

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

ORIGINAL APPLICATION NO. 483/2022

IN THE MATTER OF:

ASHISH KUMAR MISHRA & ORS.

...APPLICANT

VERSUS

STATE OF UP & ORS.

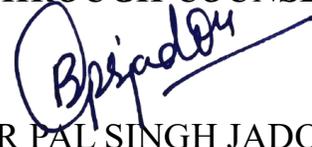
...RESPONDENT(s)

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THROUGH COUNSEL



BHANWAR PAL SINGH JADON

COUNSEL FOR RESPONDENT NO. 4

bhanwar09jadon@gmail.com | 6375115224

DATE:12.08.2025

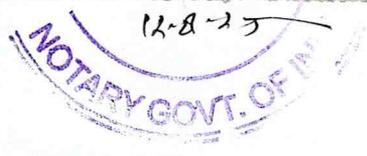
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**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

ORIGINAL APPLICATION NO. 483/2022



IN THE MATTER OF:

ASHISH KUMAR MISHRA & ORS.

Uday Kishore
Notary Govt. of India
Civil Cou Varanasi

...APPLICANT

VERSUS

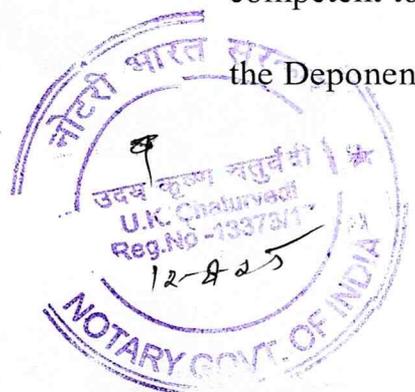
STATE OF UP & ORS.

...RESPONDENT(S)

**AFFIDAVIT BY RESPONDENT NO. 4, DISTRICT MAGISTRATE,
VARANASI IN COMPLIANCE OF ORDER DATED 09.04.2025 PASSED BY
THE HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI**

I, Satyendra Kumar, aged about 38 years, S/o Shri Radha Raman Jha, District Magistrate of Varanasi, Uttar Pradesh, do hereby solemnly state and affirm as under;

1. That I, the District Magistrate of Varanasi, Uttar Pradesh, am well conversant with the facts and circumstances of the present case and am competent to swear this affidavit. I affirm that this Affidavit is being filed by the Deponent in regards to the Original Application No. 483/2022.



Signature

2. That the core issues in the present matter are pertains to:

- i. Demarcation of the Flood Plain Zone (hereinafter referred to as 'FPZ'),
- ii. Encroachment on the FPZ and,
- iii. The discharge of untreated sewage in both the rivers

3. **That the River Varuna originates from Prayagraj and has a total stretch of 200 km, out of which 54 kms of stretch is in District Varanasi, and river Assi, originating from Newada in Varanasi district, has a stretch of 8 km in District Varanasi.**

4. That the Hon'ble Tribunal vide order dated 09.04.2025 directed as follows:

"...1. Learned Counsel appearing for Respondent No. 4, District Magistrate, Varanasi seeks four weeks to file the affidavit in terms of the previous order dated 13.12.2024. Prayer is allowed..."

5. That in compliance of the aforementioned order passed by this Hon'ble Tribunal, the compliances made by the Deponent in consonance of order dated 13.12.2024 is submitted as below:



U.K.

i. **DEMARCATIION OF FPZ OF RIVER VARUNA AND ASSI**

- a. That with regards to the delineation of the FPZ of Rivers Varuna and Assi, the Executive Engineer, Irrigation Department, Bandhi Division, Varanasi has informed vide letter dated 25.07.2025 that for the work of FPZ delineation of Varuna and Assi river Memorandum of Agreement (MOA) dated 07.12.2024 has been signed between National Institute of Hydrology (NIH), Roorkee and Irrigation and Water Resources Department, U.P.

A copy of letter dated 25.07.2025 is annexed herewith and marked as **ANNEXURE-1.**

A copy of MOA dated 07.12.2024 is annexed herewith and marked as **ANNEXURE-2.**

- b. That the delineation of the FPZ of the rivers Varuna and Assi will be done in strict compliance of the Ganga Rejuvenation Order, 2016.

- c. That the Irrigation department has provided all the requisite data for the delineation of the FPZ, however, the DEM data with 0.5 meter accuracy and 1.0 meter contour interval for 100 years is yet



to be provided to the Irrigation Department by the Survey of India (hereinafter referred to as "SOI").

- d. That for providing of the DEM data, as per the demand raised by the SOI, the Irrigation department has duly transferred the requisite amount of Rs. 81,34,500/- to the SOI vide UTR no. RBI2062501542904.

A copy of the payment receipt is annexed herewith and marked as **ANNEXURE-3.**

- e. That through the above-mentioned letter (Annexure-1) dated 25.07.2025, issued with reference to the previously sent letters dated 14.02.2025 and 26.03.2025 to SOI, the Irrigation department has again requested the SOI to provide the required DEM data so that the delineation of the FPZ of the rivers Varuna and Assi may be carried out in compliance of the directions issued by this Hon'ble Tribunal.

- f. That in reply of the aforementioned letter dated 25.07.2025, SOI vide letter dated 31.07.2025 has provided the timeline to the Irrigation Department for providing the DEM data.



4

A copy of the letter dated 31.07.2025 by SOI is annexed herewith and marked as **ANNEXURE-4**.

g. That it is humbly submitted before this Hon'ble Tribunal that subsequent to receiving of DEM data from SOI, the Irrigation department will provide the said data to NIH, Roorkee for the delineation of the FPZ of the rivers Varuna and Assi.

ii. **ENCROACHMENT ON THE FPZ**

a. That it is most humbly submitted before the Hon'ble Tribunal that the Irrigation Department, Bandhi Division, Varanasi is in the process of demarcation of the flood plain area of the River Varuna and River Assi. Subsequent to the demarcation of the FPZ, further necessary and appropriate actions will be taken by the concerned authorities expeditiously for the removal of encroachments from the FPZ of rivers Varuna and Assi.



[Handwritten signature]

iii. DISCHARGE OF UNTREATED SEWAGE IN THE CONCERNED RIVERS

- a. That for the treatment of the sewage being discharged in rivers, it is submitted that vide order dated 04.11.2024 passed by this Hon'ble Tribunal in *O.A. No. 367/2022 "Rajendra Prasad Gupta vs State of U.P. & Ors."*, the Hon'ble Tribunal has directed the Secretary, Environment, Forest and Climate Change Department, State of Uttar Pradesh to prepare State Action Plan with components of (i) assessment of entire sewage and industrial effluent generated in Varanasi and flow in all drains originating or flowing through Varanasi carrying discharge to river Ganga or its Tributaries in Varanasi, (ii) tapping of all drains and treatment of entire sewage and industrial effluent generated in Varanasi and (iii) abatement and control of pollution by discharge of any other pollutant in river Ganga with (i) details of project, (ii) budgetary allocation, (iii) authority/agency for execution and (iv) interim measures to be taken for abatement and control of water pollution, with due approval from Chief Secretary/Additional Chief Secretary, Environment.



A copy of order dated 04.11.2024 in **O.A. No. 367/2022** is annexed herewith and marked as **ANNEXURE-5**.

- b. That the above-mentioned order in O.A. 367/2022 also includes the concerned rivers Varuna and Assi, tributaries of the River Ganga.
- c. **That the State Action Plan for the treatment of sewage before discharging in Rivers, including river Varuna and Assi, is being prepared by the Secretary, Environment, Forest and Climate Change. That vide letter dated 07.08.2025 information regarding a high level meeting being conducted on 08.08.2025 under the chairmanship of the Chief Secretary, State of UP has been provided. The meeting was held to prepare and finalise the said State Action Plan.**

A copy of letter dated 07.08.2025 is annexed herewith and marked as **ANNEXURE-6**.

- d. That subsequent to the approval from the Chief Secretary, State of UP, the final State Action Plan for the treatment of sewage before



discharging in Rivers, including river Varuna and Assi, will be filed before this Hon'ble Tribunal in *O.A. No. 367/2022 "Rajendra Prasad Gupta vs State of U.P. & Ors."*. The matter is listed for hearing on 29.08.2025 before this Hon'ble Tribunal.

6. That it is humbly submitted before this Hon'ble Tribunal that all the requisite actions are being taken to ensure compliances with the directions issued by this Hon'ble Tribunal regarding the demarcation of the FPZ of rivers Varuna and Assi, removal of encroachment from the FPZ, and treatment of the sewage before discharging in River Varuna and Assi.
7. Hence, the present affidavit is being filed for the kind consideration and perusal of this Hon'ble Tribunal.
8. I state that everything stated above has been stated by me in my official capacity on and derived from the official records and I state that nothing material has been concealed therefrom.




DEPONENT



VERIFICATION

Verified at VARANASI on this 18 day of 12 Aug, 2025,
 that the contents of the above affidavit from paragraphs 1 to 8 are believed
 to be true and correct to the best of my knowledge and belief. No part of it is
 false and nothing material has been concealed therefrom.


DEPONENT



नोटरी/Reg नोटरी
 स्तायज/Document Affidavit
 नसदीक कर्ता/ID Self
 दिनांक/Date 12-8-25
 स्थान/Place Varanasi
 क्रम/Sr No. 11050

Uday Krishna
 Notary Govt. of India
 Civil Cou Varanasi
12 Aug 2025

कार्यालय अधिशासी अभियन्ता
बन्धी प्रखण्ड, वाराणसी

पत्रांक:- 1519 / बं0प्र0वा0 / कला अनु0 / एन0जी0टी0 /

दिनांक:- 25 जुलाई-2025

विषय:-जनपद वाराणसी में वरुणा एवं अस्सी नदी का गत 100 वर्ष के High resolution DEM उपलब्ध कराये जाने के सम्बन्ध में।

सन्दर्भ:-1. इस कार्यालय का पत्रांक 268 / बं0प्र0वा0 / कला अनु0 / एन0जी0टी0 / दिनांक 14.02.2025।

2. इस कार्यालय का पत्रांक 490 / बं0प्र0वा0 / कला अनु0 / एन0जी0टी0 / दिनांक 26.03.2025।

निदेशक, पूर्वी उत्तर प्रदेश भू-स्थानिक आंकड़ा केन्द्र (उ0 क्षेत्र), भारतीय सर्वेक्षण विभाग/मानचित्र भवन 5, विभूति खण्ड, गोमती नगर, लखनऊ-226010।

कृपया उपरोक्त विषयक सन्दर्भित पत्रों का अवलोकन करने की कृपा करें, जिसके द्वारा "Flood plain zone delineation of Varuna and Assi river" सम्बन्धित कार्य कराये जाने हेतु राष्ट्रीय जलविज्ञान संस्थान (एन0आई0एच0), रुड़की (उत्तराखण्ड) के साथ एम0ओ0यू0 गठित किये जाने हेतु अधोहस्ताक्षरी को नामित करते हुये राष्ट्रीय जलविज्ञान संस्थान (एन0आई0एच0), रुड़की (उत्तराखण्ड) से व्यक्तिगत रूप से सम्पर्क कर एम0ओ0यू0 गठित किये जाने सम्बन्धी आवश्यक कार्यवाही पूर्ण कराते हुये उक्त कार्य को शीघ्र सम्पादित कराने हेतु निर्देशित किया गया है। उक्त निर्देश के अनुपालन में "Flood plain zone delineation of Varuna and Assi river" सम्बन्धित कार्य कराये जाने हेतु राष्ट्रीय जलविज्ञान संस्थान (एन0आई0एच0), रुड़की (उत्तराखण्ड) के साथ अधोहस्ताक्षरी द्वारा एम0ओ0यू0 गठित कर लिया गया है। एम0ओ0यू0 के छायाप्रति संलग्न कर जनपद प्रयागराज, भदोही एवं वाराणसी के अन्तर्गत वरुणा नदी एवं जनपद वाराणसी के अन्तर्गत अस्सी नदी के फ्लड प्लेन जोन के निर्धारण से सम्बन्धित गठित एम0ओ0यू0 के बिन्दु सं0 7 पर अंकित Data Requirement में वर्णित क्र0सं0 03 पर अंकित High resolution DEM से सम्बन्धित सूचना इस खण्ड को उपलब्ध कराने का अनुरोध किया गया था। उक्त के क्रम में अधोहस्ताक्षरी द्वारा दिनांक 24.03.2024 को आपके अधीनस्थ श्री प्रदीप सिंह, सर्वेक्षक अधिकारी व्यक्तिगत रूप से सम्पर्क उपरोक्त वांछित डाटा उपलब्ध कराने का अनुरोध किया गया। तत्क्रम उनके द्वारा वरुणा एवं अस्सी नदी का KML file ई-मेल के माध्यम से उपलब्ध कराने की वांछना की गई थी। उनके द्वारा वांछित वरुणा एवं अस्सी नदी का KML file ई-मेल माध्यम से उपलब्ध कराने के उपरान्त जनपद वाराणसी के अन्तर्गत अस्सी नदी के फ्लड प्लेन जोन के निर्धारण से सम्बन्धित गठित एम0ओ0यू0 के क्रमांक 7 पर अंकित Data Requirement में वर्णित क्र0सं0 03 पर अंकित High resolution DEM से सम्बन्धित सूचना इस खण्ड को उपलब्ध कराने का अनुरोध किया गया था।

तत्क्रम में जनपद वाराणसी के अन्तर्गत वरुणा एवं अस्सी नदी के फ्लड प्लेन जोन के निर्धारण से सम्बन्धित गठित एम0ओ0यू0 के क्रमांक 7 पर अंकित Data Requirement में वर्णित क्र0सं0 03 पर अंकित High resolution DEM से सम्बन्धित सूचना इस खण्ड को उपलब्ध कराने हेतु आपके कार्यालय के पत्र सं0 त-1861/39सी (कोर्ट केस)/दिनांक 26.05.2025 द्वारा जनपद वाराणसी में वरुणा एवं अस्सी नदी का गत 100 वर्षों के High resolution DEM के अन्तर्गत 0.5 मीटर Accuracy का DEM तथा 1 मीटर इन्टरवल के कन्दूर का नया सर्वेक्षण हेतु आने वाले अनुमानित व्यय रू0 8134500.00 उपलब्ध कराने की वांछना की गई थी। उक्त के क्रम में अवगत कराना है कि उक्त कार्य हेतु आप द्वारा वांछित धनराशि रू0 8134000.00 इस कार्यालय UTRNo.-RBI2062501542904, date:23.07.2025 को Online द्वारा आपके खाता सं0 5350028500130000 में उपलब्ध करा दिया गया है। (छायाप्रति संलग्न)

मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली में विचाराधीन ओ0ए0 सं0 483/2022 आशीष कुमार मिश्रा एवं अन्य बनाम राज्य उ0प्र0 एवं अन्य में पारित आदेश दिनांक 06.08.2024 एवं 18.11.2024 के अनुपालन हेतु वरुणा नदी एवं अस्सी नदी के फ्लड प्लेन जोन के निर्धारण के सम्बन्ध में दिनांक 13.08.2025 को सुनवाई होनी है, जिसमें उच्चाधिकारियों द्वारा अपेक्षा की जा रही है कि आप द्वारा वरुणा एवं अस्सी नदी के फ्लड प्लेन जोन के निर्धारण से सम्बन्धित गठित एम0ओ0यू0 के

क्रमशः.....2

(2)

क्रमांक 7 पर अंकित Data Requirement में वर्णित क्र0सं0 03 पर अंकित High resolution DEM से सम्बन्धित सूचना इस खण्ड कब तक उपलब्ध कराया जायेगा, जिससे मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली को उक्त तिथि को अवगत कराया जा सके।

अतः आपसे अनुरोध है कि जनपद वाराणसी में वरुणा एवं अस्सी नदी का गत 100 वर्षों के High resolution DEM के अन्तर्गत 0.5 मीटर Accuracy का DEM तथा 1 मीटर इन्टरवल के कन्टूर डाटा इस खण्ड को शीघ्र उपलब्ध कराने की कृपा करें, जिससे कि राष्ट्रीय जलविज्ञान संस्थान (एन0आई0एच0), रूड़की (उत्तराखण्ड) को वांछित डाटा उपलब्ध कराकर वरुणा एवं अस्सी नदी के फ्लड प्लेन जोन के निर्धारण से सम्बन्धित आवश्यक कार्यवाही कराकर मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली में विचाराधीन ओ0ए0 सं0 483/2022 आशीष कुमार मिश्रा एवं अन्य बनाम राज्य उ0प्र0 एवं अन्य पारित आदेश दिनांक 06.08.2024 एवं 18.11.2024 के अनुपालना कराया जा सके।

संलग्नक:-उपरोक्तानुसार।

(सुरेश चन्द्र आजाद)
अधिसासी अभियन्ता

पत्रांक:-1519/बं0प्र0वा0/कला अनु0/एन0जी0टी0/तददिनांक:- 25.7.25

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है।

1. मुख्य अभियन्ता (सोन), सिंचाई एवं जल संसाधन विभाग, उ0प्र0, वाराणसी।
2. अधीक्षण अभियन्ता, सिंचाई कार्य मण्डल, वाराणसी।
3. जिलाधिकारी महोदय, वाराणसी।
4. क्षेत्रीय अधिकारी, प्रदूषण नियंत्रण बोर्ड, वाराणसी।
5. Head, Surface water hydrology Division, National institute of Hydrology Roorkee.
6. सहायक अभियन्ता-तृतीय, बन्धी प्रखण्ड, वाराणसी को इस निर्देश के साथ प्रेषित है कि व्यक्तिगत रूप से सम्पर्क कर विषयगत डाटा प्राप्त करने हेतु आवश्यक कार्यवाही कराना सुनिश्चित करें।

(सुरेश चन्द्र आजाद)
अधिसासी अभियन्ता



Memorandum of Agreement (MoA)
Between



National Institute of Hydrology (NIH),
(Roorkee)

And



Irrigation & Water Resources Department
Uttar Pradesh

Dated: Dec. 07, 2024

MoA for Flood Plain Zone (FPZ) between National Institute of Hydrology (NIH), Roorkee and Irrigation & Water Resources Department (IWRD), Uttar Pradesh, Lucknow

1. INTRODUCTION

Flood Plain Zoning is a very comprehensive work uses modern technology like statistical hydrology model, satellite imagery, LiDAR DEM, GIS, high end computing etc. The river reaches of Varuna and Assi (about 200 Km) has a relatively flat flood plain and passing through the Varanasi City and requires lot of precision and secondary verification in delineation of Flood Plain Zone (FPZ). The FPZ will be delineated following the Ganga delineated following the Ganga Rejuvenation Order 2016.

2. BACKGROUND

Compliance of the order passed by the Hon'ble NGT in the matter O.A. NO. 128/2021 (Saurabh Tiwari v/s Union of India and others), dated 23.11.2023, O.A. No. 483/2022 (Ashish Kumar Mishra v/s State of U.P and others), dated 04.12.2023 and P.I.L. No 221/2023 (Jayram Kumar Sharan v/s State of U.P. and others) for the restoration, rejuvenation and Flood Plain Zone delineation and demarcation from Prayagraj (Maillahan Jhil) to Varanasi (Adi-Keshavghat) of River Varuna and River Assi (about 200 Km) has to done by the Water and Resources Department of Uttar Pradesh (Tributary of River Ganga).

As per direction issued by The Engineer in Chief & Head of the Department Irrigation and Water Resources Department, Uttar Pradesh, Lucknow Office Order No 773/CE(WR)/INPC-1/INPD-3/dated 07.11.2024 that "Nature of FPZ determination work and necessary infrastructure for its implementation, gauge-descharge data, satellite imaging, LiDAR data and experts and experience of work of similar nature, FPZ delineation (Determination of co-ordinates for different zones) will be carried out by Flood Management Information System Center (FMISC), Information System Organisation (ISO), Lucknow.

3. PURPOSE

The main purpose of the MoA between Nation Institue of Hydrology (NIH) and Irrigation & Water Resources Department (IWRD), Uttar Pradesh is the study of Flood Plain Zone (FPZ) at both bank Varuna and Assi river by carrying out demarcation and delineation.

4. SCOPE OF THE WORK

The scope of the proposed work includes:

- a) Identify and demarcate the flood plains of Varuna and Assi river on one in hundred year's cycle or appropriately.
- b) Identify prohibited zone, regulatory zone, Regulatory Zone and Waring Zone as per requirement.

c) Digital Elevation Model (DEM)

In the previous study by NIH, in the river Ganga from Unao to Balia 1m grid size DEM from Survey of India (SOI) is used with available measured river cross-sections. Same approach will be used. In addition, the FABDEM (Forest and Buildings removed Copernicus DEM) will also be compared/used where the SOI data is not available. It is a global elevation map that removes building and tree height biases from the Copernicus GLO 30 Digital Elevation Model (DEM).

d) Hydraulic Modelling

Using the corrected DEM and the outputs of flood frequency analysis, the hydrodynamic Model Coupled 1-D & 2D or full 2D will be setup using HEC-RAS. Steady state analysis will be performed to model the extent of floodplain for various return period floods. The HEC-RAS model will be setup using:

- Upstream branch to provide constant flood magnitude equal to the given return period at upstream boundary and additional intermediate catchment flow as internal boundary condition.
- Downstream boundary as water level at River ganga corresponding to 100-year return period flood.
- Flood plain bathymetry for routing the flows for Varuna and Assi.

e) Hybrid Approach

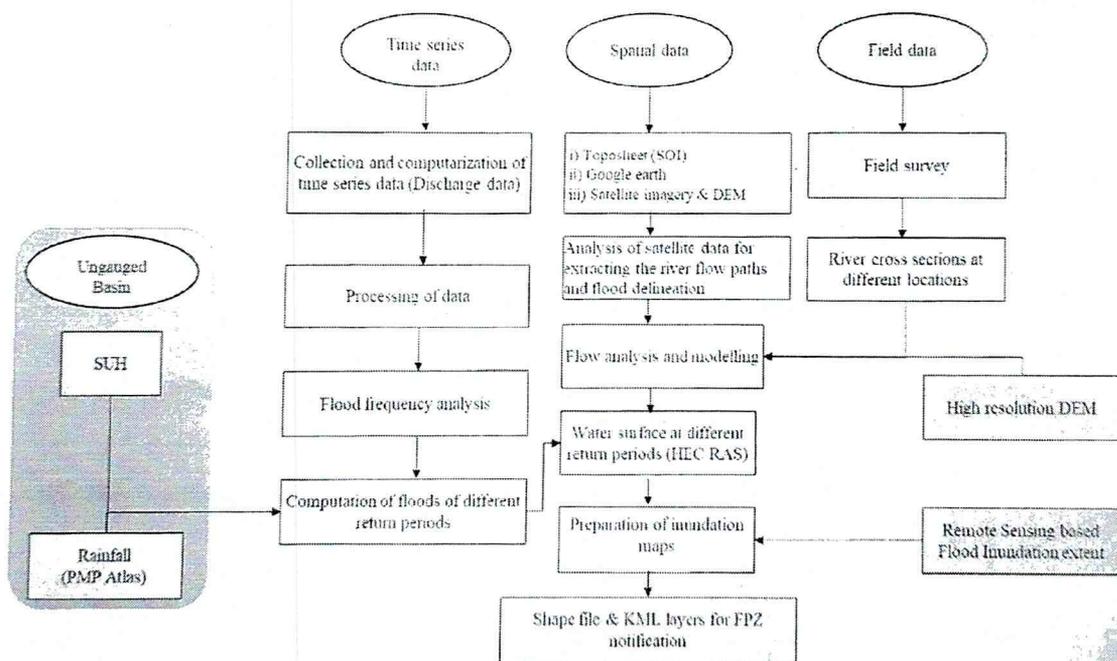
The results of satellite analysis and hydraulic modelling have their own limitation. Satellite may not cover the full flood event and model results are subjected to DEM quality. Therefore, hybrid approach will combine both the results by taking union of the areas obtained from both the results.

5. STUDY AREA

The study area for the present study is the both Assi and Varuna river. Assi river is a very small tributary of the Ganga river about 08 km in length, mainly flowing within the city limit of Varanasi. Whereas, Varuna river is about 202 km long originating near Prayagraj and joins the Ganga river at Varanasi.

6. METHODOLOGY

As per National Institute of Hydrology (NIH) proposal, the said study will be carried out with the similar methodology as used by NIH and Central Water Commission (CWC) in the previous studies for river Ganga and Yamuna. According to given National Institute of Hydrology (NIH) proposal, a brief methodology is proposed along with flow chart described below:



(Flow chart showing steps for flood plain delineation)

Catchment Delineation

The catchment area of the Assi river and Varuna river will be delineated from the CartoSat DEM and Survey of India Topo Sheets in GIS platform. Various catchment characteristics

like Area, Longest Flow Path, Centroidal Longest Flow Path, equivalent stream slope etc. will be estimated.

Flood Frequency Analysis

Flood frequency analysis will be carried out for estimation 100 year return period flood using the observed annual maximum peak flood data. Where historical flood discharge data is not available, the flood value will be estimated from rainfall of corresponding return period rational formula or using synthetic unit hydrograph (SUH) approach as applicable.

Hydraulic Modelling

Once the flood corresponding to 100 year return period is estimated, the hydraulic model (HEC RAS) will be used to simulate the flow pattern on the existing topography (represented through cross-section, Bathymetry i.e. Digital Elevation Model) for estimating flood inundation extent. The river cross-section and Digital Elevation Model is to be provided to NIH by the Irrigation and Water Resources Department, Govt. of UP.

Flood Plain Zone Demarcation

The hydraulic model will provide the flood inundation extent for 100 year return period flood. NIH will process the output and the line corresponding to outer extent of flood plain will be provided as a KML file and Shape file to the Irrigation and Water Resources Department, Govt. of UP. The coordinates (Lat, Log) at suitable interval (200 m or bend to bend) will also be provided for further use. The Irrigation and Water Resources Department, Govt. of UP after verification/validation of the line may take-up the work for physical demarcation and notification as per necessity and directive of Hon'ble NGT.

7. DATA REQUIREMENT:

SN	Data	Source	Responsibility
1	Historical Observed Discharge and Water level data	CWC, Govt. UP	Sponsoring agency
2	River Cross-section	Survey	Sponsoring agency
3	High resolution DEM	SOI, Drone Survey	Sponsoring agency
4	CartoSat DEM	NRSC	NIH
5	Structures (bridge, barrage, embankment, etc.)	Govt. UP	Sponsoring agency
6	Previous Flood inundation extent from satellite data	NRSC, RSAC-UP	Sponsoring agency

8. DURATION AND TIME SCHEDULE

The study will be completed in Six months from the date of award of work, supply of data, and approval of Director, NIH Roorkee. The proposed timeline is given below:

SN	Activity	Month					
		1	2	3	4	5	6
1	Catchment delineation and selection of river reaches	■					
2	Data collection and Processing	■	■				
3	Flood frequency analysis: and Estimation of flood for 100 year return period		■	■			
4	Hydraulic model setup using HEC RAS		■	■			
5	Finalization of hydraulic model results with structures, embankments etc. with sponsoring agency			■	■		
6	Submission of interim findings for discussion, result verification with sponsoring agency.				■		
7	Finalization of delineation of flood plain					■	
8	Submission of draft Report					■	
9	Submission of final Report						■

Note: Timely availability of data is very important for maintaining the proposed activity schedule. Scientist of NIH and officers of sponsoring agency will interact regularly for monitoring progress of the study.

9. COST AND PAYMENT SCHEDULE:

The Total cost of the study will be Rs 25,00,000 plus GST charges (18% or as applicable) as per the details given below:

	Financial aspects	Amount (Rs)
a)	On Man-days and Intellectual Fees	11,18,750
b)	Consumables / Components	30,000
c)	Services/utilities	25,000
	Overheads (25% of b &c)	13,750
d)	Equipment /computer usages	12,500
e)	(Project staff/Resources Person, Workstation/computer peripherals, stationary etc.)	10,00,000
f)	TA/DA	2,00,000
g)	Contingencies	1,00,000
I	Total Expenses [sum of I(a) to (g)]	Rs.25,00,000
II	GST (@ 18% or as applicable)	Rs.4,50,000
	Total Consultancy charges including GST (I + II)	Rs.29,50,000

10.PAYMENT TERMS:

- The payment has to be made in two instalments. First instalment of 60% is to be made along with the award of work and the second instalment of the cost 40% is to be paid on the submission of the final report of the study.
- As per the notification of CBDT, Ministry of Finance, Govt. of India no 36/2017 (F. No.203/24/2016/TT A-II), the National Institute of Hydrology is exempted from tax deduction from source, therefore, tax deduction on source will not be applicable on any payment to National Institute of Hydrology.

Bank details for on-line money transfer/RTGS

Account name	National Institute of Hydrology (NIH) consultancy Project
A/C No	31125916862
Bank name	State Bank of India
Branch	IIT Roorkee Branch
IFSC Code	SBINO001069
MICR Code	247002094

Seal of Parties:

In witness where of the parties here to have signed this agreement on Day, Month and Year mentioned here in before

PARTIES

For and on behalf of irrigation & Water Resources Department, Uttar Pradesh

For and on behalf of National Institute of Hydrology, Roorkee

Signature:



Name:

(महेन्द्र कुमार)

Designation:

अधिसासी अभियन्ता
बन्धी प्रखण्ड, वाराणसी

Signature:

Name: Dr. A. K. Lohani

Designation: Scientist-G & Head, Surface Water Hydrology Division

Seal

डॉ. ए.के. लोहानी
वैज्ञानिक जी एवं प्रशासक
सतही जलविज्ञान प्रभाग, रूढ़ी
Dr. A.K. Lohani
Sc. G. & Head
Surface Water Hydrology Division, Roorkee

Witness: (Name and Address)



1. सहायक अभियन्ता पंचम
बन्धी प्रखण्ड, वाराणसी



2. (रमेश कुमार सिंह)
सहायक अभियन्ता-सतही
बन्धी प्रखण्ड वाराणसी

Witness: (Name and Address)



1. Jagdish Prasad Patra, Scientist-E
Surface Water Hydrology Division, NIH



2. Soumyaranjan Sahoo, Scientist-B
Surface Water Hydrology Division, NIH

Signed on the 07 Day of December 2024

594



636

राष्ट्रीय जलविज्ञान संस्थान

(जल शक्ति मंत्रालय, जल संसाधन, नदी विकास एवं गंगा संरक्षण विभाग,
के अधीन भारत सरकार की समिति)

जलविज्ञान भवन, रुड़की-247 667 (उत्तराखण्ड) भारत

National Institute of Hydrology

(A Government of India Society under Ministry of Jal Shakti,
Department of Water Resources, R.D. & G.R.)

Jalvigyan Bhawan, Roorkee - 247 667, (Uttarakhand) INDIA
(An ISO 9001 : 2015 Certified Organization)



Phone : +91-1332-272108, 272106
Web : www.nihroorkee.gov.in

No. SWHD/NIH/2024-25

Date: December 4, 2024

**Superintending Engineer,
Office of Superintending Engineer
Irrigation Work Circle, Varanasi
Irrigation and Water Resources Department, Govt. of UP**

Sub.: Flood plain zone delineation of Varuna and Assi river.

Ref.: Your Letter No. 6710/ सिकामंवा/एन0जी0टी0 Letter dated 14-11-2024

Sir,

With reference to above cited letter the proposed ToR for the study "Flood plain zone delineation of Varuna and Assi river" is enclosed herewith.

With

Regards,

Head, Surface Water Hydrology Division
National Institute of Hydrology, Roorkee

Term of Reference

Title of Study: Flood plain zone delineation of Varuna and Assi river

1. Introduction

The Superintending Engineer, Irrigation Work Circle, Varanasi has awarded the study "Flood plain zone delineation of Varuna and Assi river" to National Institute of Hydrology, Roorkee. The study will be carried out as per direction given by Hon'ble High Court of U.P. Allahabad and Hon'ble NGT. From the initial discussion with the office of the Irrigation Work Circle, Varanasi, it has been found that the Assi river is a very small tributary of the Ganga river about 08 km in length, mainly flowing within the city limit of Varanasi. Whereas, Varuna river is about 202 km long originating near Prayagraj and joins the Ganga river at Varanasi. NIH is already carrying the flood plain delineation of the Ganga river in guidance of Hon'ble NGT. Similar methodologies will be used for delineation of flood plain corresponding to frequency of once in hundred year flood.

2. Brief Methodology:

Catchment Delineation

The catchment area of the Assi river and Varuna river will be delineated from the CartoSat DEM and Survey of India Topo Sheets in GIS platform. The Assi river pass through the city area and Varuna River is meandering in nature. The extent of river reaches for flood plain demarcation will be digitized and finalized jointly with the Irrigation and Water Resources Department, Govt. of UP (Sponsoring agency).

Flood Frequency Analysis

Flood frequency analysis will be carried out from the observed annual maximum peak flood data. Where historical flood discharge data is not available, the flood value will be estimated from rainfall of corresponding return period rational formula or using synthetic unit hydrograph (SUH) approach as applicable.

Hydraulic Modelling

Once the flood corresponding to 100 year return period is estimated, the hydraulic model (HEC RAS) will be used to simulate the flow pattern on the existing topography (represented through cross-section, Bathymetry i.e. Digital Elevation Model) for estimating flood inundation extent. The river cross-section and Digital Elevation Model is to be provided to NIH by the Irrigation and Water Resources Department, Govt. of UP.

Flood Plain Zone Demarcation

The hydraulic model will provide the flood inundation extent for 100 year return period flood. NIH will process the output and the line corresponding to outer extent of flood plain will be provided as a KML file and Shape file to the Irrigation and Water Resources Department, Govt. of UP. The coordinates (Lat, Log) at suitable intervals (200 m or bend to bend) will also be provided for further use. The Irrigation and Water Resources Department, Govt. of UP after verification/validation of the line may take up the work for physical demarcation and notification as per necessity and directive of Hon'ble NGT.

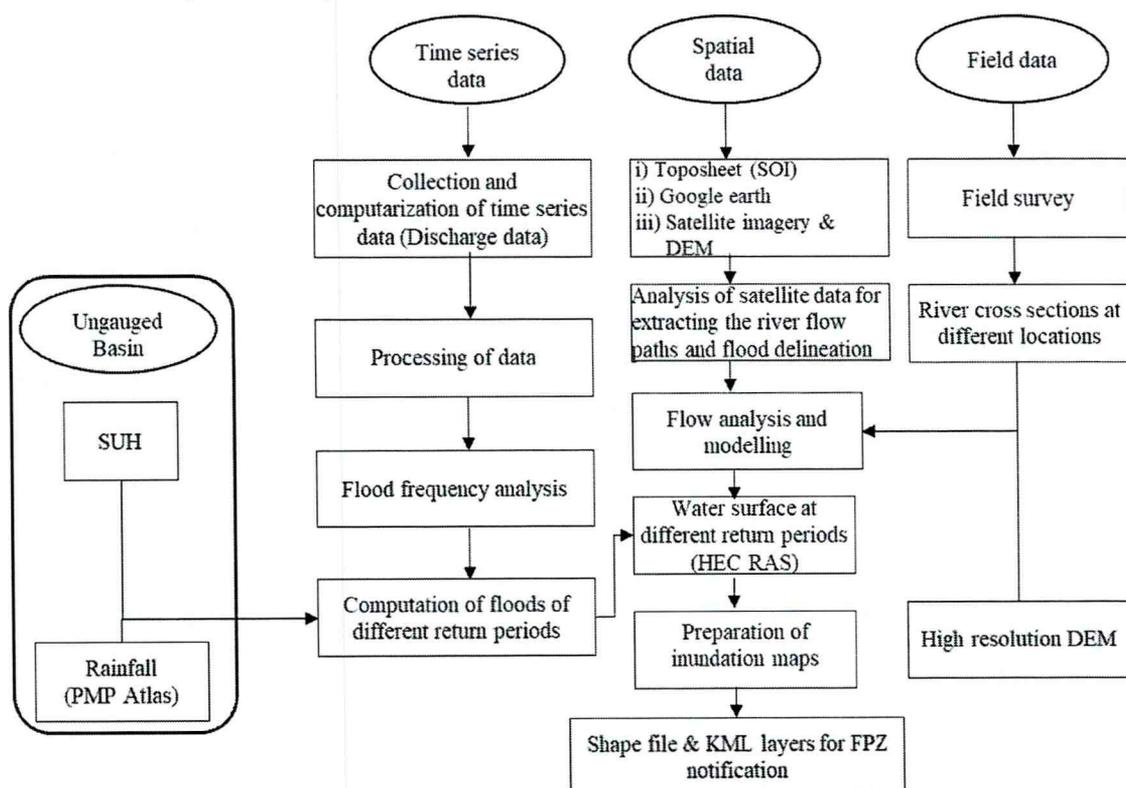


Figure 1: Flow Chart for flood plain zoning study

3. Data Requirement:

SN	Data	Source	Responsibility
1	Historical Observed Discharge and Water level data	CWC, Govt. UP	Sponsoring agency
2	River Cross-section	Survey	Sponsoring agency
3	High resolution DEM	SOI, Drone Survey	Sponsoring agency
4	CartoSat DEM	NRSC	NIH
5	Structures (bridge, barrage, embankment etc.)	Govt. UP	Sponsoring agency
6	Previous Flood inundation extent from satellite data	NRSC, RSAC-UP	Sponsoring agency

Duration of Study:

The study will be completed in Six months from the date of award of work, supply of data, and approval of Director, NIH Roorkee. The proposed timeline is given below:

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2	Data collection and Processing	■	■				
3	Flood frequency analysis estimation of flood for 100 year return period		■	■			
6	Hydraulic model setup using HEC RAS		■	■			
7	Finalization of hydraulic model results with structures, embankments etc. with sponsoring agency			■	■		
8	Submission of interim findings for discussion, result verification with sponsoring agency.				■		
9	Finalization of delineation of flood plain					■	
10	Submission of draft Report					■	
11	Submission of final Report						■

Note: Timely availability of data is very important for maintaining the proposed activity schedule. Scientist of NIH and officers of sponsoring agency will interact regularly for monitoring progress of the study.

4. Cost and Payment Schedule:

The Total cost of the study will be Rs 25,00, 000 plus GST charges (18% or as applicable)

- 60 % payment is to be made along with the award of work.
- 40% payment is to be made on submission of the final report of the study.

NIH will meet the travel expenses from the above budget. Sponsoring agency will assist during local field visits and accommodation as per requirement. NIH shall submit the final report with maps and the outer extent of flood plain will be provided as a KML file and Shape file to the Irrigation and Water Resources Department, Govt. of UP. The coordinates (Lat, Log) at suitable interval (or bend to bend) will also be provided as per requirement for further use.

<https://upkosh.up.nic.in/trsrydetaildeView>

Debit Amount							
Sr.No.	Token No.	Bill Reg No.	Name	Debit Amt.			
	2725333415	2748130007	VARANASI	8134000			
Credit Amount							
Sr.No.	Beneficiary Id	Name	IFSC Code	UTRNO.	Status	Payment Date	Credit Amt.
	B170000552081	GOVERNMENT ACCOUNT	UBIN0553506	RBI2062501512904	BOOK	2025-07-24	8134000
TOTAL							8134000



टेली-फैक्स/Tele-fax – 0522-2720634
दूरभाष/Telephone-0522-2720638
ई-मेल@E-mail: up.gdc soi@gov.in (Tech)
upgdc-lko@up.nic.in (Admn)

भारत सरकार
GOVT. OF INDIA



निदेशक का कार्यालय/Office of Director
भारतीय सर्वेक्षण विभाग/Survey of India
मानचित्र भवन/Manchitra Bhawan
उत्तर प्रदेश भू-स्थानिक निदेशालय (उत्तरी क्षेत्र)
Uttar Pradesh G.D.(Northern Zone)
5, विभूतिखण्ड, गोमतीनगर, लखनऊ -226010(उ०प्र०)
5, Vibhuti Khand, Gomti Nagar, Lucknow-226010 (UP)

पत्र सं० त- 2778 /39-C-ED(Court case)

दिनांक:- 31/07/2025

सेवा में,

अधिकासी अभियन्ता,

बन्धी प्रखण्ड, वाराणसी।

(ईमेल:- bandhidivisionvns@gmail.com)

विषय:- जनपद वाराणसी में वरुणा एवं अरुसी नदी का गत 100 वर्ष के High resolution DEM उपलब्ध कराये जाने के संबंध में।

संदर्भ:-

1. आपके कार्यालय का पत्रांक- 1519/बं०प्र०वा०/कला अनु०/एन.जी.टी.दिनांक 25/07/2025
2. इस कार्यालय का पत्र संख्या त-1861/ 39-C-ED (Court Case) दिनांक 26/05/2025

महोदय,

कृपया उपरोक्त संदर्भित पत्रों का अवलोकन करने की कृपा करें, संदर्भित पत्र (2) में उपलब्ध कराये गये व्यय ऑकलन के साथ इस कार्यालय द्वारा आपको प्रपोजल ऑफ ड्रोन बेस्ड सर्वे वरुणा नदी (संलग्न) भी उपलब्ध कराया गया था जिसके अन्तिम पृष्ठ पर परियोजना सम्पन्न कराये जाने की समय सारणी उपलब्ध है, जिसके अनुसार आपके कार्यालय द्वारा संदर्भित पत्र क्रमांक (1) में उपलब्ध कराये गये फण्ड के प्राप्त होते ही टेंडरिंग प्रोसेस प्रारम्भ होने के 5 माह के पश्चात् 31 दिसम्बर 2025 तक आपको वांछित DEM एवं अन्य डाटा उपलब्ध करा दिया जायेगा।

उपरोक्त आपको सूचनार्थ एवं अग्रिम कार्यवाही हेतु प्रेषित है।

संलग्न:- यथोपरि।

भवदीय,

Signed by Ravindra Meena

Date: 01-08-2025 11:52:24
(रविन्द्र मीना)

अधीक्षण सर्वेक्षक
कृते निदेशक

प्रतिलिपि:- अपर महासर्वेक्षक, उत्तरी क्षेत्र दिल्ली केंद्र को सूचनार्थ प्रेषित।

Item No.09

Court No. 1

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

Original Application No. 367/2022

Rajendra Prasad Gupta

Applicant

Versus

State of U.P. & Ors.

Respondent(s)

Date of hearing: 16.10.2024

Date of Uploading: 04.11.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: None for the applicant.

Respondent: Mr. Daleep Dhyani, Adv. for UP PCB.
Mr. Bhanwar Pal Singh Jadon & Ms. Gargi Chaturvedi, Advs. for the
State of U.P.
Mr. Gaurav Agarwal, Mr. Vipul Shukla & Mr. Sarthak Kalra, Advs. for R -
6.**ORDER****By Hon'ble Mr. Justice Arun Kumar Tyagi, Judicial Member**

1. In this Original Application registered on the basis of letter petition sent by Mr. Rajendra Prasad Gupta, the complaint is regarding discharge of domestic waste water and untreated industrial waste water into River Ganga at Varanasi hurting the religious sentiments of devotees by depriving them of holy waters of river Ganga at Varanasi.

2. Vide order dated 24.05.2022, this Tribunal constituted a Joint Committee with direction to look into the grievances of the applicant and take requisite action by following due process of law in accordance with orders passed by Hon'ble Supreme Court and particularly orders passed

by this Tribunal in O.A No. 200/2014 titled as M.C. Mehta Vs. Union of India and others. This Tribunal also directed that the Factual and action taken report may cover all relevant aspects and in particular status on sewage generation in Varanasi, names and numbers of drains carrying sewage and trade effluents joining Ganga at Varanasi, number of existing and upcoming STPs with their capacity and performance particularly with reference to fecal coliform, overall gap in sewage generation and treatment, utilization of treated sewage for secondary purposes and water quality in river Ganga at different locations in Varanasi.

3. In compliance thereof, Mr. Kalika Singh, Regional Officer, UPPCB has sent report of the Joint Committee through email dated 23.07.2022. In its report the Joint Committee submitted that city of Varanasi generates 300 MLD of sewage. The installed treatment capacity of 7 existing Sewage Treatment Plants (STPs) is 421.8 MLD and 3 STPs with treatment capacity of 137 MLD are proposed. The joint committee found that out of 45 drains enlisted in its report, 5 drains are partially tapped and 9 drains are untapped. Further, water quality of river Ganga, downstream of Varanasi is not fit for bathing and this warrants immediate action to stop discharge of sewage into river Ganga. The Joint Committee also found that industrial effluent and domestic sewage generated from industries situated in Ramnagar Industrial Area and nearby households is discharged in Ghuraha drain which meets river Ganga at near multimodal terminal. 10 major industries of polluting nature are discharging their waste water in Ghuraha drain. All major polluting industries in Industrial Area Phase-1 have installed Effluent Treatment Plants (ETPs). The Joint Committee noticed the encroachment issue and observed that encroachment drive was carried out in which all

temporary encroachments were removed by warning the encroachers. The Joint Committee made the following recommendations:-

“Recommendation:

• *A separate drain to discharge industrial effluent generated from Ramnagar industrial area should be constructed.*

• *Compliance from the industries (in Ram Nagar industrial area) to the discharge norms need to be strictly ensured. Industries may also be directed to reuse/recycle their treated wastewater in a phased manner. The phasing could be in the following manner:*

- *At least 25% of treated waste water within 6 months;*
- *At least 50% of treated waste water within 12 months;*
- *At least 75% of treated waste water within 24 months;*
- *100% of treated waste water within 48 months.*

• *The domestic sewage generated from the multimodal terminal should also be treated by installation of adequate STP and the treated effluent shall be reused in the terminal area for gardening/irrigation/dust suppression.*

• *District Panchayati Rajya Officer, Chandauli may be directed to develop faecal sludge & septage management system for the treatment of the municipal sewage, generated from habitations near Ghuraha drain, either through faecal sludge treatment plant or co-processing at nearby STPs at Ramnagar or Ramna – Varanasi.”*

4. Vide order dated 28.08.2023 notices were ordered to be issued to the Commissioner, Municipal Corporation, Varanasi and the District Panchayat Raj Officer, Chandauli for filing their responses for taking steps in pursuance to the recommendations of the Joint Committee. Thereafter, vide order dated 04.12.2023 this Tribunal impleaded Regional Officer, MoEF &CC, Lucknow; Director, National Mission for Clean Ganga; Member Secretary, Uttar Pradesh Pollution Control Board; ACS/PS, Urban Development Department, State of UP; Commissioner, Nagar Nigam, Varanasi; District Magistrate, Varanasi; District Panchayat Raj Officer, Chandauli as respondents no. 1 to 7 and notices were ordered to be issued to them.

5. Reports were filed by the District Panchayat Raj Officer, Chandauli and the Municipal Commissioner, Varanasi through separate emails dated 13.02.2024.

6. In his report the District Panchayat Raj Officer has mentioned that the vide letter dated 01.02.2024 the District Magistrate, Chandauli has directed the Executive Engineer Division No.1 Uttar Pradesh Jal Nigam (Urban), Bhagwanpur, Varanasi to submit Project Report for treatment of waste water discharged in Ghuraha drain.

7. The Commissioner, Municipal Corporation, Varanasi has submitted in his report that within the Municipal Corporation Varanasi and its expanded area, 522 MLD sewage is generated and there are seven STPs with designed capacity of 421.8 MLD. In his report the Commissioner, Municipal Corporation Varanasi has mentioned the status of drains as under:-

“Status of drains in Varanasi City.

S.N	Name of Drains	Flow (MLD) in Yr 2017	Tapped (Y/N)	Name of STP with installed capacity	Remarks
<i>Ganga River</i>					
1	<i>Assi/Nagava Drain</i>	<i>78.0</i>	<i>Partially Tapped</i>	<i>50 MLD STP Ramana/ Nagwa MPS</i>	<i>Present flow in Assi/Nagava drain is about 78 MLD. From total flow of the drain approx. 50 MLD is being treated at Ramna 50 MLD STP and rest approx. 28 MLD goes down in River Ganga. To arrest and treat excess quantity of sewage of Assi/Nagava drain, construction of 55 MLD STP at Bhagwanpur has been approved by NMCG. Bidding process has been completed, letter of award has been issued and agreement shall be signed shortly and work likely be started thereafter and will take about 02 years time for completion. However,</i>
2	<i>Nakkha Drain</i>	<i>5.0</i>	<i>Partially Tapped</i>		
3	<i>Samneghat Drain</i>	<i>1.17</i>	<i>Partially Tapped</i>		

					<p>as interim measure, bioremediation is being carried out by Nagar Nigam, Varanasi. In addition to this, NMCG has also approved project for treatment of excess quantity of flow through Assi drain by Advance Oxidation Process till the work of construction of 55 MLD STP is completed. Work is under progress and the plant shall become operational by February, 2024.</p> <p>Interception and diversion of Nakkha drain is proposed under above mentioned 55 MLD STP at Bhagwanpur. For interim measure bioremediation is being carried out by Jal Kal Department, Nagar Nigam, Varanasi.</p> <p>Samne Ghat drain is tapped and diverted through Assi interceptor sewer pipe line. Overflow is occurring due to choking of this sewer line. Jal Kal Department, Nagar Nigam, Varanasi has been informed for cleaning of this pipe line. Desilting is in progress and Jal Kal Department, Nagar Nigam, Varanasi is conducting bioremediation of this drain till desilting is completed</p>
4	Shivala Drain	5.00	Y	80 MLD STP Dinapur/Konia MPS	
5	Harishchandraghat Drain	2.50	Y		
6	Mansarovar Ghat Drain	4.50	Y		
7	Pandeygha	30.00	Y		

	<i>t Drain</i>				
8	<i>Dr. R.P. Ghat Drain</i>		Y		
9	<i>Meerghat Drain</i>		Y		
10	<i>Lalitaghat Drain</i>	4.50	Y		
11	<i>Jaleshangh at Drain</i>		Y		
12	<i>Manikarnik aghat drain</i>		Y		
13	<i>Sankthaghat drain</i>	1.50	Y		
14	<i>Mehtaghat Drain</i>		Y		
15	<i>Ramghat Drain</i>		Y		
16	<i>Panchgang aghat Drain</i>		Y		
17	<i>Bramhaghat Drain</i>		Y		
18	<i>Lalghat Drain</i>		Y		
19	<i>Trilochanghat Drain</i>	4.50	Y		
20	<i>Teliya Drain</i>	2.80	Y		
21	<i>Bhainsasur Drain</i>	0.40	Y		
22	<i>Rajghat Drain</i>	0.20	Y		
23	<i>Rajghat Outfall (Shahi Nala)</i>	118.0	<i>Tapped</i>	80 MLD STP Dinapur/1 40 MLD STP Dinapur	

24	Rambhag Ghat Drain	8.2	Y	10 MLD STP Ramnagar	
25	Balua Ghat Drain	0.13	Y		
26	Shakti Ghat Drain	0.4	Y		
27	Salotri Ghat Drain	0.34	Y		
28	Hanuman Ghat Drain	0.09	Y		
29	Sujabad Drain	4.5	N	-	Newly added in Nagar Nigam Area. Proposal sent for approval under AMRUT 2.0 program
Varuna River					
32	Phulwariya Drain	7.60	Y	140 MLD STP Dinapur/C hauka Ghat MPS	tapping has been done by Irrigation Department and diverted to 140 MLD STP at Dinapur. Over flow of tapped drain is discharging into River Varuna which is required to completely tapped by concern department.
33	Sadar Bazar Drain	2.00	Y		
34	Raja Bazar Drain	0.10	Y		
35	Tellya Bag Drain	18.00	Y		
36	Nakkhighat Drain	0.10	Y		
37	Narokhar Drain	7.50	Partially Tapped	120 MLD STP Golthaha	For interim measure, tapping has been done by Irrigation Department and diverted to 140 MLD at Dinapur, however the flow will ultimately reach at Goithaha 120 MLD STP , once entire
38	Nai Basti Drain	3.00	Y		
39	Sarang Talab Drain	1.50	Y		
40	Central Jail Drain	6.50	Y	140 MLD STP	

41	Orderly Bazar Drain	7.00	Y	Dinapur/1 20 MLD STP Golthaha	Trans-Varuna is covered by sewerage network. Over flow of tapped drain is discharging into River Varuna which is required to completely tapped by concern department.
42	Chamrautha Drain	1.50	N		
43	Khajuri Colony Drain	1.50	Y		
44	Banaras Drain No. 5	1.00	Y		
45	Hukulganj Drain	2.50	Y		
46	Durga Drain	37.00	N		DPR for interception, diversion and construction of STP of capacity 55 MLD for treatment of Durga drain has been sent to National Mission for clean ganga (NMCG) in April, 2022 for approval. Approval is awaited.

8. In his report the Commissioner, Municipal Corporation Varanasi has also mentioned the status of 7 STPs as under:-

Sl. No.	Name of STP	Design Capacity (MLD)	Year of commencement	Technology	Status	Name of Agency for operation of STPs	Recipient aquatic body of treated sewage
01	Dinapur	80	1994	TF & ASP	Operational	UP Jal Nigam (Urban)	Directly discharging into River Ganga.
02	Dinapur -2 (under JICA project)	140	2018	ASP	Operational	UP Jal Nigam (Urban)	Discharging into River Ganga via River Varuna
03	Bhagwanpur	9.8 (8+1.8)	1989	ASP	Operational (8 MLD)	UP Jal Nigam (Rural)	Discharging into River Ganga via Nakkha drain.
04	Goithaha	120	2019	SBR	Operational	UP Jal Nigam (Urban)	Discharging into River Ganga via Sharda Sahayak Canal and River Varuna via Narokhar drain.

05	Banaras Locomotive Works (BLW)	12	1989	ASP	Operational	Banaras Locomotive Works (BLW)	Gardening and discharging into River Ganga via Assi/ Nagava drain.
06	Ramana	50	2021	SBR	Operational	UP Jal Nigam (Rural)	Directly discharging into River Ganga.
07	Ramnagar	10	2021	A20	Operational	UP Jal Nigam Rural	Directly discharging into River Ganga.

9. Report was filed by UPPCB through email dated 02.04.2024. In its report UPPCB mentioned that UPPCB inspected 30 drains meeting river Ganga at Varanasi on 18.03.2024 and took samples from 3 partially tapped and 2 untapped drains which were found to be beyond prescribed norms. Samples taken from 7 STPs were found to be within prescribed norms. Samples taken from 28 MLD Interim Treatment site and Ghuraha Drain, Ganda Drain and Railway drain discharging into river Ganga were found to be beyond prescribed norms. UPPCB inspected 10 water polluting industrial units on 19.03.2024 and found 2 units to be closed. UPPCB took samples from ETPs installed in 8 industrial units which were found to be within prescribed norms. UPPCB issued directions to 7 industrial units for regular operation and maintenance of ETPs and directions to 1 industrial unit to comply ZLD status. In the report it was mentioned that in compliance with order dated 21.05.2020 passed by this Tribunal in **O.A. No. 593 of 2017 Paryavaran Suraksha Samiti & Anr. Vs. Union of India and others** with Mahesh Chandra Saxena Vs. South Delhi Municipal Corporation and others, UPPCB issued show cause notices dated 01.04.2024 for imposition of environmental compensation.

10. Vide order dated 04.04.2024 this Tribunal observed lapse on the part of the officers of the UPPCB and imposed cost of Rs. 10,000/- on Mr. Ghanshyam, CEO (Circle-6) and directed UPPCB to file fresh action taken

report indicating the remedial action as also the punitive action of imposition and recovery of EC on the defaulting person/body.

11. Cost was deposited on 04.06.2024 and fresh Action taken report was filed by UPPCB through email dated 08.07.2024. In the Action Taken Report UPPCB has submitted that in pursuance to the show cause notices dated 01.04.2024 and findings of the inspection reports of inspections on 16.05.2024 and 17.05.2024, UPPCB imposed EC vide letters dated 01.07.2024, 13.06.2024, and 04.07.2024 as mentioned below:-

S. No.	Name of Partially/ Untapped Drain	Responsible Authority	Environmental Compensation Imposed (₹)
1	Assi/Nagwa Drain	Varanasi Nagar Nigam, Varanasi	6.90 Cr
2	Nakkha Drain		
3	Samne Ghat Drain		
4	Sayer, Mata Mandir Drain	Nagar Panchayat, Sujabad	2.27 Cr
5	Ghatwari Mata Mandir Drain		
6	Ghuraha Drain	Zila Panchayat, Chandauli	2.30 Cr
7	Ganda Drain	Nagar Palika Parishad, Pt. Deendayal Upadhya Nagar, Chandauli	4.60 Cr
8	Railway Drain		

12. Even though in its report filed on 23.07.2022 UPPCB mentioned that city of Varanasi generates 300 MLD of sewage and the installed treatment capacity of 7 existing Sewage Treatment Plants (STPs) is 421.8 MLD showing that there was no gap but in his report filed on 13.02.2023 the Commissioner Municipal Corporation, Varanasi mentioned that within the Municipal Corporation Varanasi and its expanded area, 522 MLD sewage is generated and treatment capacity of 7 STPs is 421.8 MLD. This Tribunal noticed the gap of more than 100 MLD untreated sewage

which is being ultimately discharged in river Ganga. This Tribunal also noticed that *“photographs at page no. 147-Assi/Nagwa drain, Nagwa, Varanasi, page no. 148-Samne Ghat drain, Varanasi, page no.149-Nakhka drain, Varanasi, page no. 182-Satti Mata Mandir Ghat drain (Sayar Mata Mandir) Sujabad, Varanasi and page no. 183-Ghatwari Mata Mandir drain, Sujabad, Varanasi show the pathetic condition of the drains at the point where they are discharging untreated sewage in river Ganga. Test reports of the samples taken from Assi/Nagavan drain Nagawa, Varansai (page 144), Nakhka drain, Varanasi(page no. 145), Samaneghat drain Samneghat, Varanasi (page 146), Ganda drain near village Ledhuwapur, Pandit Deen Dayal Upadhyaya Nagar, Chandauli (page 152), Railway drain near village Rauna, Pandit Deen Dayal Upadhyay Nagar, Chandauli (page 153), Ghuraha drain before confluence with river Ganga Tenggara Morh, Varanasi (page 158), Patnawa drain near Patnawa Tiraha, before meeting with Ghuraha drain Patnawa Chandauli(page 160), Ghatwari Mata Mandir drain NP Sujabad, Varanasi (page 179) and Satti Mata Mandir ghat drain (Sayar Mata Mandir)(page 180) were filed which record color and odour “ Blackish Unpleasant” and indicated that the sample did not meet with the prescribed criteria and exceeded the prescribed norms as in all the reports very high fecal coliforms rate was found”.*

13. This Tribunal also noticed that environmental compensation imposed has not been recovered till now and nothing has been pointed out to show that any action has been initiated by the UPPCB to recover the environmental compensation.

14. This Tribunal took note of the judgment of the Hon'ble Supreme Court dated 22.02.2017 in **W.P. No. 375/2012, reported in (2017) 5 SCC 326 in the matter of Paryavaran Suraksha & Anr. Vs. Union of**

India & Ors. wherein Hon'ble Supreme Court issued directions for setting up CETPs and STPs. The Hon'ble Supreme Court prescribed the time limit of three years from the date of judgment for setting up of the CETPs and made it applicable to the STPs also by directing as under:-

"12. We are of the view that in the manner suggested above, the malady of sewer treatment, should also be dealt with simultaneously. We, therefore, hereby direct that "sewage treatment plants" shall also be set up and made functional, within the timelines and the format, expressed hereinabove."

15. Hon'ble Supreme Court observed that mere directions are "inconsequential, unless a rigid implementation mechanism is laid down" and fixed the responsibility upon the Member Secretary of the PCB and Secretary of the Department of the Environment of the State Government concerned by observing as under:-

"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."

16. The Hon'ble Supreme Court had passed the above judgment on 22.02.2017 and the timeline of three years had expired on 21.02.2020 yet the action has not been completed in terms of the Hon'ble Supreme Court judgment.

17. Vide order dated 16.07.2024 this Tribunal impleaded Secretary, Environment, Forest and Climate Change Department, State of Uttar Pradesh as respondent no. 8 and ordered issuance of notice to respondent no. 8 requiring him to file his report.

18. In the above said order this Tribunal also noticed that in terms of the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016, six monthly reports are required to be sent by the District Ganga Committee headed by the District Magistrate of the concerned District to State Ganga Committee and NMCG and directed the District Magistrate, Varanasi to file an affidavit disclosing therein the details of the untapped/partially tapped drains and the details/quantity of sewage flowing from these drains into river Ganga.

19. Reports have been filed by respondent no. 8-Secretary, Department of Environment, State of Uttar Pradesh and by respondent no. 6-District Magistrate, Varanasi through separate emails dated 15.10.2024.

20. In his compliance affidavit/report Secretary, Environment, Forest and Climate Change Department, Government of Uttar Pradesh has submitted that in compliance of order dated 16.07.2024 passed by this Tribunal he reviewed the compliance status submitted by concerned Departments vide minutes of meeting dated 19.09.2024. He has referred to the updated compliance reports submitted by the concerned Departments with respect to issues related to them and summarized the compliance reports submitted by UP Jal Nigam (Urban/Rural), Zila Panchayat, Chandauli, Nagar Palika Parishad Pandit Deendayal Upadhyay Nagar, Chandauli in the table given in his report.

21. It may be observed here that the UP Jal Nigam (Rural) submitted compliance reports in respect of three drains Assi/Nagwa drain 78 MLD, Nakkha drain 5 MLD and Samne Ghat drain 1.17 MLD. Assi/Nagwa drain and Nakkha drain are both stated to be partially tapped. It is stated that 50 MLD sewage from Assi/Nagwa drain and 2.5 MLD sewage from Nakkha drain is being treated through 50 MLD STP at Ramna (which is stated to have 10 % cushion to treat flow upto 55 MLD sewage) and 28 MLD sewage from Assi/Nagwa drain and 2.5 MLD sewage from Nakkha drain is proposed to be treated through 55 MLD STP at Bhagwanpur which is to be completed by **06.12.2025**.

22. UP Jal Nigam (Rural) has also submitted therein that as an interim measure NMCG approved projects for treatment of 28 MLD sewage through advance oxidation process till completion of construction work of 55 MLD STP at Bhagwanpur.

23. Surprisingly, Advance Oxidation Project which is stated to have become functional from May 2024 has been temporarily removed due to flood in river as per UPPCB inspection report dated 10.10.2024.

24. In its report UP Jal Nigam (Rural) has mentioned that Samne Ghat drain (1.17 MLD) has been tapped by diversion of gravity sewage pipeline in 50 MLD STP Ramana.

25. In the month of March 2024 overflow is stated to have occurred from gravity sewage pipeline, which tapped Samne Ghat drain (1.17 MLD) by diversion to 50 MLD STP Ramana, due to choking of the sewer-line and Jalkal Department Nagar Nigam, Varanasi is stated to have conducted bio-remediation till cleaning of the sewer-line. Cleaning of the sewer-line is stated to have been completed but no document has been placed on record regarding cleaning of the sewer-line.

26. UP Jal Nigam (Urban) submitted compliance report in respect of two drains Sayar Mata Mandir Drain and Ghatwari Mata Mandir Drain which are both untapped. It is stated that 4.5 MLD sewage is proposed to be treated through 7 MLD STP at Sujabad for which work order has been issued on 03.09.2024 with 24 months timeline for completion.

27. Zila Panchayat Chandauli/Varanasi Development Authority submitted compliance report in respect of Ghuraha drain (18MLD) which is untapped. It is stated that tapping for sewerage from VDA Colony at Industrial Area Phase-1, Ramnagar is to be carried out by Varanasi Development Authority. There is no mention regarding any proposal/progress with respect to the same in the compliance report.

28. Compliance report was submitted by Nagar Palika Parishad Pandit Deendyal Upadhyay Nagar Chandauli/ UP Jal Nigam (Rural) in respect to Ganda drain (9.19 MLD) and Railway Drain (22.82 MLD) which are both untapped and the same were proposed to be treated through 37 MLD STP as per 2022 proposal but the same are now proposed to be treated through 45 MLD STP as per revised DPR resubmitted to NMCG on 28.08.2024 but the funds are yet to be allocated for land acquisition. Timeline for completion thereof is given as 30 months from such acquisition.

29. It may be observed here that drains are meant for carrying storm rain water and not sewage and exclusivity of drains for carrying storm rain water has to be ensured. Since treated sewage water cannot be used for drinking purposes, it is considered appropriate that treated sewage water be utilized for industrial, agricultural and horticultural purposes and be not discharged, as far as possible, in the River as River water is to be used for drinking purposes by the downstream riparian population.

Therefore, any draft proposal for setting up of STP must have three components (i) STP itself (ii) sewerage pipeline network connecting households for carrying domestic sewage to STP for treatment and (iii) treated water pipeline network for carrying treated water to industries/agricultural land/parks and open spaces for utilization of treated water for industrial, agricultural and horticultural purposes.

30. As per report filed by the Secretary, Environment, Forest and Climate Change Department, Government of Uttar Pradesh 4,14,809 houses are to be provided sewer connection out of which only 1,56,300 houses have been provided sewer connection so far and 2,58,509 houses are to be provided sewer connection but no timelines for providing the sewer connection have been given in the compliance affidavit/report.

31. It is pertinent to observe that after meeting on 19.09.2024, whereby compliance reports were sought from the concerned departments, the Secretary, Environment, Forest and Climate Change Department, Government of Uttar Pradesh did not hold any further meeting after receipt of the compliance reports from the concerned departments and did not issue any directions.

32. In his compliance affidavit Secretary, Environment, Forest and Climate Change Department, Government of Uttar Pradesh has submitted that the Chief Secretary vide letter dated 08.09.2023 constituted the Responsibility Fixing Committee and the matter was referred to said Committee vide letter dated 11.10.2024. However, there is no mention in the compliance affidavit about steps taken by the Responsibility Fixing Committee.

33. In his report the District Magistrate, Varanasi has submitted that District Ganga Committee chaired by him conducts monthly meetings

and he has referred to Minutes of Meeting dated 16.03.2024, 26.05.2024, 11.06.2024, 12.07.2024 and 30.08.2024 covering the months of March, May, June, July and August. Evidently no meeting was held covering the month of April. A perusal of copies of Minutes of Meeting enclosed with the affidavit shows that the Meetings deliberated on the following Agenda Items:-

As per Minutes of Meeting Dated 16.13.2024

1. गंगा घाट की सफाई के संबंध में.
2. वरुणा नदी के संबंध में.
3. घाटों पर वस्त्र बदलने के स्थान के संबंध में.
4. मा० राष्ट्रीय हरित अधिकरण के संबंध में.

As per Minutes of Meeting Dated 26.05.2024

बाढ़ क्षेत्र (पलड प्लेन जोन) के सीमांकन तथा प्रकरण से सम्बद्ध अन्य मुद्दों के संबंध में.

As per Minutes of Meeting Dated 11.06.2024

1. जनपद में गंगा नदी के किनारे स्थित प्रमुख स्थलों पर वृक्षारोपण कराने संबंध में.
2. GDPMS पोर्टल पर जिला गंगा समिति की परफॉरमेंस और रैंकिंग के संबंध में.
3. गंगा ग्राम कैथी में गंगा नदी के किनारे निरंतर अवैध कचरा डंप होने के संबंध में.

As per Minutes of Meeting Dated 12.07.2024

1. वन महोत्सव २०२४: जनपद गंगा नदी के किनारे स्थित प्रमुख स्थलों में वृक्षारोपण करने के संबंध में.
2. GDPMS पोर्टल पर जिला गंगा समिति की परफॉरमेंस एवं रैंकिंग के संबंध में.
3. मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली (N.G.T) में विचारधीन ओ० ए० संख्या-606/2018 (IA No. 163/2021) में पारित आदेश दिनांक 26/04/2023 के अनुपालन के संबंध में.
4. अन्य बिन्दु पर अध्यक्ष महोदय द्वारा विचार विमर्श.

As per Minutes of Meeting Dated 30.08.2024

1. जिला गंगा योजना की तैयारी के अंतरगत कार्यरत समूह गठित करने के संबंध में.
2. जिला गंगा समिति की बैठक में नगर निगम वाराणसी से सक्षम अधिकारी के अनुपस्थित होने के संबंध में.
3. परमार्थ निकेतन उत्तराखंड में गंगा आरती हेतु प्रशिक्षण कराये जाने के लिए जिला गंगा समिति से 5-5 सदस्यों को नामित करने के संबंध में.
4. GDPMS पोर्टल पर जिला गंगा समिति की परफॉरमेंस एवं रैंकिंग के संबंध में.

34. It is evident from the Minutes of Meeting that the core issue of discharge of untreated sewage and industrial effluent in river Ganga and

action plan for tapping of **untapped drains** and treatment of **untreated sewage and industrial effluent** were not discussed in the meetings at all.

35. Further in his affidavit the District Magistrate, Varanasi has submitted that six monthly reports are submitted in the form of Minutes of Meeting to the State Ganga Committee and the National Mission For Clean Ganga and has referred to sending of copies of Minutes of Meeting dated 16.03.2024, 26.05.2024, 11.06.2024, 12.07.2024 and 30.08.2024 covering the months of March, May, June, July and August as submission of six monthly report. Submission of minutes of monthly meetings as six monthly report by the District Magistrate, Varanasi not only shows non-application of mind and lack of deliberation on the core issues but also reflects lack of management, monitoring, planning and implementation of remedial measures for tapping of **untapped drains** and treatment of **untreated sewage and industrial effluent** for ensuring that there is no discharge of untreated sewage and industrial effluent in river Ganga.

36. In the book entitled 'Water Pollution and disposal of Waste Water on Land' (1983) by U.N. Mahida. I.S.E. (Retd) the problem of water pollution, the benefits of control of pollution and the urgency of the problem have been dealt with. Hon'ble Supreme Court reproduced extracts from the book at pages 1, 2, 4 and 5 in para 15 of its order which reads as under:

"As long as the human population was small and communities were scattered over large areas of land, the disposal of human wastes created no problems. People could defecate in areas surrounding villages and other habitations and leave it to nature to dispose of the waste by assimilation in the surrounding land and air. But as communities became more concentrated and villages and towns grew, such a mode of disposal by natural agencies came to be replaced by organised

disposal, though again through the agency of natural land and soil columns. The collection of human excreta and its disposal in earthen trenches was resorted to by many towns and adopted the basket privy system.

The introduction of a system of water-borne sewage created new problems in the disposal of human wastes, as now along with the earlier problem of getting rid of solid wastes, i.e., human excreta, the problem of the disposal of the water employed for the removal of human wastes had also to be faced. This was the origin of the problem of sewage disposal. At first, the natural instinct was to channelize the sewage-the soiled water-to natural streams and rivers. For a time this mode of disposal was even considered quite efficacious. Such methods did not create difficulties as sewage discharges were small as compared to the stream flow. But with the increased discharge of progressively large quantities of sewage, polluted streams became a serious menace to public health.

Nature of the Problem

The introduction of modern water carriage systems transferred the sewage disposal from the streets and the surroundings of townships to neighbouring streams and rivers. This was the beginning of the problem of water pollution. It is ironic that man, from the earliest times, has tended to dispose of his wastes in the very streams and rivers from which most of his drinking water is drawn. Until quite recently this was not much of a problem, but with rapid urbanisation and industrialisation, the problem of the pollution of natural waters is reaching alarming proportions.

The most disturbing feature of this mode of disposal is that those who cause water pollution are seldom the people who suffer from it. Cities and industries discharge their untreated or only partially treated sewage and industrial waste waters into neighbouring streams and thereby remove waste matter from their own neighbourhood. But in doing so, they create intense pollution in streams and rivers and expose the downstream riparian population to dangerously unhygienic conditions. In addition to the withdrawal of water for downstream towns and cities, in many developing countries, numerous villages and riparian agricultural population generally rely on streams and rivers for drinking water for themselves and their cattle, for cooking, bathing, washing and numerous other uses. It is thus riparian population that specially needs protection from the growing menace of water pollution. (pages 1 and 2)

Benefits of Control

The benefits which result from the prevention of water pollution include a general improvement in the standard of health of the population, the possibility of restoring stream waters to their original beneficial state and rendering them fit as sources of water supply, and the maintenance of clean and healthy surroundings which would then offer attractive recreational

facilities. Such measures would also restore fish and other aquatic life.

Apart from its menace to health, polluted water considerably reduces the water resources of a nation. Since the total amount of a country's utilisable water remains essentially the same and the demand for water is always increasing, schemes for the prevention of water pollution should, wherever possible, make the best use of treated waste waters either in industry or agriculture. Very often such processes may also result in other benefits in addition to mere reuse. The application of effluents on agricultural land supplies not only much needed water to growing crops but also manurial ingredients; the recovery of commercially valuable ingredients during the treatment of industrial waste waters often yields by-products which may to some extent offset the cost of treatment.

If appropriate financial credits could be calculated in respect of these and other incidental benefits, it would be apparent that measures for the prevention of pollution are not unduly costly and are within the reach of all nations, advanced or developing. It is fortunate that people are becoming more receptive to the idea of sharing the financial burden for lessening pollution. It is now recognised in most countries that it is the responsibility of industries to treat their trade wastes in such a way that they do not deteriorate the quality of the receiving waters, which otherwise would make the utilisation of such polluted waters very difficult or costly for downstream settlers.

Urgency of the Problem

The crucial question is not whether developing countries can afford such measures for the control of water pollution but it is whether they can afford to neglect them. The importance of the latter is emphasised by the fact that in the absence of adequate measures for the prevention or control of water pollution, a nation would eventually be confronted with far more onerous burdens to secure wholesome and adequate supplies of water for different purposes. If developing countries embark on suitable pollution prevention policies during the initial stages of their industrialisation, they can avoid the costly mistakes committed in the past by many developed countries. It is, however, unfortunate that the importance of controlling pollution is generally not realised until considerable damage has already been done; (Pages 3 and 4)"

37. Some of the astonishing facts presenting ironical state of things deserve attention. We are discharging untreated sewage and industrial effluents in the very streams and rivers from which most of our drinking water is drawn. With the increased discharge of progressively large quantities of sewage, polluted streams are becoming a serious menace to

public health. Apart from its menace to health, polluted water is considerably reducing our water resources. Cities and industries which are discharging their untreated or only partially treated sewage and industrial waste waters into neighbouring streams and rivers are creating intense pollution in streams and rivers and exposing the downstream riparian population to dangerously unhygienic conditions. With rapid urbanization and industrialization, the problem of the pollution of natural waters has already reached alarming proportions. In the absence of adequate measures for the prevention or control of water pollution, we would eventually be confronted with far more onerous burdens to secure wholesome and adequate supplies of water for different purposes.

38. The inescapable conclusion therefrom and solitary condition of ensuring bright prospects of good living in clean and healthy environment for the present and future generations is controlling of water pollution before irreversible damage is done.

39. The Municipal Corporation, Varanasi is established under the provisions of the Uttar Pradesh Municipal Corporation Act, 1959 (UPMC Act). The duties and powers of the Municipal Corporation and its authorities are set out in Chapter V of the UPMC Act. Clauses (iii), (vi), (viii) and (ix) of section 114 of the UPMC Act, which incorporate the obligatory duties of the Municipal Corporation, read as follows:

"114. Obligatory duties of the Corporation-It shall be incumbent on the corporation to make reasonable and adequate provision, by any means or measures which it is lawfully competent to it to use or to take, for each of the following matters, namely,-

(iii) the collection and removal of sewage, offensive matter and rubbish and treatment and disposal thereof including establishing and maintaining farm or factory;

(vi) the construction, maintenance and cleansing of drains and drainage works, and of public latrines, water-closets, urinals and similar conveniences.

(viii) the management and maintenance of all corporation waterworks and the construction or acquisition of new works necessary for a sufficient supply of water for domestic industrial and commercial purposes;

(ix) guarding from pollution water used for human consumption and preventing polluted water from being so used;"

40. There are almost similar provisions in Section 7 of the Uttar Pradesh Municipalities Act, 1916 which applies to the smaller municipal bodies requiring them to construct and maintain drains, drainage works and sewerage works.

41. Section 14 of the Uttar Pradesh Water Supply and Sewerage Act, 1975 enlists the functions of the Uttar Pradesh Jal Nigam which include (i) the preparation, execution, promotion and financing the schemes for the supply of water and for sewerage and sewage disposal; (ii) to render all necessary services in regard to water supply and sewerage to the State Government and local bodies, on request to private institutions or individuals and (iii) to prepare State plans for water supply, sewerage and drainage on the directions of the State Government.

42. These enactments mandatorily make the maintenance of the cleanliness, prevention of water pollution and protection of environment to be primary responsibility of these authorities. In view thereof, besides the municipal bodies, Uttar Pradesh Jal Nigam will also be liable for payment of environmental compensation in case of discharge of untreated sewage in rivers.

43. In view of the statutory provisions referred herein above, averments made by the applicant and submissions made by the respondents, we consider presence of the District Magistrate, Chandauli, Varanasi Development Authority through Vice-Chairman, Uttar Pradesh

Jal Nigam (Urban) through Managing Director and Uttar Pradesh Jal Nigam (Rural) through Managing Director to be necessary for just and proper adjudication of the questions involved in the case and the District Magistrate, Chandauli, Varanasi Development Authority through Vice-Chairman, Uttar Pradesh Jal Nigam (Urban) through Managing Director and Uttar Pradesh Jal Nigam (Rural) through Managing Director are accordingly impleaded as respondents no. 9, 10, 11 and 12.

44. The Registry is directed to amend memo of parties to the application and issue notice to the newly added respondents no. 9, 10, 11 and 12.

45. In **Writ Petition No.3727 of 1985 M.C. Mehta Vs. Union of India and Others** in its order dated 12.01.1988 reported in (1988) 1 Supreme Court Cases 471 Hon'ble Supreme Court lamented that although Parliament and the State Legislature have enacted the laws imposing duties on the Central and State Boards and the municipalities for prevention and control of pollution of water, many of those provisions have just remained on paper without any adequate action being taken pursuant thereto. In that case Hon'ble Supreme Court observed that one significant provision in the Environment (Protection) Act, 1986, which also contains certain provisions relating to the control, prevention and abatement of pollution of water, is what is contained in section 17 thereof, which provides that where an offence under that Act is committed by any Department of Government, the Head of that Department shall be deemed to be guilty of the offence and shall be liable to be punished. Hon'ble Supreme Court also noticed the submission that whenever the Pollution Control Board initiates any proceedings to prosecute industrialists or other persons who pollute the water in the river Ganga, the persons accused of the offences immediately institute

petitions under section 482 of the Code of Criminal Procedure 1973 in the High Court and obtain stay orders thus frustrating the attempt of the Pollution Control Board to enforce the provisions of the Water Act and in view of the fact that the problem of pollution of the water in the river Ganga has become very acute observed that the High Courts should not ordinarily grant orders of stay of criminal proceedings in such cases and requested for disposal of cases where such stay was granted within a short period, say about two months, from the date of the institution of such case.

46. Even though the Environment (Protection) Act 1986 has been amended whereby the provisions providing the penalties have been substituted and Section 17 of the Environment (Protection) Act, 1986, which made Head of the Department liable to be prosecuted and punished for the violations, has been deleted but the Water (Prevention and Control of Pollution) Act, 1974, which contains provisions penalizing the violations including Section 48 which makes Head of the Department liable to be prosecuted and punished for the violations has not been amended and continues to embody similar legal provision referred to by Hon'ble Supreme Court of India.

47. We are constrained to warn the concerned Heads of the Departments that any laxity, inaction or negligence in proper implementation of the Statutory provisions highlighted above and failure to take requisite remedial action for tapping of untapped drains and treatment of untreated sewage and industrial effluent for preventing discharge of untreated sewage and industrial effluent in river Ganga and abatement and control of water pollution in river Ganga will be at the risk of being prosecuted and punished for the same.

48. It may be observed here that municipal bodies, though autonomous, cannot function independently without control of the State Government. The State Government exercises control over municipal bodies through Section 2 of the Uttar Pradesh State Control Over Public Corporations Act, 1975. It may also be observed here that recovery of environmental compensation is to be made by the District Magistrate, Varanasi or other Administrative Officers of the State of Uttar Pradesh which may take long time as reflected by pendency of similar proceedings for unusually long periods of time due to extraneous considerations and not just administrative exigencies. Remediation of environmental damage caused cannot be deferred for such long periods of time as with passage of time the same may become irreversible. Further, the amount of environmental compensation is also likely to be recovered from budgetary grant in aid from the State of Uttar Pradesh to the Municipal Corporation of Varanasi. In these compelling and justifying circumstances, State of Uttar Pradesh is directed to ensure recovery of the amount of environmental compensation imposed on the Municipal Corporation, Varanasi through its Officers or deposit of the same from its budgetary grant in aid for the Municipal Corporation, Varanasi **within one month** from the date of copy of this order.

49. UPPCB is directed to prepare an Action Plan, in consultation with Authorities/Institutions considered appropriate, for utilization, on realization, of the amount of environmental compensation imposed for abatement and control of water pollution in river Ganga within **six months**.

50. The Secretary, Environment, Forest and Climate Change Department, Government of Uttar Pradesh is directed to prepare and submit to UPPCB within three months **State Plan**, with due approval

from Chief Secretary/Additional Chief Secretary, Environment and in consultation with Principal Secretaries, Urban and Panchayati Raj, Government of Uttar Pradesh, NMCG and State Ganga Committee and implement the same in respect of Varanasi in consultation and coordination and also with requisite superintendence and monitoring through State Ganga Committee, the District Ganga Committee, Varanasi and Chandauli, the District Magistrates, Varanasi and Chandauli, the Municipal Corporation, Varanasi, District Zila Panchayat Chandauli, Uttar Pradesh Jal Nigam (Urban) and Uttar Pradesh Jal Nigam (Rural) and Varanasi Development Authority and other local/municipal authorities. Municipal Corporation, Varanasi, District Zila Panchayat Chandauli, Uttar Pradesh Jal Nigam (Urban), Uttar Pradesh Jal Nigam (Rural) and Varanasi Development Authority are also directed to prepare and submit to UPPCB within three months **Action Plan** with components of (i) assessment of entire sewage and industrial effluent generated in Varanasi and flow in all drains originating or flowing through Varanasi carrying discharge to river Ganga or its Tributaries in Varanasi, (ii) tapping of all drains and treatment of entire sewage and industrial effluent generated in Varanasi and (iii) abatement and control of pollution by discharge of any other pollutant in river Ganga with (i) details of project, (ii) budgetary allocation, (iii) authority/agency for execution and (iv) interim measures to be taken for abatement and control of water pollution.

51. Action taken reports by way of affidavits be filed at least one week before the date of hearing fixed.

52. List on 19.02.2025 for further proceedings/directions.

53. A copy of this order be sent by email to Chief Secretary, Additional Chief Secretary, Environment, Secretary, Environment, Forest and Climate Change Department, Government of Uttar Pradesh and Member Secretary, UPPCB, Heads of the Municipal Corporation, Varanasi, District Zila Panchayat, Chandauli, Uttar Pradesh Jal Nigam (Urban), Uttar Pradesh Jal Nigam (Rural), and Varanasi Development Authority for requisite compliance.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

November 04th, 2024
O.A. No. 367/2022
AG

बैठक दिनांक 08.08.2025 को अपरान्ह 03:30 बजे

संख्या- एन.जी.टी.-579 /81-7-2025-1850171

प्रेषक,

चिरौंजी लाल,
संयुक्त सचिव,
उ०प्र० शासन।

सेवा में,

- 1- अपर मुख्य सचिव/प्रमुख सचिव,
नगर विकास / नमामि गंगे एवं ग्रामीण जलापूर्ति /
पंचायती राज / सिंचाई एवं जल संसाधन विभाग,
उ०प्र० शासन।
- 2- मुख्य कार्यपालक अधिकारी,
यूपीसीडा, कानपुर।
- 3- प्रबन्ध निदेशक,
उ०प्र० जल निगम (नगरीय/ग्रामीण),
लखनऊ।
- 4- जिलाधिकारी,
वाराणसी/चन्दौली।
- 5- नगर आयुक्त,
नगर निगम, वाराणसी।
- 6- उपाध्यक्ष,
वाराणसी विकास प्राधिकरण,
वाराणसी।
- 7- अपर मुख्य अधिकारी,
जिला पंचायत, चन्दौली।
- 8- जिला राज पंचायत अधिकारी,
पंचायती राज विभाग, चन्दौली।
- 9- सदस्य सचिव,
उ०प्र० प्रदूषण नियंत्रण बोर्ड,
लखनऊ।
- 10- मुख्य अभियन्ता (सोन डिवीजन),
उ०प्र०, सिंचाई एवं जल संसाधन
विभाग, वाराणसी।

पर्यावरण, वन एवं जलवायु परिवर्तन अनुभाग-7 लखनऊ: दिनांक: 07 अगस्त, 2025

विषय-मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली में विचाराधीन ओ०ए० संख्या-367/2022 राजेन्द्र प्रसाद गुप्ता बनाम उ०प्र० राज्य व अन्य में पारित आदेश दिनांक 23.05.2025 के अनुपालन के संबंध में।

महोदय,

उपर्युक्त विषयक मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली में विचाराधीन ओ०ए० संख्या-367/2022 राजेन्द्र प्रसाद गुप्ता बनाम उ०प्र० राज्य व अन्य में पारित आदेश दिनांक 23.05.2025 का अवलोकन करने का कष्ट करें, जिसके सुसंगत अंश निम्नवत् हैं:-

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"1. Learned counsel appearing for the State of U.P submits that the action plan to prevent the discharge of untreated sewage and industrial effluents in River Ganga is ready but the approval of Chief Secretary/Additional Chief Secretary, Environment is needed. Therefore, he has prayed for further two weeks' time to file the same. A letter to this effect has also been circulated.

2. Learned counsel for respondent no.12 has also circulated a letter seeking adjournment on the ground of personal difficulty.

3. Hence, the prayer for adjournment is allowed.

4. List on 29.08.2025."

2- अवगत कराना है कि मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली में विचाराधीन ओ०ए० संख्या-367/2022 राजेन्द्र प्रसाद बनाम उ०प्र० राज्य व अन्य में पारित आदेश दिनांक 16.10.2024 के सुसंगत अंश निम्नवत् हैं :-

".....

50. The Secretary, Environment, Forest and Climate Change Department, Government of Uttar Pradesh is directed to prepare and submit to UPPCB within three months State Plan, with due approval from Chief Secretary/Additional Chief Secretary, Environment and in consultation with Principal Secretaries, Urban and Panchayati Raj, Government of Uttar Pradesh, NMCG and State Ganga Committee and implement the same in respect of Varanasi in consultation and coordination and also with requisite superintendence and monitoring through State Ganga Committee, the District Ganga Committee, Varanasi and Chandauli, the District Magistrates, Varanasi and Chandauli, the Municipal Corporation, Varanasi, District Zila Panchayat Chandauli, Uttar Pradesh Jal Nigam (Urban) and Uttar Pradesh Jal Nigam (Rural) and Varanasi Development Authority and other local/municipal authorities. Municipal Corporation, Varanasi, District Zila Panchayat Chandauli, Uttar Pradesh Jal Nigam (Urban), Uttar Pradesh Jal Nigam (Rural) and Varanasi Development Authority are also directed to prepare and submit to UPPCB within three months Action Plan with components of (i) assessment of entire sewage and industrial effluent generated in Varanasi and flow in all drains originating or flowing through Varanasi carrying discharge to river Ganga or its Tributaries in Varanasi, (ii) tapping of all drains and treatment of entire sewage and industrial effluent generated in Varanasi and (iii) abatement and control of pollution by discharge of any other pollutant in river Ganga with (i) details of project, (ii) budgetary allocation, (iii) authority/agency for execution and (iv) interim measures to be taken for abatement and control of water pollution.

51. Action taken reports by way of affidavits be filed at least one week before the date of hearing fixed.

52. List on 19.02.2025 for further proceedings/directions."

मा० अधिकरण द्वारा उपरोक्तानुसार पारित आदेश के अनुपालन में जनपद-वाराणसी / चन्दौली स्थित नालों के माध्यम से गंगा नदी में निस्तारित हो रहे अशुद्धिकृत सीवेज उत्प्रवाह के शुद्धिकरण हेतु सम्स्त सम्बन्धित विभागों से परामर्श एवं समन्वय स्थापित करते हुये सचिव, पर्यावरण, वन एवं जलवायु परिवर्तन विभाग को स्टेट प्लान तैयार करते हुये उक्त स्टेट प्लान को मुख्य सचिव / अपर मुख्य सचिव, पर्यावरण, वन एवं जलवायु परिवर्तन विभाग से अनुमोदित कराते हुये उ०प्र० प्रदूषण नियंत्रण बोर्ड को प्रेषित किये जाने हेतु आदेशित किया गया है।

मा० अधिकरण द्वारा उपरोक्तानुसार पारित आदेश के अनुपालन में स्टेट प्लान तैयार किये जाने हेतु जनपद-वाराणसी/चन्दौली के सम्बन्धित विभागों द्वारा निर्धारित प्रारूप पर उपलब्ध करायी गयी सूचनाओं के आधार पर जनपद-वाराणसी/चन्दौली में स्थित नालों का स्टेटस तैयार किया गया है, जो संलग्न है। उक्त नालों के स्टेटस के अनुसार कुल 48 नाले चिन्हित किये गये हैं, जिनमें से 32 नाले टैण्ड है, 09 नाले पार्शियली टैण्ड एवं 07 नाले अनटैण्ड हैं। संलग्न चार्ट के क्रम संख्या 6, 7, 29, 30, 45, 46, 47 एवं 48 (कुल 08 नाले) पर अंकित पार्शियली टैण्ड/अनटैण्ड नालों को टैण्ड कर उनके सीवेज का शुद्धिकरण किये जाने सम्बन्धी कार्य योजना सम्बन्धित विभागों द्वारा उपलब्ध करायी गयी है, परन्तु क्रम संख्या 32, 35, 36, 38, 39, 41, 42 एवं 44 (कुल 08 नाले) पर अंकित पार्शियली टैण्ड/अनटैण्ड नालों को टैण्ड कर उनके सीवेज का शुद्धिकरण किये जाने सम्बन्धी कार्य योजना सम्बन्धित विभाग द्वारा उपलब्ध नहीं करायी गयी हैं। इस प्रकार पार्शियली टैण्ड/अनटैण्ड 16 नालों द्वारा वर्तमान में निस्तारित हो रहे सीवेज उत्प्रवाह के अन्तरिम शुद्धिकरण व्यवस्था के सम्बन्ध में भी सम्बन्धित विभागों द्वारा सूचना भी उपलब्ध नहीं करायी गयी है।

3- अतः इस संबंध में मुझे यह कहने का निदेश हुआ है कि कृपया प्रश्नगत प्रकरण में पारित मा० अधिकरण के आदेश दिनांक 23.05.2025 के अनुपालन में स्टेट एक्शन प्लान तैयार किये जाने हेतु मुख्य सचिव, उ०प्र० शासन की अध्यक्षता में दिनांक 08.08.2025 को अपरान्ह 03:30 बजे, लोक भवन स्थित उनके सभाकक्ष में एक बैठक हाईब्रिड मोड में आहूत की गयी है। बैठक हेतु लिंक निम्नवत् है :-

VC Details:-

Webex URL Link : <https://uppcb.webex.com/meet/gyanesh.gs>

Meeting Number: 25146158649

4- अतः अनुरोध है कि उक्त बैठक में अपने से संबंधित बिन्दुओं पर वांछित अद्यतन सूचनाओं सहित मुख्यालय के अधिकारीगण भौतिक रूप से तथा मुख्यालय के

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बाहर के अधिकारीगण वीडियो कान्फ्रेंसिंग के माध्यम से ससमय प्रतिभाग करने का कष्ट करें।

सदस्य सचिव, उ०प्र० प्रदूषण नियंत्रण बोर्ड, लखनऊ द्वारा प्रश्नगत बैठक के उपयोगार्थ पी०पी०टी० तैयार कर शासन को बैठक से पूर्व से उपलब्ध कराते हुए इस संबंध में पूर्ण तैयारी कर ली जाय।

संलग्नक-यथोक्त।

Digitally signed by भवदीय,
CHIRAUNJI LAL
Date: 07-08-2025 (चिरौंजी लाल)
18:13:06 संयुक्त सचिव।

संख्या एवं दिनांक तदैव

प्रतिलिपि-निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

- 1- निजी सचिव, मुख्य सचिव, उ०प्र० शासन।
- 2- निजी सचिव, प्रमुख सचिव / सचिव, पर्यावरण, वन एवं जलवायु परिवर्तन विभाग, उ०प्र० शासन।
- 3- प्रवेश पत्र कार्यालय, लोक भवन, उ०प्र० सचिवालय को इस अनुरोध के साथ प्रेषित कि उक्त बैठक में प्रतिभाग करने वाले अधिकारीगण को प्रवेश पत्र निर्गत करने का कष्ट करें।
- 4- गार्ड फाइल।

Digitally signed by अज्ञा से,
SHAIENDRA KUMAR
Date: 07-08-2025 (शैलेंद्र कुमार)
18:32:58 उप सचिव।