

ADDITIONAL REPORT OF JOINT COMMITTEE WITH REFERENCE TO HON'BLE NGT ORDER IN ORIGINAL APPLICATION NO.75/2023(WZ) IN THE MATTER HASANALI NURABHAI NODOLIYA VERSUS COLLECTOR & DISTRICT MAGISTRATE (BANASKANTHA) & ORS.

1. BACKGROUND

Hon'ble NGT Western Zone Bench, Pune passed an order dated- 15.05.2023 in O.A. No. 75/2023 based on application filed by Shri Hasanali Nurabhai Nodoliya with the allegation that Badargadh Gram Panchayat, which is care-taker of a land at Survey No. 498 of Badargadh Village, which is recorded as a Gauchar/Grazing Land has permitted gutter connection and even itself constructed a gutter line for discharging the untreated sewage into the said Gauchar Land, which is causing huge environmental impairment (as per the applicant), which has also caused health issues to the local residents.

It is alleged by the Applicant that deepening the small part of land situated on Colonial Land/Village Land, which is actually the Gat No. 498, recorded as a Gauchar Land. In fact, the small pond is situated in Gauchar/Grazing Land and it is not a Colonial Land/Village Land. He has alleged that the pollution started happening since March 2023 by installing the inlets and discharge of sewage waste there.

The Hon'ble NGT vide its order dated 15/05/2023 in Original Application No.75/2023(WZ) in the matter of Shri Hasanali Nurabhai Nodoliya Versus Collector & District Magistrate (Banaskantha) & Ors. has constituted a joint committee comprising of The District Collector, Banaskantha, The District Development Officer, Banaskantha and Regional Officer, Gujarat Pollution Control Board. GPCB was appointed as Nodal Agency for coordination and compliance.

"The Committee was directed to visit the spot and conduct the inspection in presence of the Applicant after giving prior notice and submit a report on factual aspects and action taken report".

Accordingly, the joint committee investigated the matter and submitted the status report to Hon'ble NGT on date. 04.08.2023.

"Subsequently, Hon'ble NGT further passed an order dated 21.08.2023 and directed the Joint Committee to submit detail report in the light of new allegations made by the Applicant through e-mail dated 21.08.2023".

The Applicant made following allegations through e-mail dated 21.08.2023.

- (i) That the solid waste is being dumped in the Gauchar/Grazing Land of Survey No. 498 of the Village-Badargadh till now by the Badargadh Gram Panchayat. Recently, Badargadh Gram Panchayat has started door-to-door garbage collection and started to dump the collected garbage in the Gauchar/Grazing Land of S. No. 498. This is unbelievable.
- (ii) That the untreated sewage-waste is also being dumped in the Gauchar/Grazing Land of Survey No. 498 of the Village-Badargadh till today.
- (iii) No restrictions on polluting the land are imposed by the Administration and no concrete action has been taken to stop the dumping of the Solid Waste.
- (iv) The Badargadh Gram Panchayat is also constructing & installing a new Gutterline to discharge untreated sewage-waste to an unknown location and the Gutterline is passing from the Gauchar/Grazing Land of S. No. 498. As per the history, no consent from GPCB has been taken by the Badargadh Gram Panchayat as per Rules. And no prior permission has been sought for using the Gauchar/Grazing Land.

2. STATUS REPORT

(A) ABOUT SEWAGE

Survey No. 498 of village Badargadh is Gauchar land, which is low lying area in the village and surrounded by residential houses on three sides (total @ 457 nos of houses).

Domestic waste water @ 183 KLD from these surrounding residential area flows in to this Gauchar Land (Survey No- 498) through underground drainage network as per natural gradient and gets accumulated along with storm water.

Untreated sewage gets accumulated at said Gauchar Land, from where it is pumped in to Grey Water Treatment Plant and treated waste water is finally discharged for irrigation purpose in nearby agriculture farm.

At this Gauchar land "Grey Water Treatment Plant" of capacity 200 KLD is constructed by DRDA under the scheme of Swatch Bharat Mission which has been made operational on 22-7-2023 and treated waste water is being discharged for irrigation purpose in nearby agriculture farm through fixed pipeline.

Gram Panchayat - Badargadh is constructing separate pipeline, which passes through said Gauchar Land (Sr. No. 498), exclusively for discharge of storm water overflow from village road near Gam Talav (Sr. No. 478) leading to natural nallah, finally meets river Umardashi. Consent of GPCB is not required for construction of said pipeline.

Gram Panchayat - Badargadh has online applied to GPCB through XGN portal for obtaining CTE (Consent To Establish) for "Grey Water Treatment Plant" and said application is under scrutiny stage.

(B). ABOUT GARBAGE

Gram Panchayat - Badargadh has started door to door collection of garbage on alternate day, which is accumulated at specific site in said Gauchar Land (Sr. No. 498) and said specific area will be developed as processing site for solid waste. Previously dumped garbage (scattered) in said Gauchar land (Sr. No. 498) is also collected and shifted at this proposed processing site. For the period of last seven months (Since March, 2023 till end of September, 2023) total quantity of garbage @ 10 MT, which is found dumped at this location.

Gram Panchayat- Badargadh has applied to District Collector, for seeking @ 2 acre area in the said Gauchar Land (Sr. No. 498) for processing of solid waste. Moreover through this application Gram Panchayat has also applied to convert part of said Gauchar land (@ 2 acre area) in to government waste land and which is to be vested in to government. So that no any criteria could be diluted for Gauchar land and same application is under process with concern officers.

3. CONCLUSION:

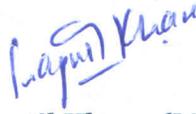
- (A) Badargadh Gram Panchayat has made Grey Water Treatment Plant operational & treated w/w is being utilized for irrigation purpose in nearby agriculture farm through fixed underground pipeline.

Gram Panchayat – Badargadh has made online application to GPCB through XGN portal for obtaining CTE (Consent To Establish) for “Grey Water Treatment Plant” and said application is under scrutiny stage.

- (B) Badargadh Gram Panchayat has spared dedicated area for solid waste processing site at this Gauchar land (Sr. No. 498). Gram Panchayat has also applied to convert part of said Gauchar land (@ 2 acre area) for processing of solid waste and said application is under process with concern officers.



J. M. Chaudhary
Regional Officer
GPCB -Banaskantha



Swapnil Khare (IAS)
District Development Officer
Banaskantha District



Varunkumar Baranwal (IAS)
District Collector
Banaskantha District

Item No.1

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

[THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)]

ORIGINAL APPLICATION NO.75 OF 2023 (WZ)

Hasanali Nurabhai Nodoliya

.... Applicant

Versus

Collector & District Magistrate (Banaskantha) & Ors. Respondents

Date of Hearing : 21.08.2023

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Applicant

: Applicant-in-person present

Respondents

: Mr. Maulik Nanavati, Advocate for R-5
The District Development Officer (Banaskantha)-
R-2 in person present

ORDER

1. From the side of the applicant, he has appeared in person through video-conferencing. He has submitted the service affidavit, as per which the service on all the respondents is sufficient. However, only from the side of respondent No.5 – GPCB, learned counsel Mr. Maulik Nanavati has appeared and respondent No.2 – the District Development Officer (Banaskantha) has appeared in person, through VC.

2. When we enquired from respondent No.2 – the District Development Officer (Banaskantha), as to whether he would engage a counsel and file reply, he says that he was relying on the GPCB, but he says that he will file the reply by engaging panel counsel, for which he seeks two weeks' time.

3. None has appeared from the side of respondent No.1 – Collector & District Magistrate, Banasantha, respondent No.3 – the Taluka

Development Officer, Palanpur and respondent No. 4 – Badargadh Gram Panchayat.

4. We are of the opinion that respondent Nos.3 and 4 are working under the jurisdiction of respondent No.1 – District Collector, Banaskantha. Therefore, we direct the District Collector, Banaskantha to appear before this Tribunal through video-conferencing on the next date positively and explain as to why none has appeared today from the side respondent Nos.1, 3 and 4, nor any reply has been put up from their side.

5. In pursuance of our previous order dated 15.05.2023, the Joint Committee has submitted its report wherein it is submitted that Survey No.498 is a gauchar land where domestic waste water was found in an area of 1 Ha, which was untreated. The District Rural Development Agency (DRDA), Banaskantha has constructed “Grey Water Treatment Plant” of 200 KLD capacity under the scheme of Swachh Bharat Mission (Gramin) for the treatment of domestic waste water. The same has been set up but is yet to be made operational. The learned counsel for GPCB has apprised us that it would be made operational within a week’s time.

6. We find that the applicant had also sought relief with respect to removal of garbage from the survey number in question, but nothing has been stated in the report of the Joint Committee about solid waste as to whether the same is being thrown and whether any arrangement is made for treatment of the same. Respondent No.2 states that he was under impression that it was only the sewage waste regarding which information was directed to be submitted to this Tribunal, but we failed to understand as to how the said conclusion was drawn when the entire application was transmitted along with notice, which does contain the problem of garbage being thrown at the survey number in question. We direct the Joint Committee to submit a detailed report in regard to solid

waste being thrown at the site in question and what arrangement has been made about its proper disposal.

7. The applicant has sent an e-mail to the Joint Committee members dated 21.08.2023, a copy of which is also provided to us by the applicant through e-mail, wherein it is submitted by him that after visit of the Joint Committee also, solid waste is still being dumped at the site in question. Apart from that, untreated waste water is also being released in the said land. Respondent No. 4 – Badargadh Gram Panchayat is also constructing and installing a gutter-line for discharge of sewage water at an unknown location which is to pass through the said Survey No.498 (site in question) without any consent having been taken from GPCB.

8. In view of the above objections, which are stated by the applicant through his e-mail, against the Joint Committee report, we direct the Joint Committee to submit a detailed report in the light of these new allegations made in the e-mail dated 21.08.2023, within a period of three weeks.

9. We also direct respondent No. 5 – GPCB to submit a full-fledged reply stating therein as to what should be done in this regard on the part of respondent No.4 – Badargadh Gram Panchayat in order to take care of solid waste management as well as sewage.

10. Put up for next consideration on 12.10.2023.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

August 21, 2023
O.A. No.75/2023 (WZ)
npj