexed herewith as **ANNEXURE A-4.**	145
6.	A true copy of the order dated 20.03.2023 passed by the Hon'ble Supreme Court in C.A No. 40628 of 2022 is annexed here as **ANNEXURE A-5.**	146 - 147
7.	True copy of the OM dated 23.03.2021 issued by the Central Government is annexed herewith as **ANNEXURE A-6.**	148 - 151
8.	The summary of the list of the SNA accounts with the amounts released and the utilisation of the funds since March 2023 till date are annexed herewith as **ANNEXURE A-7.**	152 - 163
9.	A true copy of the order dated 06.05.2024 in CA No. 19650/2023 is annexed herewith as **ANNEXURE A-8.**	164 - 165

THROUGH

Priyanka

PRIYANKA SWAMI
Standing Counsel for the State of UP.
F- 13, Ground Floor, Jangpura Extension,
New Delhi- 110014
8800656660

Date: 20.**05.2024**

BEFORE THE NATIONAL GREEN TRIBUNAL

AT DELHI PRINCIPAL BENCH

ORIGINAL APPLICATION NO. 593/2017

IN THE MATTER OF:

PARYAVARAN SURAKSHA SAMITI
& ANOTHER .... APPLICANT

VS

UNION OF INDIA & 2 OTHERS ....RESPONDENT

AFFIDAVIT OF THE CHIEF SECRETARY, STATE OF UTTAR PRADESH IN COMPLIANCE WITH THE ORDER DATED 20.12.2023 PASSED BY THIS HON'BLE TRIBUNAL

I, Durga Shanker Mishra, aged about 62 years, posted as Chief Secretary, Government of Uttar Pradesh, do hereby solemnly affirm and state on oath as under:

1. That the present affidavit is being filed before this Hon'ble Tribunal in compliance of the directions passed by this Hon'ble Tribunal vide order dated 20.12.2023 in para 57 as under:

"..57. In the report, reference has also been made to order dated 23.03.2023 passed in OA 606/2018 wherein para 72(iv), Tribunal by order dated 23.03.2023 recorded statement of Chief Secretary, State of UP and directed for creation of a ring-fenced account of Rs. 5,000 crores or

more, so that said amount could have been utilized for meeting expenses for payment of environmental compensation, other necessary functions required for compliance of Water Act 1974, excluding those which functions, duties and obligations are to be discharged under regular budget allocation by State Govt., local bodies and their authorities. When questioned, learned Additional Advocate General could not show as to whether any such ring-fenced account has been set apart. A personal affidavit shall be filed by Chief Secretary, UP within one month clearly stating whether above direction has been complied with and also whether any amount has been released from said ring-fenced account and purpose for which amount was released."

It is submitted that a detailed affidavit has been separately filed on behalf of the State in respect of other directions passed by this Tribunal vide order dated 20.12.2023 and the contents of the same have not been repeated herein for the sake of brevity.

2. It is humbly submitted that the State had earlier filed an Application before the Hon'ble Supreme Court seeking an extension of the timelines which were provided in the judgement dated 22.02.2017 (*W.P No. 375 of 2012 Paryavaran Suraksha Samiti Vs Union of India*). The Hon'ble Supreme Court appreciated the submissions of the State and vide order dated 20.03.2023 allowed this Hon'ble Tribunal to suitably extend the time after being satisfied with the steps taken by the State. True copy of the order dated 20.03.2023 passed by the Hon'ble

NOTARY GOVT. OF INDIA

Supreme Court in M.A No. 356 of 2023 is annexed herewith as **Annexure A-1**.

3. That in pursuance thereof, a detailed presentation was submitted before this Hon'ble Tribunal on 21.03.2023 in O.A No. 606 of 2018 outlining the status of various projects to address the gaps with respect to solid waste, legacy waste and sewage etc.

The deponent physically appeared before this Hon'ble Tribunal on 23.03.2023, and explicated the presentation laying out the improved governance in the State and further initiatives which are planned which will result in bridging the existing gaps in solid and liquid waste management. The deponent outlined the details of the schedule that the State is endeavoring to follow at earnest speed and sought an extension of the timeline till June 2025. It was submitted by the deponent that the projects required to meet the gaps have been grounded and funds ring-fenced in respective project accounts. When the Hon'ble Bench inquired as to how much amount has been ring-fenced in the said project accounts, the deponent specifically stated that the State has already ring-fenced more than Rs. 5,000 crores in the various project accounts. It is clarified that the said statement was not for creating a separate ring-fenced account of Rs. 5,000 crores for meeting expenses for payment of environmental compensation. A true copy of the presentation dated 23.03.2023 in O.A No 606 of 2018 is annexed herewith as **Annexure A-2.**

4. That this Hon'ble Tribunal was pleased to appreciate the contention of the deponent and thereby this Hon'ble Tribunal was

pleased to record in para 30 of the order dated 23.03.2023 that though an amount of Rs. 5,000 Crores was liable to be levied on the State for past violations, but since the amount of more than Rs. 5,000 crores had already been ring-fenced, the said Environmental compensation was not levied. It is submitted that the statement of the deponent was with respect to the ring-fenced amounts in the respective "project accounts" and that this aspect has been appreciated and recorded by this Hon'ble Tribunal in para 30 of the said order as under:

> *"..30. The Chief Secretary, Uttar Pradesh submits that there is improved governance on the subject and further initiatives are planned which will soon result in bridging the existing gaps in solid and liquid waste management. He submits that projects required to meet the gaps have been grounded and funds ring-fenced in respective project accounts. Without commenting of promised improvement in future, on the pattern of compensation awarded in respect of other States, compensation of Rs. 5000 crores may be liable to be levied for the past violations for discharge of untreated sewage but it has been stated by the Chief Secretary that the State has already ring fenced more amount than Rs. 5000 crore. We take the statement on record..."*

5. That this Hon'ble Tribunal appreciated the efforts of the State in ring-fencing the amounts under various project accounts which will ensure that there is no lack of funds for the various environmental projects. In para 31 of the said order, this Hon'ble Tribunal has also been pleased to further permit the State, if necessary, to lay down mechanisms for raising funds such as by way of user charges by households/contributions of corporate, business sectors, commercial establishments and the tourists who contribute to waste.

6. That in continuation thereof, this Hon'ble Tribunal has been pleased to give directions in para 72 (iv) of the order dated 23.03.2023 in terms of the statement given by the deponent as recorded in Para 30 as under:

> *"..72. We sum up our directions as under:*
>
> *(i)..(ii)..(iii)..*
>
> *(iv) Ring-fenced amount of atleast Rs. 5,000/- crores be set apart in terms of statement of the Chief Secretary, UP which has been taken on record. There is no bar to allocation of more amount as it has been stated that more amount has already been allocated by the State (para 30)..."*

A true copy of the order dated 23.03.2023 passed by this Hon'ble Tribunal in O.A. No. 606 of 2018 is annexed herewith as **ANNEXURE A-3.**

7. That in fact this Hon'ble Tribunal had also orally directed the deponent to place on record the detail of the amounts ring-fenced in the various "project accounts". In compliance thereof, the said information was provided on the same date 23.03.2023 vide email outlining the ring-fenced amount of Rs. 12,122.39 Crores in various project accounts as under:

> ***"1. Solid Waste Management:*** *To address the gap of 4,593 TPD, the projects have been grounded and funds of Rs. 438.39 Cr have been made available in respective project accounts.*
>
> ***2. Legacy Waste Remediation:*** *To address the gap of 33 Lakh Ton, the projects have been grounded and funds of Rs. 341 Cr have been made available in respective project accounts.*

> ***3. Used Water (Sewage) Treatment:*** *To address the gap of 1,640 MLD, the projects have been grounded and funds of Rs. 11,343 Cr have been made available in respective project accounts.*
>
> *Hence, total amount ring-fenced in the respective Project Accounts is Rs. 12,122.39 cr i.e. around Rs. 12,000/- cr."*

True copy of the email dated 23.03.2023 is annexed herewith as **ANNEXURE A-4.**

8. It is clarified that the statement of the deponent was with respect to the State making available the requisite funds in the respective project accounts, and not parked in a single "ring–fenced account." It is pertinent to mention here that the State is bound to follow certain financial mechanism of funding in order to avail Central funds under the Centrally Sponsored Schemes (CSSs). Therefore, all projects are funded in different proportions by the Centre and State and the State is obligated to follow the Centre OMs (including OM dated 23.03.2021), and hence cannot legally create a separate "ring-fenced account" to park all the funds for implementing the projects. Even otherwise, it is submitted that the best financial practices also do not dictate parking the entirety of its funds at one go in a single account. The funds allocated for the Projects will then require to be isolated and frozen for the total duration of the projects. That this approach is also not financially feasible for the State to implement since, as stated above, under the CSSs, the funds are made available from the Centre to the State on an "as and when required" basis, thus it is not possible to at one go isolate a large sum of money under one separate account.

9. It is stated that there is no shortage of funds for the Sanitation projects – as funds are needed, they are made available. The Single Nodal Agency/ Treasury Single Account Systems are much more advantageous, being more efficient, cost-effective and flexible. Thus, to appreciate that ring-fencing of such sums is not based on financial best principles. It is also pertinent to note that the Hon'ble Supreme Court has in the past, stayed directions of placing the costs in "separate ring-fenced accounts" in the case of Meera Shukla vs. Municipal Corporation, Gorakhpur & ors. It is humbly submitted that a separate ring-fenced account will add another layer of proceedings to secure funds for the implementation of its projects, which will only further delay the projects which might in fact be counter-productive to the goal sought to be achieved thereby. It is, therefore, submitted that the financial proceedings are aligned with relative guidelines and manuals laid down by the Government of India to ensure the utilisation of funds through well-designated channels/ stages of the respective projects. A true copy of the order dated 20.03.2023 passed by the Hon'ble Supreme Court in C.A No. 40628 of 2022 is annexed herewith as **ANNEXURE A-5.**

10. That the State has undertaken works related to sewerage management under the various schemes as under:

(i) Ganga Action Plan-1 was launched in the year 1986 under which in 6 Class-I towns of UP 13 STPs of a total 375 MLD capacity were created.

(ii) Ganga Action Plan-2 (GAP-2) launched in the year 2011 under which I&D and treatment of domestic sewage in the

Ganga River and its tributaries were undertaken, under which 400 MLD capacity was created.

(iii) Yamuna Action Plan-1 and Gomti Action Plan in Uttar Pradesh, additional treatment capacity of 54 MLD and 47 MLD were created respectively.

(iv) Gomti Action Plan-2, a treatment capacity of 345 MLD was created. The treatment capacity of 35 MLD was added in Ganga Action Plan 2 till 2014.

(v) Under National Ganga River Basin Authority (NGRBA) creation of treatment capacity of 333 MLD was proposed out of which 330 MLD STPs were established in the State of Uttar Pradesh. Later on, balance works were taken up under the National Mission for Clean Ganga (NMCG/NGBRA) and the Namami Gange Mission.

(vi) AMRUT (Atal Mission for Rejuvenation and Urban Transformation) was launched in the year 2015 to improve domestic sewage management in 500 selected towns by 2021, out of which works were undertaken in 60 towns of Uttar Pradesh.

(vii) AMRUT 2.0, for the universal coverage for sewerage/ septage management of all cities is targeted by 2027.

(viii) The GoI has launched the Swachh Bharat Mission 2.0 in 2021 with the aim to provide funds for Solid Waste Management and basic minimum used water treatment facilities, in remaining cities having population less 1 Lakh (as per census 2011), for the works related to interception and diversion, de-sludging vehicles, collection and

NOTARY GOVT. OF INDIA

transportation arrangement for Faecal sludge, setting up STPs with co-treatment facilities of septage, with the target to implement by the year 2026.

11. Thus, at present, projects related to sewage and other waste treatment, are set up and managed under three Centrally Sponsored Schemes viz. Namami Gange, Swachh Bharat Mission 2.0 and AMRUT 2.0. Rural Sector STPs are primarily constructed under Namami Gange, while Urban Sector STPs are being constructed under AMRUT 2.0.

12. It is stated that the Central Government has issued OM dated 23.03.2021 in which it is stated that all Centrally Sponsored Schemes are to be implemented using a Single Nodal Agency System (SNA). AMRUT projects fall within this SNA System, in which all transactions for nodal/ Implementing Agency are routed through a Single Centralized Account or Mother Account to its subsidiaries or Child Accounts for better monitoring of availability and utilization of funds under the CSS. Funds available in the Bank Account of all the Implementing Agencies below the SNA are transferred to the Bank Account of the SNA concerned with clear bifurcation of the Central and the State share. SNA system is envisaged for an efficient flow of funds in which the mother account is created by the nominated Bank at the Nodal Agency and the child account are created at respective cities of the subsidiaries. This system enables real time monitoring of project fund utilization at all levels providing direct control to Nodal Agency over project Expenditure. True copy of the OM dated

23.03.2021 issued by the Central Government is annexed herewith as **ANNEXURE A-6.**

13. It is stated that similarly, for CSSs having an annual outlay of more than Rs. 500 crores, implementation is to be done through a Treasury Single Account (TSA) System, under which funds are provided to Nodal agency and subsidiaries through issue of Assignment Limits instead of actual cash transfer and funds are to be released from the Consolidated Fund of India (CFI) directly to vendors/ beneficiaries. This allows an efficient fund flow system by providing funds "as and when need basis", thus ensuring better fund management and avoiding parking of funds in the Bank Accounts of Nodal agencies. The Namami Gange projects are presently operated under the TSA System.

14. The current status of funds availability under different schemes are as under:

a) Namami Gange Scheme:

i. Under Namami Gange Programme projects are 100% funded by NMCG, GoI.

ii. Under Namami Gange project relating to Sewage management 14 projects are under construction which are in various stages of completion. Total value of these projects is Rs. 3,069.03 Cr (Capex- Rs. 1,531.08 Cr & Opex -Rs. 1,537.95 Cr). These 14 projects will construct 34 STP and create 588.30 MLD of treatment capacity.

iii. Under Namami Gange Project relating to Sewage management 17 projects are under tendering stage. Total value of these

projects are Rs.3,956.20 Cr (Capex-Rs. 2,201.30 Cr & Opex - Rs. 1,754.90 Cr). These 17 projects have a total of 18 STP of 869.0 MLD treatment capacity.

iv. Under Namami Gange project relating to Sewage management 15 project are proposed. Total value of these projects are Rs.3,830.47 crores. These 15 projects have a total of 16 STPs of 484.40 MLD treatment capacity.

v. It is to be noted that in Namami Gange projects under Design Build Operate & Transfer (DBOT) mode are being operated by TSA (Treasury Single Account) system where limits are provided for project by NMCG. Quarterly fund demand is placed to NMCG and after release of fund demand made the payment is done from this system directly to vendor.

vi. No project is affected due to lack of budget. After sanctioning a project, NMCG provides sufficient budget against the demand.

b) Atal Mission for Rejuvenation and Urban Transformation (AMRUT 2.0):

i. Under AMRUT 2.0, Funding for the projects is to be shared by Centre, States/ UTs and ULBs. Central share for population up to one lakh is 50% of the project funds, for population one lakh to ten lakh is 1/3rd of the project funds and population more than ten lakh is 25% of the projects funds and rest is shared by State and ULBs.

ii. Total 14 STP's were proposed to be constructed under AMRUT Schemes with total project Cost of Approx. Rs. 1,500 Cr. Out of which 12 STPs with total capacity of 280 MLD with project

cost of Rs. 1,232 Cr. have been completed and made operational, 2 STPs with total capacity of 128 MLD are under construction with project of Rs. 271 Cr.

iii. AMRUT 2.0 scheme was started in Oct 2021, As on date total 5 STP schemes with total capacity of 166 MLD and project cost of Rs. 1,287 Cr. are finalized and work has been started.

iv. Total 2 projects with STP of total capacity of 25 MLD and Estimated project cost of Rs. 390 Cr. are under Different Stages of Tender Evaluation / DPR preparation.

c) Swachh Bharat Mission 2.0:

i. Under SBM 2.0 funding is to be shared by Centre, States/UT and ULBs. Central share for population upto one lakh is 50% of the project funds rest is share by State and ULBs.

ii. Total 4 STPs with total capacity of 86 MLD and project cost of Rs. 193 Cr. are under Tendering Stage.

iii. Total 10 projects with STPs of Total Capacity of 57.18 MLD and estimated capex of Rs. 211 Cr. are proposed under SBM 2.0 are under Approval process.

iv. The City Sanitation Action Plan (CSAP) of 670 Urban Local Bodies (ULBs) has been approved by State High Power Committee (SHPC) and National Advisory Review Committee (NARC), Ministry of Housing and Urban Affairs (MoHUA).

Also, ULBs having population less than 20,000, a decentralized approach is being considered in place of centralized STP, based on the Central Public Health and Environmental Engineering Organization (CPHEEO) and MoHUA guidelines

considering nature-based solution like Waste Stabilization Ponds (WSP), Constructed Wetlands (CW), Aerated Lagoons, Extended Aeration, Decentralized Waste Water Treatment Systems (DEWATS), Anaerobic Packaged System etc. so that the overall cost and operation & maintenance cost could be reduced.

15. That it is humbly submitted that the deponent has always sought to be in compliance of the directions passed by this Hon'ble Tribunal. The deponent had not made the statement with the intention that a separate ring fenced account of sum of over Rs. 5,000 crores will be created for the purposes of meeting expenses for payment of environmental compensation and other necessary functions under the Water Act, 1974 excluding the functions, duties and obligations are to be discharged by the State under regular budget allocation by the State Government.

16. It is further submitted that the aforesaid project accounts are being utilized for the various projects to address the gap with respect to solid waste, legacy waste, sewage etc., and the sanctioned funds are being released towards the said projects from time to time. The summary of the list of the SNA accounts with the amounts released and the utilisation of the funds since March 2023 till date are annexed herewith as **ANNEXURE A-7.**

17. That in view of the observance of the Hon'ble Tribunal vide order dated 19.12.2023 in respect of the creation of a separate ring-fenced account of Rs. 5,000 Crores, the State had approached the Hon'ble Supreme Court in Civil Appeal Dairy No 196540/2024 wherein the Hon'ble Court has been pleased to dismiss the Appeal

as premature and has been pleased to grant liberty to the deponent to explain the position before this Hon'ble Tribunal. A true copy of the order dated 06.05.2024 in CA No. 19650/2023 is annexed here as **ANNEXURE A-8.**

18. That the deponent is duty bound to comply with any and further directions passed by this Hon'ble Tribunal.

DEPONENT

VERIFICATION:-

Verified at ~~New Delhi~~ LKO on this 20 day of May, 2024 that the contents of the above Affidavit are true and correct to the best of my knowledge and based on the official records of the Respondent. No part of it is false and nothing material has been concealed therefrom.

DEPONENT

NOTARY

Sworn and Verified before me

20/5/24

NOOR JAHAN
Advocate & Notary
Civil Court, Lucknow
Registration No. 10943/15

I know & identify the deponent who has signed/put his T.I. before me

S. J. Iqbal Advocate
Regn. No. 6943/1999

Annexure A-1

MA 356/2023

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

Miscellaneous Application No 356 of 2023

In

Writ Petition (Civil) No 375 of 2012

Paryavaran Suraksha Samiti **Petitioner**

Versus

Union of India and Others **Respondents**

O R D E R

1 The judgment of this Court in ***Paryavaran Suraksha Samiti and Another vs Union of India and Others***[1] laid down mandatory time lines for the setting up of *Common Effluent Treatment Plants*[2] and *Sewage Treatment Plants*[3]. The judgment which was pronounced on 22 February 2017 envisages that CETPs and STPs shall be set up within a period of three years. Paragraph 16 of the order indicates thus:

> "It however needs to be clarified that the instant directions and time lines shall not in any way dilute any time lines and

1 (2017) 5 SCC 326
2 "CETPs"
3 "STPs"

> directions issued by courts or Benches of the National Green Tribunal, hitherto before, wherein the postulated time lines would expire before the ones expressed through the directions recorded above. It is clarified that the time lines expressed hereinabove will be relevant, only in situations where there are no prevalent time line(s), and also, where a longer period has been provided for."

2 The State of Uttar Pradesh has instituted the present miscellaneous application seeking the following directions:

> "Allow the present Application and allow the State more time to install and operationalise 100% STP coverage in the State of U.P. in terms of directions in para 12 of final order dt. 22.02.2117."

3 The State of Uttar Pradesh has in support of its application purported to submit that the time lines which were provided in the judgment of this Court dated 22 February 2017 "are impractical and artificial and impossible to implement in the time frame, given present funding and institutional capacities and other competitive priorities of the State". The State has also averred that "STPs are typically set up by the government and hence the typical time consuming procurement process of tendering needs to be followed". Moreover, it has been submitted that the judgment of this Court does not take into account aspects such as the steps required in the pre-construction phase and the post-construction phase.

4 It has been stated in the application that the State of Uttar Pradesh has one of the highest population densities in the country of 828 per square

kilometer whereas the national average is 464 per square kilometer. Hence, the laying of sewerage networks and acquisition of land poses a challenging task. The State has further submitted that the Million Litres per Day[4] of waste generation of Uttar Pradesh is much higher than other States requiring a larger installation of STPs. The State has also referred to the implementation of various other administrative schemes, the impact of the Covid-19 pandemic and the budgetary requirements for 100 per cent treatment of sewage discharge.

5 Another reason for moving the miscellaneous application, it is stated, is that the National Green Tribunal has imposed penalties on diverse States which have not complied with the time lines imposed by this Court and that this may delay the projects.

6 Mr Maninder Singh, senior counsel appearing on behalf of the applicants with Ms Garima Prashad, Additional Advocate General for the State of Uttar Pradesh and Ms Ruchira Goyal, Standing Counsel has tendered a note on Sewage Management in the State of Uttar Pradesh. The present status which has been indicated in the note tendered before this Court is in the following terms:

"**Brief Note on Sewage Management**

- Total Sewage Generated in the State is 5500 MLD.
- 122 STPs with treatment capacity of 3860 MLD are

4 "MLD"

operational. **List of 122 STPs is annexed as Annexure no-1**

Time line for the Way Ahead

- There are 52 STPs with treatment capacity 1004 MLD under construction to be commissioned by Dec, 2024. **(Annexure 2)**
- 15 STPs with treatment capacity 854 MLD are under tendering process, and shall be commissioned by June 2025. (Annexure 3).
- **State shall have treatment capacity of 5718 MLD by June 2025 and gap shall be zero in between Sewage generation and treatment.**

Future plan

- 317 STPs with treatment capacity of 1593 MLD are proposed to be installed by Dec.2025. **List of 317 STPs is annexed as Annexure 4.**
- State shall have a total treatment capacity of 7311 MLD by Dec.2025.
- **100% treatment of sewage by June 2025.**
- **Projects to meet the MLD Gap have already been grounded.**
- **Funds have been tied up for the same in the respective project accounts"**

7 The above statement indicates that the total sewage generated in Uttar Pradesh is 5500 MLD. 122 STPs with a treatment capacity of 3860 MLD are stated to be operational. 52 STPs with a treatment capacity of 1004 MLD are under construction and are to be commissioned by December 2024. 15 STPs with a treatment capacity of 854 MLD are under 'tendering' and are

proposed to be commissioned by June 2025. Moreover, it has been submitted that 317 STPs with a treatment capacity of 1593 MLD would be installed by December 2025. In sum and substance, it has been submitted that 100 per cent treatment of sewage would be envisaged by June 2025.

8 The above statement which has been tendered before this Court would require factual verification. Moreover, this Court had categorically set up time lines in its judgment for the setting up of CETPs and STPs as the case may be. Whether there has been *bona fide* compliance with the judgment of this Court is also a matter which warrants consideration.

9 Apart from the above, the mere setting up of STPs is not enough. The maintenance of the STPs and their performance and capacity to deal with sewage which is generated is another matter which has to be duly scrutinized and monitored. The treatment of sewage which is generated in the villages, towns and cities is a matter of utmost concern. Untreated sewage waste is discharged into rivers and naalas polluting the very sources of water upon which the survival of the population and bio diversity depends.

10 While this Court had in its judgment laid down time lines for the construction of STPs and CETPs, of equal importance is the need to ensure that:

(i) The CETPs with the requisite technology and capacity are duly commissioned;

(ii) After the commissioning of the CETPs/STPs, they continue to remain operational;

(iii) The CETPs/STPs are duly maintained and upgraded as the need may arise;

(iv) There is due monitoring at the administrative level on a real time basis of the performance of the CETPs, the deficiencies which may arise in the course of functioning and work of repair and maintenance; and

(v) Entrustment to an authority which would be accountable for the due performance of the CETPs.

11 The above aspects are necessary to be borne in mind to supplement the directions of this Court. It is only if all other consequential steps are taken as adverted to above that the object and purpose of the order of this Court would be duly met.

12 We accordingly permit the applicant to move the National Green Tribunal with an application in that regard. The National Green Tribunal shall duly monitor compliance with the directions including the time-lines which have been spelt out in the order of this Court. It would be open to the applicant to place on the record of the Tribunal all material to indicate the *bona fide* steps which were taken to comply with the order of this Court and, if there were any genuine hindrances in doing so, the nature of the hindrances. The

Tribunal would be at liberty in the exercise of its discretion to consider any request for a further extension of time.

13 The National Green Tribunal is authorized in terms of the present order to suitably extend time should it be satisfied that all necessary steps have been pursued with a sufficient degree of alacrity. The Tribunal shall also take stock of the issues which have been set out above in relation to due monitoring of the performance of the STPs and steps for ensuring up-gradation and maintenance. The Tribunal shall also ensure that an accountable mechanism is set up in the State of Uttar Pradesh to take stock of the performance of the STPs, providing for adequate funds for up-gradation and maintenance as required and for attending to all other administrative issues and problems.

14 The Miscellaneous Application shall stand disposed of in the above terms.

.....CJI.
[Dr Dhananjaya Y Chandrachud]

.....J.
[Pamidighantam Sri Narasimha]

.....J.
[J B Pardiwala]

New Delhi;
March 20, 2023
CKB

MA 356/2023

8

ITEM NO.16 COURT NO.1 SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Miscellaneous Application No.356/2023 in W.P.(C) No.375/2012

PARYAVARAN SURAKSHA SAMITI Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

(With IA No.45621/2023-EXTENSION OF TIME)

Date : 20-03-2023 This petition was called on for hearing today.

CORAM :
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE J.B. PARDIWALA

For Petitioner(s) Mr. Maninder Singh, Sr. Adv.
Ms. Garima Prashad, Sr. A.A.G.
Ms. Ruchira Goel, AOR
Mr. Shantanu Singh, Adv.
Ms. Priyanka Swami, Adv.
Mr. Adit Jayeshbhai Shah, Adv.

Ms. Jyoti Mendiratta, AOR

Mr. Rohit Saini, Adv.
Mr. Satya Mitra, AOR

For Respondent(s) Mr. Parijat Sinha, AOR

Ms. Sunita Sharma, AOR

Mr. C. K. Sasi, AOR
Mr. Abdulla Naseeh V T, Adv.
Ms. Meena K Poulose, Adv.

Mr. B. Balaji, AOR
Mr. M. R. Shamshad, AOR
Mr. Mishra Saurabh, AOR
Mr. Rahul Kaushik, AOR

Mr. Mohit Kumar Shah, AOR

Mr. Krishnayan Sen, AOR

Ms. Ruchi Kohli, AOR

Mr. V. N. Raghupathy, AOR
Mr. Manendra Pal Gupta, Adv.
Mr. Dhanesh Ieshdhan, Adv.
Mr. Varun Varma, Adv.

Ms. Hemantika Wahi, AOR

Ms. Aishwarya Bhati, A.S.G.
Mr. Gurmeet Singh Makker, AOR
Dr. Arun Kumar Yadav, Adv.
Mr. Kush Chaturvedi, Adv.
Mr. Balendu Shekhar, Adv.
Mr. Divyansh H Rathi, Adv.

Mr. Varinder Kumar Sharma, AOR

Mr. Rahul Khurana, Adv.
Ms. Himani Bhatnagar, Adv.
Mr. Sanjay Kumar Visen, AOR

Mr. Gopal Singh, AOR
Mr. Guntur Prabhakar, AOR
Mr. S. Udaya Kumar Sagar, AOR

MA 356/2023

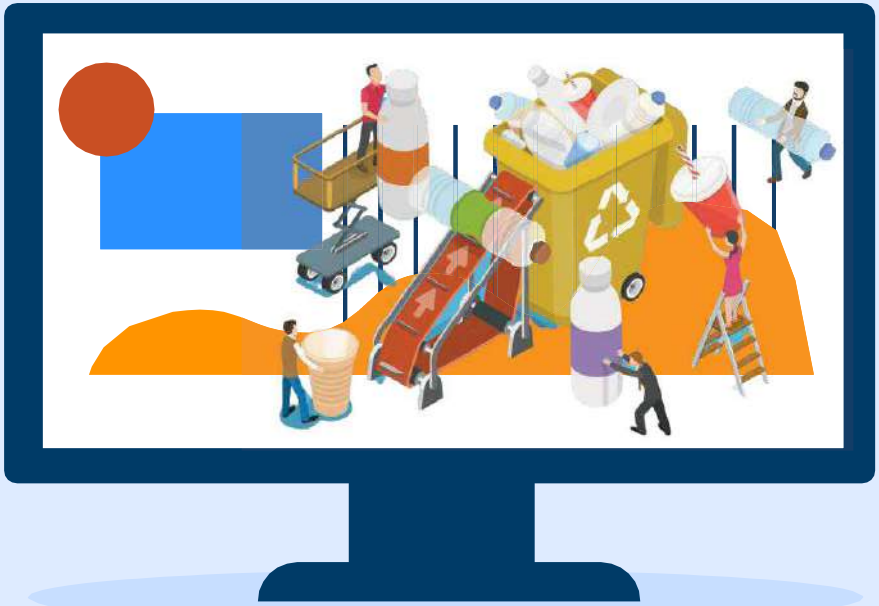
10

UPON hearing the counsel the Court made the following
O R D E R

1 The Miscellaneous Application is disposed of in terms of the signed order.

(CHETAN KUMAR) **(SAROJ KUMARI GAUR)**
A.R.-cum-P.S. **Assistant Registrar**
(Signed order is placed on the file)

O.A. 606/2018
Compliance
of
Municipal Solid Waste Management Rules 2016 And Other Environmental Issues



4421

28

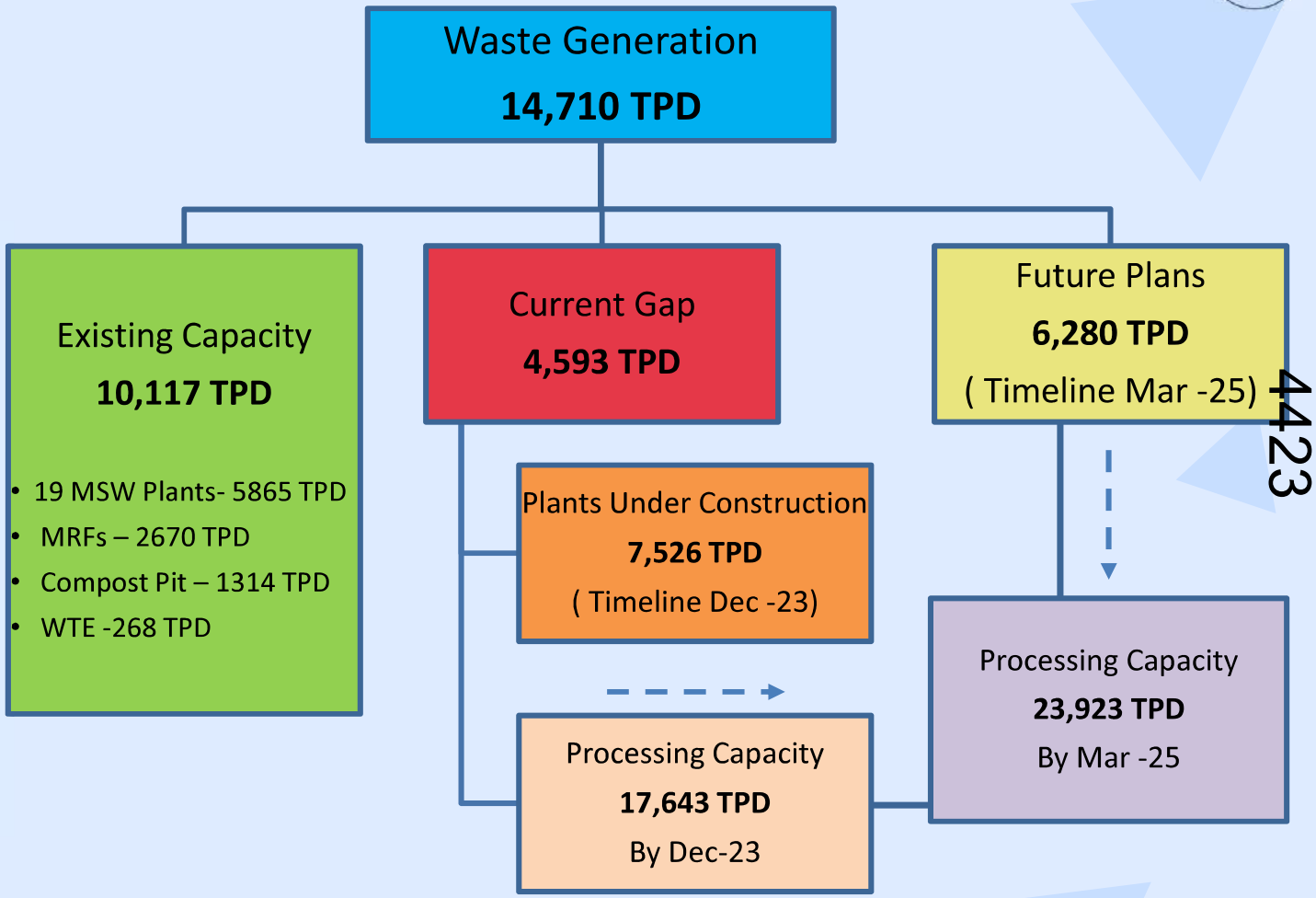
Solid Waste Management

4422

29

Solid Waste Management (Urban)

- 100% Processing of MSW by Dec -23
- Projects to meet Gap already grounded.
- Funds ring-fenced in respective project accounts



4423

30

3

Solid Waste Management

Status of solid waste management in Urban Area

ULBs	Total Waste Generated (TPD)	Door to Door Collection (TPD)	Segregation (TPD)	Total Waste processed (TPD)	GAP (TPD)	Facilities Under construction (TPD)	Timelines
734	14,710	14,710	12,504	10,117	4,593	7,526	Dec, 2023
						Total 17,643 TPD (Gap shall be zero by Dec, 2023)	
						Facilities Proposed	**Timeline**
						1,180 TPD	Dec, 2024
						5,100 TPD (05 Bio-CNG, 03 WTE)	March, 2025
						Total 6,280 TPD	March,2025
						Grand Total 23,923 TPD (March, 2025)	

- **100% Processing of MSW by Dec -23**
- **Projects to meet Gap already grounded.**
- **Funds ring-fenced in respective project accounts**

4424

31

4

Progress since 2020

- In 2020 out of 14,468 TPD of total waste generation, 5,395 TPD is processed
- In 2022 out of 14,710TPD of total waste generation, 10,117 TPD is processed

Entity	2020	2022
Integrated MSW processing facility	5,395 TPD (15 plants)	5,865 (19 plants)
Material Recovery facility	-	2,670(534 MRF)
Compost Pits	_	850 (1,314 TPD)
Segregation	-	85%
Collection	98%	100%
Under Construction	4,305 TPD (36 Plants)	7,526 TPD (699 Plants including MRFs)
Proposed	_	6280 (27 plants)
Waste to energy plant	Nil	• Existing Plants -**03** • Waste Processing Capacity-**268 TPD**

Facility	Number	Qty of waste (TPD)	Power generation	Timeline
Bio CNG	5	1,300	33 MTD gas	Mar -25
WtE	3	3,800	90MW	

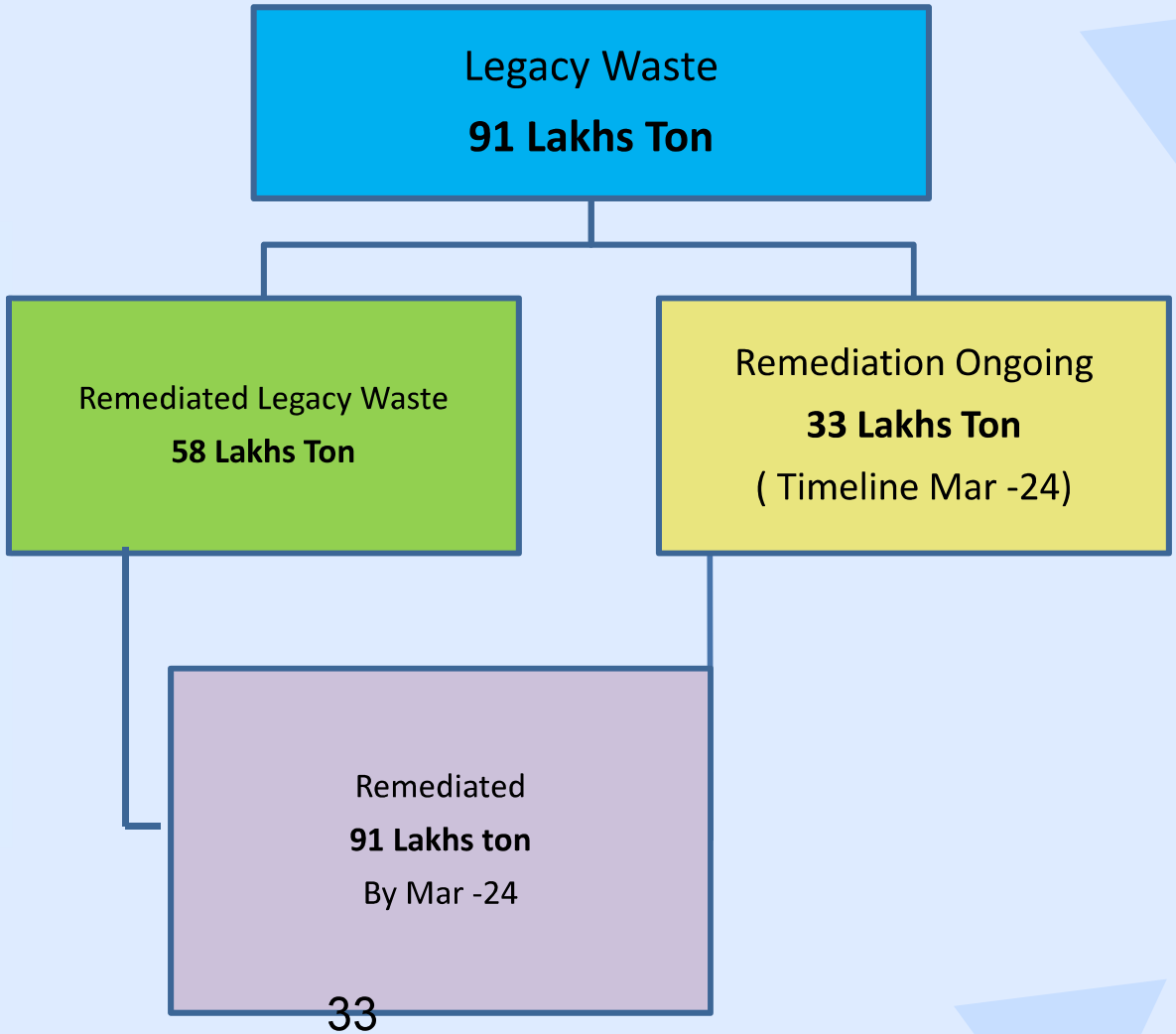
4425

32

5

Legacy Waste Management

- **100% Remediation of Legacy waste by Mar-24**
- **Projects to meet Gap already grounded.**
- **Funds ring-fenced in respective project accounts**



4426

33

6

Status of remediation of legacy waste

Details	No. of Dump sites	Area in acres	Estimated Quantity in Lakh Tons	Remediated Waste Lakh Tons	Ongoing work (Lakh Ton)	Timeline for remediation of all sites
75 districts	75	627	91	58	**33**	March 2024

4427

34

7

Name of ULB- Anupshar (NPP)
Legacy waste quantity Remediated- 38220 Ton

Before Remediation

After Remediation

4428

Name of ULB- Mahoba (NPP)
Legacy waste quantity Remediated-10000 Ton

Before Remediation

35

After Remediation

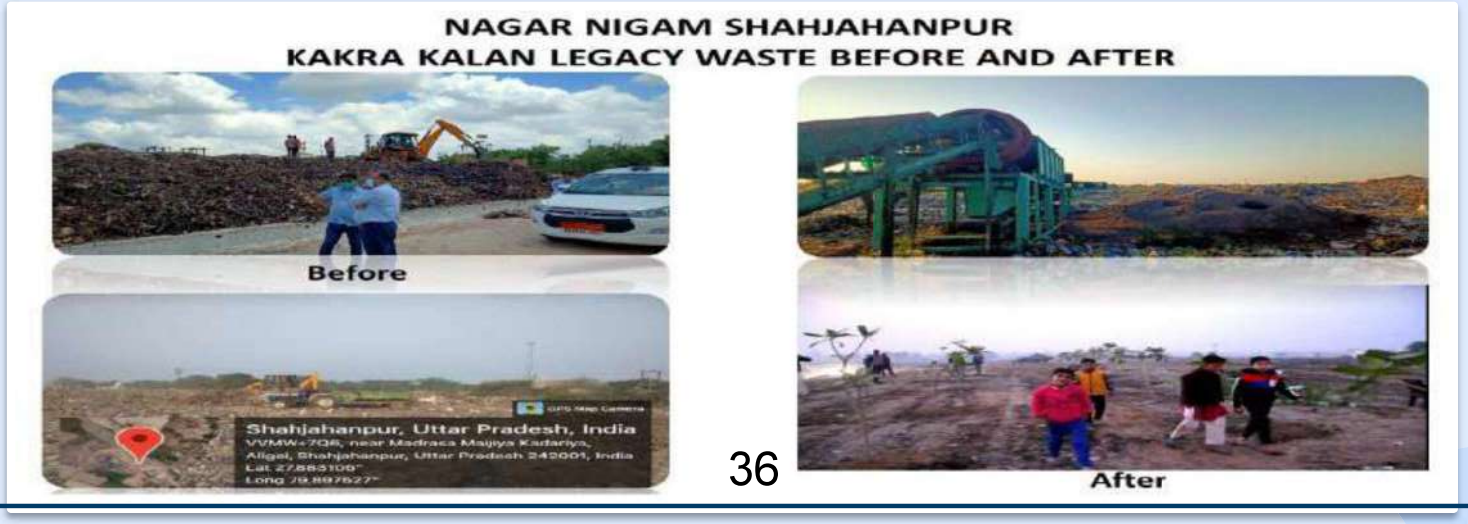
Name of ULB- Baruasagar (NPP)
Legacy waste quantity Remediated- 8322 Ton

Before Remediation

After Remediation

4429

Name of ULB- Shahajahanpur (M.Corp)
Legacy waste quantity Remediated- 60000 Ton



36

Name of ULB- Meerut (M.Corp)
Legacy waste quantity Remediated- 300000Ton

Before Remediation

After Remediation

4430

Name of ULB- Mirzapur (NPP)
Legacy waste quantity Remediated- 8803 Ton

Before Remediation

37

After Remediation

10

Name of ULB- Pilibhit (NPP)
Legacy waste quantity Remediated- 38645 Ton

Before Remediation

After Remediation

4431

Name of ULB- Raibareilly (NPP)
Legacy waste quantity Remediated- 62770 Ton

Before Remediation

After Remediation

38

11

Name of ULB- Ghaziabad (M.corp)
Legacy waste quantity Remediated- 650000Ton

Before Remediation

After Remediation

4432

39

12

Name of ULB- Etah (NPP)
Legacy waste quantity Remediated- 88725 Ton

Before Remediation

After Remediation

4433

Name of ULB- Agra (M.Corp)
Legacy waste quantity Remediated- 940000 Ton

Before Remediation

After Remediation

40

13

Name of ULB- Baraut (NPP)
Legacy waste quantity Remediated- 12000 Ton

Before Remediation


After Remediation

Name of ULB- Ghazipur (NPP)
Legacy waste quantity Remediated- 4500 Ton

Before Remediation

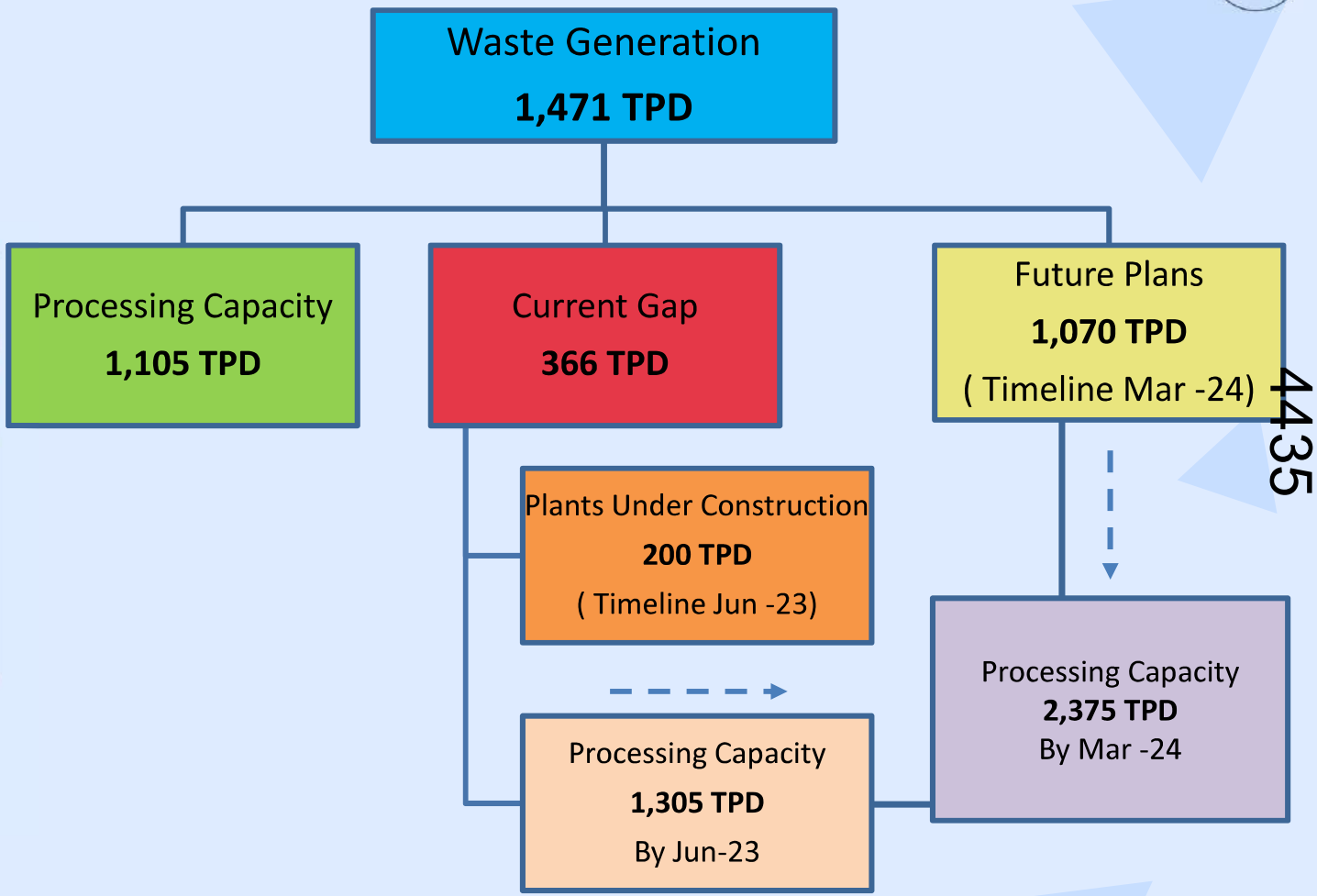

After Remediation

4434

41

Construction & Demolition Waste

- 100% Processing of C&D waste by Mar-24
- Projects to meet Gap already grounded.
- Funds are tied-up for current gap as well as future plans.



42

15

Construction & Demolition Waste

- The major demolition waste is soil, sand and gravel accounting for bricks (26%) & masonry (32%), Concretes (28%), metal (6%), wood (3%) others (5%). Bricks, tiles, woods and iron metal are sold for reuse / recycling

(Source: Building Materials & Technology Production Council, GOI).

- Quantity of C&D Waste:1,471 TPD
- Processing Capacity: – 1,105 TPD

C&D Waste Processing Facilities

- Operational- 5 (1,105 Ton Per Day)
- Under Construction- 2 (200 Ton Per Day) by June-2023
- Proposed- 11 (1,070 Ton Per Day) will completed till March 2024
- Products made after processing: Bricks, Tiles and interlocking blocks

4436

43

16

Construction & Demolition Waste

Agra M.Corp

C&D Waste Plant (Capacity 05 TPD)

Noida

C&D Waste Plant (Capacity 300 TPD)

44

4437

Ghaziabad M.Corp

C&D Waste Plant (Capacity 400TPD)

4438

Prayagraj M.Corp

C&D Waste Plant (Capacity 100TPD)

45

Success Story About Garbage Vulnerable Points in Urban Areas

Introduction :- Garbage Vulnerable Points are those areas where the garbage gets piled up because of the constant dumping of garbage by the local residents, travelers, or passerby.

- To remove all the GVPs, State introduced a drive to remove Garbage Vulnerable Point from all 75 districts in 75 hours.
  Drive was conducted between 1st December to 3rd December 2022.

Objectives :- Vision of "garbage free" Urban areas , All GVPs remediated and converted into selfie points, parks , etc. Clean public areas with 100% scientific processing, Mass mobilization and IEC activities.

Achievements

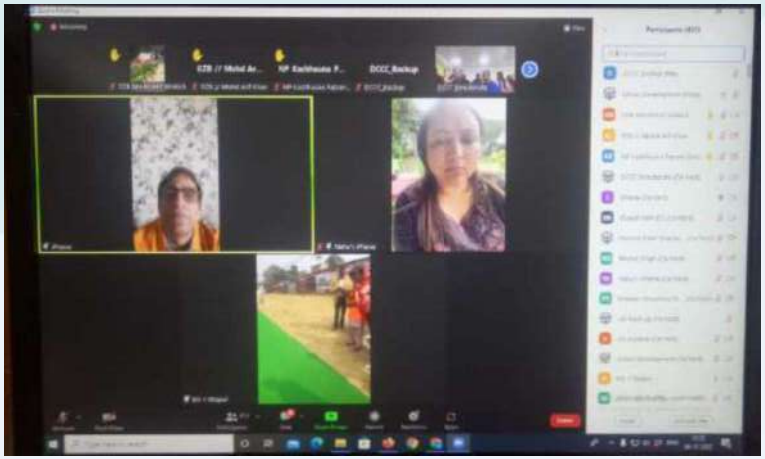
Achievements	Number
Total GVP remediated	~3,000
Total Waste Collected	~5,000 Ton
Total Citizen Participated	~ 8,00,000
Total No. of Vehicles Deployed	~ 6,000
Total Manpower Deployed	~30,000
Total Public representative Participated	~15,000
Participation through Social Media	~ 8,00,000

Events	Number
Number of GVP Transformed Into Park/Plantation	~1500
Number of GVP Transformed Into Place For Cultural Event	~ 300
Number of GVP Transformed Into Vending Zone/Food Court	~ 100
Number of GVP Transformed Into Wall Painting	~500
Number of GVP Transformed Into Neki Ki Deewar	~ 200
Number of GVP Transformed Into Selfie Spot	~400

4439

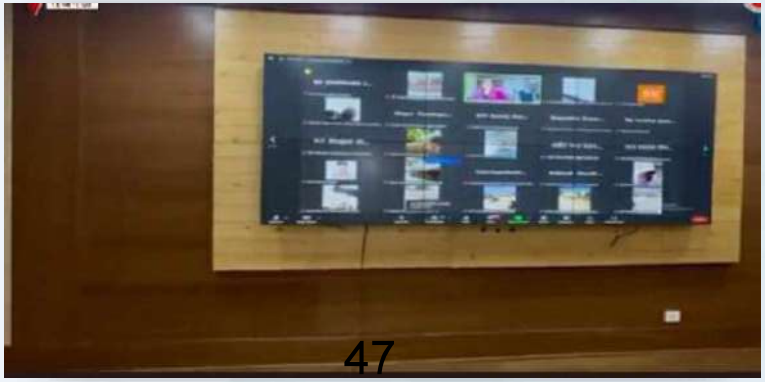
46

19



4440

Monitoring 24x7 through DCCC



47

20

Community / CSO Members / SVPS / Youth Engagement

4441

48

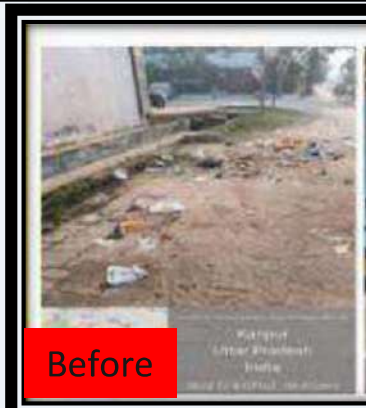
Selfie Points near GVP spots

4442

49

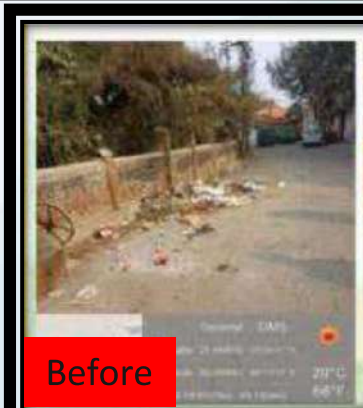
IEC activities near GVP spots

IEC activities near GVP spots



Before

After



Before

After

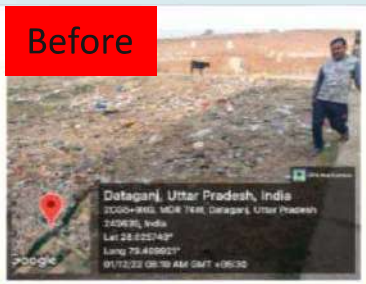
51

4444

Before and After Images

Before & After Images after GVP removal

छिबरामऊ



दातागंज

हस्तिनापुर

4445

जायस

सहारनपुर

52

Before

After

Before

After

4446

53

Before

After

Before

After

4447

54

27

Before	After	Before	After
			
			

55

Glimpse of Swachh Change

Before

After

56

29

Before

After

57

Before

After

58

Before

After

59

32

Before

After

4453

60

Before

After

44454

61

34

Before

After

44455

62

35

Before

After

4456

63

36

Glimpse of Functional MRF In UP (Urban)

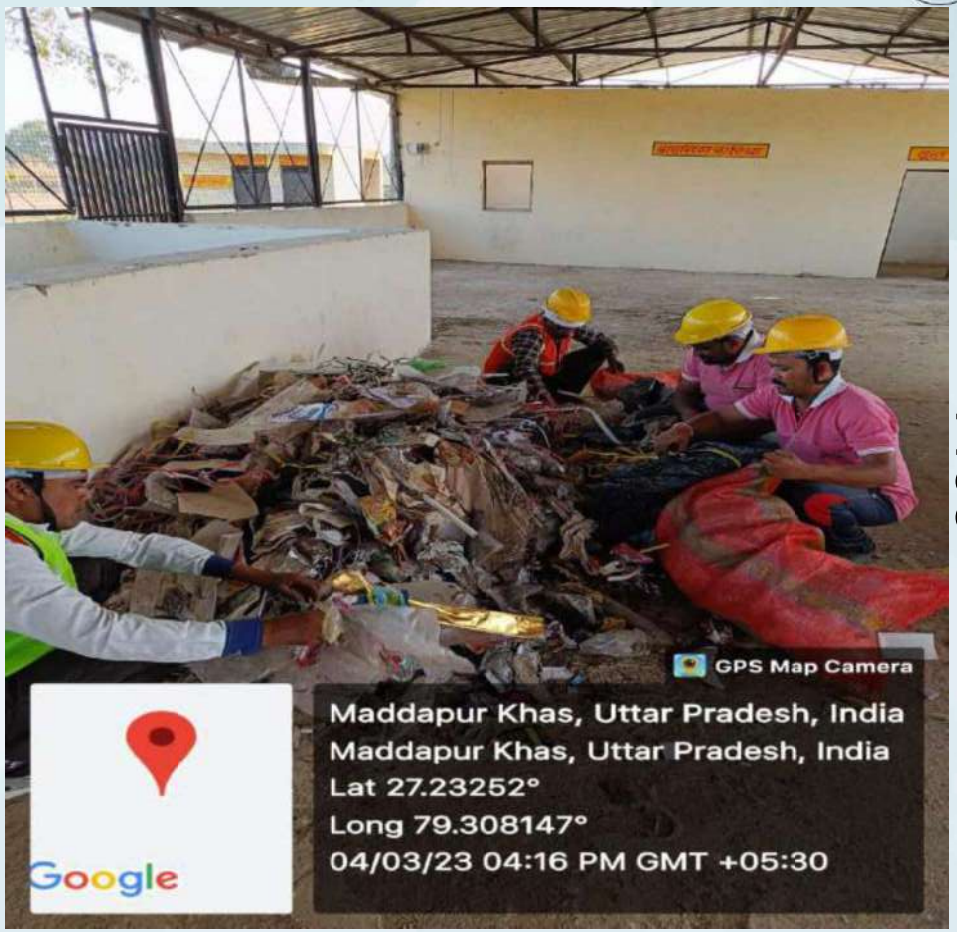
Firozabad (M.Corp.)

Shikohabad (NPP)

64

Sirsaganj (NPP)

65



Kishni (NP)

4458

Chaumuhan (NP)

Farah(NP)

4459

66

Mathura – Vrindavan (M.Corp.)

67

4460

Dayalbagh (NPP)

40

Sitapur (NPP)

Tambaur (NP)

4461

68

Shahabad (NPP)

Ugu (NP)

4462

69

Plastic Waste Management

- Plastic Waste Generation – 1,030 TPD
- Uttar Pradesh has the potential for disposal of plastic waste of 2,360 TPD.

Mode of Disposal	Disposal Capacity
Recycling Facilities (82 Number)	1,908.5 TPD
Co-Processing Facilities -01 (M/s Ultratech Cement, Sonebhadra)	150 TPD
Waste to Oil – 03	33.1TPD
Waste to Energy -03	268.97 TPD
Total recycling & disposal infrastructure in UP – 2,360.06 TPD	

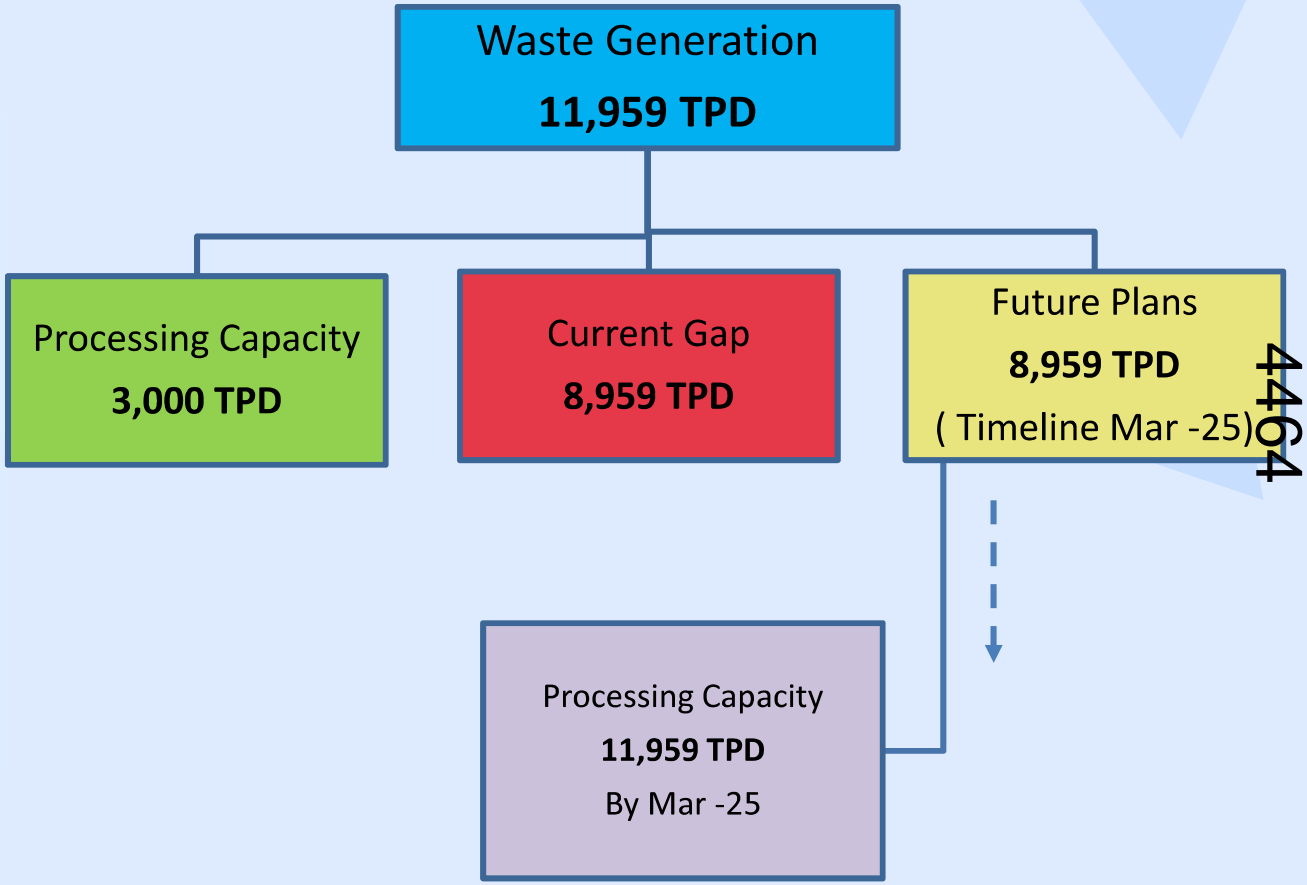
4463

70

43

Solid Waste Management (Rural)

- Target for 100% Processing of MSW by Mar-25
- All financial assistance is to be fulfilled by SBM 2.0 (GRAMIN) & 15th Financial Commission



4464

Solid Waste Management in Rural areas

- Total Gram Panchayat (GPs) - **57,785**
- Total Revenue Villages – **95,829**
- Total Rural Population – **15.53 Cr.**
- Total reported solid waste generated- **-11,959 TPD**
- Waste Treated in 6000 Villages – **3,000 TPD**
- Compost pit prepared - **40,558 (for 4.86 Crore population)**
- Community bio gas plant operational – **30 (in 18 districts)**
- Waste Collection Vehicles : - **18,559**
- Community Bins installed for segregation of organic and in organic waste **-9,098**

4465

72

45

Solid Waste Management in Rural areas

Action Plan for SWM in Rural Areas :

Target for ODF+ for all GPs as per SBM (GRAMIN) 2.0- **2024-25**

Total GPs 57,785-

Target Year for ODF+	GPs	Villages	Fund (₹ Cr.)
2022-23	4,656	6,000	562
2023-24	25,145	43,000	330
2024-25	27,984	46,829	379
Total	**57,785**	**95,829**	

- **100% Coverage of MSW generated – Mar-25**
- **Plants are on-ground to meet the Gap .**
- **Financial grant issued from the fund SBM 2.0 (Gramin) and 15th Financial Commission**

4466

73

46

Solid Waste Management (Rural)

E-Rickshaw Door to Door Collection

Community bin

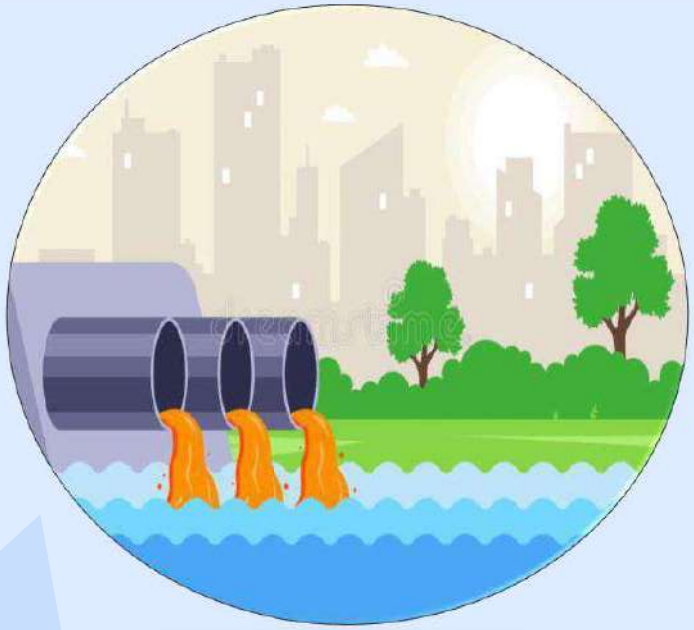
Community bio –gas plant

Vermi Composting

Resource Recovery Center with Composting

4497

74



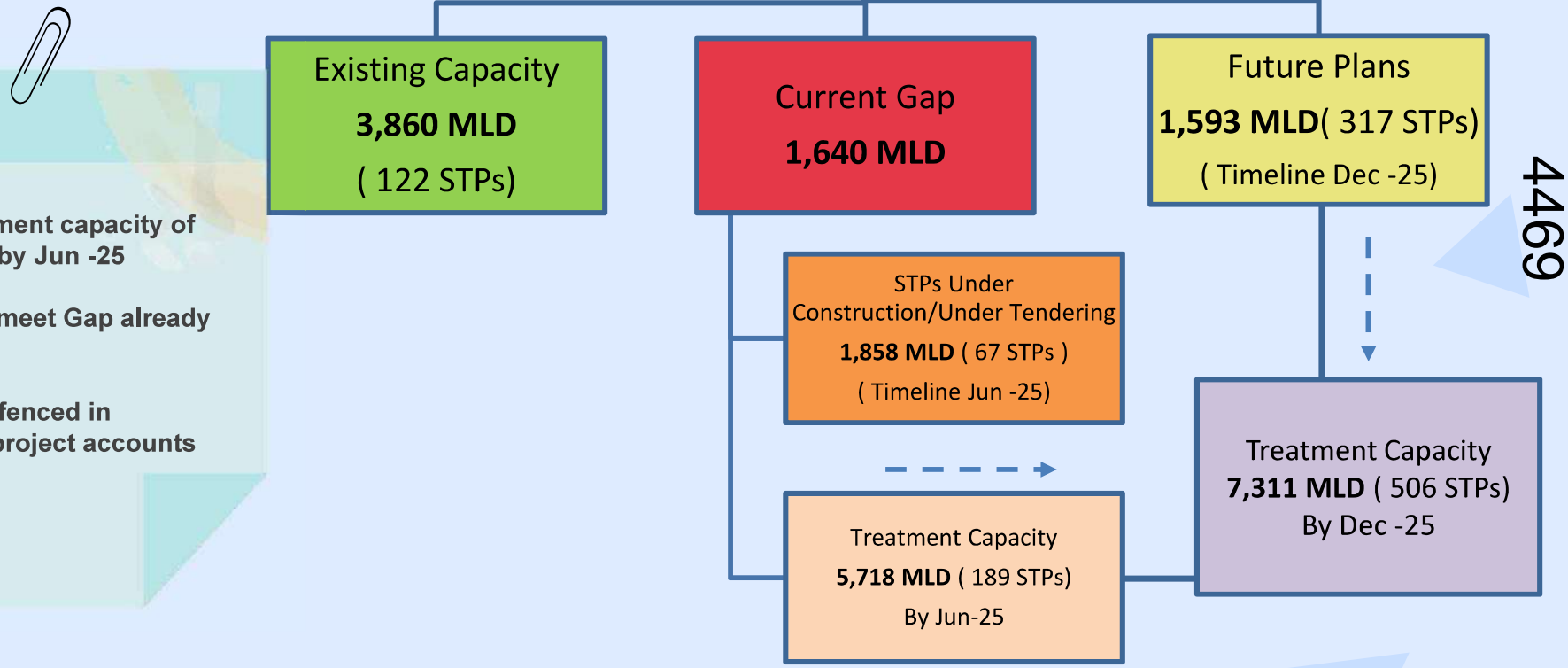
Used Water Management

4468

75

48

Used Water Management



- 100% Treatment capacity of used water by Jun -25
- Projects to meet Gap already grounded.
- Funds ring-fenced in respective project accounts

4469

76

49

Status of Used Water Management

Total Generation (MLD)	STP Installed		Gap (MLD)	STP Under Construction/ Under Tendering	Timeline	STP Proposed (Future Plan)	Timeline
	Number	Installed Capacity (MLD)					
5,500	122	3,860	**1,640**	1,004 MLD (52 STPs)	Dec, 2024	1,593 MLD (317 STPs)	Dec-25
				854 MLD (15 STPs)	June, 2025		
				Total 1,858 MLD (67 STPs)- June 2025			

- 100% Treatment capacity of used water by Jun -25
- Projects to meet Gap already grounded.
- Funds ring-fenced in respective project accounts

By June 2025 Gap shall be Zero. Total Treatment Capacity shall be 5,718 MLD

Total Treatment Capacity shall be 7,311 MLD by Dec, 2025

4470

77

50

Progress since 2020

Treatment Facilities	2020	2022
STPs	79	122
Treatment Capacity	1,956.18 MLD	3,860 MLD
Under Construction	43	67 (1,858 MLD)
Proposed		317(1,593 MLD)
Total		506 (7,311MLD) **(December 2025)**

4471

78

Re-utilization of treated sewage

- 8 MLD treated water from Trans - yamuna –I and II STPs at Mathura is supplied to IOCL, Mathura.

Future Plan:-

Re-utilization of treated sewage	Timeline
Treated water from Bingawan STP (210 MLD) to Panki Thermal Power Plant (approx. 40 MLD)	**June , 2023**
20 MLD treated water from Trans - yamuna –I and II STPs at Mathura is to be supplied to IOCL, Mathura	**December,2023**
Treated water from Shahjahanpur STP (45 MLD) to Rosa TPS (approx. 40 MLD)	**June,2025**
Treated water from Aligarh STP (45 MLD) to Harduaganj TPS (approx. 30 MLD)	**July,2025**
Treated water from Naini, Prayagraj STP (80 MLD) to Bara TPS (approx. 55 MLD)	**December, 2025**
Treated water from Bulandshahar STP (40 MLD) to Rosa TPS (approx. 20 MLD)	**July,2025**

4472

79

52

Thanks

4473

Item No. 01 Court No. 1

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 606/2018

(**In respect of State of Uttar Pradesh**)

In re: **Compliance of Municipal Solid Waste Management Rules, 2016 and other environmental issues**

Date of hearing: 23.03.2023

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER

Present: Mr. D.S. Mishra, Chief Secretary, Government of U.P.
Mr. Ashish Tiwari, Secretary, Environment, Forest & Climate Change, Govt. of U.P.
Mr. Anil Dhingra, Managing Director, Jal Nigam (Urban), Govt. of U.P.
Mr. Balkar Singh, Managing Director, Jal Nigam (Rural), Govt. of U.P.
Ms. Neha Sharma, Director, ULB/Urban, Govt. of U.P.
Mr. Anil Kumar Sagar, Principal Secretary, Industrial Development, Government of U.P.
Mr. P.K. Upadhyay, Director-Panchayati Raj, Government of U.P.
with Ms.Garima Prasad, Senior Advocate, AAG UP and Ms. Priyanka Swami, Advocate for the State of U.P.

ORDER

The Issue – Monitoring of compliance of waste in terms of orders of Hon'ble Supreme Court dated 02.09.2014 and 22.02.2017

1. The issues of solid as well as liquid waste management are being monitored by this Tribunal as per orders of the Hon'ble Supreme Court order dated 02.09.2014 in *Writ Petition No. 888/1996, Almitra H. Patel vs. Union of India & Ors.,* with regard to solid waste management and order dated 22.02.2017 in W.P. No. 375/2012, reported in (*2017) 5 SCC 326, Paryavaran Suraksha vs. Union of India,* with regard to liquid waste management. Other related issues include pollution of 351 river stretches,

124 non-attainment cities in terms of air quality, 100 polluted industrial clusters, illegal sand mining etc. have also been dealt with separately. We propose to limit the proceedings in the present matter to **two issues of solid waste and sewage management.**

ORDERS OF THE HON'BLE SUPREME COURT TRANSFERRING THE ISSUE OF SOLID WASTE MANAGEMENT AND LIQUID WASTE MANAGEMENT TO THIS TRIBUNAL:

Solid Waste Management

2. While transferring the issue of solid waste management vide Order dated 02.09.2014 in *Writ Petition No. 888/1996, Almitra H. Patel Vs. Union of India & Ors.*, the Hon'ble Supreme Court observed **"handling of solid municipal waste is a perennial challenge and would require constant efforts and monitoring with a view to making the municipal authorities concerned accountable, taking note of dereliction, if any, issuing suitable directions consistent with the said Rules and direction incidental to the purpose underlying the Rules such as upgradation of technology wherever possible. All these matters can, in our opinion, be best left to be handled by the National Green Tribunal established under the National Green Tribunal Act, 2010. The Tribunal, it is common ground, is not only equipped with the necessary expertise to examine and deal with the environment related issues but is also competent to issue in appropriate cases directions considered necessary for enforcing the statutory provisions."**

3. Before transferring the said proceedings, matter was monitored by Hon'ble Supreme Court for about eighteen years and orders passed include *(2000) 2 SCC 679* and *(2004) 13 SCC 538*, directing scientific disposal of waste by setting up of compost plants/processing plants, preventing water percolation through heaps of garbage, creating focused **'solid waste**

management cells' in all States and complying with the Municipal Solid Waste Management Rules, 2000 (now replaced by SWM Rules, 2016). **It was observed that the local authorities constituted for providing services to the citizens are lethargic and insufficient in their functioning which is impermissible. Non-accountability has led to lack of effort on the part of the employees.** Domestic garbage and sewage along with poor drainage system in an unplanned manner contribute heavily to the problem of solid waste. The number of slums has multiplied significantly occupying large areas of public land. Promise of free land attracts more land grabbers. **Instead of "slum clearance" there is "slum creation" in cities which is further aggravating the problem of domestic waste being strewn in the open**. Accordingly, the Court directed that provisions pertaining to sanitation and public health be complied with, streets and public premises be cleaned daily, **statutory authorities levy and recover charges from any person violating laws and ensure scientific disposal of waste**, landfill sites be identified keeping in mind requirement of the city for next 20 years and environmental considerations, sites be identified for setting up of compost plants, steps be taken to prevent fresh encroachments and compliance report be submitted within eight weeks. Further observations in the judgment of the Hon'ble Supreme Court[1] are:

> *"3. The petitioner has handed over a note in the Court showing the progress that has been made in some of the States and also setting out some of the suggestions, including the suggestion for creation of solid waste management cell, so as to put a focus on the issue and also to provide incentives to those who perform well as was tried in some of the States. The said note states as under:*
>
> > *"1. As a result of the Hon'ble Supreme Court's orders on 26-7-2004, in Maharashtra the number of authorisations granted for solid waste management (SWM) has increased from 32% to 98%, in Gujarat from 58% to 92%*

[1] (2004) 13 SCC 538

and in M.P. from NIL to 34%. No affidavits at all have been received from the 24 other States/UTs for which CPCB reported NIL or less than 3% authorisations in February 2004. All these States and their SPCBs can study and learn from Karnataka, Maharashtra and Gujarat's successes.

2. ***All States/UTs and their SPCBs/PCCs have totally ignored the improvement of existing open dumps, due by 31-12-2001****, let alone identifying and monitoring the existing sites. Simple steps can be taken immediately at almost no cost by every single ULB to prevent monsoon water percolation through the heaps, which produces highly polluting black run-off (leachate). Waste heaps can be made convex to eliminate standing water, upslope diversion drains can prevent water inflow, downslope diversion drains can capture leachate for recirculation onto the heaps, and disused heaps can be given soil cover for vegetative healing.*

3. ***Lack of funds is no excuse for inaction. Smaller towns in every State should go and learn from Suryapet in A.P. (population 103,000) and Namakkal in T.N. (population 53,000) which have both seen dustbin-free 'zero garbage towns' complying with the MSW Rules since 2003 with no financial input from the State or the Centre, just good management and a sense of commitment.***

4. ***States seem to use the Rules as an excuse to milk funds from the Centre, by making that a precondition for action and inflating waste processing costs 2-3 fold.*** *The Supreme Court Committee recommended 1/3 contribution each from the city, State and Centre. Before seeking 70-80% Centre's contribution, every State should first ensure that each city first spends its own share to immediately make its wastes non-polluting by simple sanitising/stabilising, which is always the first step in composting viz. inoculate the waste with cow dung solution or bio culture and placing it in windrows (long heaps) which are turned at least once or twice over a period of 45 to 60 days.*

5. *Unless each State creates a focussed* ***'solid waste management cell'*** *and rewards its cities for good performance, both of which Maharashtra has done, compliance with the MSW Rules seems to be an illusion.*

6. ***The admitted position is that the MSW Rules have not been complied with even after four years.*** *None of the functionaries have bothered or discharged their duties to ensure compliance.* ***Even existing dumps have not been improved.*** *Thus deeper thought and urgent and immediate action is necessary to ensure compliance in future."*

4. In this regard, reference may also be made to orders of Hon'ble Supreme Court in *Municipal Council, Ratlam vs. Vardhichand*[2] and *B.L. Wadhera v. Union of India and Ors.*[3] laying down that **clean environment is fundamental right of citizens under Article 21** and it is for the local bodies as well as the State to ensure that public health is preserved by taking all possible steps. **For doing so, financial inability cannot be pleaded.** We note that even after 26 years of monitoring, 18 years by Hon'ble Supreme Court and eight years by this Tribunal, ground situation remains unsatisfactory.

Liquid Waste Management

5. Hon'ble Supreme Court in *Paryavaran Suraksha vs. Union of India*[4] required this Tribunal to monitor directions for proper treatment of sewage to prevent untreated sewage and other effluents being discharged in water bodies by directing "We are of the view that mere directions are inconsequential, unless a rigid implementation mechanism is laid down. We, therefore, hereby provide that the directions pertaining to continuation of industrial activity only when there is in place a functional "primary effluent treatment plants", and the setting up of functional "common effluent treatment plants" within the timelines, expressed above, shall be enforced by the Member Secretaries of the Pollution Control Boards concerned. The Secretary of the Department of Environment, of the State Government concerned (and the Union Territory concerned), shall be answerable in case of default. **The Secretaries to the Government concerned shall be responsible for monitoring the progress and issuing necessary directions to the Pollution Control Board**

[2] (1980) 4 SCC 162
[3] (1996) 2 SCC 594
[4] (2017) 5 SCC 326

concerned, as may be required, for the implementation of the above directions. They shall be also responsible for collecting and maintaining records of data, in respect of the directions contained in this order. The said data shall be furnished to the Central Ground Water Authority, which shall evaluate the data and shall furnish the same to the Bench of the jurisdictional National Green Tribunal. To supervise complaints of non-implementation of the instant directions, the Benches concerned of the National Green Tribunal, will maintain running and numbered case files, by dividing the jurisdictional area into units. The abovementioned case files will be listed periodically. The Pollution Control Board concerned is also hereby directed to initiate such civil or criminal action, as may be permissible in law, against all or any of the defaulters."

6. Extracts from the judgement of the Hon'ble Supreme Court in *Paryavaran Suraksha Samiti Vs. Union of India* are as follows:

> "8. In view of the fact that the financial position has been taken care of, as has been expressed above, we are of the view, that the **setting up of "common effluent treatment plants", should be taken up as an urgent mission**. With reference to common effluent treatment plants, which are already under implementation, we hope and expect that they would be completed within the timelines already postulated. **With reference to common effluent treatment plants, which are yet to be set up, we consider it just and appropriate to direct the State Governments concerned (including the Union Territories concerned) to complete the same within a period of three years, from today.**
>
> 10. **The process of evolving the above norms, shall be supervised by the State Government (Union Territory) concerned, through the Secretaries, Urban Development and Local Bodies, respectively (depending on the location of the respective common effluent treatment plant). The norms for generating funds for setting up and/or operating the "common effluent treatment plant" shall be finalised, on or before 31-3-2017, so as to be implemented with effect from the next financial year**. In case, such norms are not in place, before the commencement of the next financial year, **the State Governments (or the Union Territories) concerned, shall cater to the financial**

requirements, of running the "common effluent treatment plants", which are presently dysfunctional, from their own financial resources.

13. We are of the view that **mere directions are inconsequential, unless a rigid implementation mechanism is laid down.** We, therefore, hereby provide that the directions pertaining to continuation of industrial activity only when there is in place a functional "primary effluent treatment plants", and the **setting up of functional "common effluent treatment plants" within the timelines, expressed above, shall be of the Member Secretaries of the Pollution Control Boards concerned. The Secretary of the Department of Environment, of the State Government concerned (and the Union Territory concerned), shall be answerable in case of default**. The Secretaries to the Government concerned shall be responsible for monitoring the progress and issuing necessary directions to the Pollution Control Board concerned, as may be required, for the implementation of the above directions. They shall be also responsible for collecting and maintaining records of data, in respect of the directions contained in this order. **The said data shall be furnished to the Central Ground Water Authority, which shall evaluate the data and shall furnish the same to the Bench of the jurisdictional National Green Tribunal"**

7. Expression "Common Effluent Treatment Plants" may infact refer to the STPs, as the context shows.

8. On this subject, inspite of deadline of 31.3.2018 fixed by Hon'ble Supreme Court for finalizing funding arrangements and February 2020 for all arrangements for preventing discharge of pollutants and rigorous monitoring by this Tribunal for the last five years, ground situation remains unsatisfactory.

Procedural History of present proceedings before this Tribunal

9. In the light of above, the Tribunal has considered the matter in the last eight years as far as solid waste management is concerned and more than five years as far as liquid waste management is concerned. Main orders on the subject include orders dated 22.12.2016, 31.08.2018, 16.01.2019, 28.8.2019, 12.09.2019, 6.12.2019, 07.01.2020, 28.02.2020,

02.07.2020, 14.12.2020, 22.2.2021, 30.11.2021, 14.12.2020 and 31.05.2022. First two orders - dated 22.12.2016 and 31.08.2018 deal only with solid waste management. Orders dated 28.8.2019, 6.12.2019 and 22.2.2021 deal with only liquid waste management while the remaining orders deal with solid waste as well as liquid waste management. Issue of liquid waste has also been separately dealt with in OA No. 593/2017 which was finally disposed of on 22.02.2021 with direction that further monitoring be undertaken by Central Monitoring Committee constituted by the said order. It was held that monitoring by the Tribunal cannot be for indefinite time and State authorities are primarily responsible for such monitoring after adequate monitoring by the Tribunal. By the same order, the Tribunal also dealt with the issue of 351 identified polluted river stretches in OA 673/2018. This is apart from individual cases dealing with solid and liquid waste management. A brief reference of these orders will be made hereafter.

Orders dated 22.12.2016 and 31.08.2018

10. Vide order dated 22.12.2016, (2016) SCC Online NGT 2981, the issue of Solid Waste Management was disposed of requiring strict compliance of Solid Waste Management Rules, 2016 by all the States/UTs making it clear that if violations continue, the State will be liable to pay compensation. Later, matter was taken up to ascertain compliance status and finding that all the States/UTs were still non-compliant in the matter, the matter was again taken up and fresh directions issued for monitoring by the Tribunal constituted Monitoring Committees vide order dated 31.08.2018. Later, continuance of the committees was left to discretion of the States, depending on their own monitoring mechanism.

Order dated 16.01.2019 requiring personal presence of Chief Secretaries of all States and UTs to explore remedial action after interaction with them and further orders

11. In view of continuing non-compliances, vide order dated 16.01.2019, the Tribunal directed personal presence of Chief Secretaries of all States and UTs for interaction to ensure compliance. The Tribunal held that large scale non-compliance of environmental norms was resulting in deaths and diseases and irreversible damage to the environment, without accountability for such failures. Though violation of the Rules as well as orders of this Tribunal is criminal offence, still there was rampant violation by State authorities practically with no accountability and for which unhappy situation was required to be remedied by involvement of highest functionaries of the State in the interest of public health and to uphold rule of law.

12. In terms of order dated 16.1.2019, the Chief Secretaries of all the States/UTs appeared on different dates till 18.07.2019 and the Tribunal, after reviewing the status of noncompliance on most of the issues, directed further effective steps to be taken for compliance of the Rules and the environmental norms. The Chief Secretary of Uttar Pradesh appeared on 26.04.2019 and following directions were issued:

> *"48. In view of above, after discussion with the Chief Secretary, following further directions are issued:*
>
> *i. Apart from cities and towns declared as model cities and towns, at least three Villages in every District of the State may be identified within two weeks and made fully compliant in respect of environmental norms within six months. Remaining State may be made fully compliant within one year.*
>
> *ii. A quarterly report be furnished by the Chief Secretary, every three months. First such report shall be furnished by July 30, 2019.*
>
> *iii. The Chief Secretary may personally monitor the progress, atleast once in a month, with all the District Magistrates.*

Focus of monitoring may include serious issues affecting environment including scientific capping of legacy waste dumping sites and adherence to Solid Waste Management Rules, 2016 in terms of Schedule– I (J), proper management of bio-medical waste and adherence to Bio Waste Management Rules, 2016, proper inventorisation and disposal of plastic waste and usage of plastic in road construction and cement kilns, inventorisation and proper handling of hazardous waste, effective management of ETPs and CETPs and independent assessment of their functioning, strengthening of STP network, adherence to Construction and Demolition Waste Management Rules, 2016, of new infrastructure being created in the State.

iv. *The District Magistrates may monitor the status of compliance of environmental norms, atleast once in two weeks.*

v. *The District Magistrates or other Officers may be imparted requisite training.*

vi. *Estimate of value of environmental degradation and cost of restoration be prepared and compensation be planned and recovered from polluters for environmental restoration and restitution on that basis.*

vii. *Performance audit of functioning of all regulatory bodies may be got conducted and remedial measures be taken, within six months.*

viii. *Consider introduction of a policy of giving ranking, based on performance on the subject of environment and giving of rewards or other incentives on that basis to individual areas, localities, institutions or individuals. This may also include encouraging students or other citizens significantly contributing to the cause of environment. The best practices may be evolved, if necessary, in the light of experiences on the subject. This may help in educating and involving public at large which may help in enhancing of environmental laws. ix. The Chief Secretary may remain present in person before the Tribunal with the status of compliance in respect of various issues mentioned in para 22 as well as any other issues discussed in the above order on 13.11.2019. It is made clear that Chief Secretary may not delegate the above function and the further requirement of appearance before this Tribunal to anyone else. However, it will be open to him to change the date, by advance intimation by e-mail at ngt.filing@gmail.com to adjust their convenience."*

13. **In short, the Tribunal expected three model cities, towns and villages to be made compliant in six months and the remaining State with one year. It was this target for the State by setting up of**

environmental cells directly under the Chief Secretaries, regular periodical monitoring by the Chief Secretaries at the State level and by the District Magistrates at the District level. Further direction also was to take action for non-compliance by recovery of compensation and recording adverse ACRs against erring officers. The Tribunal also directed filing of quarterly reports by the Chief Secretaries. Based on such reports, CPCB was to file consolidated status reports. The Chief Secretaries were to appear again after six months with updated status of compliance.

14. The Tribunal has been receiving progress reports from States as well as monitoring Committees wherever functioning which have been considered by further orders.

Further Review after completing round of interaction with all Chief Secretaries by order dated 12.9.2019

15. The matter was then reviewed on 12.09.2019 in the light of report of the CPCB dated 09.09.2019 **showing wide gaps in compliance of solid waste, plastic waste, bio-medical waste management, rejuvenation of identified polluted river stretches, polluted industrial clusters and non-attainment cities**. A fresh schedule for appearance of the Chief Secretaries was issued. Vide order dated 07.01.2020, the Tribunal directed CPCB to ascertain Compliance of Solid Waste Management Rules, 2016 in terms of MSW generated, segregated and treated, gaps in the waste processing, enforcement of statutory timelines and orders of this Tribunal, number of sites remediated, and quantity of legacy waste therein and timelines for completing remediation. It was further directed that on the subject of sewage treatment, CPCB has to ascertain quantity of sewage generated and treated in the State, gap in the sewage treatment and timelines to bridge the gap, including strategy for use of treated water for

secondary purpose. CPCB was accordingly directed to redesign its formats for securing relevant quantifiable information.

Order dated 28.02.2020

16. Accordingly, the Chief Secretaries of 18 States/UTs appeared and filed updated status reports. Since there still existed huge gaps in compliance, further directions were issued by way of different orders. Last such order is of 28.2.2020. Other orders are on same pattern. The direction part of the said order is reproduced 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[5] 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

[5] The Chief Secretaries may ensure allocation of funds for processing of legacy waste and its disposal and in their respective next reports, give the progress relating to management of all the legacy waste dumpsites. Remediation work on all other dumpsites may commence from 01.11.2019 and completed preferably within six months and in no case beyond one year. Substantial progress be made within six months. We are conscious that the SWM Rules provide for a maximum period of upto five years for the purpose, however there is no reason why the same should not happen earlier, in view of serious implications on the environment and public health.

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."*

17. Timelines under the Rules referred to in sub para (a) above are **:**

"22. ***Time frame for implementation:-*** *Necessary infrastructure for implementation of these rules shall be created by the local bodies and*

other concerned authorities, as the case may be, on their own, by directly or engaging agencies within the time frame specified below:

Sl. No.	***Activity***	***Time limit from the date of notification of rules***
(1)	*(2)*	*(3)*
1.	*Identification of suitable sites for setting up solid waste processing facilities.*	*1 year*
2.	*Identification of suitable sites for setting up common regional sanitary landfill facilities for suitable clusters of local authorities under 0.5 million population and for setting up common regional sanitary landfill facilities or stand alone sanitary landfill facilities by all local authorities having a population of 0.5 million or more.*	*1 year*
3.	*Procurement of suitable sites for setting up solid waste processing facility and sanitary landfill facilities.*	*2 years*
4.	*Enforcing waste generators to practice segregation of bio degradable, recyclable, combustible, sanitary waste domestic hazardous and inert solid wastes at source.*	*2 years*
5.	*Ensure door to door collection of segregated waste and its transportation in covered vehicles to processing or disposal facilities.*	*2 years*
6.	*ensure separate storage, collection and transportation of construction and demolition wastes.*	*2 years*
7.	*setting up solid waste processing facilities by all Local Bodies having 100000 or more population.*	*2 years*
8.	*Setting up solid waste processing facilities by Local Bodies and census towns below 100000 population.*	*3 years*
9.	*setting up common or stand alone sanitary landfills by or for all Local Bodies having 0.5 million or more population for the disposal of only such residual wastes from the processing facilities as well as untreatable inert wastes as permitted under the Rules.*	*3 years*
10.	*setting up common or regional sanitary landfills by 3 years all Local Bodies and census towns under 0.5 million population for the disposal of permitted waste under the rules.*	*3 years*
11.	*bio-remediation or capping of old and abandoned dump sites.*	*5 years*

”

Order dated 02.07.2020

18. The matter was then considered on 02.07.2020. Having regard to the pandemic, appearance of remaining Chief Secretaries was deferred.

Order dated 14.12.2020

19. The matter was further considered on 14.12.2020 for review of progress. Scheduled appearance of remaining Chief Secretaries was dispensed with but it was directed that monitoring at the level of Chief Secretaries may continue and quarterly status reports be filed with CPCB so that CPCB may file a consolidated report every six months before the Tribunal. It was further directed that compensation in terms of earlier orders be recovered and credited to a separate account with the Environment Department of concerned State to be used for restoration of environment. It was also observed that in these proceedings Solid Waste Management also will be monitored, other issues being considered in separate proceedings.

Further review on 30.11.2021 – huge gaps still found and hence, another round of interaction with Chief Secretaries proposed

20. The matter was thereafter taken up on 30.11.2021 to consider the report of CPCB dated 25.10.2020 giving compliance status in 32 States/UTs as follows:-

"3.0 SOLID WASTE MANAGEMENT STATUS

xxx .....xxx.....xxx

Table:1 Overview of quarterly report on SWM submitted by 29 States/UTs

Sl. No.	***ITEM***	***Status***	***Remarks***
1	***xxx***	***xxx***	***xxx***
2	***Over all waste management status in Arunachal Pradesh***		

2(a)	***Quantity of MSW generated (TPD)***	***Information provided by 29 States/UTs*** *(Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Chandigarh, Chhattisgarh, Delhi, Goa, Gujarat, Haryana, Himachal Pradesh, J&K, Karnataka, Kerala, Lakshadweep, Madhya Pradesh, Maharashtra, Meghalaya, Nagaland, Odisha, Puducherry, Rajasthan, Sikkim, Tamil Nadu, Telangana, Tripura, Uttar Pradesh, Uttarakhand, and West Bengal)*	• ***Total Quantity of MSW generated: 150858.951 TPD*** • *Maximum waste generation is in five (7) States/UTs (>10000 TPD)-* ➢ *Maharashtra* ➢ *Uttar Pradesh* ➢ *West Bengal* ➢ *Tamil Nadu* ➢ *Karnataka* ➢ *Delhi* ➢ *Telangana*
2(b)	***Xxx***	***xxx***	***xxx***
2I	***Xxx***	***xxx***	***xxx***
2(d)	***Quantity of MSW processed (TPD)***	***Information provided by 29 States/UTs*** *(Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Chandigarh, Chhattisgarh, Delhi, Goa, Gujarat, Haryana, Himachal Pradesh, J&K, Karnataka, Kerala, Lakshadweep, Madhya Pradesh, Maharashtra, Meghalaya, Nagaland, Odisha, Puducherry, Rajasthan, Sikkim, Tamil Nadu, Telangana, Tripura, Uttar Pradesh, Uttarakhand, and West Bengal)*	• ***Total quantity of MSW processed: 94435.318 TPD*** • *100% MSW is processing reported in two (2) States:* ➢ *Chhattisgarh* ➢ *Himachal Pradesh*
2I	***Xxx***	***xxx***	***xxx***
2(f)	***Gap in Solid Waste Management UTs (TPD) [2(a)- 2(d)- 2(e)]***	***Information provided by 29 States/UTs*** *(Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Chandigarh, Chhattisgarh, Delhi, Goa, Gujarat, Haryana, Himachal Pradesh, J&K, Karnataka, Kerala, Lakshadweep, Madhya Pradesh, Maharashtra, Meghalaya, Nagaland, Odisha, Puducherry, Rajasthan, Sikkim, Tamil Nadu, Telangana, Tripura, Uttar Pradesh, Uttarakhand, and West Bengal)*	• *Gap in Solid Waste Management: 44651.1792 TPD*
xxx	***Xxx***	***xxx***	***xxx***
6	***Legacy Waste management***		
6(a)	***Number of dumpsites (No.)***	***Information provided by 28 States/UTs*** *(Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Chhattisgarh, Delhi, Goa, Gujarat, Haryana, Himachal Pradesh, J&K, Karnataka, Kerala, Lakshadweep, Madhya Pradesh, Maharashtra, Meghalaya, Nagaland, Odisha, Puducherry, Rajasthan, Sikkim, Tamil Nadu, Telangana, Tripura, Uttar Pradesh, Uttarakhand, and West Bengal)* ***Information not provided by 1 State/UTs:*** *(Chandigarh)*	• ***Total Number of dumpsites: 2129*** • ***Max in MP: 378***

6(b)	***Quantity of Waste dumped at dumpsites (Tons)***	***Information provided by 27 States/UTs*** *(Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Chhattisgarh, Delhi, Goa, Gujarat, Haryana, Himachal Pradesh, J&K, Karnataka, Kerala, Lakshadweep, Maharashtra, Meghalaya, Nagaland, Odisha, Puducherry, Rajasthan, Sikkim, Tamil Nadu, Telangana, Tripura, Uttar Pradesh, Uttarakhand, and West Bengal)* ***Information not provided by 2 State/UTs:*** *(Chandigarh, Madhya Pradesh)*	• ***Quantity of Waste dumped at dumpsites (Tons): 185558287.3 Tons*** • *Max in Maharashtra – 41683186 Tonnes*
6I	***Number of dumpsites cleared (No.)***	***Information provided by 25 States/UTs*** *(Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Chhattisgarh, Delhi, Goa, Gujarat, Haryana, Himachal Pradesh, J&K, Karnataka, Kerala, Lakshadweep, Madhya Pradesh, Maharashtra, Nagaland, Rajasthan, Sikkim, Tamil Nadu, Telangana, Tripura, Uttar Pradesh, Uttarakhand, and West Bengal)* ***Information not provided by 4 State/UTs:*** *(Chandigarh, Meghalaya, Odisha, Puducherry)*	• *Number of dumpsites cleared (No.): 498* *Chhattisgarh- 160* *Maharashtra- 134* *Uttarakhand – 60* *M.P.-50* *Tamil Nadu – 27* *H.P-17* *Gujarat- 16*
6(d)	***Number of dumpsites in which biomining has commenced (No.)***	***Information provided by 26 States/UTs*** *(Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Chhattisgarh, Delhi, Goa, Gujarat, Haryana, Himachal Pradesh, J&K, Karnataka, Kerala, Lakshadweep, Madhya Pradesh, Maharashtra, Meghalaya, Nagaland, Rajasthan, Sikkim, Tamil Nadu, Telangana, Tripura, Uttar Pradesh, Uttarakhand, and West Bengal)* ***Information not provided by 3 State/UTs:*** *(Chandigarh, Odisha, Puducherry)*	• *Number of dumpsites in which biomining has commenced (No.): 496* *Tamil Nadu – 117* *Maharastra-76 M.P-73* *West Bengal – 64* *Telangana – 52 T.N-117* *Rajasthan – 23* *Haryana – 16* *Karnataka – 15* *Uttarakhand – 12* *HP – 10*
6I	***Time frame for clearing all dumpsites***	***Information provided by 24 States/UTs*** *(Andhra Pradesh, Arunachal Pradesh, Assam, Chhattisgarh, Delhi, Goa, Gujarat, Haryana, Himachal Pradesh, J&K, Karnataka, Kerala, Lakshadweep, Madhya Pradesh, Maharashtra, Odisha, Puducherry, Rajasthan, Sikkim, Tamil Nadu, Tripura, Uttar Pradesh, Uttarakhand, and West Bengal)* ***Information not provided by 5 State/UT:*** *(Bihar, Chandigarh, Meghalaya, Nagaland, Telangana)*	• *Timeline exceeding December, 2022 in following States/UTs: Delhi, Goa, J&K, Karnataka, Puducherry and Tamil Nadu*

xxx……xxx……xxx

Solid Waste Management

4.0 SUMMARY & CONCLUSIONS

a. Total No. of ULBs in 29 States/UTs is 4186.

b. As per information provided by 29 States/UTs – total waste generated is 150858.951 TPD of which 94435.318 TPD is processed, which is 62.6% of the total waste generated in these States/UT. 11772.4538 TPD (7.8%) of the waste is landfilled and the gap in Solid waste management in 29 States is 45071.771 TPD which is 29.8% of the waste generated in these States/UTs.

c. Information on MRF has been provided for 28 States/UTs covering 77% of ULBs in these States/UTs.

d. Information on Recycling facilities have been provided for 22 States/UTs covering 39% of ULBs in these States/UTs

e. Information on Composting facilities has been provided for all 29 States/UTs covering 70% of ULBs in these States/UTs

f. Information on WtE has been provided for 25 out of 29 States/UTs covering 1.9% of ULBs in these States/UTs.

g. Information on RDF has been provided for 24 out of 29 States/UTs covering 12.4% of ULBs in these States/UTs.

h. Information on Bio-methanation has been provided for 27 out of 29 States/UTs covering 7.1% of ULBs in these States/UTs.

i. Information on Landfills has been provided in 24 out of 29 States/UTs covering 18.9% of ULBs in the States.

j. 498 of 2111 (23%) dumpsites in 25 States/UTs have been cleared and Remediation has been initiated in 23% (496) of the dumpsites.

k. Model Town/Cities have been identified in 25 States/UTs.

l. 16 States /UTs have established environmental cells.

m. 15 States /UTs have standardized rates for procurement of services/equipment required for solid waste management.

*n. In view of above, States/UTs need to develop of ULB wise action plan for collection, segregation, transportation and processing of waste and lay down an appropriate governance framework at state and district levels.***"**

12. xxx ……xxx……xxx

13. Based on above data, the State-wise and city-wise summary is as follows:-

"State-wise summary

Sl. No.	States	Number of ULBs	Quantity of MSW generated (TPD)	Quantity of MSW collected (TPD)	Quantity of MSW Processed (TPD)	Quantity of MSW disposed in secured land fill site (TPD)	GAP in SWM UTs (TPD)
1.	Andhra Pradesh	124	6898	6830	2180	257.5	4460.5
2.	Arunachal Pradesh	02	67	61	8	55	04
3.	Assam	96	1178	1070	389	0	790
4.	Bihar	142	2240.20	2240.20	681	1559.2	0
5.	Chandigarh	01	512.6	512.6	104.5	442.3	0
6.	Chhattisgarh	166	1650	1650	1650	0	0
7.	Delhi	5	11038.335	11038.335	5262.335	400	5776
8.	Goa	14/ 191(RLBs)	226.67/ 317(RLBs)	218.67/ 258(RLBs)	196.67/ 258(RLBs)	NIL	30/ 59(RLBs)
9.	Gujarat	164	9567	9567	8514.63	1052.37	0
10.	Haryana	89	5523	5287 approx.	2696 approx.	30	2797
11.	Himachal Pradesh	54	370	370	370	0	0
12.	J&K	78	1389.1	1303.52	244	923.7	221.4
13.	Karnataka	316	11085	10198	6817	1250	3018
14.	Kerala	93	3472	1261	2502	Nil	970
15.	Lakshadweep	0 (10 Panchayats are existing)	35	10.48	10.48	Nil	24.52
16.	Madhya Pradesh	378	7980	7193	6431	762	787
17.	Maharashtra	396 ULBs + 07 CBs = 403	24410	23234	20319	1626	2465
18.	Meghalaya	7	229.18	191.19	9.64	50.96	168.58
19.	Nagaland	39	331.49	258.49	163.9	8	159.59
20.	Odisha	114	1951	1951	1569	-	382
21.	Puducherry	5	345	345	71	22.5	262
22.	Rajasthan	196	6523	6450	2718	GAP	3805
23.	Sikkim	7	74.7	74.6	12.56	62.032	0

24.	*Tamil Nadu*	*664*	*13593*	*13185*	*9787*	*0*	*3806*
25.	*Telangana*	*142*	*10403*	*10403*	*7968*	*1001*	*1434*
26.	*Tripura*	*20*	*333.906*	*317.685*	*214.063*	*12.8918*	*106.951*
27.	*Uttar Pradesh*	*651*	*14468*	*14468*	*9705*	*1095*	*3668*
28.	*Uttarakhand*	*91*	*1255.77*	*1255.77*	*645.54*	*Landfill functional in Dehradun and Haridwar only*	*310.23*
29.	*West Bengal*	*125*	*13709*	*13356*	*2896*	*1187*	*9626*

"

21. The data of sewage as per report dated 12.02.2021 filed by the Central Monitoring Committee, headed by Secretary Jal Shakti, Government of India, titled **'3rd QUARTERLY REPORT OF THE CENTRAL MONITORING COMMITTEE (CMC) IN COMPLIANCE OF THE ORDER DATED 21.09.2020'** in *O.A. No. 593/2017, Paryavaran Suraksha* Samiti *& Anr. v. Union of India & Ors.* noted in order dated 22.02.2021 is reproduced below:

"Existing Sewage Infrastructure

48,004 MLD of sewage (from urban settlements) is being generated in 31 States/ UTs and 30,001 MLD capacity of STPs (1249 nos.) is existing which approximates to about 62% of sewage generation. Against the existing capacity, only 56% of the capacity is being utilized for treatment of municipal sewage. This leaves a gap of 17,027 MLD in treatment capacity. *The details of sewage generation, existing sewage treatment capacity, its utilization and gap thereof is presented in Table-1.*

Table-1: Details of Existing Sewage Infrastructure in the 31 States/ UTs

No.	***State***	***Sewage Generation (in MLD)***	***Existing STP (capacity in MLD and No.)***	***Capacity Utilization (In MLD)***	***Gap in Treatment at present (in MLD)***
1	***Andhra Pradesh***	*1463.20*	*515.85 (43 STPs)*	*473.77 (91%)*	*947.35*
2	***Assam***	*435.53*	*0*	*0*	*435.53*
3	***Bihar***	*651.5*	*230 (6 STPs)*	*100 (44%)*	*421.5*

4	***Chhattisgarh***	*600*	*73.1 (3 STPs)*	*6 (8%)*	*526.9*
5	***Daman, Diu And Dadra Nagar Haveli***	*21.2*	*17.21 (2 STPs)*	*6.1 (35%)*	*3.9*
6	***Delhi***	*3273*	*2715 (35 STPs)*	*2432 (90%)*	*558*
7	***Goa***	*112.53*	*78.35 (9 STPs)*	*29 (37%)*	*34.18*
8	***Gujarat***	*4003*	*3485 (73 STPs)*	*2739 (78%)*	*518*
9	***Haryana***	*1267*	*1892 (155 STPs)*	*1189 (62%)*	*-*
10	***Himachal Pradesh***	*163.5*	*120.5 (65 STPs)*	*76.8 (64%)*	*43*
11	***Jammu & Kashmir***	*523*	*139 (15 STPs)*	*82.9 (60%)*	*383.08*
12	***Jharkhand***	*452*	*108 (14 STPs)*	*83%*	*343.8*
13	***Karnataka***	*3356.5*	*2242 (125 STPs)*	*1513.5 (67%)*	*1114*
14	***Kerala***	*317*	*124.15 (13 STPs)*	*91.12 (73%)*	*192*
15	***Madhya Pradesh***	*2183.65*	*618.23 (23 STPs)*	*472.6 (76%)*	*1565.4*
16	***Maharashtra***	*9758*	*7747 (142 STPs)*	*4207 (54%)*	*2011*
17	***Manipur***	*115*	*27 (1 STP)*	*9 (33%)*	*88*
18	***Meghalaya***	*75*	*1.85 (8 STPs)*	*1.82 (98%)*	*73*
19	***Mizoram***	*68*	*10 (1 STP)*	*0*	*58*
20	***Nagaland***	*44.3*	*25.4 (1 STP)*	*0*	*18.9*
21	***Odisha***	*367*	*91 (5 STPs)*	*70 (76%)*	*276*
22	***Puducherry***	*88*	*56 (5 STPs)*	*35 (62%)*	*32*
23	***Punjab***	*2111*	*1628.5 (116 STP)*	*80%*	*482.5*
24	***Rajasthan***	*1551*	*999 (80 STPs)*	*694.5 (69%)*	*552*
25	***Sikkim***	*47.68*	*19.5 (7 STPs)*	*60%*	*28*
26	***Tamil Nadu***	*3673.3*	*1616 (66 STPs)*	*919 (56%)*	*1320*
27	***Telangana***	*2613*	*888 (31 STPs)*	*735.8 (82%)*	*1724.45*
28	***Tripura***	*82.5*	*8 (1 STP)*	*3 (37%)*	*74.5*
29	***Uttarakhand***	*329.3*	*379 (63 STPs)*	*232.9 (61%)*	*-*
30	***Uttar Pradesh***	*5500*	*3370 (106 STPs)*	*2630.6 (78%)*	*2130*

31	***West Bengal***	*2758*	*776.32 (47 STPs) + 910 MLD addl treatment through EKW*	*289.89 (37%)*	*1071.68*
Total		***48,003.69***	***30,000.96 (1261 STPs)***	***55.9%***	***17,026.58***

"

22. From the above, it is seen that there was gap in generation and processing of solid waste to the extent of about 56400 TPD (about 60,000 TPD) and legacy waste figure was mentioned at 18.55 crore tones. On the issue of liquid waste management, the gap shown was 17,026 (above 20,000). The data was however found to be not conclusive requiring further verification. The Tribunal in its order dated 30.11.2021 observed:-

"1to14....xxx.....xxx.....xxx

15. We also find that the report does not capture the entire data and correctness of data is not free from doubt. The same needs to be cross-checked. In particular, data for States of Bihar, Chhattisgarh, Himachal Pradesh, Sikkim and UT of Chandigarh, showing zero gap needs verification. The information is not available for all the million plus and State capital cities, as was required in terms of earlier orders. Information needs to be verified particularly with regard to Aizawl, Kalyan Dombivali, Nagpur, Nasik, Navi Mumbai and Pune where the gap is shown to be zero, which does not prima facie appear to be correct.

16 & 17. Xxx.....xxx.....xxx

18. We are of the view that hence forthwith proceedings in this matter need to cover Solid Waste Management and Sewage Management, these issues being crucial and required to be monitored by this Tribunal by the Hon'ble Supreme Court. Absence of management of waste results in adding to air and water pollution in a big way. All the legacy waste dump sites in the country need to be remediated to reduce methane gas, foul smell and leachate and also to release valuable land occupied by such sites which can be used for waste management/plantation or raising funds. Waste collected must be scientifically processed and disposed at the earliest in the interest of hygiene and public health. It needs to be ensured that instead of remediating the legacy waste sites, the garbage is not shifted to new sites which is not a solution to the problem. It only results in shifting the problem from one place to the other without any advancement of environment protection. What is necessary is that the garbage must be finally disposed of and land reclaimed. The authorities must

move towards zero garbage at the end of the day by ensuring that instead of garbage being collected and dumped, it is taken to destination where it is finally processed scientifically and appropriately, except for reused/recycling of such residues as is possible. This is also the mandate of Swachh Bharat Mission, initiated by the Central Government. Similarly, sewage has to be scientifically treated to give effect to the mandate of Water (Prevention and Control of Pollution) Act, 1974 in the interest of availability of clean water in rivers and other waterbodies. Central Governments programmes also provide for initiatives on these subjects. On both aspects, compensation regime has been laid down which is necessary to enforce the rule of law and for protection of environment and public health. The compensation laid down has to be duly collected and utilized for restoration of environment, by being kept in a separate account. Accountability for the failures needs to be fixed by way of ACRs and departmental action as such failures result in crimes under the law of land and damage to public health. Such failure is also breach of Constitutional obligation to uphold the Right to Life. The country is committed to Sustainable Development Goals of providing clean air and safe drinking water.

19. In view of above, continued failure of Rule of Law must be remedied in terms of mandate of orders of the Hon'ble Supreme Court in Writ Petition No. 888/1996, Almitra H. Patel Vs. Union of India & Ors. and Paryavaran Suraksha vs. Union of India,[6] followed by orders of this Tribunal. It is necessary that Chief Secretaries continue the monitoring and interact with this Tribunal periodically by video conferencing. Accordingly, we lay down following further schedule for personal appearance of the Chief Secretaries, by Video Conferencing, with the status of compliance in respect of each of the States/UTs on the subject of Solid Waste Management and Sewage Management. The data to be furnished should cover all categories of areas in the State – big cities, towns and villages.

20. The hearing on each of above dates will commence at 10:30 a.m. sharp. The Chief Secretaries may not delegate the responsibility. As far as possible, they may adjust other work for which long advance notice is being given. In case adjustment is found difficult for any unforeseen reason, request for change of date may be mailed by e-mail at judicial-ngt@gov.in.

21. All the States/CPCB may undertake process of verification of data after having interaction on video conferencing with the concerned States/Uts within one month. The Secretaries, Environment, Urban Development Department and Irrigation Department may also coordinate with the Member Secretaries of State Legal Services Authorities in all State/Uts in the light of background mentioned in paras 3 and 4 above for the awareness programmes on the subject."

[6] (2017) 5 SCC 326

Separate orders dated 28.8.2019, 12.9.2019, 6.12.2019 and 22.02.2021 on the subject of Liquid Waste Management

23. Issue of liquid waste management was separately dealt with in OA 593/2017 on directions of Hon'ble Supreme Court and in *suo motu* proceedings for restoration of 351 identified polluted river stretches in OA 673/2018. Vide order dated 28.08.2019, the Tribunal directed that 100% sewage treatment must be ensured by all local bodies. Vide further order dated 06.12.2019 in O.A. No. 673/2018[7], the Tribunal directed that for failure to commence in-situ remediation, compensation will be payable at the rate of Rs. 5 lakh per month per drain after 31.03.2020 and for failure to commence setting up of STPs after 31.03.2020 compensation is to be paid at the rate of Rs. 5 lakh per month per STP. For failure to complete the project, compensation has to be paid at the rate of Rs. 10 lakh per STP per month after 31.03.2021. Relevant part of the order is quoted below:

> *"47. (i)* ***100% treatment of sewage may be ensured as directed by this Tribunal vide order dated 28.08.2019 in O.A. No. 593/2017 by 31.03.2020 atleast to the extent of in-situ remediation and before the said date, commencement of setting up of STPs and the work of connecting all the drains and other sources of generation of sewage to the STPs must be ensured.*** *If this is not done, the local bodies and the concerned departments of the States/UTs will be liable to pay compensation as already directed vide order dated 22.08.2019 in the case of river Ganga i.e.* ***Rs. 5 lakhs per month per drain, for default in in-situ remediation and Rs. 5 lakhs per STP for default in commencement of setting up of the STP.***
>
> ii. Timeline for completing all steps of action plans including completion of setting up STPs and their commissioning till 31.03.2021 in terms of order dated 08.04.2019 in the present case will remain as already directed. In default, compensation will be liable to be paid at the scale laid down in the order of this Tribunal dated 22.08.2019 in the case of river Ganga i.e**. Rs. 10 lakhs per month per STP."**

[7] News item published in "The Hindu" authored by Shri Jacob Koshy Titled "More river stretches are now critically polluted: CPCB"

24. Both the matters were disposed of vide order dated 22.02.2021 with a direction that further monitoring be continued at the level of the Chief Secretaries in States and Central Monitoring Committee headed by Secretary, Ministry of Jal Shakti at the national level.

Today's hearing in the presence of Chief Secretary, Uttar Pradesh to ascertain compliance status and way forward

Compliance status in Uttar Pradesh presented

25. The presentation filed by the Chief Secretary, Uttar Pradesh on 21.03.2023 shows following data:

SUMMARY OF STATUS

A: Solid Waste Management			
Quantity of waste generation in the State (in TPD)	Waste Processed (in TPD)	Gap in generation and Processing (in TPD)	Quantity of Legacy waste in the State (Tones)
14,710 (734 ULBs) Rural: 11,959 TPD	Capacity: 10,117 Rural: 3,000 TPD	4593 (based on capacity only) Rural: 8,959 TPD	33.0 lakh MT plus 40 lakh in last 3 years as unprocessed waste (2020-2022)

B): Sewage Management					
Quantity of sewage generation in the State (in MLD)	Capacity (in MLD)	Current Gap in treatment (in MLD)	Utilization of treated sewage in		
			Agriculture/ Horticulture purpose	Industrial purpose	Any other purpose
5,500	Capacity: 3860	1640 (based on capacity and not actually utilized)	- Thermal Power Plants -		

Our analysis, findings and Directions

26. We may at the outset observe that there appears to be discrepancies in the data. With regard to sewage management, gap in sewage generation and treatment is worked out with reference to installed capacity which is not the functional capacity. Data in the report of the Oversight Committee dated 20.03.2023 filed separately shows that utilization is to the extent of 2951.125 MLD out of 3860 MLD capacity. Further, data given by Oversight Committee covers only 651 out of 734 ULBs. CPCB report dated 25.10.2020 quoted in Para 20 above shows that on that date there were 651 ULBs and waste generation was 14468 TPD while presentation shows generation to be 14,710 TPD for 734 ULBs even after addition of 83 ULBs. Thus, the data may need to be cross-checked. Gap in sewage management appears to be more than 2500 MLD.

27. Above analysis is in tune with the data and recommendations of the Oversight Committee in report dated 20.03.2023, which is based on record of the State. The recommendations in the said report are as follows:

> ***"RECOMMENDATIONS***
>
> 1. *Since last report of the OSC dated 26.11.2021 integrated municipal solid waste processing capacity including of material recovery facility, compost pits and waste to energy has increased by 827 TPD. Similarly, liquid* ***waste treatment capacity has increased by 571 MLD, but the water quality of river Ganga has not shown any sign of perceptible improvement****. Out of 32 automatic monitoring centres of water quality of river Ganga, it has been found in 'D' category at 15 places, in 'C' category at 13 places and in 'B' at 02 places. At no place it is found in category 'A'. Even now* ***at least 4593 TPD of solid waste in urban area and 8959 TPD solid waste in rural areas and 2549 MLD of liquid waste remain to be scientifically processed****. The State Government has given a time-line for bridging this gap. Having regard to the past experience,* ***the State Government may be directed to grant financial and administrative sanction for the remaining projects in next six months so that the gap is bridged in the time-schedule promised by it. For this purpose, the Chief Secretary may be directed to submit within a month a six-month schedule for allocation/release of funds for all the projects in six***

months thereafter and monitor its execution on monthly basis.

2. *It has been observed that* ***quite a few STPs and CETPs are either non-functional or they are not achieving the norms. An important reason for the units to remain non-functional is the lack of sewage waste collection network. The Principal Secretary, Urban Development UP and the Principal Secretary, Jal Shakti Department may be directed to ensure that all the completed STPs and CETPs are made functional at the earliest and all STPs to be constructed in future must include sewage collection network in the projects. Clear and specific provision should be made in respect of delays in making the project functional by holding the persons/agencies/departments accountable for their slackness in execution as well as supervision.***

3. *Although it has been reported that the District Environment Committee (DEC) has been constituted for monthly waste management related issues, but it has been observed that* ***02 districts have not held any meeting till now and 10 districts have not discussed this matter at all in these meetings. In 39 districts, the chairperson has given general directions for compliance of the Solid Waste Management Rules, 2016 but compliance of the directions has not been monitored in subsequent meetings. Only 24 of the total 75 Districts have taken up this issue in a purposeful manner. The Chief Secretary UP may be directed to create a mechanism to advise and guide the District Magistrates to use the forum of DEC or Special Task Force for effective management of solid, liquid and other wastes affecting the environment adversely.***

4. *In its several orders, the Hon'ble* ***NGT has held that failure of Governments and local bodies to comply with the provisions of Rule 22 of Solid Waste Management Rules, 2016 is a punishable criminal offence under the provisions of the Environmental (Protection) Act, 1986 as well as the National Green Tribunal Act, 2010. In its order dated 10.01.2020, it has directed the Regulatory Authorities that if the local bodies continue not to comply with the SWM Rules after 31.03.2020, it shall be made to pay a compensation at the rate of Rs. 10 lakh/ month/local body for population of above 10 lakhs; Rs. 5 lakhs/ month/local body for population between 5-10 lakhs and Rs. 1 lakh/month/local body for population below 5 lakh from 01.04.2020 till compliance. Regarding liquid waste management also, it has directed that 100% sewage treatment must be ensured by all local bodies for failure to complete the STP projects. For any such failure, compensation has to be paid at the rate of Rs.10 lakh/STP/month after 31.03.2021. It has also directed that in cases of failure to commence in-situ remediation, compensation may be payable at the rate of Rs. 5 lakh/month/drain after 31.03.2020. It seems that***

although notices were issued sometime back to the defaulting bodies but no final decision has been taken and the default continues. The UPPCB needs to be directed to initiate/finalise action in this regard in a time bound manner and also push for the recovery of the EC on priority basis. A quarterly progress report in this regard may be submitted to the Hon'ble NGT and the Oversight Committee.

5. *The Urban Development Department may be directed to ensure that the Model Byelaws notified by it, is adopted by the ULBs at the earliest.*

6. ***A web portal www.upecp.in (UPECP) has been created for monitoring the compliances of the directions of the Hon'ble NGT, but it does not have the case-wise or theme-wise compliance details. Having regard to the unexplained delays in execution of the projects within the targeted time-frame, about which the Hon'ble NGT has expressed concerned on several occasions; it will be useful to upload these details in the UPECP portal. At present, it is not accessible to the public. As environment related issues affect the life of the people at large, "Social Auditing" of the projects being implemented for the protection of environment would be a useful and more effective mechanism. As the opacity in sharing information about the implementation of the projects has resulted in inordinate delays, this may be a worth-trying proposition. Therefore, the State Government may be directed to make this portal accessible to the public and invite their suggestions/observations/complaints about the implementation.***

7. ***Normally, when a new ULB is created, it does not get the desired attention of the Urban Development Department for allocation of funds etc. On the contrary, it loses rural development funds immediately. Recently, 83 new ULBs have been created. Therefore, the Principal Secretary, Urban Development Department may be directed to ensure that these ULBs receive adequate funds for becoming compliant with Environmental laws in every respect."***

28. **After interaction with the officers present, we are satisfied that the recommendations of the OSC need to be accepted and concerned authorities need to take steps accordingly. The Chief Secretary, UP may ensure compliance.**

Timelines under the SWM Rules and SC Judgment in Paryavaran Suraksha are mandatory and any violation is actionable

29. Needless to say that statutory timelines under SWM Rules under the EP Act are binding and mandatory as section 15 of the EP Act makes violation thereof criminal offence. Further, vide judgement of this Tribunal dated 22.12.2016 referred to in para 10 above, read with the orders of Hon'ble Supreme Court in Almitra Patel, quoted in para 2 earlier, there are already directions for strict adherence to the timelines. The judgment has attained finality and has thus to be strictly followed. Any overshooting of timelines is actionable in terms of criminal prosecution and compensation on polluter pays principle on account of serious consequences on environment and public health. Similarly, timelines for sewage treatment plant laid down in Supreme Court judgment in Paryavaran Suraksha, supra, quoted earlier in paras 5 and 6 are binding as far as this Tribunal is concerned and any overshooting thereof is actionable. We hope the State will go by rule of law and not take liberty of shifting timelines at will on any untenable grounds without extension of such timeline by the Hon'ble Supreme Court or in the law of the land. The Chief Secretary, UP may evolve mechanism for fixing accountability of the erring officers, following due process of law.

30. The Chief Secretary, Uttar Pradesh submits that there is improved governance on the subject and further initiatives are planned which will soon result in bridging the existing gaps in solid and liquid waste management. He submits that projects required to meet the gaps have been grounded and funds ring-fenced in respective project accounts. Without commenting of promised improvement in future, on the pattern of compensation awarded in respect of other States, compensation of Rs. 5000 crores may be liable to be levied for the past violations for discharge

of untreated sewage but it has been stated by the Chief Secretary that the State has already ring fenced more amount than Rs. 5000 crore. We take the statement on record.

31. If necessary, the State may lay down mechanism for raising funds such as by way of user charges by households/contribution of corporate, business sectors, commercial establishments and the tourists who contribute to waste. Further steps have to be taken in a mission mode to comply with MSW Rules without further delay.

Solid Waste Management

32. Apart from collection, segregation and transportation of waste, scientifically handling of waste (processing and disposal) as per SWM Rules 2016 is required. Thus, while addressing the issue of bridging the gap in management of MSW, segregation of the solid waste at source and its earliest processing nearest to the point of generation with defined destination is imperative. In particular, adequate composting/ vermicomposting/bio-methanation centers need to be set up and upgraded nearest to the source of generation of wet solid waste, listing people's involvement. This may also require establishing de-centralized and centralized waste processing facilities. Waste generators can themselves be required to process the waste under guidance and handholding by the Administration, with the assistance of identified empaneled service providers and such details may be posted on State's/Center's GeM portal. This may perhaps reduce planned expenditure.

33. Though as per above data solid waste generated in urban areas is being processed through integrated MSW processing facilities with Composting Facilities (CFs) and Material Recovery Facilities (MRFs), however, end-users of the compost and the rejects are not given. If

adequate waste processing facilities exist, one can expect that no further deposition of fresh waste will take place in any ULB site in the State.

34. We note that three Waste to Energy Plants with processing capacity of 268 TPD are in operation and five Bio-CNG plants and three new WTE plants are under plan/construction for which date of completion is March 2025. Corporations and other Municipalities need to provide required waste processing and utilization facilities with proper recycling/reuse of rejects to remedy the situation.

35. In case of rural waste, management of waste has to be ensured for all villages. Community compost pits prepared numbering 40558 need to be properly maintained and compost produced as per standards and fully utilized. It would be appropriate that standardized designs for compost pits and bio-gas plants are set up in villages involving Gram Panchayats and service providing extension/facilitation centers provided at District and Tehsil level.

36. Legacy waste sites must be maintained free from fires and other hazards till remediation. Safety of workers engaged should be ensured. Such sites may be fenced with row of trees or wall, as may be viable, for aesthetics, preventing foul smell and safety. Provisions of Schedule-I of the SWM Rules, 2016 may be strictly followed. Water quality in the vicinity of legacy waste dump sites may be periodically monitored. If any contamination is found, remedial action may be taken. Environmental safety aspects associated with legacy waste dump sites be complied with as specified in Schedule I of MSW Rules, 2016.

37. Dump sites in operation as well as the legacy waste dump sites occupy huge area of valuable public lands. They remain source of air, water

and land pollution resulting in damage to environment and public health. They emit intolerable smell and cause hazardous and unsafe environment for inhabitants in the vicinity. Their life is hell which is denial of their constitutional and human rights. In terms of money also, huge loss is caused to public health and environment. This situation is not acceptable in a civilized society governed by rule of law. For victims of situation, there is no governance. In recent order of the Tribunal dated 18.08.2022 in RA No. 21/2022 in OA No. 286/2022, two scientific studies on the subject of extent of environmental damage have been referred to. These are reproduced below:

> ***"7. ...****Legacy waste dumpsites are serious threat to public health and also source of generation of greenhouse gases. The Tribunal considered the issue of quantification of loss to environment by legacy waste dump sites inter alia in OA 514/2018 and OA 519/2019. Orders passed show that as per expert studies, loss for such failure, due to release of pollutants in air atmosphere, release of leachate into ground / surface water and soil, due to pollution from the landfill site, damage cost associated with climate change due to carbon di-oxide and methane, damage caused due to aesthetics loss, price depreciation due to disamenity cost etc., is huge running in hundreds of crores. Some of the orders showing this are quoted below:*
>
> ***Order dated 23.03.2020 in O.A. No. 519/2019***
>
> *"xxxx……..xxx……xxx*
>
> *18. We may observe that non-compliance of rules relating to waste disposal results in damage to the environment and public health. Any failure needs to be visited with assessment and recovery of compensation for such damage from the persons responsible for such failure.* ***A study was recently got conducted by CPCB, under orders of this Tribunal requiring such a study by a joint Committee comprising CPCB, NEERI and IIT, Delhi about the monetary cost of damage caused to the environment on account of existence of legacy waste dump site at Gurgaon (Bandhewadi) vide order dated 05.03.2019 in O.A. No. 514/2018. The report of the CPCB filed on 13.02.2020 is that damage on account of the said legacy waste dump site was Rs. 148.46 crore, on account of damage to the air quality, soil and water quality, climate change and disamenity (aesthetic)****. The damage has been assessed in terms of impact on health due to release of pollutants in air atmosphere, release of*

leachate into ground /surface water and soil, due to pollution from the landfill site, damage cost associated with climate change due to carbon di-oxide and methane, damage caused due to aesthetics loss, price depreciation due to disamenity cost etc.

19. *Thus, monetary cost of every legacy dump site is expected to be huge depending upon the location, quantity and quality of waste and area covered, its proximity to water body/ stream and human habitation etc. Needless to say that there is huge cost for non-compliance of provisions relating to waste management – Solid as well as Liquid. Loss to the environment and public health is taking place not only on account of delay in clearing legacy waste but also for not complying with other provisions of the Rules resulting in huge gap in generation and processing of waste. It may be necessary to determine such cost for delay in clearing legacy waste at every dump site as well as for delay in complying with other rules and failure to treat sewage and recover the same from the persons responsible for action in the matter.* ***Let the Committee comprising CPCB, NEERI & IIT Delhi carry out similar study as mentioned in Para 18 above to assess the amount of damage to environment on account of dump sites in Delhi within two months."***

Order dated 29.01.2021 in O.A. No. 519/2019

"6. Accordingly, status report dated 28.01.2021 has been filed by the CPCB as follows:-

"2.0 Action Taken :-

In compliance of Para 19 of aforesaid Hon'ble NGT's Order, *Joint committee comprising of following members has been formed:*

- *Dr. S. K. Goyal, Chief Scientist and Head, NEERI Delhi Zonal Center*
- *Dr. G .V .Ramanna, Professor, Department. of Civil Engg., IIT-Delhi*
- *Ms D. Sinha, DH- UPC-II, CPCB*
- *Mr. P. Agarwal, Scientist-E, CPCB*

*Report on "**Assessment of amount of damage to environment on account of dumpsites in Delhi**" as prepared by Joint committee is placed at **Annexure-A.** Amount of Damage to Environment due to three dumpsites of Delhi to be levied on Municipal Corporations of Delhi is given in the following table:*

S. No.	***Name of Municipal Corporation***	***Name of Dumpsite***	***Damage Cost assessed, (Rupees)***

1.	*NDMC (North Delhi Municipal Corp.)*	*Bhalswa*	*155.9 Crore*
2.	*EDMC (East Delhi Municipal Corp.)*	*Ghazipur*	*142.5 Crore*
3.	*SDMC (SouthDelhi Municipal Corp.)*	*Okhla*	*151.1 Crore*

xxx.....xxx.....xxx

7. Report of inspection conducted by the joint Committee comprising of the CPCB, NEERI and IIT Delhi is filed with following summary and conclusion:

*"**5.0 SUMMARY & CONCLUSION :***

i. Hon'ble NGT in OA No. 519/2019 constituted a Committee comprising of CPCB, NEERI & IIT Delhi to assessment of damage to environment due of dump sites in Delhi within two months.

*ii. Baseline information was collected by Committee through Questionnaire sent to three concerned Municipal Corporations (MCs). As per the information provided by the MCs, bio mining is being carried out at all three sites. **However, about 6% of waste has been bio-remediated at the three sites**. Further, fresh waste is being dumped at all three dumpsites.*

iii. Potential sources of air pollution at the sites include handling of fresh waste, Bio mining of legacy waste, Methane and other Green House gases from the Dumpsite, transportation of fresh waste & screened fractions, Odour & Fire accidents. Potential sources of water pollution at the sites includes Leachate which is being generated at all the three dumpsites

iv.** Air Pollution control measures taken at site includes mainly includes sprinkling of water. It has been informed by the authorities that smog guns are being procured for control of air pollution. **No concrete measures for leachate collection and treatment have being taken at the three dumpsites. Leachate is partially being recirculated for stabilization of waste and the remaining is being discharged into nearby surface water drains. Actual details regarding quantity of leachate

used/ discharged not provided by the concerned authorities

v. *Concentration of TDS, TSS, COD & BOD in leachate exceeds the stipulated norms at all the three dumpsites. Concentration of Heavy metals is within the stipulated norms with the exception of lead which has marginally exceeded the permissible limits at Ghazipur. Assessment of Ambient Air, Surface & Ground Water quality is based on monitoring data of CPCB for the past three years. Zone of impact has been considered to be 5 km and information related to monitored stations located within and beyond this radius has been compiled and analysed. In addition, information provided by Delhi Pollution Control Committee regarding ground water monitoring has been taken into consideration.*

vii. As per air quality monitoring data, PMio & PM25 concentrations exceeded the prescribed values at all monitored stations upto 5 km distance & beyond from the Dumpsite sites*. SO2 & NH3 concentrations are within the prescribed values at all monitored stations.* ***Benzene has exceeded the stipulated limited at one station and NOx has exceeded the permissible limit at 7 monitored stations.***

viii. ***As per the water quality monitoring data, concentration value of Arsenic, Chromium, Copper, Chloride, TDS, Fluoride, Cadmium and Iron exceeded the permissible limits at specified locations of Surface & Ground Water locations. Besides COD was detected at several stations monitored.*** *As heavy metals (except iron) concentration in leachate was within specified norms and Chloride and TDS were within the permissible drinking water limits (BIS 10500) at most stations monitored, further analysis was done in terms of COD & Fe concentration levels and following are the observations:*

- ***High level of COD & Fe reported in Ground water at all three sites in Ground water which may be due to leachate from the dumpsite***
- ***Very High level of COD, Chloride, TDS, TSS, Turbidity reported in surface water body (Bhalswa lake)***

located within a radius of 0-1 km from Bhalswa site, which may be due to leachate from the dumpsite

- ***High COD values reported in surface water body (Sanjay Lake) located at a distance of 3-5 km from Ghazipur site. Owing to the distance from the site, actual impact due to dumpsite can be confirmed based on the hydrogeology of the region and contaminant transport modelling***
- ***Fluctuating trend in Iron & COD concentration in ground water observed within 5 km radius at the three sites. Overall increase in Iron and COD levels observed with increase in distance from the dumpsites, indicating, marginal impact on ground water quality due to dumpsite within 5 km distance from dumpsite***
- ***Ground water outside 5 km radius have reported higher value of COD & Fe than stations located within 5 km radius, indicating minimal impact of dumpsite on ground water quality. Local factors are contributing in deterioration in water quality at these stations***
- ***As several sources of water pollution including open drains observed in these regions, actual impact of the local sources as well as that of the dumpsite can be confirmed based on the hydrogeology of the region and contaminant transport modelling***

ix. *There are currently 37 Continuous Air Quality monitoring locations in Delhi, of which 10 are located within a distance of 5 km from the dumpsites.*

x. *Range in variation in PM2.5 & PM10, NOx & Benzene concentration levels within 5 km overlaps the range observed for stations located at distance greater than 5 km from dumpsites. Fluctuating trend is observed in NOx /Benzene concentration levels vis-a-vis distance from the dumpsite.*

xi. *Several local factors such as drains, road dust, vehicular pollution, C&D waste etc. also contribute towards air & water pollution in the region.*

As per analysis of air and water quality carried out, deterioration in environmental quality cannot be attributed directly to the various activities happening at the dumpsites. ***As further detailed investigations are required to assess actual impact of the dumpsite related activities on the environment (air, water & soil quality), interim cost of damage to environment is based on the Environmental Compensation to be levied for violation of Solid Waste Management Rules, 2016. Cost of damage to environment has been calculated based on the Environmental Compensation to be levied for violation of Solid Waste Management Rules and has been assessed as Rs.155.9 Crore (for Bhalswa), Rs. 142.5 Crore (for Ghazipur) and Rs. 151.1 Crore (for Okhla).***

xii. *Source apportionment studies are required to assess the actual impact of air pollution sources at dumpsite on air quality in the region.*

xiii. *Detailed hydrogeological investigations and containment transport modelling is required to assess the impact of dumpsites on surface / ground water."*

8. As shown above, in O.A. No. 514/2018, damage to the environment was assessed at Rs. 148.46 crores for Air pollution, Water pollution, Soil pollution, Climatic (GHG emissions) and Aesthetics has been taken into consideration in the report and damage cost to environment is estimated at Rs 148.46 crores. The report has following conclusions:-

"7. Results & Conclusion

The report focuses on identifying and estimating monetary losses (in 2019 Rupees) on the environment due to the operation of Bandhwari municipal dumpsite. The damage was assessed with a consideration that there is no major polluting industries existing in nearby vicinity other than the dumpsite. The study estimates a total incurred damage of about ₹ 148.46 Crore due to externalities from Bandhwari dumpsite. The breakup is shown in Table 22. The cost for damages includes drivers of externalities like greenhouse gas emissions, air pollution, water pollution, soil pollution and aesthetic loss.

Table 22: *Break Up of Monetary Estimation of Damages (reported in 2019 values)*

Environment	***Estimated Damage Cost in Lakhs, INR***

Air	*Nil*
Water	*2900*
Soil	*31**
Climatic (for last 5 years)	*7,000*
Aesthetic	*4,946*
Total	***14,846***

**Soil value is not considered in total, to avoid double-counting, as it based on total quantum of heavy metal from leachate which is considered in water as well.*

*The valuation of damages is done for greenhouse gas emissions using social cost of carbon approach recommended by USEPA. The social cost of carbon is indirect measure of loss in economy due to emission of CO_2 and is contributing by 73% of total damage due to Bandhwari municipal dumpsite. Air pollution damages are not valued as the emissions hardly breach the limits and the area in which emissions are higher, no population exposure is there. Further, the leachate contaminated groundwater and soil damages are valued using cost transfer method and Extern report valuations. Groundwater sample analysis shows lead and nickel exceeding the BIS standards at sampling locations near the dumpsite. Groundwater beneath the dumpsite showed high contamination due to heavy metals such as Cr, Cu, Pb & Ni. Physiochemical characteristics such as BOD, COD, SS, N, P of the treated leachate showed higher concentration and have contributed to half of the total damage cost in water environment. The leachate is valued for the damages which it can cause due to contamination of soil and water. The damages to water are considered as overall damages. The total quantum of heavy metals due to leachate is fixed and is used for valuation for both soil and water, however, higher damages are seen for water and hence considered in total. Aesthetic losses due to dumpsite are valued using hedonic pricing method. GHG emissions are a part and parcel of any dumpsite. If proper control systems are kept in place these emissions can be controlled and may be utilized as well and hence maximum damages can be averted. Leachate also should be controlled and treated scientifically.***"***

Use of reclaimed land occupied by legacy waste sites

38. As already mentioned earlier, legacy waste dump sites have resulted in huge damage to the environment and population in the vicinity of such dump sites who have suffered in safety, health and comfort. For

compensating them for such damage, one third of land occupied by legacy dump sites (on reclamation) needs to be reserved for dense forest and in the process of afforestation, Campa Funds can be utilized in accordance with the provisions of Compensatory Afforestation Fund Management and Planning Authority Act, 2016 (CAMPA Act). One third of reclaimed land out of the said dump site needs to be reserved for integrated waste management facilities. Remaining one third can be used for any other purpose, consistent with the above purposes, including a part of it being utilized for monetizing, if funding is required for tackling the legacy waste. Legacy waste clearance has to be in minimum further time as laid down statutory timelines have already expired and serious damage is taking place. It may be noted that remediation of legacy sites may be one time affair and such situations should not arise in future. Bio-remediation followed by bio-mining has to be executed in accordance with the Guidelines/SoP laid down by CPCB[8] and the residues/rejects arising out of such processes are to be properly utilized and managed with well-defined destinations. Having regard to the fact that significant quantity of rejects is generated out of biomining processes, **CPCB in consultation with other concerned agencies, including some of the States PCBs and Municipal Corporations may work out environmentally safe methods/options for their use**. It may elaborate para 4.3 of its guidelines and issue operative directions particularly for such cities having significant quantities of legacy waste. Once remediation is done at one site, repeated tendering may be avoided and instead standardized rates be worked out for the execution of similar remediation to same time or such execution be done Departmentally. Remediation works done at Baruasagar, Shahjahanpur,

[8] https://mpcb.mizoram.gov.in/uploads/attachments/6e7c1548449702807cb534c7cf89aafe/pages-207-guidelines-for-disposal-of-legacy-waste.pdf

Anoopshahar, Mahoba, Meerut, Mirzapur, Pilibhit, Raebareli, Etah, Agra, Ghaziabad, Ghazipur, etc may be brought into knowledge of other ULBs replicated without further delay. Use for land to be reclaimed be declared in advance so that further steps can be taken in that direction. This is in line with order of this Tribunal dated 11.10.2022 in OA No. 300/2022, *In re: News item published in News 18 dated 26.04.2022 titled "Delhi: Massive Fire at Bhalswa Dump Yard, Fourth This Year; 13 Fire Tenders on Spot".* Relevant part thereof is quoted below:-

> *"xxx ……xxx……xxx*
>
> *37. Restoration measures will include scientific disposal of the accumulated garbage as per statutory Rules and environmental norms, fire control and mitigation measures, construction of boundary wall/ bio-fencing by trees and shrubs/ afforestation, plantation, leachate treatment facility. Course of action planned and executed at other places[9] where legacy waste dumpsites are reported to have been remediated may also be studied. Ground Water Authority may examine the extent of leachate flow into the ground water on which remedial action may be taken.*
>
> *38. It is to be ensured that current waste is not added to legacy waste dumpsites. After collection, the same be taken to the destination such as Integrated Waste Management Facility or stand alone Waste Management Facilities such as Composting Centres, C&D Waste Centres and RDF Units, Waste to Energy Units, Cement Factories, Road Construction and filling up identified low lying areas, as per norms. This requires careful planning and execution with the involvement of senior level officers instead of leaving the task to junior officers as appears to be currently happening. Precautions in light of report of the Committee headed by Justice S.P. Garg, retired Judge, Delhi High Court need to be taken forthwith. To control foul smell and improve aesthetics, turfing of landfill sites must be done forthwith either in the form of a boundary walls with necessary entry and exit gates or fencing by plantations of at least three rows of native fast growing and tall native trees requiring minimum water in the periphery of landfill sites as well as complying with other criteria for development of facilities at such sites following the provisions under the Schedule I of MSW Rules, 2016. A clear action plan with defined course of action needs to be drawn up after brain storming and studying the remediation processes adopted at other places. Consequences of overshooting timeline against identified officers/ service providers may be specified and enforced. The Committee may consider undertaking visits to appropriate sites.*
>
> *39. One of the crucial links in management of remediation work based on bio-mining and bio-remediation is the utilization and disposal of*

[9] such as Indore and Ahmedabad

rejects like inert, RDF, stabilized bio-earth. Segregated fractions and components which are in high quantity be safely utilized and disposed. Bulk users of RDF, three waste to energy projects should utilize the RDF and if required enhance their capacity without compromising environmental norms and public safety.

40. To compensate the affected citizens of the area, the authorities are under obligation to develop dense forest in at least on one third of the land occupied by the dumpsite, after the sites are cleared. One third can be utilized for setting up Integrated Waste Management Facilities or other like infrastructure. The remaining one-third can be utilized for any other purpose, including raising of funds consistent with environment concerns without affecting the use of the two-third, as earlier mentioned. The authorities may explore setting up a tourism and recreational centre with the involvement of an appropriate agency on PPP or Hybrid Annuity Model or other mechanism so that investment is made which is allowed to be recovered from the tourists visiting such centres. Creation of an appropriate water body may be considered as part of such recreational centre. Possibility of setting up an Interpretation Centres at all the three sites to facilitate study for creating awareness for the citizens may also be considered.

41. Community involvement including the Welfare Associations, Educational Institutions, Volunteers, corporates, charitable and other social organisations and individuals may be explored. Such involvement may be explored for plantation drives also. There is also need to strengthen the Control Room and set up Grievance Redressal Mechanism accessible to the citizens to extend immediate help in emergencies within a month."

39. Thus, execution plan relating to management of municipal solid waste for both Urban and Rural areas may include setting up of new facilities and augmentation of existing waste processing plants (centralized and decentralized) for un-processed waste. Bio-remediation/bio-mining process need to be executed as per CPCB guidelines and the stabilized organic waste from biomining as well as from compost plants need to comply with laid down specifications. Other material recovered during such processes be put to use through authorized dealers/handlers /users instead of unorganized disposal. Further, instead of creating more dumping sites for waste generated on day-to-day basis, waste processing plants already set up be fully utilized so that no further legacy waste is generated. Simultaneously, **plastic waste and construction and demolition waste processing plants be also set up ensuring that bio-**

medical, hazardous and E-waste are not co-mingled and treated with solid waste. It may be worthwhile to take into consideration guidelines on the subject issued by the Ministry of Urban Development, GoI titled "Waste to Wealth" on 2.10.2017 under Swachh Bharat Mission.[10]

Sewage Management

40. Gap in generation and treatment of sewage needs to be addressed as observed earlier. Appropriate treatment of such waste has to be undertaken ensuring that no fecal contaminants are discharged into water streams/ponds/rivers or in coastal or estuarine areas. The STPs set up so far need to be properly operated and to remain compliant with the standards. Treated sewage needs to be utilized for secondary purposes. Immediate efforts need to be made for ensuring connectivity with STPs.

41. Compliance status of laid down standards at the outlets of STPs has to be ensured. Timeline for the establishing requisite treatment systems in terms of judgment of Hon'ble Supreme Court in *Paryavaran Suraksha vs. Union of India,* supra has long expired, speedy further action has to be ensured.

42. As already noted and also observed in the judgement of the Hon'ble Supreme Court in Paryavaran Surakhsha, supra, quoted earlier, the matter falls in 11th and 12th Schedules to the Constitution. It is constitutional responsibility of the State and the Local Bodies to provide pollution free environment and to arrange necessary funds from contributors or others. Being part of right to life, which is also basic human right and absolute liability of the State, lack of funds or other resources such as land (sites for waste management) cannot be plea to deny such

[10] http://cpheeo.gov.in/upload/5abc86de40012WastetoWealth2Oct.pdf

right. Such resources have to be found by the State by its policies and according due priority to the subject. Further, while there may be no objection to any central funds being availed, the State cannot avoid its responsibility or delay its discharge on that pretext. Free ship or other policies involving State resources cannot take priority over basic need for hygiene and pollution free environment.

43. Sewage can be processed by cost-effective methods at least at several identified locations with least expenses. Decentralized and the prefabricated/modular treatment plants can be explored, apart from imposing condition of ZLD on industries, Group Housing Societies etc. Reduced load can be processed partly with the help of water using commercial establishments requiring water for their processes enforcing consent conditions in CTEs and CTOs whereby State's financial burden can be reduced.

44. In this context, the draft Notification of MoEF&CC dated 25.02.2022[11] etc. and the relevant part of the draft Notification in context of sewage and solid waste management is reproduced below:

> ***"xxx .....xxx.....xxx***
> ***C. Management of sewage/waste water, Reuse and recycle of treated wastewater by dual plumbing system***
>
> *10. Dual Plumbing System shall be implemented - one for supplying fresh water for drinking, cooking and bathing etc. and another for supply of treated water for flushing.*
>
> *11. Only treated water shall be used for flushing.*
>
> *12. In no case, sewage or untreated waste water generated within the project area shall be discharged through storm water drains or otherwise into water bodies nor discharged/injected into the ground water by any mode.*

[11] http://www.indiaenvironmentportal.org.in/files/file/Building%20Construction%20Environment%20Regulations%202022.pdf

13. Subject to Clause (3) of this notification, the project authority may opt or avail to common off-site treatment facility, as feasible, for treatment with reuse & recycle of corresponding quantity of treated water through the dual plumbing system for flushing and other non-potable use.

A. For projects with built up area of 5,000 sq. mtrs. to 20,000 sq. mtrs. –

i. In areas where there is no municipal sewage network,

a. Either Onsite Sewage Treatment Systems with capacity to treat 100% waste water may be installed with appropriate tertiary treatment system with disinfection for black & grey water. Such treated water should be used with dual plumbing system for flushing and other non-potable use;

OR

b. In case of usage of septic tank, only black water shall be discharged in the septic tank. Grey water may be treated through natural treatment systems or other secondary treatment as feasible. Such treated water should be used with dual plumbing system for flushing and other non-potable use;

The excess treated water should conform to the general discharge norms of CPCB/MoEF&CC.

ii. In areas where there is municipal sewage network

a. Either Onsite Sewage Treatment Systems with capacity to treat 100% waste water may be installed with appropriate tertiary treatment system with disinfection for black & grey water. Such treated water should be used with dual plumbing system for flushing and other non-potable use;

OR

b. The project authority may opt to discharge only black water in such municipal sewage network subject to availability of trunk sewer line. For this purpose, two separate pipeline network– one for black water discharge and other for collection of grey water shall be installed. Grey water may be

treated through natural treatment systems or other secondary treatment as feasible. Such treated water should be used with dual plumbing system for flushing and other non-potable use;

B. For projects involving built-up area of 20,000 sq. mts. or more –

14. Subject to Clause (3) of this notification, Onsite Sewage Treatment Plant with capacity to treat 100% waste water generated within the project area through tertiary treatment shall be installed. Treated waste water shall be reused on site for landscape, flushing, HVAC, fire-fighting, and other end-uses.

15. The adequacy of the Sewage Treatment Plant (STP) shall be certified by an independent expert and a report in this regard shall be submitted to the authorized agency.

16. Discharge of excess treated wastewater outside the premises, after treatment in STP, should meet the discharge standards as notified by CPCB/MoEF&CC from time to time.

17. Wastewater and treated water quantification system through metering/sub-metering shall be installed.

18. Sludge from the onsite sewage treatment shall be collected, conveyed and disposed as per the Central Public Health and Environmental Engineering Organization (CPHEEO) Manual, Ministry of Housing and Urban Affair, on Sewerage and Sewage Treatment Systems.

19. Where Common Sewage Treatment Plan facility has been availed, it shall be ensured that treated waste water is recycled back to respective building for reuse.

D. Solid Waste Management

20. Subject to Clause (3) of this notification, onsite solid waste management facility should be developed and a formal contractual arrangement shall be ensured with authorized recyclers/concerned municipal agency for disposal of all non-biodegradable waste.

21. Subject to Clause (3) of this notification, where there is no alternate arrangement for disposal of biodegradable waste, Organic waste composter/Vermiculture pit with a minimum capacity of 1.0 kg/150 sqm. of built-up area/day shall be installed & operated."

Maintaining sources of clean water (rivers, storm water drains and water bodies – lakes, wetlands etc.) free from treated or untreated sewage, channelizing treated sewage for non potable purposes

45. We also find that sanctity and significance of natural storm water drains needs to be maintained. Storm water drains, if left unpolluted, can be source of drinking water for humans, birds, animals or aquatic life and discharge of sewage or even treated water which is not of standard of drinking water, seriously affects such drinking water resource adversely affecting their health. They are not to serve as sewage carrier. The Tribunal has comprehensively dealt with this issue on 03.08.2022 in OA No. 1002/2018, *Abhisht Kusum Gupta vs. State of Uttar Pradesh & Ors.* Thus, in the State, rivers, streams, ponds and lakes should be maintained for their pristine quality.

46. The Tribunal has found in several of its orders that long time has been taken in setting up of STPs. Even in small towns, high cost STPs are being planned. By way of illustration, reference is made to following matters:

"

S. NO.	***MATTERS DETAILS***	***ISSUE***
1	*OA No. 840/2022, Dr. Sanjay Kulshresthra vs. Govt. of Uttar Pradesh & Ors., order dated 25.11.2022*	*Relates to sewage treatment at **Agra**. Against the sewage generation of 306 MLD, treatment capacity provided is 220 MLD and utilization is 175 MLD and 131 MLD is being discharged into Yamuna.*
2.	*OA 859/2022, Abhisht Kusum Gupta vs. State of Uttar Pradesh & Ors., order dated 17.03.2023*	*Relates to pollution of **river Hindon**. Against 844 MLD of sewage generation in seven districts, treatment capacity is only 799 MLD and huge gap is existing at Saharanpur, Muzaffarnagar, Shamli, Meerut.* *Further, three STPs at Ghaziabad are non-compliant.*
3.	*OA 773/2022, Rajesh Pareek vs. State of Uttar Pradesh, order dated 19.10.2022*	*Relating to sewage management at **Mathura, Vrindavan** where 75 MLD of treated waste water is being discharged into drains and river Yamuna.*
4.	*OA 170/2021, Noorul Sehar Lari vs. State of U. P. & Ors., order dated 09.02.2023*	*Relating to sewage management at **Lar (district Deoria)** where no decision has been taken for last 20 months to set up sewage treatment facility for waste water less than 04 MLD.*

5.	*MA No. 50/2021 in OA 41/2020, Pushpendra Kumar vs. Nagarpanchayat, Kadaura & Ors., order dated 04.08.2021*	*Relates to discharge of sewage in a pond. No action has been taken to provide low cost sewage management facility.*
6.	*OA 490/2019, T. S. Singh vs. State of Uttar Pradesh, order dated 14.09.2022*	*Relates to pollution of* ***river Sai and no tangible progress with respect to Pratapgarh, Raebareli and Jaunpur****.*
7.	*OA 200/2014, M.C. Mehta vs. Union of India, order dated 22.07.2022*	*Relating to prevention, control and abatement of pollution of river Ganga indicating discharging sewage (treated/untreated)*

Working of UP Jal Nigam needs to be directly supervised and regulated by the Chief Secretary, UP to effectuate the mandate of this order with regard to speedy setting up of systems, meeting standards, enhancing functional capacity and proper utilization of treated sewage.

47. Efforts are also required on utilization of treated sewage such as by establishments like malls, industrial estates, automobile establishments, power plants, playgrounds, railways, bus stands, local bodies, universities etc. to save potable water for drinking. The treated sewage can be utilized for industrial/agricultural/other non-drinking uses like washing railway wagons/yards, buses, roads, water sprinkling and several such models reportedly exist[12]. The State may contemplate with prospective plan to

[12] https://www.newindianexpress.com/cities/chennai/2019/jul/31/chennai-industries-to-now-use-treated-sewage-water-2011837.html
https://timesofindia.indiatimes.com/city/surat/surat-water-reuse-model-goes-global/articleshow/85668103.cms
https://www.aninews.in/news/national/general-news/surat-generating-massive-revenue-by-selling-treated-water-to-industries20201217051127/
https://swachhindia.ndtv.com/surat-generating-massive-revenue-by-selling-treated-water-of-river-tapi-to-industries-54411/
https://m.timesofindia.com/city/ahmedabad/amc-offers-rs43/kl-treated-wastewater-for-industries/amp_articleshow/87169850.cms https://theprint.in/india/governance/nagpur-to-become-the-first-indian-city-to-treat-and-reuse-90-of-its-sewage/180493/

https://www.business-standard.com/content/press-releases-ani/india-s-1st-and-largest-ppp-on-waste-water-reuse-completed-in-record-time- during-pandemic-bags-ficci-water-award-2020-121022500841_1.html
https://mpcb.gov.in/sites/default/files/focus-area-reports-documents/NMC_%26_KTPS_success_story_28052019.pdf
https://cpcb.nic.in/success-stories/upload/1501156301.pdf
http://cpheeo.gov.in/upload/uploadfiles/files/engineering_chapter7.pdf

utilize treated sewage extensively rather than discharging into natural water courses which are very precious.

48. In particular, we may refer to the Government of India (Ministry of Power) Notification dated 4.3.2020 requiring Thermal Power Plants to utilise treated sewage:

> ***"Mandatory use of treated sewage water by the Thermal Power Plants as per the provisions of the Tariff Policy 2016-regarding.***
>
> *The Tariff policy 2016 issued by Ministry of Power (copy enclosed) under the clause 6.2 (5) has mandated that the thermal power plant(s) including the existing plants located within 50 km radius of sewage treatment plant of a Municipality/local bodies/similar organization, shall in the order of their closeness to the sewage treatment plant, mandatorily use treated sewage water produced by these bodies and the associated cost on this account be allowed as a pass through in the tariff.*
>
> *2. To facilitate use of treated sewage water by the power plants, a draft MOU (copy enclosed) between ULB and power plants was placed on CEA website addressed to all the power utilities. This document provided the flexibility to the ULBs to build the STP, and deliver the required water quality to the power plants after tertiary treatment. The power plants also had choice to construct their own tertiary treatment plant and associated transportation pipelines.*
>
> *2.1 As per the present arrangements the cost of the STP is borne by the urban Local Body, and the cost of tertiary treatment, the pipeline for transport of water and the pumping system for this purpose is to be borne by the Thermal Power Plant.*
>
> *Thus; in the draft MoU:-*
>
> *Part-A - which includes the raw sewage supply system from sources to STP, Sewage Treatment Plant (Primary and secondary-STP), supply of secondary treated sewage water from STP to inlet of TTP (Teftiary Treatment Plant) is the responsibility of the Urban Local Body; while*
>
> *Part-B - which includes the Tertiary Treatment Plant, the Treated Sewage Water pumping station, the pipe line conveying the water upto point of delivery at power plant, is the responsibility of the thermal power plant.*
>
> *3. It was clarified that irrespective of mode of investment explained above no payment would be made by power utility towards supply of secondary treated water from STP secondary treatment plant which acts as input water for the Teftiary Treatment Plant (TTP).*
>
> *3.1 As regards the setting up of the system of Part B - the tertiary treatment plant, the pipeline and the pumping system is concerned, two options were given. One option was that the ULB will set it up and*

realize the cost thereof from the thermal power plant by levying a charge per Kilo Liter of water. The second option given was the thermal power plant may set up the system of Part B itself. It has been seen that where the first option was followed - the Municipal Body setting up the system of Part B and recovering the cost thereof by a tariff per KL of water, there were disputes regarding the rates at which charges were levied.

3.2 Considering this and the delays caused by this; the arrangement of treated water supply between STPs and power plants has been reviewed and to promote the use of treated sewage water by the Thermal Power Plants as per the provisions of the Tariff Policy 2016, it has been decided as under:

a) The treated sewage water transportation system may be constructed by the power plants and the cost of transportation of treated sewage water up to the power plant shall be borne by the end use power plant.

b) The Urban local bodies (ULBs) shall facilitate the power plants in obtaining the Right of way etc, for laying the water transportation pipeline by the power plant.

c) The tertiary treatment plant may be constructed by the power plants and consequently the cost of tertiary treatment plant may be borne by the end use power plant."

49. The State Authorities may accordingly coordinate with the concerned power plants.

50. As already observed, there is need for planning to prevent sewage (treated or untreated) entering the potable water resources. Instead, the same is to be suitably treated and channelized for non-potable purposes – agriculture, industrial or others. By way of illustration, we may refer to certain models which can be considered at appropriate locations. The same have been mentioned in order of this Tribunal dated 11.10.2022 in M.A. No. 43/2022 in OA No. 41/2020, *Pushpendra Kumar vs. Nagarpanchayat, Kadaura & Ors.*, as follows:

"5. In this regard, we have drawn their attention to Seechewal Model[13], Karnal Technology of sewage treatment and zero discharge and manual on sewerage and sewage treatment systems- 2013 (chapter7), issued by the Central Public Health & Environmental

[13] https://www.civilsdaily.com/news/seechewal-model-of-wastewater-management/

Engineering Organisation (CPHEEO), Ministry of Urban Development, GoI, which provide for inexpensive and simple methods of treatment of waste water, its utilization for irrigation and other secondary purposes. The said models are briefly described as follows:-

Seechewal Model

- *Provides for use of treated waste water for irrigation in order to conserve precious surface fresh water and ground water. The process involves passing waste water through four well for cleaning the waste water and thereafter use of such treated water for irrigation. The process can be undertaken by communities through collective approach.*

Karnal Technology Of Sewage Treatment & Zero Discharge.

- *Involves growing trees/plants on ridges with one meter wide and 50 cm height and irrigated by treated effluent in furrow. The technique utilizes entire bio mass present in waste water and provides nutrient to soil and plants. By this method forest plants/trees can be grown which can be used for firewood and timber. By this technique no chance of pathogen, heavy metals or organic compounds enter the food chain. Tree species like Eucalyptus, Leucaena can be grown.*

Central Public Health & Environmental Engineering Organisation (CPHEEO)

Manual on Sewerage and Sewage Treatment Systems – 2013 (Chapter 7)

- *Provides various case studies of utilization of treated sewage and its reuse as cooling water in power plant, in airport, in petroleum refinery, fish culture (like at Mudiali, Kolkata), road washings, ground cooling, boilers and also in agriculture. In agriculture the suitability of treated sewage is dependent upon soil, salt tolerance of the crop, intake of minerals and climate conditions. Sewage conforming to specified norms can be applied to selected species of food crops into soil by strip, basin or furrow irrigation. Sprinkler irrigation could be used with treated sewage. During rainy and non irrigating seasons, the treated sewage can be held in lagoons or undertaking irrigation in additional land/waste land including resorting to artificial recharge of ground water."*

We have also come across and low cost options for sewage/sullage treatment for less population at village Sultanpur and Village, Kurak Jagir in District Karnal. These grey water management projects based on waste

stabilization and system have been executed under Swachh Bharat Mission Gramin and MG NREGA. These systems are designed for intake of waste water less than 100 KLD allowing waste to stabile and using wet flow of ponds for irrigation. Such models may help for medium and small towns and the Rural areas as substitute for high cost technology. Central Public Health and Environment Engineering Organization (CPHEEO), Ministry of Housing and Urban Affairs dealt with the matter in its instructions titled "Municipal Used Water Treatment Technology for Medium and Small Towns"[14] in September 2022.

51. Restoration measures with respect to sewage management need to include identification of sites for setting up of sewage treatment and utilization systems, upgrading systems/operations of existing sewage treatment facilities to ensure utilization of their full capacities, ensuring compliance of standards, including those of fecal coliform and setting up of proper fecal sewage and sludge management in rural areas. STPs need to have co-treatment facilities of septage rather than having isolated FSTPs. Guidelines of SBM - U 2.0 may be referred to in this respect. For urban areas, SBM-U 2.0 provides co-treatment of fecal sludge at STPs with sewage for which exclusive funding provisions are made under ringfenced accounts.

It would be appropriate that State dovetails its ongoing execution plan with the cities and towns according to population and corresponding waste generation. For example, small towns having population less than 1 lac may opt for oxidation pond or other cost effective method for sewage management rather than setting up of such STPs requiring time and O&M issues.

[14] https://sbmurban.org/storage/app/media/rr-final-signed.pdf

Utilisation of already set up STPs

52. Available treatment capacity should be fully utilised. **STPs be made compliant with the prescribed standards. This aspect needs to be looked into on continuous basis by a centralised mechanism which may be set up within a month.**

53. Sewage treatment facilities adopted in terms of septic tank/soak pit/FSTP particularly for rural areas and villages may be reviewed in view of health, hygiene and the guidelines of MoUD.

54. Following points may also be duly considered with regard to establishment and operation of STPs:

"A. Pipelines Networks & Related Engineering Structures:

1. Estimation of quantity of Sewage generation (present and at the end of design period).

2. Topographical Survey of the area for which Sewage System is being designed (Contour, L-Section and cross section of Nallah/Drain to be intercepted.).

3. Details of out falls to be Tapped (both major and minor Pipelines) leading to River/Nala/Lakes/Ponds/Open Areas.

   – All Household connections to be made to branch Sewers
   – All Branch Sewers should be connected to main/trunk Sewer
   – Main/trunk Sewer line conveying Sewage to STP.

4. **Sewage Network:**

   – Length, (Kilometers)
   – Pipelines, (diameter), both major and minor (millimeter),
   – Total number of Wards to be covered.

5. **Details of Sewage Pumping Station:**

   – Number of Pumping Stations, if required
   – Capacity (MLD)
   – Power/Electricity requirements for pumping sewage through electric supply or DG Sets

6. Scheme for Geo-tagging of outfalls and its marking on GIS based Map with Unique Code

7. Details of Public Toilets and Urinal (Ward Wise) to be constructed and maintained by Municipal Corporation/Council/ PHE/ Jal Nigam/ other agency/through outsourcing

8. Details of Operation and Maintenance (O&M) of Pipelines, Pumping Stations and other Engineering structures being developed for transportation of Sewage to STP for Final Treatment

9. Budget provisions for implementation of various activities as listed under point No.1-8.

B. Treatment of Sewage at STP:

1. Details of Biological and Engineering Measures for the Sewage Treatment.
2. Scheme for the use of Treated Water in Irrigation, Park/Garden, construction activities, other purposes etc.

Need to consider change in approach for administrative processes

55. We have suggested change in approach in realizing that remedial action cannot wait for indefinite period nor loose ended time lines without accountability can be a solution. Responsibility of the State is to have comprehensive time bound plan with tied up resources to control pollution which is its absolute liability. If there is deficit in budgetary allocations, it is for the State alone to have suitable planning by reducing cost or augmenting resources. People must be involved in the problem by appropriate awareness and strategies to encourage public participation and contribution. At the cost of repetition, health issues cannot be deferred to long future. Long future dates breach of which has taken place frequently in the past without accountability is not a convincing solution. It is poor substitute for compliance within laid down timelines for long past. This approach may project lack of concern or not realizing the grim ground situation crying for emergent remedial measures on priority. There is no time for leisure, reflected in timelines proposed for bridging the acknowledged gaps.

56. It is the mindset and determination to act in a mission mode which can produce results.

57. **Thus, it may be necessary to brain storm with available experts and other stake holders in the State at different levels, evolve models for both solid and sewage management which can be fast replicated, initiate special campaigns with community/media involvement in the larger interest of protecting environment and public health with determination for prompt action**. Such brain storming sessions may enable capacity enhancement of the regulators and the processes. Campaigns and community involvement may result in reducing the financial and administrative load on the administration. The Chief Secretary may also entrust responsibility to Senior Secretaries to monitor waste management for establishments governed by non-municipal entities.

58. Compliance of environmental norms on the subject of waste management has to be on high on priority. It is high time that the State realizes its duty to law and to citizens and adopts further monitoring at its own level.

59. While reviewing the progress in formulation and implementation of District Environment Plan (DEP), as per Articles 243 W and other provisions of the Constitution read with 11th and 12th Schedule, vide order dated 17.01.2023 in O.A No. 360/2018, *Shree Nath Sharma vs. Union of India & Ors.,* the Tribunal noted that in the State of Uttar Pradesh District Environment Plans have been prepared which are to be duly implemented by the District Magistrates through District Level Committees. Waste management is major component of the said plans for all the towns and villages. The operative part of the order is reproduced below:-

"13. We have considered the reports. We are satisfied that further action needs to be taken by the concerned States/UTs in the light of observations and recommendations in the above report. ***It is well known that there is urgent need for upgrading environmental standards in the country – air, water and land in the interest of public health and in the light of Constitutional goal and mandate. This is not possible without planning. Planning should be at all levels – Districts, States as well as national. This has to be part of ongoing exercise for discharge of State's Constitutional obligation for providing pollution free environment and protection of natural environmental resources under public trust doctrine in the light of applicable statutory regime and earlier orders of the Tribunal. The District Environment plans must contain all relevant data on different thematic subjects, covering each city, town and village, with identified gaps in compliances and set out plan for remedial action in measurable terms with requisite budgetary support to meet estimated cost. It must provide for grievance redressal mechanism with review at higher levels. This can be basis for planning at higher level and also enable monitoring and measurement of progress with reference to baseline data. On that basis there can be further policy making and planning. One of the steps is to identify vulnerable districts with respect to specific environmental issues like sand mining, industrial pollution, stone crushers/brick kilns and mining, ground water depletion etc. so as to give due attention to monitor them. The plans may provide for awarding appreciation to best/ model districts/areas which may be then replicated at other places. Plans may also provide for taking on board civil society and creating awareness through educational, social and charitable institutions, including in coordination with Legal Services Authorities. The District Plans as on 31st December of the year must be finalized with respect to remaining 98 districts expeditiously, preferably within three months. CPCB may follow up with concerned States. Progress in implementation of the plan be placed on website by 31st January every year. Likewise, State Environment Plan, taking into account District Environment Plans or any other relevant data may be finalized by 28th February every year and placed on respective State websites. The CPCB may thereafter in coordination with any other Ministry or authority prepare a consolidated plan based on State Environmental Plans by 31st March every year and place the same on its website. Consolidated national plan may also be filed with the Registrar General of this Tribunal by April 30 every year. If found necessary, the same be placed for consideration before the Bench. Let District, State and National Environmental plans be prepared and updated accordingly on continuous basis annually. Subject to such plans being considered as and when necessary and any grievance being separately considered, the application is disposed of."***

60. In order to facilitate expeditious execution of sewage and solid waste management projects, the **Chief Secretary may consider suitable**

orientation/interaction programmes for District Magistrates or other concerned officers to improve environmental governance. The plans grounded for sewage and solid waste management be monitored rigorously at district and Tehsil level.

Adhering to the timelines

61. Since the issue has been pending since long and there are adverse effects of continuing delay on environment and public health, it cannot be a matter of satisfaction that some steps are taken till the entirety of the problem is tackled on war footing. Planning has to be to resolve the problem without any further delay, in shortest possible time. Whatever timeline is laid down, it should not be breached. If breached, adverse consequences for such failures must follow on the designated accountable officers instead of loose-ended processes.

Community involvement

62. Another important subject is community involvement not only for IEC activities but also for planning and execution of waste management activities. Welfare associations, corporates, religious, educational and charitable institutions can play their role. The District Environment Plans must have authentic and updated database which can be helpful for policy making and execution of projects. Regularly monitor of bridging of gaps in sewage and solid waste management in districts is required by the Chief Secretary through a suitable nodal officer, preferably of the rank of Additional Chief Secretary. Status of sewage and solid waste management with respect to each city, town and village be placed on State's portal and be made part of District environment Plan. This may be done in next two months.

Further observations to explore implementation mechanism

63. In the light of above observations, it appears that there is need for paradigm shift in handling of the situation. The nagging problem of waste management stares the administration in the face and remains unresolved to the detriment of environment and public health. First change required is to set up a **centralized single window mechanism for planning, capacity building and monitoring of waste management at the State level**. Of course, local authorities have to do their duty and stocktaking at the district levels may continue but subject to supervision and control of such mechanism. **It should be headed by an officer of the rank of Additional Chief Secretary with representation from concerned departments – Urban Development, Rural Development, Environment and Forest, Agriculture, Water Resources, Fisheries and Industries.** The mechanism should be working on fulltime basis. Its functions should include preparing a comprehensive blue print, periodic review of progress in bridging the gaps in sewage and solid waste management and establishing, continuous interaction with the stakeholders, including experts and institutions, concerned departments, community members and all other stakeholders. There must be a continuous training programme for those involved in execution of waste management projects. In this regard reference is made to recent order of the Tribunal dated 23.01.2023 in M.A. No. 98/2022 in OA No. 180/2021, *Mukul Kumar vs. State of Uttar Pradesh & Ors*. It was held that training must be planned for probationers and in service officers, particularly those who have to serve as District Magistrates to implement DEPs including sewage and solid waste management. The operative part of the order is reproduced below:

> *"17. The Tribunal noted that while DEPs have been prepared and uploaded on websites in about 640 out of 738 districts (about 90%), execution thereof remains a challenge. There are huge gaps in compliance of environmental norms to the detriment of environment*

and public health. District Magistrates have to provide leadership on the subject at grassroot level. We are not sure whether the subject is part of training imparted in academies for probationers and in-house officers such as LBS National Academy of Administration, Mussoorie, IIPA, New Delhi and other State Academies. It may be desirable that need for such training is considered. National Judicial Academy at Bhopal has included the subject as part of its training to judicial officers. On that pattern, with such further modifications as found necessary, syllabus of Administrative Training Institutes may need to include the subject. We request the Secretary, DoPT, GoI and Chief Secretaries of all States/UTs to consider this aspect in coordination with the Directors of the Academies in question. Such training programs may include not only academic discussion but also undertaking field visits to places where successful environmental compliance models exist. Infact such training may be required in Police Academies/Public Prosecutors also. In the first instance, training may be imparted to all existing District Magistrates and thereafter to others who may have potential to work as District Magistrates or other positions where they may have to deal with such issues.

18. Let the Secretary, DoPT, GoI and Chief Secretaries of all States/UTs consider the issue and file their respective action taken reports with the Tribunal within two months 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. CMC may continue its monitoring and file its further report of compliance status as on 31.03.2023 by April 15, 2023 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."

Service Providers

64. Best practices be evolved and followed for selecting service providers and simplifying procedures for fixing terms of engagement. Mechanism be considered to engage service providers by due diligent process who may execute work relating to solid and sewage management simultaneously throughout the State – all districts, cities and towns. Selection of service providers may be done taking into account of his past performance and number of projects and capacity to handle successfully. There is also need for evolving key indicators and its monitoring by independent Social/Environmental Agencies about functioning of STP and solid waste management programs.

65. "Integrated Solid Waste Management for local Governments a practical guide"[15] brought out by Asian Development Bank published in 2017 details out solid waste management, planning and segregation of waste categories, waste collection methods, waste processing, waste to energy and diversion land fill development, operation and its management of landfill and also including contract issues by involving public private partnership. The document has been prepared based on the experience and the practices followed in several Asian Countries. The State of Uttar Pradesh may look into and consider this report to handle solid waste generated, particularly the cost effective technologies mentioned in the report.

Need for compliance of statutory duties by specified authorities under SWM Rules and monitoring by NMCG and MoUD for centrally assisted/sponsored schemes

66. Under the Solid Waste Management Rules, 2016, statutory authorities for various actions have been specified. **Under Rule 5**, a Central Monitoring Committee (CMC) is to be constituted headed by the Secretary, MoEF&CC with representation from Ministries of Urban Development, Rural Development, Chemicals and Fertilizers, Agriculture, CPCB, State PCBs/PCCs, Urban and Rural Development Departments, Urban Local Bodies and Towns from the of the States, FICCI, CII and subject experts. The CMC is to meet once in a year.

The Ministry of Urban Development has to coordinate with the States/UTs **under Rule 6** for periodic review and formulation of National Policy and strategies and taking other measures. **Under Rule 7**, the Department of Fertilizers, Ministry of Chemical and Fertilizers have to

[15] https://www.adb.org/sites/default/files/institutional-document/324101/tool-kit-solid-waste-management.pdf

provide market development assistance for compost and promote marketing of such compost. **Under Rule 8**, Ministry of Agriculture has to evolve mechanism for utilization of compost. **Under Rule 9**, Ministry of Power has to decide compulsory purchase and tariff issues. **Under Rule 10**, Ministry of New and Renewable Energy Sources has to facilitate infrastructure creation and provide for subsidy. **Under Rule 11**, the concerned Secretaries of Urban Development have to prepare State Policy and Management strategies and the Town Planning Department has to ensure setting up waste processing and disposal facilities and take other enumerated actions. **Under Rule 12**, the District Magistrates have to identify suitable lands and review performance of local bodies. **Under Rule 13**, the Secretaries of Panchayats have also to perform similar duties. **Under Rule 14**, CPCB is to coordinate with State PCBs and formulate standards of ground water, ambient air quality, noise, etc. **Under rule 15**, local authorities have to prepare solid waste management plans, collection of waste and coordination with the other stakeholders for enumerated steps. **Under Rule 16**, the SPCBs/PCCs have to enforce the rules and monitor compliances. **Under Rule 17**, there are duties of private bodies, including the manufacturers to be monitored by the State Bodies. **The timelines are provided in Rule 22** for various steps. Last timeline of 5 years from the Rules expires on 7.4.2021. There is also provision for audit and submitting of annual report **under Rule 24**. Since there has been large scale non-compliances of the said rules, all the concerned authorities need to review the progress and perform their responsibility in accordance with law. The MoEF&CC has to finally monitor compliance, as already mentioned.

67. Based on interaction with States/UTs extensively on the issue of solid and sewage waste management, we are of the view that Central

Ministries and Departments need to facilitate States/UTs to effectively execute centrally sponsored projects. This will include utilization of waste for defined purposes involving components of central funding. Some such aspects include (i) utilisation of installed STPs are fully utilized remaining unutilised due to lack of connectivity which can be overseen by MoUD. Utilization for treated sewage should be taken as an integral part of the sewage treatment planning with STPs. (ii) looking into applicability of standards for sewage treatment in Urban and Rural areas, considering the usage of treated sewage and mode of disposal under the Water (Prevention and Control of Pollution) Act. 1974. This can be done by MoUD, MoEF&CC and CPCB under the coordination of MoUD; (iii) maximizing use of treated sewage and the compost made out of municipal solid waste as full or partial substitute of fertilizer and ultimately reviewing subsidy issue which may be done under joint coordination of MoUD and Ministry of Agriculture and Ministry of Chemical and Fertilizer (iv) process of setting up of waste to energy projects as per applicability in cities and towns with specified technologies and ensuring compliance with environmental norms by Ministry of Power and Ministry of Non-Renewal Energy (MNRE). We have already cleared that such projects may be kept out of the scope of environmental clearances but taking due care based on siting and preventing human health damages (v) specific directions on management of rejects out of biomining processes of legacy waste to avoid haphazard disposal/dumping by CPCB and MoEF&CC.

68. In view of continuing huge gap in solid and liquid waste generation and treatment, it is high time that Ministry of Housing and Urban Development (MoUD) and National Mission for Clean Ganga (NMCG) who

have programmes like Swachh Bharat Mission (SBM – Urban 2.0)[16], AMRUT 2.0[17], Swachh Bharat Mission (Grameen)[18] and River Cleaning, appropriately monitor compliance of waste management norms by concerned States/UTs and take remedial action on their part. Central Funding and State budgetary provisions need to be adequately allocated and apportioned keeping in view of environment compensation which is based on the restoration work estimate. While granting/disbursing funds to States/UTs, execution mechanism for centralized tendering at the State level to overcome delays at each city/town level may be considered. This may facilitate timely utilization of funds. MoEF&CC and CPCB may continue monitoring as per MSW Rules and the Water Act. MoUD and NMCG may also note the gaps reported by the States and UTs in solid and liquid waste management. MoUD may further consider to render proper financial and technical support to States and UTs and also keeping in view of Environment Compensation (EC) either directed by the Tribunal or States having given statements to ringfenced EC at their own level.

Conclusion

69. **We hope in the light of interaction with the Chief Secretary, the State of Uttar Pradesh will take further measures in the matter by innovative approach and stringent monitoring, ensuring that legacy waste as well as unprocessed waste and liquid waste generation and treatment are bridged at the earliest, shortening the proposed timelines, adopting alternative/interim measures to the extent and wherever found viable**. Restoration plans need to be executed at the earliest simultaneously in all districts/cities/ towns/ villages in a time

[16] https://sbmurban.org/storage/app/media/pdf/swachh-bharat-2.pdf
[17] https://mohua.gov.in/upload/uploadfiles/files/AMRUT-Operational-Guidelines.pdf
[18] https://jalshakti-ddws.gov.in/sites/default/files/sbm-ph-II-Guidelines_updated_0.pdf

bound manner without further delay with well laid monitoring mechanism at State and District level. District Magistrates must take ownership for monitoring of sewage and solid waste management and regularly providing report to Chief Secretary on monthly basis and overall compliance be ensured by Chief Secretary for which regular meetings be conducted.

70. As already observed, it will also be open to the State to plan raising of requisite funds from generators/contributors of waste or by any other legal means.

71. In our recent order dated 01.09.2022 in O.A No. 606/2018 (in respect of State of West Bengal), considering scale of compensation adopted in earlier cases including in OA No. 1002/2018, *Abhisht Kusum Gupta vs. State of Uttar Pradesh & Ors.*, compensation was determined @ Rs. 2 Crore per MLD for untreated liquid waste and in OA No. 286/2022 for unprocessed legacy waste compensation was fixed @ Rs. 300 per MT to be utilized for restoration measures, including preventing discharge of untreated sewage and solid waste treatment/processing facilities, as per appropriate mechanism for planning and execution that may be evolved, within three months. Operative part of the said order is reproduced below:-

> ***"Conclusion about quantum of compensation***
>
> *49. In the light of above and considering damage to the recipient environment, we hold that apart from ensuring compliance at the earliest, compensation has to be paid by the State for past violations. The amount of compensation is fixed @ Rs. 2 crore per MLD (at which rate compensation has been levied against Noida and DJB in OA No. 1002/2018, Abhisht Kusum Gupta vs. State of Uttar Pradesh & Ors, referred to in para 48 above for detailed reasons mentioned therein). As noted earlier,* ***gap in generation and treatment in West Bengal, as per data furnished is 1490 MLD. Thus, under this head, liability of the State of West Bengal is to pay compensation of Rs. 2980 crores, rounded off to Rs. 3000 crore in view of continuing damage****. F****or failure to process solid waste, unprocessed legacy waste being 1.20 crore MT, compensation is assessed @ Rs. 300 per MT (at which approximate rate compensation has been***

awarded in OA No. 286/2022 against Municipal Corporation, Ludhiana, for the reasons given therein). This works out to Rs. 366 crore but adding 134 crore for continuing addition of unprocessed waste @ 13469.19 TPD, the total amount is rounded off to Rs. 500 crore. Thus, final amount of compensation under the two heads (solid and liquid waste) is assessed at Rs. 3500 crores which may be deposited by the State of West Bengal in a separate ring-fenced account within two months, to be operated as per directions of the Chief Secretary and utilised *for restoration measures, including preventing discharge of untreated sewage and solid waste treatment/processing facilities, as per appropriate mechanism for planning and execution that may be evolved, within three months. If violations continue, liability to pay additional compensation may have to be considered. Compliance will be the responsibility of the Chief Secretary."*

Directions for further follow up

72. We sum up our directions as under:

i. The Chief Secretary, UP may take further remedial measures to ensure compliance of SWM Rules considering the statutory timelines to be sacrosanct as already directed by this Tribunal vide judgment dated 22.12.2016[19] (para 10). Similarly, the timelines for ensuring setting up of necessary sewage management systems have to be accepted as rigid timelines in view of judgment of the Hon'ble Supreme Court dated 22.02.2017[20] (para 6)

ii. Accountability of erring officers be fixed for delay beyond the binding timelines within six months, following due process of law (para 29).

iii. Recommendations of the Oversight Committee quoted in para 27 above may be implemented forthwith (para 28).

iv. Ring-fenced amount of atleast Rs. 5,000/- crores be set apart in terms of statement of the Chief Secretary, UP which has been taken on record. There is no bar to allocation of more amount as it has been stated that more amount has already been allocated by the State (para 30).

v. Community compost pits be properly maintained, ensuring that compost produced is fully utilized and standardized designs be executed at town and village level. (para 35).

vi. CPCB in consultation with some of the States PCBs and Municipal Corporations may work out environmentally safe methods/options for their use within one month (para 38).

[19] (2016) SCC Online NGT 2981
[20] (2017) 5 SCC 326

vii. Plastic waste and construction and demolition waste processing plants be set up ensuring that bio-medical, hazardous and E-waste are not co-mingled and treated with solid waste (para 39).

viii. Immediate efforts be made for ensuring connectivity with STPs having present treatment capacity of 3860 MLD and proposed STPs (para 40).

ix. Working of UP Jal Nigam needs to be directly supervised and regulated by the Chief Secretary, UP to effectuate the mandate of this order with regard to speedy setting up of systems, meeting standards, enhancing functional capacity and proper utilization of treated sewage. First review meeting be held within one month (para 46).

x. Chief Secretary may, in particular, look into continuing violations pointed out in some of the orders (para 46).

xi. The issues relating to compliance of STPs with standards and utilization of treated sewage be monitored and looked into by centralised mechanism at State level instead of high costed STPs in small population towns/villages, oxidation ponds and other low cost options be preferred (para 52).

xii. Chief Secretary may immediately set up orientation programme on regular basis at appropriate institutional level to deal with environmental issues at district level(para 60).

xiii. MoUD may review utilisation of capacities of STPs established and utilisation of treated sewage (para 68).

xiv. MoUD with MoEF&CC and CPCB may look into applicability of standards for STPs based on mode of disposal (para 68).

xv. MoUD with Ministry of Agriculture and Ministry of Chemical and Fertilizer may maximize use of treated sewage and the compost and reviewing subsidy policy (para 68).

xvi. Ministry of Power and Ministry of Non-Renewal Energy (MNRE) may hasten the process of setting up of waste to energy projects and lay down rolling plan (para 68).

xvii. CPCB and MoEF&CC may specifically issue directions on management of rejects out of biomining processes of legacy waste to avoid haphazard disposal/dumping (para 68).

xviii. Chief Secretary may set up a centralized single window mechanism for planning, capacity building and monitoring of waste management at the State level and District level (para 69) and;

xix. State level Monitoring Mechanism be set up under Chief Secretary and District level Monitoring Mechanism under District Magistrate for monthly review starting from 1st March, 2023 (para 69).

73. Further, six monthly progress reports with verifiable progress may be filed by the Chief Secretary with a copy to the Registrar General of this Tribunal 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. Copies thereof may be furnished to the NMCG, MoUD, CPHEEO (MoUD) and CPCB and also be placed on the website of the State Government.

A copy of this order be forwarded for compliance to the Chief Secretary, Uttar Pradesh, Secretary, Ministry of Housing and Urban Development, MoEF&CC, GoI, Ministry of Power and Ministry of Non-Renewal Energy, National Mission for Clean Ganga, CPCB, Secretary, Ministry of Chemicals and Fertilizers, GoI, Ministry of Agriculture, GoI, CPHEEO of MoUD, GoI by e-mail.

On report being filed with the Registrar General of this Tribunal, the same may be placed before the Bench, if found necessary.

If any grievance survives, it will be open to the aggrieved parties to take further remedies as per law.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Arun Kumar Tyagi, JM

Prof. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

March 23, 2023
Original Application No. 606/2018

Annexure A-4

Gmail

Ashish Tiwari, Secretary, EF&CC Dept, GoUP <sachivforest@gmail.com>

Submission of Status of Compliance of Solid Waste Management Rules, 2016 and Status of Sewage Treatment for the State of Uttar Pradesh.

Environment Section-7 <envsection7@gmail.com> Thu, Mar 23, 2023 at 5:54 PM
To: "dr.afrozahmadngt@gmail.com" <dr.afrozahmadngt@gmail.com>
Cc: "prashad.garima@gmail.com" <prashad.garima@gmail.com>, sachivforest@gmail.com

Dear Sir,

A presentation was submitted before Hon'ble NGT by State of Uttar Pradesh vide email dated 21 March 2023, in which it was clearly mentioned that the projects to address the gaps w.r.t solid waste, legacy waste, and sewage etc. have already been sanctioned and the funds have already been made available to the respective project accounts. The summary of the funds made available to address the gaps is produced as below:

1. **Solid Waste Management:**

To address the gap of 4,593 TPD, the projects have been grounded and funds of ₹438.39 Cr have been made available in respective project accounts.

2. **Legacy Waste Remediation:**

To address the gap of 33 Lakh Ton, the projects have been grounded and funds of ₹341 Cr have been made available in respective project accounts.

3. Used Water (Sewage) Treatment:

To address the gap of 1,640 MLD, the projects have been grounded and funds of ₹11,343 Cr have been made available in respective project accounts.

Hence, total amount ring-fenced in the respective Project Accounts is ₹12,122.39 cr i.e. around ₹12,000/- cr.

The projects to address the gaps have been grounded and funds will be made available in the respective project accounts has been clearly mentioned in the presentation submitted to Hon'ble NGT today.

With kind regards,

Ashish Tiwari,

Secretary,

Environment, Forest & Climate Change,

Government of UP

Annexure A-5

ITEM NO.42 COURT NO.1 SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL Diary No(s).40628/2022

(Arising out of impugned final judgment and order dated 13-09-2022 in OA No. 116/2014 passed by the National Green Tribunal)

STATE OF U.P **Appellant(s)**

VERSUS

MEERA SHUKLA & ORS. **Respondent(s)**

(FOR ADMISSION and IA No.26918/2023-EX-PARTE STAY and IA No.26917/2023-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)

Date : 20-03-2023 This appeal was called on for hearing today.

CORAM :
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE J.B. PARDIWALA

For Petitioner(s) **Ms. Garima Prashad, Sr. A.A.G.**
Ms. Ruchira Goel, AOR
Ms. Priyanka Swami, Adv.
Mr. Adit Jayeshbhai Shah, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

1 Delay condoned.

2 Issue notice.

3 In the meantime, the direction of the National Green Tribunal, in its order dated 13 September 2022, to the State of Uttar Pradesh to deposit an amount of Rs 120 crores as compensation to be deposited in a “separate ring-fenced account” shall remain stayed.

4 We, however, clarify that this shall not be construed as obviating the duty of the State to comply with all other directions and to report compliance to the Tribunal.

5 Tag with Civil Appeal Diary No 36830 of 2022.

(SANJAY KUMAR-I)
DEPUTY REGISTRAR

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR

Annexure A-6

F. No. 1(13)PFMS/FCD/2020
Government of India
Ministry of Finance
Department of Expenditure
PFMS Division

Block No.11, 5th Floor,
CGO Complex, Lodhi Road,
New Delhi, dated 23.03.2021

OFFICE MEMORANDUM

Subject: Procedure for release of funds under the Centrally Sponsored Schemes (CSS) and monitoring utilization of the funds released

The General Financial Rule 232(v) prescribes the release of funds to the State Governments and monitoring utilization of funds through PFMS. For better monitoring of availability and utilization of funds released to the States under the Centrally Sponsored Schemes (CSS) and to reduce float, the Department of Expenditure vide letter of even number dated 16.12.2020 had shared a draft modified procedure for release of funds under CSS with all the State governments and Ministries/Departments of the Government of India to seek their comments. The comments received from the State governments and Ministries/Departments of the Government of India were considered and the procedure has been suitably modified.

With a view to have more effective cash management and bring more efficiency in the public expenditure management, it has been decided that the following procedure will be followed by all the State Governments and Ministries/Departments of the Government of India regarding release and monitoring utilization of funds under CSS with effect from 1st July, 2021:

1. Every State Government will designate a Single Nodal Agency (SNA) for implementing each CSS. The SNA will open a Single Nodal Account for each CSS at the State level in a Scheduled Commercial Bank authorized to conduct government business by the State Government.

2. In case of Umbrella schemes which have multiple sub-schemes, if needed, the State Governments may designate separate SNAs for sub-schemes of the Umbrella Scheme with separate Single Nodal Accounts.

3. Implementing Agencies (IAs) down the ladder should use the SNA's account with clearly defined drawing limits set for that account. However, depending on operational requirements, zero-balance subsidiary accounts for each scheme may also be opened for the IAs either in the same branch of the selected bank or in different branches.

4. All zero balance subsidiary accounts will have allocated drawing limits to be decided by the SNA concerned from time to time and will draw on real time basis from the Single Nodal Account of the scheme as and when payments are to be made to beneficiaries, vendors etc. The available drawing limit will get reduced by the extent of utilization.

5. For seamless management of funds, the main account and all zero balance subsidiary accounts should preferably be maintained with the same bank. However, State Government may choose different banks for opening Single Nodal Accounts of different CSS.

6. Only banks having a robust IT Systems and extensive branch network should be chosen for opening the Single Nodal Account of each CSS. The bank chosen should have the facility to open the required number of subsidiary zero balance accounts and a robust MIS for handling accounting and reconciliation at each level. The bank should also provide a user friendly dashboard to officers at various levels to monitor utilization of funds by IAs.

7. The bank's software system should be able to monitor the drawing limits of the IAs who should be able to draw funds on real time basis from the SNA's account as and when payments are to be made. The selected bank should ensure proper training and capacity building of branch managers and other staff for smooth operation of these accounts.

8. The Ministries/Departments will release the central share for each CSS to the State Government's Account held in the Reserve Bank of India (RBI) for further release to the SNA's Account.

9. Funds will be released to the States strictly on the basis of balance funds of the CSS (Central and State share) available in the State treasury and bank account of the SNA as per PFMS or scheme-specific portals fully integrated with PFMS in consonance with rule 232(V) of the General Financial Rules, 2017.

10. The SNAs shall ensure that the interest earned from the funds released should be mandatorily remitted to the respective Consolidated Funds on pro-rata basis in terms of Rule 230(8) of GFR, 2017. Interest earned should be clearly and separately depicted in PFMS, scheme-specific portals integrated with PFMS and in MIS provided by the banks.

11. Except in case of schemes/sub-schemes having no State share, States will maintain separate budget lines for Central and State Share under each CSS in their Detailed Demand for Grants (DDG), and make necessary provision of the State share in the State's budget. While releasing funds to SNA, State's Integrated Financial Management Information System (IFMIS) should provide these budget heads and the same should be captured in PFMS through treasury integration.

12. In the beginning of a financial year, the Ministries/Departments will release not more than 25% of the amount earmarked for a State for a CSS for the financial year. Additional central share (not more than 25% at a time) will be released upon transfer of the stipulated State share to the Single Nodal Account and utilization of at least 75% of the funds released earlier (both Central and State share) and compliance of the conditions of previous sanction. However, this provision will not be applicable in case of schemes where a different quantum of release has been approved by the Cabinet.

13. After opening of Single Nodal Account of the scheme and before opening zero balance subsidiary account of IAs or assigning them drawing rights from SNA's account, the IAs at all levels shall return all unspent amounts lying in their accounts to the Single Nodal Account of the SNA. It will be the responsibility of the State government concerned to ensure that the entire unspent amount is returned by all the IAs to the Single Nodal Account of the SNA concerned. For this, the State Governments will work out the modalities and the timelines and will work out Central and state share in the amount so available with IAs.

SNAs will keep a record of unspent balance lying in the account of IAs and the amount refunded by IAs.

14. Refund of balance amount by IAs and the amount available in the SNA's account should be taken into account by the Program Division of the Ministry/Department while releasing funds under the scheme. Concerned SNAs shall keep a record of the unspent amount lying in the account of IAs to be deposited in the Single Nodal Account while assigning drawing rights to IAs.

15. Ministries/ Departments will ensure that releases under all CSS are made strictly as per the actual requirement on the ground, without resulting in any material float with the implementing agencies at any level.

16. The State Government will transfer the Central share received in its account in the RBI to the concerned SNA's account within a period of 21 days of its receipt. The Central share shall not be diverted to the Personal Deposit (PD) account or any other account by the State Government. Corresponding State share should be released as early as possible and not later than 40 days of release of the Central share. The funds will be maintained by the SNA in the Single Nodal Account of each CSS. State Governments/SNAs/IAs shall not transfer scheme-related funds to any other bank account, except for actual payments under the Scheme.

17. State Governments will register the SNAs and all IAs on PFMS and use the unique PFMS ID assigned to the SNA and IAs for all payments to them. Bank accounts of the SNAs, IAs, vendors and other organizations receiving funds will also be mapped in PFMS.

18. Payments will be made from the zero balance subsidiary accounts up to the drawing limit assigned to such accounts from time to time. Transactions in each Subsidiary Account will be settled with the Single Nodal Account daily through the core banking solution (CBS) on the basis of payments made during the day.

19. SNAs and IAs will mandatorily use the EAT module of PFMS or integrate their systems with the PFMS to ensure that information on PFMS is updated by each IA at least once every day.

20. SNAs will keep all the funds received in the Single Nodal Account only and shall not divert the same to Fixed Deposits/Flexi-Account/Multi-Option Deposit Account/Corporate Liquid Term Deposit (CLTD) Account etc.

21. The State IFMIS should be able to capture scheme component-wise expenditure along with PFMS Scheme Code and Unique Code of the Agencies incurring the expenditure. State Governments will ensure daily uploading/sharing of data by the State IFMIS/Treasury applications on PFMS. PFMS will act as a facilitator for payment, tracking and monitoring of fund flow.

22. Release of funds by the Ministries/Departments to States towards the end of the financial year should be avoided to prevent accumulation of unspent balances with States. Ministries/Departments will arrange to complete the release well in time so that States have ample time to seek supplementary appropriations from their respective legislatures, if required, and account for all the releases in the same financial year.

23. In case of CSS having no State share and where as per the scheme guidelines, funds are released by the Central Ministry/Department directly to the districts/blocks/Gram Panchayats/Implementing agencies, the requirement of notifying a single Nodal Agency and opening of a Single Nodal Account at the State level may be waived by the Secretary of the Central Ministry/Department concerned in consultation with the Financial Adviser.

24. UTs without legislature work directly in PFMS. Therefore, there is no need for them to open a Single Nodal Account. They will ensure that the funds are released to the vendors/beneficiaries 'just in time'. In case funds are to be released to any agency as per scheme guidelines, provision of Rule 230 (vii) of GFR 2017 will be strictly followed to avoid parking of funds, with agencies.

25. Ministries/Departments shall undertake monthly review of the release of funds (both the Central and State Share) from the State treasury to the SNA, utilization of funds by SNAs and IAs and outputs/outcomes vis-à-vis the targets for each CSS.

This issues with the approval of Secretary (Expenditure) and shall supersede all earlier guidelines on this subject.

23/3/21

(Subhash Chandra Meena)
Director (FCD)
011-24368543
E-mail: subhash.meena@nic.in

To,

1. All Secretaries to the Government of India
2. All Financial Advisors to the Government of India
3. All Pr. CCAs/CCAs of all Ministries/Departments

Copy to:

1. PSO to Secretary (Expenditure)
2. PPS to CGA
3. Sr.PPS to Addl. Secretary (Expenditure)
4. PSO to Addl. Secretary (Pers)
5. Sr. PPS to JS (PFC-II)
6. Sr. PPS to JS(PF-S)

Annexure A-7

The summary of the list of the SNA accounts with the amounts released and the utilisation of the funds since March 2023

S.No.	Scheme	Type of Project Account	Fund Ring Fenced as on 23.03.2023 (Rs. Cr.)	Fund Utilized since March, 2023 (Rs. Cr.)
1.	SBM 1 & SBM 2	Solid Waste Management	438.39	573.87
2.	SBM 1 & SBM 2	Legacy Waste Management	341.00	
	Total		**779.39**	**573.87**
3.	AMRUT	Used Water (Sewage) Management	3,213.12	439.83
4.	Namami Gange	Used Water (Sewage) Management	8,020.92	604.895
5.	STP 26 MLD at Jhansi & STP of 21.5 MLD at Ghaziabad	Used Water (Sewage) Management	110.00	102.20
Total			**11,344.04**	**1,146.93**
Grand Total			**12,123.43 i.e. around Rs. 12,000 Cr.**	**1,720.76 i.e. around Rs. 1,700 Cr.**

Solid Waste Management & Legacy Waste Remediation

Swachh Bharat Mission (U) Expenditure Report					
Ring Fenced Account- Single Nodal Account (SNA) System					
Scheme	**Component**	**Project Name**	**No. of Sites/ No. of ULBs**	**Funds Available (In Cr)**	**Total Expenditure in FY 2023-2024 (In Cr.)**
Swachh Bharat Mission (SBM)	Solid Waste Management under SBM 1.0	Legacy Waste Remediation	26	438.39	82.19
		Municipal Solid Waste Processing Plants	25	341	112.22
		Construction & Demolition Waste Plant	2		3.79
		Wet Waste Pit Composting	196		78.47
		Material Recovery Facility (MRF)	246		104.28
		Collection & Transportation (C&T)	11		154.43
	Used Water Management Under SBM 2.0	Desludging Vehicle	2		0.40
	Sanitation Under SBM 1.0 & 2.0	Aspirational/Normal Public Toilet/ Urinal			38.09
Total Expenditure Under SBM 1.0 & 2.0 (In Cr.)				**779.39**	**573.87**

Solid Waste Management		
SN	**Name of ULBs**	**Fund Expenditure (In Cr)**
1	Urai	8.19
2	Ghazipur	2.83
3	Rampur	10.9775
4	Ayodhya	7.86
5	farukhabad	0.63
6	Manjhanpur	3.9
7	Pandit Deendayal Upadhyaya (PDDU)	4.02
8	Bhadohi	2.66
9	Shahjahanpur	3.16
10	Saharanpur	5.58
11	Jhansi	10.52
12	Maunath Bhanjan	4.54
13	Kairana	1.73
14	Firozabad	4.27
15	Bareilly	4.8
16	Bahraich	4.84
17	Hathras	2.88
18	Kushinagar	3.07
19	Gorakhpur	7.1
20	Etah	2.79
21	Sikandrabad	2.63
22	Padrona	2.52
23	Deoria	3.74
24	Chandausi	3.63
25	Unnao	3.36
	Total	**112.2275**

Legacy Waste Remediation		
SN	**Name of ULBs**	**Fund Expenditure (In Cr)**
1	Prayagraj	24.3
2	Badaun	1.93
3	Rampur	8.03
4	Mathura	2.93
5	Ayodhya	1.26
6	Sitapur	1.36
7	Muzaffarnagar	6.26
8	Kannauj	1.82
9	Bahraich	1.15
10	Sambhal	0.9199
11	Murad Nagar	2.2705
12	Gonda	1.3269
13	Ghaziabad	3.2145
14	Hapur	1.68
15	Jaunpur	2.09
16	Dadri	0.707
17	Mirzapur	0.28
18	Fatehpur	0.9
19	Hathras	1.83
20	Mainpuri	4.03
21	Etah	2.1
22	Firozabad	3.22
23	Pilibhit	1.77
24	Raebarelli	1.5379
25	Jhansi	2.9342
26	Etawah	2.34
	Total	**82.1909**

Used Water (Sewage) Management
AMRUT

Projects Under Construction (On 23-03-2023)							
S. N.	Town/ District	Name of Project	Project Cost (Rs in Cr.)			Capacity of the plant in MLD	Expenditure from March 2023 to till Date (Rs in Cr.)
			Total Cost	Central Share	State+ULB Share		
1	Aligarh	Aligarh Sewerage Scheme (Smart City Area Based Development)	198.14	99.07	99.07	45	16.30
2	Bareilly	Sewerage system for Bareilly Central zone (Phase-II) STP	88.09	44.05	44.05	35	2.25
3	Shahjahanpur	Shahjahanpur Sewerage Scheme (Central sewerage zone)	377.51	188.76	188.76	40	46.10
4	Ayodhya	Augmentation of 12 MLD STP	13.69	6.84	6.84	6	1.20
5	Gorakhpur	Gorakhpur Sewerage Scheme Sub Zone C-2, Part-1	223.86	111.93	111.93	10	56.42
6	Gorakhpur	Gorakhpur Sewerage Scheme Zone A-1, Lower Part (Southern Part)	192.02	96.01	96.01	5	4.52
7	Lucknow	Construction, Installation, Testing and Commissioning of 120 MLD STP at G.H. Canal Lucknow.	297.38	98.14	199.24	120	16.02
8	Azamgarh	Renovation/Restoration Work in Exiting Sewer System & Construction of Sewage Treatment Plant & Main Pumping Station in NPP Azamgarh in District Azamgarh under Amrut	42.22	21.11	21.11	8	19.86

S. N.	Town/ District	Name of Project	Project Cost (Rs in Cr.)			Capacity of the plant in MLD	Expenditure from March 2023 to till Date (Rs in Cr.)
			Total Cost	Central Share	State+ULB Share		
9	Pratapgarh	I&D Works and Overhaulling of Existing STP work at Belha Nagar Palika Parishad, Dist-Pratapgarh	20.72	0	20.72	8.95	4.77
10	Balrampur	Construction Work of 8.5 MLD STP in Dist-Balrampur	123.76	61.88	61.88	8.5	24.08
Total A			**1577.39 Cr.**	**727.79 Cr.**	**849.61 Cr.**	**286.45 MLD**	**191.52 Cr.**

Projects Under Tendering Stage (On 23-03-2023)

S. No.	Town/ District	Name of Project	Project Cost (Rs in Cr.)			Capacity of the plant in MLD	Expenditure from March 2023 to till Date (Rs in Cr.)
			Total Cost	Central Share	State+ULB Share		
1	Ghaziabad	Ghaziabad Sewerage Scheme (Karhera Zone)	546.94	136.74	410.20	68	19.93
2	Gorakhpur	Interception, Diversion and treatment of Kataniya/Mahewa Drain falling in River Rapti	53.03	17.50	35.53	10	6.70
3	Gorakhpur	Rejuvenation of Gordhaiya Nala and Ramgarhtal including its I&D and treatment	474.42	156.56	317.86	38	98.82
4	Gorakhpur	Gorakhpur Sewerage Schme Zone C, Part -2	561.34	185.24	376.10	30	122.86
		Total B	**1635.73 Cr.**	**496.04 Cr.**	**1139.69 Cr.**	**146 MLD**	**248.31 Cr.**
		Grand Total : A+B	**3,213.12 Cr.**	**1,223.83 Cr.**	**1,989.30 Cr.**	**432.45 MLD**	**439.83 Cr.**

Used Water (Sewage) Management
Namami Gange

Details of Expenditure for project under construction STPs under Namami Gange through TSA (Treasury Sinle Account) system in FY 2023-24									
Sl.	**Name Of Town/District**	**Sanctioned Cost as per AA & ES (Rs. in Cr.)**			**No. of STP**	**Capacity (MLD)**	**Financial progress (Rs. in Cr.)**		
		Capital Cost	**Opex Cost**	**Total Cost**			**Capex**	**Opex**	**Total**
1	Prayagraj-Naini , Phafamau Jhusi (HAM mode)	301.81	465.79	767.6	3	72	11.34	61.317	**72.657**
2	Kanpur-Panka (HAM mode)	248.39	718.84	967.23	1	30	15.22	26.41	**41.63**
3	Unnao (HAM mode)	46.95	55.25	102.2	1	15	1.55	0	**1.55**
4	Shuklaganj (HAM mode)	27.83	37.35	65.18	1	5	3.33	0	**3.33**
5	Mirzapur (HAM mode)	56.03	73.05	129.08	2	17	28.71	0	**28.71**
6	Ghazipur (HAM mode)	56.66	96.17	152.83	1	21	19.64	0	**19.64**
7	Moradabad (HAM mode)	57.05	61.64	118.69	1	25	10.33	0	**10.33**
8	Muzaffarnagar (HAM mode)	115.65	118.38	234.03	2	54.5	9.43	0	**9.43**
9	Bhudanaa (HAM mode)	26.80	21.96	48.76	1	10	0	0	**0**
10	Fatehgarh - Farrukhabad (HAM mode)	188.71	72.41	261.12	2	47.7	29.86	0	**29.86**

Sl.	Name Of Town/District	Sanctioned Cost as per AA & ES (Rs. in Cr.)			No. of STP	Capacity (MLD)	Financial progress (Rs. in Cr.)		
		Capital Cost	Opex Cost	Total Cost			Capex	Opex	Total
11	Bareilly (HAM mode)	150.14	121.25	271.39	3	63	69.13	0	**69.13**
12	Ayodhya (HAM mode)	116.65	105.01	221.66	1	33	38.35	0	**38.35**
13	Agra (HAM mode)	396.69	445.56	842.25	13	177.6	43.34	0	**43.34**
14	Jaunpur **(DBOT mode)**	142.14	63.91	206.05	1	30	9.68	3.4	**13.08**
15	Sultanpur **(DBOT mode)**	46.27	23.91	70.18	3	17	3.63	0	**3.63**
16	Lucknow-Daulatganj &Barikala, **(DBOT mode)**	108.28	105.63	213.91	2	42.5	62.6	0	**62.6**
17	Kairana**(DBOT mode)**	39.91	38.51	78.42	1	15	11.57	0	**11.57**
Total A		**2125.96 Cr.**	**2624.62 Cr.**	**4750.58 Cr.**	**39**	**675.3 MLD**	**367.71 Cr.**	**91.127 Cr.**	**458.837 Cr.**

Note- For Projects under Hybrid Annuity PPP model, Escrow Account is opened which is being operated by Triparty agreement between NMCG, Concessionaire and field unit of UPJN. Only 40% of Capex part of agreement cost is paid through Escrow Account to concessionaire. Rest 60% is contributed by Concessionaire which is paid to Concessionaire on annuity basis during 15 Years O&M period of project.

Details of Expenditure for project under Tendering under Namai Gange through TSA (Treasury Single Account) system in FY 2023-24

Sl.	District	Sanctioned Cost as per AA&ES (Rs. in Cr.)			No. of STP	Capacity of STP proposed (MLD)	Financial progress (Rs. in Cr.)		
		Capital Cost	Opex Cost	Total Cost			Capex	Opex	Total
1	Varanasi (DBOT mode)	124.26	183.83	308.09	1	55	4.3231	0	**4.3231**
2	Prayagraj-salori (DBOT mode)	191.49	140.26	331.75	1	43	4.74	0	**4.74**
3	Meerut (HAM mode)	410.52	280.19	690.71	1	220	0	0	**0**
4	Mathura (HAM mode)	159.46	133.1	292.56	1	60	0	0	**0**
5	Lucknow (DBOT mode)	146.07	118.6	264.67	1	50	0	0	**0**
6	Vrindavan (DBOT mode)	42.46	35.24	77.70	1	13	0	0	**0**
7	Saharanpur (HAM mode)	286.89	290.34	577.23	1	135	0	0	**0**
8	Kosi Kalan (DBOT mode)	33.26	33.33	66.59	1	12	0	0	**0**
9	Hathras (DBOT mode)	75.03	53.88	128.91	1	24	0	0	**0**
10	Chhata (DBOT mode)	36.74	19.41	56.15	1	6	0	0	**0**
11	Prayagraj (Rajapur) (DBOT mode)	258.09	217.89	475.98	1	90	0	0	**0**
	Total B	**1764.27 Cr.**	**1506.07 Cr.**	**3270.34 Cr.**	**11**	**708 MLD**	**9.063 Cr.**	**0.000 Cr.**	**9.063 Cr.**
Grand Total : A+B		**3890.23 Cr.**	**4130.69 Cr.**	**8020.92 Cr.**	**50**	**1383.3 MLD**	**376.77 Cr.**	**91.13 Cr.**	**467.90 Cr.**

Details of other Expenditure for project under Namai Gange through TSA (Treasury Single Account) system in FY 2023-24

Sno.	Description	Expenditure Amount (Rs. in Cr)
A	**Completed Project under O&M**	
	Sewerage Scheme, Bithoor, Kanpur	0.0917
	Sewerage Network and SPS, Prayagraj	0.1631
	10KlD fecal Sludge & Septage Ganga at Chunar	0.2316
	I&D & STP Works at Vrindavan Nagar, Mathura	0.2999
	I&D Dratns& STP Works Firozabad	0.3059
	Garhmukteshwar Sewerage Scheme	0.3529
	I&D and STP works Vrindavan	0.5303
	I&D & STP at Narora, Bulandshahar	0.7729
	Renovation and upgradatton of STP Mathura Vrindavan	0.8443
	I&D and STP works Ramnagar, Varanasi	1.0943
	I&D of Drains & STP Works- Kasganj	1.5259
	Etawah Sewerage Scheme	3.2307
	14 MLD STP at Baghpat	3.3947
	Prevention of Pollution of River Ramganga at Moradabad	3.8816
	I&D works at Ayodhya, Faizabad	4.2208
	Sewerage District-C Allapur, Prayagraj	0.8675
	Sewerage District-AnupshaharBulandshahar	1.0146
	Sewerage work in sewerage District-A Prayagraj	1.5345
	Sewerage District-I of Kanpur, U.P.	10.4572
B	**Sanction for Power connection ,etc by NMCG**	
	I&D and STP works Agra (HAM)	0.4974
	I&D and STP works Ghazipur (HAM)	2.2309
	I & D STP at Ayodhya (HAM)	3.2285
	I&D STP at Bareilly (HAM)	6.9178
C	**Centage (DPR and Supervision Fees)**	12.2100
D	**Bioremediation treatment of drain**	0.3900
E	**Ghat works at prayagraj**	6.3400
F	**Strengthing of Labs**	6.4000
G	**Institutional Expenditure**	2.1600
H	**TPI**	0.0180
I	**IEC**	3.9200
J	**GST, TDS, Labour cess**	1.8700
K	**State Share fund Expendiure for Electricity, Centage, O&M etc,**	55.9980
	Total C	**136.995**

Total Fund (A+B) [F.Y. 2023-24]	**Rs. 8020.92 Cr.**
Total Expenditure (A+B+C) [F.Y. 2023-24]	**Rs. 604.895 Cr.**

Used Water (Sewage) Management
By Local Bodies

S. No.	Town/ District	Name of Project	Project Cost (in Cr.)	Capacity of Plant (in MLD)	Expenditure from March 2023 to till Date (Rs in Cr.)
1.	Jhansi	Smart City Project	72.00	26.00	65.60
2.	Ghaziabad	Ghaziabad Sewerage Scheme (Siddharth Vihar Yojna)	38.00	21.50	36.60
Total			**110.00 Cr.**	**47.50 MLD**	**102.20 Cr.**

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO OF 2024
(Diary No 196540/2024)

The State of Uttar Pradesh **... Appellant**

versus

Paryavaran Suraksha Samity & Ors **... Respondents**

O R D E R

1 Delay condoned.

2 We are of the considered view that the recourse to the appellate jurisdiction of this Court is premature at this stage, since all that has been directed by the National Green Tribunal, by its impugned order, is that the Chief Secretary must file an affidavit.

3 We are, therefore, not entertaining the Appeal on that ground at the present stage.

4 However, the Chief Secretary would be at liberty to explain the position before the National Green Tribunal.

5 The Appeal is accordingly dismissed.

6 Pending applications, if any, stand disposed of.

.....CJI.
[Dr Dhananjaya Y Chandrachud]

.....J.
[J B Pardiwala]

.....J.
[Manoj Misra]

New Delhi;
May 06, 2024
GKA

ITEM NO.22 COURT NO.1 SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL Diary No(s). 19650/2024

(Arising out of impugned final judgment and order dated 20-12-2023 in OA No. 593/2017 passed by the National Green Tribunal)

THE STATE OF UTTAR PRADESH Petitioner(s)

VERSUS

PARYAVARAN SURAKSHA SAMITI & ORS. Respondent(s)

(IA No.107742/2024-CONDONATION OF DELAY IN FILING and IA No.107743/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.107737/2024-STAY APPLICATION)

Date : 06-05-2024 This petition was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Ms. Garima Prashad, Sr. A.A.G.
Ms. Ruchira Goel, AOR
Ms. Priyanka Swami, Adv.
Mr. Sharanya Sinha, Adv.
Mr. Adit Jayeshbhai Shah, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

1 Delay condoned.

2 The Appeal is dismissed in terms of the signed order.

3 Pending applications, if any, stand disposed of.

(GULSHAN KUMAR ARORA) (SAROJ KUMARI GAUR)
AR-CUM-PS ASSISTANT REGISTRAR
(Signed order is placed on the file)