

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (WZ)

ORIGINAL APPLICATION NO. 102 of 2023

Neeraj Chhachhar and Ors.

Applicants

Versus

State of Uttarakhand & Ors.

Respondents

INDEX

S.No.	Particulars	Pages
1.	Action taken report on behalf of Uttarakhand Pollution Control Board in the aforesaid Matter	
2.	Annexure -1 Copy of the letter dated 21.04.2026	
3.	Annexure -2 Copy of the inspection report dated 17.06.2026 Along with photographs of the site	
4.	Annexure -3 Copy of the NOC	

Filed by

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New Delhi

Dated: 01.07.2026

Action Taken Report on behalf of Uttarakhand Pollution Control Board

In the matter of

Original Application No. 102 of 2023**Neeraj Chhachhar & Ors**

...Applicant(s)

*Versus***State of Uttarakhand & Ors.**

...Respondent(s)

1. That the above-mentioned matter was listed for hearing on 13.04.2026, wherein the Learned National Green Tribunal was pleased to issue, *inter alia*, the following directions:

“

9. *Joint inspection report reveals that the construction is without Consent To Operate (CTO) and Consent To Establish (CTE) and the below the basement of the construction, a sewer line is passing (page 8).*

10. *In respect of the construction over the sewer line, Learned Counsel UKPCB submits that it is the responsibility Jal Santhan to look into it. If the construction is raised over the sewer line, there will be an issue of cleaning the sewer line and the consequential pollution on account of uncleaned sewer line and it's over flowing. Such responsibility to regulate it lies with the UKPCB. Hence, we require the Member Secretary, UKPCB to explain the position.*

....”

2. That in compliance with the aforesaid order of the Learned Tribunal, the Member Secretary, Uttarakhand Pollution Control Board (herein after referred to as '*the UKPCB*'), vide letter bearing no. UKPCB/HO/SA-183-669/2026/113 dated 21.04.2026, directed the Regional Officer, Regional Office, UKPCB, Roorkee to obtain the factual report, cause an inspection of the site to be conducted, and to remain present with the records at the time



of hearing on 03.07.2026. In this connection, a copy of the letter dated 21.04.2026 is being marked and filed as **Annexure No. 01.**

3. That in compliance with the said direction, the Regional Officer, Regional Office, Roorkee caused an inspection of the site in question to be carried out on 09.06.2026 in the presence of Shri Manoj Kumar, Assistant Engineer, Uttarakhand Jal Sansthan, Haridwar, and submitted the inspection report to the Member Secretary, UKPCB vide letter bearing no. UKPCB/RORR/SA-147(33)/2026/442 dated 17.06.2026. In this connection, a copy of the inspection report dated 17.06.2026, along with the photographs of the site, is being marked and filed as **Annexure No. 02.**
4. That the said inspection revealed that (i) the building in question consists of a Basement and 3 (three) Floors, and no construction activity was found in progress at the time of inspection; and (ii) a sewer line passes through the basement of the building, and the manhole of the said sewer line is situated in the basement.
5. The inspection report also records that, the Executive Engineer, Maintenance Branch (Ganga), Uttarakhand Jal Sansthan, Jagjeetpur, Haridwar, vide letter bearing no. 2111/NGT/2023-24 dated 07.02.2024 (already annexed as **Annexure no.2** to this ATR), has informed that a 600 mm diameter departmental gravity sewer line is connected to the manhole chamber situated in the basement of the under-construction Housing Complex and is functioning properly, and that through the said sewer line approximately 30% of the sewage of Haridwar city passes beneath the constructed buildings and reaches the 68 MLD Sewage Treatment Plant (STP) at Jagjeetpur.
6. That the U.P. Water Supply and Sewerage Act, 1975 (as applicable in the State of Uttarakhand) (already annexed as **Annexure no.2** to this ATR) provides for the establishment, development, maintenance and regulation of water supply and sewerage services, and Section 77 thereof provides as under:
"77. Prohibition of construction of building over sewer.— (1) No person shall without the permission of the Jal Sansthan construct any private street, building or other structure on any sewer of the Jal Sansthan."
7. That it is, therefore, evident that the grant of permission for the construction of any building or structure over a sewer line, as also the operation, repair and maintenance of such sewer line, are statutory functions of the Uttarakhand Jal



Sansthan under the U.P. Water Supply and Sewerage Act, 1975. Construction over the sewer line is prohibited without the prior permission of the Jal Sansthan. The repair and maintenance of the sewer line require the deployment of heavy machinery and manpower, for which adequate open space on both sides of the sewer line is necessary; accordingly, as per the inspection report dated 17.06.2026 (already annexed as Annexure No. 2 to this ATR) permanent construction over the sewer line does not appear to be permissible.

8. That it is further submitted that the Executive Engineer, Maintenance (Ganga), Uttarakhand Jal Sansthan, Haridwar, vide Letter Bearing No. 151 dated 02.05.2026, has issued a No Objection Certificate (NOC) in favour of Shri Rajeev Kumar, Shri Nikhil Kumar, Shri Nirdosh Kumar, Shri Deepak Kumar and Shri Ajay Kushwaha, residents of Latowali, Kankhal, in respect of the construction in question. In this connection, a copy of the NOC is being marked and filed as Annexure No. 03 to this ATR.
9. That, in respect of the construction over the sewer line referred to in paragraph 10 of the order dated 13.04.2026, it is respectfully submitted that the regulation of construction over a sewer line of the Jal Sansthan, and the cleaning, repair and maintenance of the sewer line, fall within the statutory domain of the Uttarakhand Jal Sansthan under the U.P. Water Supply and Sewerage Act, 1975. The jurisdiction of the UKPCB is confined to the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981. Accordingly, while the permission for, and the maintenance of, the sewer line lies with the Uttarakhand Jal Sansthan, the Uttarakhand Pollution Control Board shall regulate any consequential water pollution arising on account of an uncleaned or overflowing sewer line in accordance with the said enactments.
10. That, with regard to the observation in paragraph 9 of the order dated 13.04.2026 that the construction is without Consent to Establish (CTE) and Consent to Operate (CTO), it is submitted that the said observation was based upon the material available at the time of filing the Joint Inspection Report dated 15.05.2023. However, immediately after the directions issued by the learned Tribunal vide order dated 13.03.2023 constituting the Joint Committee comprising State PCB, NMCG and District Magistrate Haridwar, the project



proponent submitted an application for grant of Consolidated Consent to Operate and Authorization (CCA) before the UKPCB on 25.04.2023.

11. In due adherence to the procedure, the said application was forwarded by the Board to the concerned Inspecting Officer on 30.04.2023. Pursuant thereto, inspections of the Construction site were carried out on 17.05.2023 and 30.05.2023, as per information available on the Parivesh Portal. Upon completion of the prescribed inspection process, the Board, in the ordinary course of its statutory functions and after due consideration of the application, granted Consolidated Consent to Operate and Authorization (CCA) vide order dated 12.06.2023 bearing Order No. UKPCB/ROR/CCA/N-127/2023/338 in favor of the Project Proponent.
12. The process of grant of CCA had already commenced upon filing of the application on 25.04.2023 and was processed by the board in accordance with due process of the Board. The said CCA was valid from 12.06.2023 to 30.09.2024 and has since expired. It is further submitted that no application for renewal of the said CCA has been received by the Board till date.

The above report is being presented for the consideration of the Learned National Green Tribunal.

Date: 29.06.2026



(Dr. Parag Madhukar Dhakate)

Member Secretary



LiFE
Lifestyle For
Environment

मुख्यालय Annexure-1

उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड

“गौरा देवी पर्यावरण भवन”

46बी, आई.टी. पार्क, सहस्त्रधारा रोड़, देहरादून

E-mail : ukpcblegalcell@gmail.com, दूरभाष : 0135-2607092

पत्रांक : यूकेपीसीबी / एच.ओ. / सा0-183-669 / 2026 / 113

दिनांक 21.04.2026

एन0जी0टी0 मैटर

सेवा में,

क्षेत्रीय अधिकारी

क्षेत्रीय कार्यालय

उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड,

सिंचाई परिकल्प भवन परिसर, रुड़की।

विषय:— मा0 हरित अधिकरण में योजित मूल आवेदन सं0 102/2023 Neeraj Chhachhar & Ors. Vs. State of Uttarakhand & Ors. में पारित आदेश दिनांक 13.04.2026 के अनुपालन के सम्बन्ध में।

महोदय,

कृपया उपरोक्त विषयक वाद में योजित सुनवाई दिनांक 13.04.2026 को मा0 हरित अधिकरण द्वारा अन्य निर्देशों के साथ निम्न निर्देश दिये गये हैं:—

9. Joint inspection report reveals that the construction is without Consent To Operate (CTO) and Consent To Establish (CTE) and the below the basement of the construction, a sewer line is passing (page 8).

10. In respect of the construction over the sewer line, Learned Counsel UKPCB submits that it is the responsibility Jal Santhan to look into it. If the construction is raised over the sewer line, there will be an issue of cleaning the sewer line and the consequential pollution on account of uncleaned sewer line and it's over flowing. Such responsibility to regulate it lies with the UKPCB. Hence, we require the Member Secretary, UKPCB to explain the position.

उपरोक्त के अनुपालन हेतु आपको निर्देशित किया जाता है कि तथ्यात्मक आख्या से अवगत कराना सुनिश्चित करें एवं दिनांक 03.07.2026 को सुनवाई के समय अभिलेखों सहित अद्योहस्ताक्षरी के सहयोग हेतु उपस्थित रहना सुनिश्चित करें।

संलग्नक: यथोपरि।

भवदीय

(डा0 पराग मधुकर धकाते)

सदस्य सचिव



क्षेत्रीय कार्यालय
उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड
सिंचाई परिकल्प भवन परिसर, रुड़की -247667 हरिद्वार
E-mail: rorueppcb2013@gmail.com

Annexure-2

862

पत्रांक-यूकेपीसीबी/आर0ओ0आर0/सा0-147(33)/2026/442
पंजीकृत डाक/ई-मेल द्वारा

दिनांक: 17.06.2026

सेवा में,

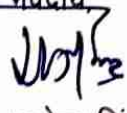
सदस्य सचिव,
उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड,
देहरादून।

विषय:- मा0 राष्ट्रीय हरित अधिकरण में योजित मूल आवेदन सं.-102/2023 Neeraj Chhachhar & Ors. Vs. State of Uttarakhand & Ors में पारित आदेश दिनांक 13.04.2026 के अनुपालन के सम्बन्ध में।

महोदय,

कृपया उपरोक्त विषयक बोर्ड मुख्यालय के पत्र सं0-यूकेपीसीबी/एचओ/सा0-183-669/2026/113 दिनांक 21.04.2026 का सन्दर्भ ग्रहण करना चाहें। मा0 एन.जी.टी. द्वारा पारित आदेशों के अनुपालन में विषयगत स्थल का निरीक्षण दिनांक 09.06.2026 को किया गया। निरीक्षण आख्या संलग्नकों सहित अवलोकनार्थ एवं अग्रिम आवश्यक कार्यवाही हेतु सादर प्रेषित है।

संलग्नक:-यथोपरि।

भवदीय

(डा0 राजेन्द्र सिंह)
क्षेत्रीय अधिकारी

निरीक्षण आख्या

1. मा0 एन0जी0टी0 द्वारा मूल आवेदन सं0-102/2023 Neeraj Chhachhar & Ors. Vs State of Uttarakhand & Ors. में दिनांक 13.04.2026 को अन्य निर्देशों के साथ-साथ निम्नलिखित निर्देश निर्गत किये गये:-

“
10. In respect of the construction over the sewer line, learned council UKPCB submits that it is responsibility Jal Sansthan to look into it. If the construction is raised over the sewer line, there will be an issue of cleaning th sewer line and the consequential pollution on account of uncleaned sewer line and it's over flowing. Such responsibility to regulate it lies the UKPCB. Hence, we require the Member Secretary, UKPCB to explain the position.
 ”

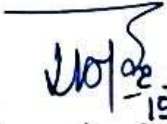
2. मा0 एन0जी0टी0 द्वारा पारित आदेशों के अनुपालन में विषयगत क्षेत्र का दिनांक 09.06.2026 को निरीक्षण किया गया। निरीक्षण के समय उत्तराखण्ड जल संस्थान, हरिद्वार के सहायक अभियन्ता श्री मनोज कुमार उपस्थित थे।
3. विषयगत स्थल पर भवन निर्माण Basement + 3 Floor का निर्माण किया गया है। निरीक्षण के समय निर्माण कार्य संचालन में नहीं पाया गया।
4. विषयगत स्थल के Basement से Sewer line गुजरती है, Sewer line का मेनहोल बेसमेंट में दिखाई देता है। अधिशासी अभियन्ता, अनुरक्षण शाखा (गंगा), उत्तराखण्ड जल संस्थान, जगजीतपुर, हरिद्वार द्वारा पत्र सं0-2111/एन.जी.टी./2023-24/ दिनांक 07.02.2024 द्वारा अवगत कराया गया कि निर्माणाधीन Housing Complex के बेसमेंट में स्थित मेनहोल चैम्बर पर 600 mm diameter की Gravity sewer line जुड़ी है, जो सुचारु रूप से कार्य कर रही है। उक्त सीवर लाइन के माध्यम से हरिद्वार नगर का लगभग 30 प्रतिशत सीवेज पूर्व से निर्मित भवनों के नीचे से होकर 68 MLD क्षमता के सीवेज ट्रीटमेंट प्लांट (STP) तक पहुंचता है। (संलग्नक-1)।
5. राज्य में जल आपूर्ति, सीवेज सर्विसेज के विकास एवं नियंत्रण हेतु The U.P Water Supply and Sewerage Act, 1975 प्रख्यापित है। उक्त अधिनियम के Section 77 के अनुसार-

“
77. Prohibition of construction of building over sewer.- (1) No person shall without the permission of the Jal Sansthan construct any private street, building or other structure on any sewer of the Jal Sansthan.
 ”

The U.P Water Supply and Sewerage Act, 1975 के Section 77 की छायाप्रति संलग्न है।
 (संलग्नक-2)।

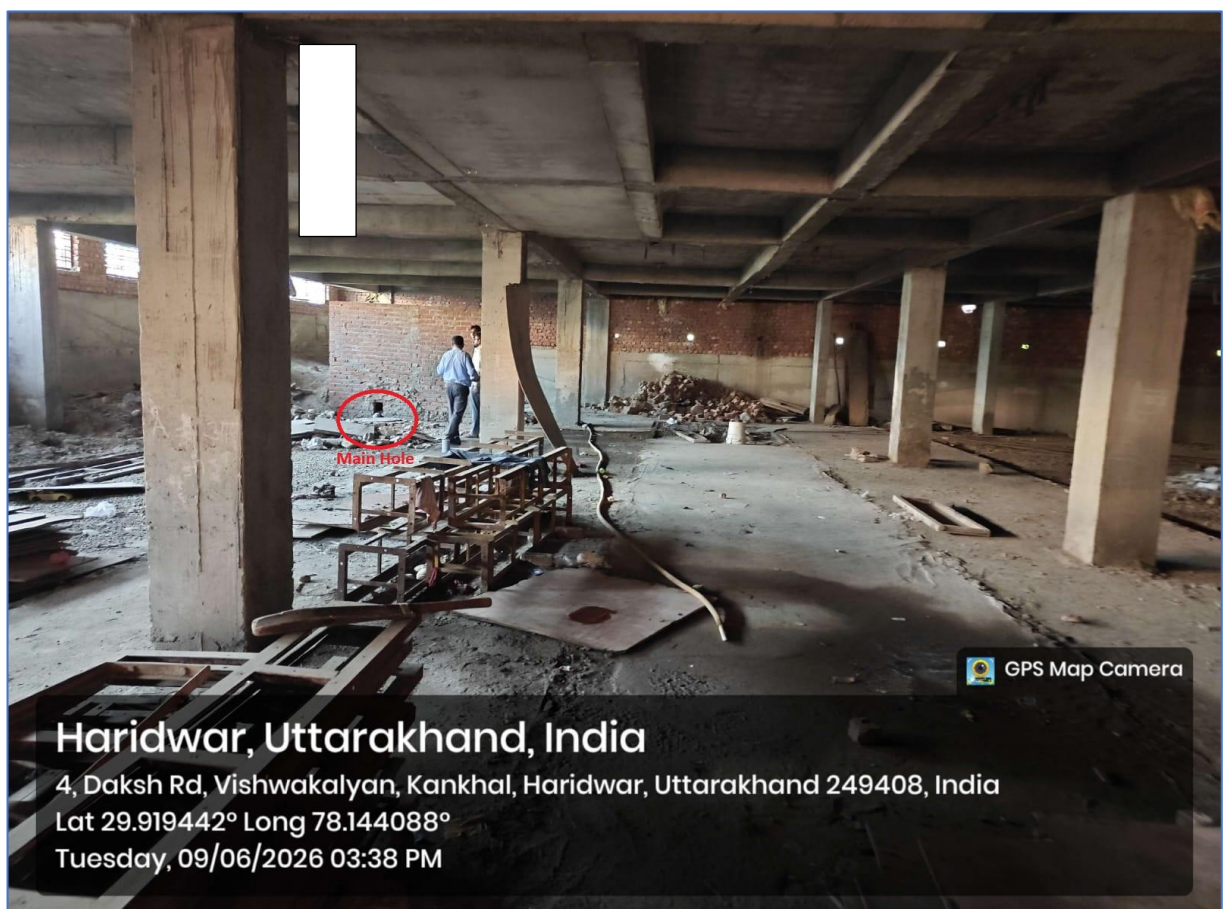
6. उपरोक्तानुसार स्पष्ट है कि जल संस्थान कि पूर्वानुमति के बिना सीवर लाइन के ऊपर निर्माण प्रतिबन्धित है। चूँकि सीवर लाइन का संचालन एवं रख-रखाव उत्तराखण्ड जल संस्थान द्वारा किया जाता है, अतः विषयगत प्रकरण में उत्तराखण्ड जल संस्थान का अभिमत आवश्यक एवं महत्वपूर्ण है।
7. सीवर लाइन की मरम्मत एवं रख-रखाव में Heavy Machines & Manpower की आवश्यकता होती है। अतः सीवर लाइन के ऊपर पक्का निर्माण अनुमन्य किया जाना उचित प्रतीत नहीं होता है।

कृपया उपरोक्तानुसार निरीक्षण आख्या अवलोकनार्थ सादर प्रेषित है।


 15/06/2026
 (डा0 राजेन्द्र सिंह)
 क्षेत्रीय अधिकारी



1. Building in question (Basement + 3 Floor).



2. Basement of building with location of sewer main hole.



**‘कार्यालय, अधिशासी अभियन्ता, अनुरक्षण शाखा(गंगा)’
उत्तराखण्ड जल संस्थान, जगजीतपुर, हरिद्वार।**

सेवा में,

क्षेत्रीय अधिकारी,
उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड,
सिंचाई परिकल्प भवन परिसर, रुड़की-247667।

पत्रांक- 2111 / एन0जी0टी0 / 2023-24 दिनांक:- 07/02/2024

विषय:- मा0 नैशनल ग्रीन ट्रिब्यूनल द्वारा मूल आवेदन सं0-102/2023 नीरज छाछर बनाम उत्तराखण्ड राज्य व अन्य में पारित आदेश दिनांक 03-01-2024 के अनुपालन के सम्बन्ध में।

महोदय

उपरोक्त विषयक अपने कार्यालय पत्रांक 1484/यूकेपीसीबी/आर.ओ.आर./सा-147(33)/2024, दिनांक 03-02-2024 का सन्दर्भ ग्रहण करने का कष्ट करेंगे। उक्त के कम में अवगत कराना है कि स्वामी हरिगिरी आश्रम की दीवार से जुड़ती हुयी निर्माणाधीन Housing Complex के Basement में मेनहोल चैम्बर स्थित स्थल पर 600 एम0एम0 ड़ाया की विभागीय ग्रेविटी सीवर लाईन बिछी हुयी है, जो कि सुचारु रूप से कार्य कर रही है। उक्त सीवर लाईन के माध्यम से हरिद्वार नगर का लगभग 30 प्रतिशत सीवेज पूर्व से निर्मित भवनों के नीचे से होकर 68 एम0एल0डी0 एस0टी0पी0 जगजीतपुर तक पहुँचता है। भविष्य में यदि सीवर लाईन क्षतिग्रस्त होती है तो सीवर लाईन के दोनो तरफ पर्याप्त खाली स्थान होना आवश्यक है।

अतः आख्या सादर सूचनार्थ प्रेषित।

भवदीय
(राकेश कुमार)

अधिशासी अभियन्ता,

UK Pch/ECB
Diary No. 3482
File No. 12/02/2024
Date.

18/02/24
14/02/2024

The
U.P. Water Supply and Sewerage
Act, 1975

along with

Jal Sansthan (Assessment of Annual Value of
Premises) Rules, 1981

Jal Sansthan (Radius Regarding Levy
of Water Tax) Rules, 1993

and

NOTIFICATIONS

EASTERN BOOK COMPANY
LUCKNOW

CONTENTS

1. The UP. Water Supply and Sewerage Act, 1975	..	..	1-39 pages
--	----	----	---------------

CHAPTER I PRELIMINARY

1	Short title, extent and Commencement	..	..	..	1
2	Definitions	..	..	..	2

CHAPTER II

ESTABLISHMENT, CONDUCT OF BUSINESS, FUNCTIONS AND POWERS OF THE NIGAM

3	Establishment of the Nigam	..	..	..	4
4	Constitution of the Nigam	..	..	..	4
5.	Disqualification for being Chairman or other member	..	..	..	5
6.	Terms of office of Chairman and other members	..	..	..	6
7.	Other provisions regarding office of the Chairman and other members	..	..	..	6
8.	Appointment of employees	..	..	..	6
9.	Supervision and control over employees	..	..	..	6
10	Authentication of orders and other instruments of the Nigam	..	..	..	6
11	Delegation of powers	..	..	..	6
12	Disqualification for participation in proceedings of the Nigam on account of interest	..	..	..	6
13	Acts not to be invalidated by informality, vacancy etc ...	..	..	..	7
14	Functions of the Jal Nigam	..	..	..	7
15	Powers of the Jal Nigam	..	..	..	8
16	Power to call for reports and information	..	..	..	8
17	Supervision and centage charges	..	..	..	9

CHAPTER III

ESTABLISHMENT, CONDUCT OF BUSINESS, FUNCTIONS AND POWERS OF JAL SANSTHANS

18	Establishment of Jal Sansthan	..	..	..	9
19	Jal Nigam as Jal Sansthan	..	..	..	9
20	Constitution of Jal Sansthan	..	..	..	10
21	Disqualifications	..	..	..	11

Sections	Pages
22. Term of office	11
23. Remuneration	11
24. Functions of a Jal Sansthan	11
25. Powers of a Jal Sansthan	12
26. Delegation of powers	12
27. Creation of posts and appointment of employees	12
27-A Centralisation of services	13
28 Authentication of orders and other instruments of the Jal Sansthan	13
29 Act not to be invalidated by informality, vacancy, etc	13
30 Disputes with consumers	13
CHAPTER IV	
VESTING OF PROPERTIES, ASSETS, LIABILITIES AND OBLIGATIONS AND TRANSFER OF EMPLOYEES	
31 Vesting and transfer of property to Nigam	14
32 Decision of the State Government on the vesting of property to be final	14
33 Vesting of existing water supply and sewerage services in Jal Sansthans	15
34 Jal Sansthan to assume obligations of local authority in respect of matters to which this Act applies	15
35 Co-ordination of activities of Jal Sansthan and other local bodies	15
36 Special powers of Nigam in relation to its re-lending operations	15
37 Transfer of employees to Nigam	15
38 Transfer of employees to Jal Sansthan	17
CHAPTER V	
PROPERTY, CONTRACT, FINANCE, ACCOUNTS AND AUDITS	
39 Execution and registration of contracts, etc.	19
40 Nigam's Funds	19
41 Jal Sansthan's Fund	19
42 General principles for Jal Nigam's Finance	19
43 Grants and subventions to the Nigam and Jal Sansthan	19
44 General principles for Jal Sansthan's Finance	19
45 Loans to the Nigam	19

Sections	Pages
46 Power of the Jal Nigam to borrow and re-lend	19
47 Depreciation reserve	20
48 Government Guarantor	20
49 Direct management by Nigam	20
50 Accounts and audit	21
51 Surcharge	22
CHAPTER VI	
TAXES, FEES AND CHARGES	
52 Taxes leviable	22
53 Assessment of annual value	23
54 Appeal against assessment	24
55 Restriction on levy of taxes	24
56 Liability for payment of taxes	24
57 Consolidation of taxes	24
58 Application of certain provisions of U.P. Act 2 of 1959	24
59 Cost of water	25
60 Cost of disposal of waste water	25
61 Meter Rent	25
62 Security	25
63 Fees	25
64 Recovery of taxes and other sums due	25
CHAPTER VII	
WATER SUPPLY	
65 Definition of supply of water for domestic purposes	25
66 Supply of water by Jal Sansthan	26
67 Water supply for domestic purposes not to be used for non-domestic purposes	26
68 Provision of fire hydrants	26
69 Power to provide water meters	27
70 Licensed plumbers	27
71 Prohibition of wastage of water	27
72 Power to cut off water supply	27
73 Prohibition of certain acts	28

Sections	Pages
CHAPTER VIII	
SEWERAGE	
74 Right of owner or occupier to obtain sewer connection	29
75 Power to require owner to have sewer connection	29
76 Prohibition of connection with sewer	29
77 Prohibition of construction of building over sewer	29
78 Power to affix shaft etc., for ventilation of sewer cesspool	29
79 Power to examine and test sewer etc., believed to be defective	29
80 Prohibition of certain acts	30
81 Power of entry, survey etc.	30
82 Power to disinfect tanks, pools and wells	31
CHAPTER IX	
PENALTIES AND PROCEDURE	
83 Cognizance of offences	31
84 General penalty	31
85 Offences by companies	31
86 Power to arrest person refusing to give his name and address	32
87 Composition of offences	32
88 Duties of police officers and employees of the local bodies	32
CHAPTER X	
EXTERNAL CONTROL	
89 Directions to the Nigam on questions of policy	32
90 Annual report, statistics, returns and other information by the Nigam	33
91 Direction to a Jal Sansthan on questions of policy	33
92 Annual reports, statistics, returns and other information by a Jal Sansthan	33
CHAPTER XI	
MISCELLANEOUS	
93 Duty of local bodies to assist	33
94 General power to pay compensation	34
95 Protection for acts done in good faith	34

Sections

Pages

CHAPTER XII

RULES, REGULATIONS AND BYE-LAWS

96	Power to make rules	..	..	..	34
97	Regulations	..	..	..	34
98	Bye-laws	..	..	..	35

CHAPTER XII

TRANSITORY PROVISION AND REPEAL

99	Transitory Provision	..	..	..	36
100	Repeal and amendment	..	..	..	36
100-A	Dissolution of Jal Sansthan and the consequences thereof	..	..	..	36
101	Water Supply and Sewerage Fund	..	..	..	37
102	Removal of difficulties	..	..	..	37
103	Repeal and saving	..	..	..	38
II.	The Jal Sansthan (Assessment of Annual Value of Premises) Rules, 1981	..	..	..	39-41
1	Short title, extent and commencement	..	..	..	39
2	Definitions	..	..	..	39
3	Preparation of assessment list: Section 53(2) ..	..	..	..	39
4	Publication of the list	..	..	..	39
5	Objections of entries in the list	..	..	..	40
6	Authentication and custody of the list	..	..	..	40
7	Revision and duration of list	..	..	..	40
8	Finality of the entries	..	..	..	40
9	Power of the Assessing Authority	..	..	..	40
III.	Jal Sansthan (Radius Regarding Levy of Water Tax) Rules, 1993				42
	NOTIFICATIONS	..	..	..	43-45

The U.P. Water Supply and Sewerage Act, 1975

[U.P. Act 43 of 1975]

[As passed by the Uttar Pradesh Legislature]

An Act to provide for the establishment of a Corporation. authorities and organisations for the development and regulation of water supply and sewerage services and for matters connected therewith

It is hereby enacted in the Twenty-sixth Year of the Republic of India as follows:-

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.- (1) This Act may be called the Uttar Pradesh Water Supply and Sewerage Act, 1975.

(2) It extends to the whole of Uttar Pradesh excluding cantonment areas.

¹[(3) It shall be deemed to have come into force on June 18, 1975.]

The Government in Swayatta Shashan Anubhag-4 Notification 125/9-4(W.B.S.)-75, dated January 15, 1976 appointed September 8, 1975 for the coming into force of this Act in exercise of the powers under old sub-section (3) of Section 1 of the Act. The said sub-section was as follows:

"(3) It shall come into force on such date as the State Government may by notification in the Gazette appoint in that behalf, and different dates may be appointed in respect of different provisions."

Now the said notification stands repealed automatically with the substitution of the old sub-section (3) of Section 1 and the Act shall be deemed to have come into force on 18-6-1975 instead of 8-9-1975.

2. Definitions.- In this Act, unless the context otherwise requires---

- (1) "cesspool" includes a settlement tank or other tank to receive or dispose of foul matters from any premises;
- (2) "communication pipe" means any pipe or system of pipes along with all fittings thereto, by means of which water is supplied to any premises from the main and includes a connection pipe, service pipe, meter or other fittings;
- (3) "connection pipe" means any water pipe from a ferrule to stop-cock connecting the main of the local body, Jal Sansthan or Nigam, as the case may be, with the service pipe;
- (4) "consumer" means any person getting the benefit of any water supply or sewerage service from the local body, Jal Sansthan or the Nigam, as the case may be;
- (5) "domestic sewage" means waste water from residences, boarding and lodging houses, hostels, hotels, public places, offices and all other such

1. Subs. by V.P. Act 28 of 1978.

establishments as are not a part of any trade or industry, and arising out of personal and normal human activities such as drinking, bathing, ablution, washing and cooking;

- (6) "drain" includes a sewer, tunnel, pipe, ditch, gutter or channel or a cistern, flush-tank, septic tank, or other device for carrying off or treating sewage, offensive matter, polluted water, sullage waste-water or sub-oil water, and also includes any culvert, ventilation shaft or pipe or other appliances or fittings connected with such drain, and any ejectors, compressed air mains, sealed sewage mains and special machinery or apparatus for raising, collecting, expelling or removing sewage or offensive matter from any place;
- (7) "ferrule" means a ferrule connecting the connection pipe with the main;
- (8) "General Manager" means General Manager of a Jal Sansthan appointed under clause (c) of sub-section (2) of Section 20;
- (9) "Jal Sansthan", means a local authority constituted by the State Government under Section 18 to perform its functions under this Act in one or more local areas;
- (10) "Local Self-Government Engineering Department" and "Community Development Department" means the departments with these names under the State Government;
- (11) "Local area" means the area falling within the jurisdiction of a local body;
- (12) "local body" means a Nagar Mahapalika, Municipal Board, Town Area Committee, Notified Area Committee, Zila Parishad, Kshettra Samiti, or a Gaon Sabha;
- (13) "main" means a pipe laid by the local body, Jal Sansthan or Nigam, as the case may be, for the purpose of giving a general supply of water as distinct from a supply to individual consumers, and includes any apparatus used in connection with such a pipe;
- (14) "Managing Director" means a Managing Director of Nigam, appointed under clause (a) of sub-section (2) of Section 4;
- (15) "Nigam" means the Uttar Pradesh Jal Nigam established under Section 3;
- (16) "occupier" in relation to any premises includes the following-
 - (a) any person for the time being paying or liable to pay rent or any portion thereof to the owner in respect of those premises;
 - (b) an owner who is in occupation of those premises;
 - (c) a tenant of those premises who is exempt from payment of rent; (d) a licensee who is in occupation of those premises; and
 - (e) any person, who is liable to pay damages to the owner in respect of use and occupation of those premises;
- (17) "owner" in relation to any premises means the person who receives the rent of the said premises or who would be entitled to receive the rent thereof if the premises were let, and includes-
 - (a) an agent or trustee who receives such rent on account of the owner;
 - (b) an agent or trustee who receives the rent of, or is entrusted with the management of, any premises devoted to religious or charitable purposes;

- (c) a receiver or manager appointed by any court of competent jurisdiction to have the charge of, or to exercise the rights of an owner of the said premises; and
- (d) a mortgagee-in-possession;

- (18) "premises" means any land or building;
- (19) "prescribed" means prescribed by rules;
- (20) "prescribed authority" means any authority appointed by the State Government, by notification in the Gazette, to perform all or any of the functions of the prescribed authority;
- (21) "private street", "public street" and "street" in relation to any local area, have the same meanings as in law relating to the local body having jurisdiction over that local area;
- (22) "regulations" means regulations made under this Act;
- (23) "rules" means rules made under this Act;
- (24) "service pipe" means any pipe other than the connection pipe beyond the stop-cock by means of which the water is supplied to any premises;
- (25) "sewage" means night-soil and other contents of water closets, latrines, privies, urinals, cess-pools, or drains, and polluted water from sinks, bathrooms, stables, and other like places, and includes trade effluent;
- (26) "sewer" means a closed conduit for carrying sewage, offensive matter, polluted water, waste water or sub-soil water;
- (27) "sewerage" means a system of collection of waste water from a community from its houses, institutions, industry and public places, the pumping treatment and disposal of such waste water, its effluent, sludge, gas and other end products;
- (28) "stock-cock" means a stop-cock fitted at the end of connection pipe away from the main for the purpose of switching off and regulating the water supply to any premises;
- (29) "trade effluent" means any liquid either with or without particles of matters in suspension therein, which is wholly or in part produced or discharged in the course of any trade or industry, including agriculture and horticulture, but it does not include domestic sewage;
- (30) "water connection" includes-
 - (a) any tank, cistern, hydrant, stand-pipe, meter or tap, situated on any private property and connected with a main or other pipe belonging to Jal Sansthan; and
 - (b) the water pipe connecting such a tank, cistern, hydrants, stand-pipe, meter or tap, with such main or pipe;
- (31) "water supply" means a system of providing water to a community for meeting its requirement for drinking and other domestic uses, industry, recreation and various public uses;
- (32) "waterworks" includes water channel (including stream, lake, spring, river or canal, pump, galleries, reservoir, cistern, tank) duct, whether covered or open, treatment units sluice, supply main, culvert, engine, water-truck, hydrants, stand pipe, conduit and machinery, land, building or other things for supplying or used for supplying water or for protecting sources of water supply or for treatment of water.

CHAPTER VIII SEWERAGE

74. Right of owner or occupier to obtain sewer connection.- The owner or occupier of any premises shall be entitled to empty sewage of the premises into a sewer of a Jal Sansthan provided that, before doing so, he,-

- (a) obtains written permission of the Jal Sansthan and pays connection fee in accordance with the bye-laws; and
- (b) complies with such other conditions as may be provided by bye-laws.

75. Power to require owner to have sewer connection.- Where any premises are, in the opinion of a Jal Sansthan, without sufficient means of effectual disposal of sewage and the sewer of the Jal Sansthan is situated at a distance of fifty metres from any part of the premises, the Jal Sansthan may, by written notice, require the owner of the said premises to have sewer connection as provided by bye-laws.

76. Prohibition of connection with sewer.- No person shall without the permission of the Jal Sansthan make or cause to be made any connection or communication with any sewer of the Jal Sansthan.

77. Prohibition of construction of building over sewer.- (1) No person shall without the permission of the Jal Sansthan construct any private street, building or other structure on any sewer of the Jal Sansthan.

(2) The provisions of Sections 327 and 333 of the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959, shall mutatis mutandis apply in relation to any construction in contravention of sub-section (1) with the substitution of references to the Mukhya Nagar Adhikari by references to such officer of the Jal Sansthan as it may, by general or special order, specify in that behalf.

78. Power to affix shaft etc., for ventilation of sewer cesspool.- A Jal Sansthan may, for the purposes of ventilating any sewer or cesspool, whether vested in the Jal Sansthan or not, erect upon any premises or affix to the outside of any building, or to any tree any shaft or pipes as may appear to it to be necessary.

79. Power to examine and test sewer etc., believed to be defective.- (1) Where it appears to the Jal Sansthan that there are reasonable grounds for believing that a private sewer or cesspool is in such condition as to be prejudicial to health or to be a nuisance or that a private sewer communicating directly or indirectly with a sewer of the Jal Sansthan is so defective as to admit sub-soil water or grit or other material it may examine its condition and for that purpose may apply any test, not being a test by water under pressure, and if it deems it necessary, open the ground.

(2) (a) If on examination the sewer or cesspool is found to be in proper condition, the Jal Sansthan shall as soon as possible, reinstate any ground which has been opened by it and determine any pay compensation for the damage caused by it.

(b) If on the other hand, the sewer or cesspool so examined is found to be defective, the Jal Sansthan may forthwith stop its functioning or disconnect it from the sewer of the Jal Sansthan, or require the owner or occupier to take remedial action as directed and within a time specified, by the Jal Sansthan and in any such event the Jal Sansthan may recover the cost incurred by it from the owner or occupier, as the case may be.

(3) In case of dispute as to the sufficiency of the amount so determined, the Jal Sansthan shall refer the dispute to the Nigam whose decision thereon shall be final.



**‘कार्यालय, अधिशासी अभियन्ता, अनुरक्षण शाखा(गंगा)’
उत्तराखण्ड जल संस्थान, जगजीतपुर, हरिद्वार।**

श्री राजीव कुमार, निखिल कुमार, निर्दोश कुमार,
दीपक कुमार व अजय कुशवाहा,
निवासी-लाटोवाली कनखल।

पत्रांक :- 151 / एन0जी0टी0 / 2026-27

दिनांक:- 21/5/2026

विषय:- बेली राम आश्रम के निकट निर्माणाधीन आवासीय इकाई के बेसमेन्ट के नीचे स्थित सीवर लाईन के सम्बन्ध में।

उपरोक्त विषयक अधिशासी अभियन्ता(मु0), उत्तराखण्ड जल संस्थान, जल भवन नेहरू कालोनी, देहरादून द्वारा अपने पत्रांक 630/विधि अनुभाग/2026-27, दिनांक 02-05-2026 द्वारा बेलीराम आश्रम के निकट निर्माणाधीन आवासीय इकाई के बेसमेन्ट के नीचे से गुजर रही 50.00 मी0 लम्बाई की सीवर लाईन जिसकी 5.00 मीटर गहराई है, के सम्बन्ध में जल सम्भरण तथा सीवर व्यवस्था 1975 के अधीन नियमों का संज्ञान रखते हुये अनापत्ति प्रमाण पत्र जारी करने के निर्देश दिये गये हैं। उक्त सम्बन्ध में सम्बन्धित द्वारा भी रू0 10.00 का शपथ पत्र प्रस्तुत किया गया है। सम्बन्धित सहायक अभियन्ता द्वारा उपलब्ध करायी गयी आख्यानानुसार उक्त निर्माणाधीन भवन के बेसमेन्ट में 01 नग सीवर मेनहोल चैम्बर स्थित है, जिसकी गहराई लगभग 5.00मी0 है एवं आकृति कोटीनुमा निर्मित है। सीवर मेनहोल चैम्बर की दूरी निर्माणाधीन भवन की मुख्य दीवार से लगभग 4.00मी तथा भीतरी सतह के आर0सी0सी0 पिलर से लगभग 4.00मी0 दूरी पर स्थित है। इस परिसर की लम्बाई में लगभग 50.00 मी0 सीवर लाइन गुजर रही है, जो कि वर्तमान में सुचारु रूप से कार्य कर रही है। यदि भविष्य में सीवर लाइन क्षतिग्रस्त होती है तो उसकी मरम्मत हेतु वर्तमान समय में पर्याप्त खाली स्थान है तथा भविष्य के लिये भी उक्त स्थल पर पर्याप्त खाली स्थान को बनाये रखना अति आवश्यक है।

उपरोक्त परिस्थितियों को दृष्टिगत रखते हुये श्री राजीव कुमार, निखिल कुमार, निर्दोश कुमार, दीपक कुमार व अजय कुशवाहा, निवासी-लाटोवाली कनखल को अनापत्ति प्रमाण पत्र निम्न प्रतिबन्धों के साथ निर्गत किया जा रहा है

भविष्य में उक्त निर्माणाधीन भवन से गुजर रही सीवर लाईन एवं बेसमेन्ट में स्थित मेनहोल चैम्बर की सफाई, संचालन या किसी भी प्रकार की मरम्मत करने में उक्त मेनहोल/चैम्बर के आस-पास बेसमेन्ट में कोई खुदाई की जाती है और उक्त कार्य हेतु किसी भी प्रकार की मशीनरी को प्रवेश कराया जाता है, यदि इससे भवन को किसी भी प्रकार की कोई आंशिक क्षति पहुँचती है तो इससे उक्त आवासीय इकाई के स्वामी या इनके हित प्रतिनिधियों को कोई आपत्ति नहीं होगी एवं साथ उक्त भवन के बेसमेन्ट में भवन स्वामी भविष्य में कोई निर्माण नहीं करेंगे एवं उक्त बेसमेन्ट से गुजर रही सीवर लाइन व मेनहोल चैम्बर के साथ-साथ पूरे बेसमेन्ट में खाली स्थान बनाये रखेंगे। बेसमेन्ट में किसी भी प्रकार का निर्माण नहीं करेंगे।

अतः उपरोक्त प्रतिबन्धों का अनुपालन न करने की दशा में अनापत्ति प्रमाण पत्र स्वतः ही निरस्त समझी जायेगी। उक्त अनापत्ति प्रमाण पत्र मूल आवेदन सं0-102/2023 नीरज छाछर व अन्य बनाम उत्तराखण्ड राज्य व अन्य में पारित आदेशों के अधीन होगी।

अधिशासी अभियन्ता

पृष्ठांक संख्या एवं दिनांक तदैव।

प्रतिलिपि-अधिशासी अभियन्ता(मु0), उत्तराखण्ड जल संस्थान, जल भवन नेहरू कालोनी, देहरादून को उनके उपरोक्त पत्र के क्रम में सूचनार्थ प्रेषित।

Recd
21/5/26
Abin
483771778

अधिशासी अभियन्ता