

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 818 OF 2024**

IN THE MATTER OF:

Dharmender Kumar Singh

...Applicant

Versus

State of U.P. & Ors.

...Respondents

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THROUGH

DATE: 13.05.2025

PLACE: NEW DELHI



**STHAVI ASTHANA
ADVOCATE FOR RESPONDENT
C-9, SECTOR 50, NOIDA,
UTTAR PRADESH-201303**

(M): 9711116034

(E): STHAVIASTHANA@GMAIL.COM



INDIA NON JUDICIAL
507
Government of Uttar Pradesh



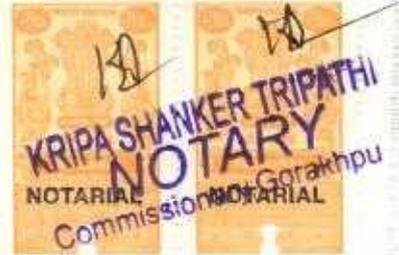
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e-Stamp

Signature: MICHEAL JAISWAL
APR 13 2025 10:45 AM
Licence No-123, Block No-1234567
Tel: 9876543210, Email: info@abc.com
Signature: *Mehul*

Certificate No.
Certificate Issued Date
Account Reference
Unique Doc. Reference
Purchased by
Description of Document
Property Description
Consideration Price (Rs.)
First Party
Second Party
Stamp Duty Paid By
Stamp Duty Amount(Rs.)

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: 13-May-2025 10:45 AM
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: DEO KUMAR GUPTA S O VIBHUTI PRASAD GUPTA
: Article 4 Affidavit
: Not Applicable
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KRIPA SHANKER TRIPATHI
NOTARY
Commissionary, Gorakhpur

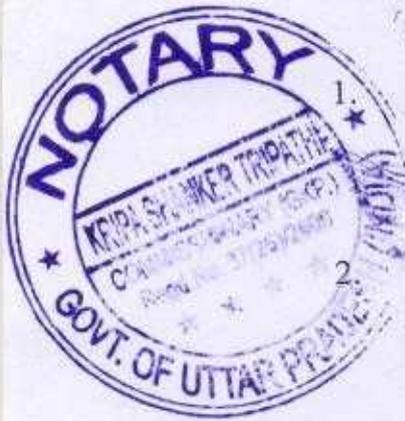
**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 818 OF 2024
IN THE MATTER OF:**

Dharmender Kumar SinghApplicant
Versus
State of Uttar Pradesh & Ors.Respondent(s)

**AFFIDAVIT ON BEHALF OF THE UTTAR PRADESH
POLLUTION CONTROL BOARD IN PURSUANCE TO THE
ORDER DATED 04.02.2025 PASSED BY THIS HON'BLE
TRIBUNAL**

I, Deo Kumar Gupta S/o Sri Vibhuti Prasad Gupta, age about 57 years presently posted as Regional Officer, Uttar Pradesh Pollution Control Board, Azamgarh (hereinafter UPPCB), do hereby solemnly affirm and state as under:

1. That I, deponent in the official capacity mentioned above, am acquainted with the facts and circumstances of the case and as such am competent and authorized to swear this affidavit.
2. That this Hon'ble Tribunal vide its order dated 04.02.2025 has observed as follows:
 3. Reply has been filed by the Respondent No. 3 District Magistrate, Baliya and Respondent No. 2 Member Secretary, UP PCB but these replies do not disclose full material particulars relating Surah Tal and the effect of setting up Jan Nayak Chandrashekar Vishwa Vidyalaya nearby and sewage disposal centre at Baliya on Surha Tal. The reply also does not contain any photograph giving the pictorial depiction of the Surha Tal. The area that is recorded as a water body in the revenue



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record/declared as a wetland and the present existing area of Surha Tal and its water quality, as well as the status of flora and fauna in that area has also not been disclosed Hence, we require the Respondent No. 2 and 3 to file further reports, keeping in view the observations made above."

3. That in compliance with the order of Hon'ble Tribunal inspection/survey of Surha Tal and sewage disposal centre, Ballia in Surha Tal was conducted by officials of Regional Office, Azamgarh of UPPCB on 07.05.2025. A true copy of the inspection report with its annexure is annexed hereto and marked as **Annexure No. 1.**
4. That Surha Tal is a natural pond located in Distt- Ballia of Uttar Pradesh. Surha Tal is located in middle Ganga plains along the margins of Ganga. It owes its origin to the meandering of Ganga and now a narrow outlet of about 23 kilo meter named Kathar Nala connects it with the River Ganga and Kathar Nala is the main outflow channel of the Surha Tal. The area of the Surha Tal subject to seasonal variation and the Tal expands to its maximum during rainy season (i.e. August to September). The Surha Tal discharges its water into River Ganga through Kathar Nala when the water level of Surha Tal becomes higher than water level of River Ganga. Sometimes the flow of Kathar Nala gets reversed during the high flood in River Ganga.
5. The Forest Department, Govt. of U.P. has notified Surha Tal as Surha Tal Bird Sanctuary under the Wild Life (Protection) Act, 1972 vide notification no. 1088(I)/14.03.19/89, Lucknow dated 27.03.1991. Further, Forest Department, Govt. of U.P. has changed

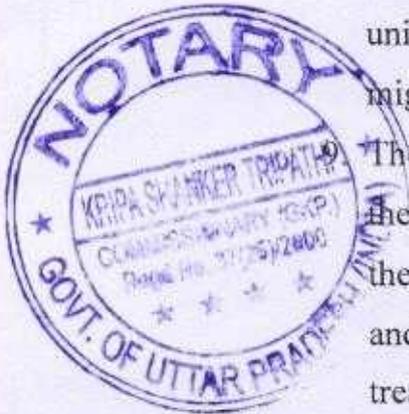
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name of Surha Tal Bird Sanctuary to Jay Prakash Narayan Bird Sanctuary vide office order no. 2854/14-4-2002-874/2002

Lucknow dated 10.12.2002. The Divisional Forest Officer, Kashi Wild Life Division, Ramnagar, Varanasi is incharge of Jay Prakash Narayan Surhal Tal Bird Sanctuary, Ballia.

6. Total notified land area of Jay Prakash Narayan Surhal Tal Bird Sanctuary, Ballia is 3042.93 hectares. In the total notified land 132.78 hectares land belongs to the Gram Samaj and 3300.15 hectares land is of the farmers of the nearby villages situated on the periphery of Surha Tal. No forest land is included in the notified land area.
7. The distance of Jan Nayak Chandra Shekhar University is about 300 to 600 meters from the water filled area of the Surha Tal.
8. At the time of inspection water logging was not found within the university campus. Due to this reasons there was no movement of migratory/immigrant birds was observed in this area.

The level of Jan Nayak Chandra Shekhar University is higher than the water level of Surha Tal. Plantation/green belt has been done by the university. Sewage Treatment Plant was found under construction and O.W.C (Organic Waste Converter) has been installed for the treatment and disposal of the solid waste generated from the university. At the time of inspection of the university it was found that proper arrangement for water drainage have been made. During rainy season there is no possibility of obstruction in the way of rain water going to the Surha Tal. Four drains located in the surrounding areas are connected to Surha Tal through which all the water of the catchment area goes to Surha Tal. Garbage disposal centre has been constructed at an area of 4.98 acres land and land is in the name of



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Nagar Palika Parishad, Ballia. Garbage disposal centre is surrounded by boundary wall from all the sides. The distance of Garbage disposal Centre from water area of Jay Prakash Naraya Surha Tal Bird Sanctuary is approximately 1.0 to 1.2 km. At garbage disposal centre segregation of collected garbage is being done and compost fertilizer is produced. At the time of inspection it was observed that necessary measures have been taken for the safeguard of environment. In the nearby areas of garbage disposal centre farming is being done by farmers. At the time of inspection water logging was not observed nearby of the garbage disposal centre. At the time of inspection immigration/migration of Indian and foreign Birds was not observed.

10. Garbage Disposal Centre is situated at a height of 2.5 meters from the present water level of Jay Prakash Narayan Surha Tal Bird Sanctuary. At the time of inspection it was observed that neither water flowing channels has been closed nor flow of water has been obstructed which connects Wet Land area of Jay Prakash Narayan Bird Sanctuary.

11. According to National Wet Land Atlas, 2010 wet land area of Surha Tal is 2270.64 hectares and it is situated in District- Ballia.

12. At the time of inspection/survey, it was observed that any drain/nala carrying waste water/domestic sewage was not meeting with main water filled area of Surha Tal. At the time of inspection survey of water filled area of Surha Tal has also been done and it was observed that aquatic flora-fauna were not present on the land within the water.

13. At the time of inspection sample of water filled in Surha Tal was collected and has been sent for analysis to Regional Laboratory, U.P. Pollution Control Board, Gorakhpur. As per the analysis reports, the

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water samples were conforming the standards stipulated for Outdoor bathing (Organized)/ Class-'B' as per Primary Water Quality Criteria for the Designated Best-use (Manual for Water Testing Kit: 1997-CPCB, appendix-III).

14. That the present Response on behalf of the Uttar Pradesh Pollution Control Board is being submitted before this Hon'ble Tribunal for its kind perusal and consideration.

[Handwritten Signature]

DEPONENT

VERIFICATION

Verified at Gorakhpur on this 13th day of May, 2025 that the contents of the above affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed there from.

[Handwritten Signature]

DEPONENT

[Handwritten Signature]
[Handwritten Signature]
13-5-2025



Sr No. 357 Date 13-5-25
Attested the Signature/Thumb Impression of
Sri/Smt./An. Deo. Kumar Gupta
Who Signed Put Signature Thumb Impression
before me ✓ attested the due execution of
his Affidavit ✓ to the Deed His/
Her Signature ✓ identified by
Advocate Smt. Govind Shukla
[Handwritten Signature]
Kripa Shanker Tripathi
Commissionary, Gorakhpur
13-5-25

Inspection report of Surha Tal in compliance of order dated 04.02.2025 passed by Hon'ble N.G.T. Principal Bench, New Delhi in the matter of O.A. No. 818/2024 Dharmender Kumar Singh Vs State of U.P. & Others.

INSPECTION REPORT.

In compliance of Hon'ble N.G.T., New Delhi order dated 04.02.2025 inspection/survey of Surha Tal and Garbage disposal centre, Ballia was made by undersigned along with Sri Jitendra Kumar, S.A., Sri Naveen Yadav, L.A. of Regional Office, U.P. Pollution Control Board, Azamgarh and Mr. Nishi Kant Sonkar, Forest Ranger, Sikandarpur Range, Ballia on dated 07.05.2025. The detail inspection report is as given below:-

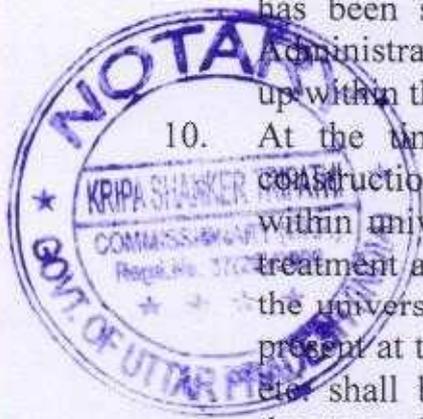
1. Surha Tal is a natural pond located in Distt- Ballia of Uttar Pradesh. Surha Tal is located in middle Ganga plains along the margins of Ganga. It owes its origin to the meandering of Ganga and now a narrow outlet of about 23 kilometer named Kathar Nala connects it with the River Ganga and Kathar Nala is the main out flow channel of the Surha Tal. The area of the Surha Tal is subject to seasonal variation and the Tal expands to its maximum during rainy season (i.e. August to September). The Surha Tal discharges its water into River Ganga through Kathar Nala when the water level of Surha Tal becomes higher than water level of River Ganga. Sometimes the flow of Kathar Nala get reversed during the high flood in River Ganga.
2. At the time of inspection the representative of Forest Department told that Forest Department, Govt. of U.P. has notified Surha Tal as Surha Tal Bird Sanctuary under Wild Life (Protection) Act, 1972 vide notification no. 1088 (1)/14-03-19/89, Lucknow on dated 27.03.1991. Further, Forest Department, Govt. of U.P. has changed name of Surha Tal Bird Sanctuary as Jay Prakash Narayan Bird Sanctuary vide office order no. 2854/14-4-2002-874/2002 Lucknow on dated 10.12.2002. Divisional Forest Officer, Kashi Wild Life Division, Ramnagar, Varanasi is incharge of Jay Prakash Narayan Surhal Tal Bird Sanctuary, Ballia.
3. At the time of inspection the representative of Forest Department, the total notified land area of Jay Prakash Narayan Surhal Tal Bird Sanctuary, Ballia is 3042.93 hectares. In the total notified land 132.78 hectares land is of Gram Samaj and 3300.15 hectares land is of the farmers of the nearby villages situated on the periphery of Surha Tal. No forest land is included in the notified land area.
4. At the time of inspection the representative of Forest Department told that Jan Nayak Chandra Shekhar Vishwa Vidhyalaya, Ballia has been built-



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up/constructed on the land of previously developed Shaheed Smarak Trust, Ballia. The total land area of Shaheed Smarak Trust, Ballia was 51 acres which has been transferred in the name of Jan Nayak Chandra Shekar Univeristy, Ballia.

5. The university is situated in vill- Basantpur Ehatmali in a total area of 51 acres and the campus of the university is surrounded by the boundary wall from all four sides.
6. The distance of Jan Nayak Chandra Shekhar University is about 300 to 600 meters from the water filled area of the Surha Tal. On the outside of surrounding Jan Nayak Chandra Shekhar University farming is done by local farmers. Farmers grow crops such as wheat, gram, peas and mustard etc. At the time of inspection remaining of the harvested crop was observed.
7. At the time of inspection water logging was not found within the university campus. Due to this reasons there was no movement of migratory/immigrant birds was observed in this area.
8. At the time of inspection it was found that the level of Jan Nayak Chandra Shekhar University is higher than the water level of Surha Tal. Plantation has been done and green belt has developed by the university within university premises.
9. At the time of inspection Mr. Sujeet Kumar Gupta, Vice Chancellor of Jan Nayak Chandra Shekhar University told that teaching work in the university has been started since the year 2017-2018 in various faculties/courses. Administrative Building, Lecture hall, hostel, staff residence has been built-up within the premises of the university.
10. At the time of inspection Sewage Treatment Plant was found under construction and O.W.C (Organic Waste Converter) has been found installed within university premises. S.T.P. is being made by the university for the treatment and disposal of domestic sewage. The solid waste generated from the university is being treated through O.W.C. Representative of university present at the time of inspection told that when all the hostels, staff quarters etc. shall be accommodated then sewage generated from hostels, lecture theater and residential staff quarters shall be treated into S.T.P. and treated domestic sewage shall be used for gardening etc. within university premises.
11. At the time of inspection of the university Vice Chancellor of Jan Nayak Chandra Shekhar University, Ballia told that presently 1244 students are studying in the university campus but nobody lives in the hostels. There are 32 Teaching staff and 22 other staff are presently employed in the university. Only Vice Chancellor of the university resides within the university campus.
12. At the time of inspection the representative of the university told that presently, waste water/sewage generated within the university premises is



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being treated through septic tank and soak pit. Solid waste is treated through O.W.C. Representative of the university also told that presently zero effluent is being discharged outside the university premises and in the future also any discharge from the university shall not go out from university premises.

13. At the time of inspection of the university it was found that proper arrangement for water drainage have been made. During rainy season there is no possibility of obstruction in the way of rain water going to the Surha Tal. Four drains located in the surrounding areas are connected to Surha Tal through which all the water of the catchment area goes to Surha Tal. Photograph of S.T.P. under construction within university premises and photographs of main gate of university is annexed as **annexure-01**.
14. At the time of inspection maximum area notified as Jay Prakash Narayan Surha Tal Bird Sanctuary was found dry. Cattles were grazing in the field of farmers situated in the notified Bird Sanctuary area. Photograph of grazing Cattles on farmers land is annexed as **annexure-02**.
15. At the time of inspection it was found that there is no possibility of discharge of sewage/waste water generated from the university in the Surha Tal.
16. At the time of inspection, Vice Chancellor of Jan Nayak Chandra Shekhar University told that it is a State university and was established in the year 2016 by Govt. of Uttar Pradesh. Presently about 138 colleges are affiliated to this university.

At the time of inspection representative of Forest Department told that Ministry of Environment, Forest and Climate Change, Govt. of India on dated 03.03.2019 has notified an area to an extents of 1.0 kilometer uniform around the boundary of Jay Prakash Narayan, Surha Tal Bird Sanctuary in Ballia District of U.P. as eco-sensitive zone.

At the time of inspection/survey it was found that at the periphery of Jay Prakash Narayan Surha Tal Bird Sanctuary about 40 to 45 villages are situated.

At the time of inspection, survey of Kathar Nala was done and Nala was found dry.

20. At the time of inspection site of Garbage disposal centre has also been inspected. Representative of the Garbage disposal centre present at the time of inspection told that Garbage disposal centre has been constructed at an area of 4.98 acres land and land is in the name of Nagar Palika Parishad, Ballia. At the time of inspection it was found that Garbage disposal centre is surrounded by boundary wall from all the four sides. The distance of Garbage disposal Centre from water area of jay Prakash Naraya Surha Tal Bird Sanctuary is approximately 1.0 to 1.2 km. At garbage disposal centre



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segregation of collected garbage is being done and compost fertilizer is produced. At the time of inspection it was observed that necessary measures has been taken for the safe guard of environment. In the nearby areas of garbage disposal centre farming is being done by farmers. At the time of inspection water logging was not observed nearby of the garbage disposal centre. At the time of inspection immigration/migration of Indian and foreign Birds was not observed in the nearby of Garbage disposal centre.

21. At the time of inspection it was observed that Garbage Disposal Centre is situated at a height of approximately 2.5 meters above from the present water level of Jay Prakash Narayan Surha Tal Bird Sanctuary. At the time of inspection it was observed that from the construction of Garbage disposal centre neither water flowing channels has been closed nor flow of water has been obstructed which connects Wet Land area of Jay Praksh Naraya Surha Tal Bird Sanctuary.
22. At the time of inspection representative of Forest Department told that according to National Wet Land Atlas, 2010 wet land area of Surha Tal is 2270.64 hectares and it is situated in District Ballia (U.P.).
23. At the time of inspection/survey, it was observed that any drain/nala carrying waste water/domestic sewage was not meeting with main water filled area of Surha Tal.
24. At the time of inspection it was observed that on the periphery of notified area of Jay Prakash Narayan Surha Tal Bird Sanctuary several kinds of trees such as Neem, Eucalyptus, Bargad, Botal Brush, Babul etc. were found grown.
25. At the time of inspection/survey of main water body of Surha Tal it was observed that approximately 1085 to 1087 hectares of area of Surha Tal was only filled with water. Representative of Forest Department present at the time of inspection told that about 1087.87 hectares of this Surha Tal remains filled with water throughout the year. Most of the migratory/immigrant Birds travel in this area only in the winter season from the month of December to the month of February.
26. At the time of inspection/survey of water filled area of Surha Tal it was observed that aquatic flora-fauna were not present on the land within the water.
27. At the time of inspection sample of water filled in Surha Tal was collected and has been sent for analysis to Regional Laboratory, U.P. Pollution Control Board, Gorakhpur. Analysis report obtained from Regional Laboratory, U.P. Pollution Control Board, Gorakhpur is annexed as **annexure-03**. Photographs taken during Surha Tal water sampling is

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annexed as **annexure-04**. As per analysis report, the water quality of sample collected from Surha Tal is as mentioned below:-

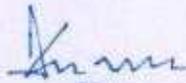
1.	pH	-	6.8
2.	Colour (Hazen)	-	10
4.	Total Solid (mg/l.)	-	181
5.	Suspended Solid (mg/l.)	-	36
6.	Dissolved Oxygen (mg/l.)	-	145
7.	B.O.D. (mg/l.)	-	2.8
8.	C.O.D. (mg/l.)	-	6.0
9.	Total Coliform (MPN/100ml)	-	480
10.	Fecal Coliform (MPN/100ml)	-	200

The above analysis report it is obvious that water of Surha Tal as per Primary Water Quality Criteria for the Designated Best-use (manual for water testing kit: 1997-CPCB, appendix-3) falls in class-B and is fit for Outdoor bathing (Organized).

28. Photograph of Surha Tal main water body and other area in which farming is being done is annexed as **annexure-05**.

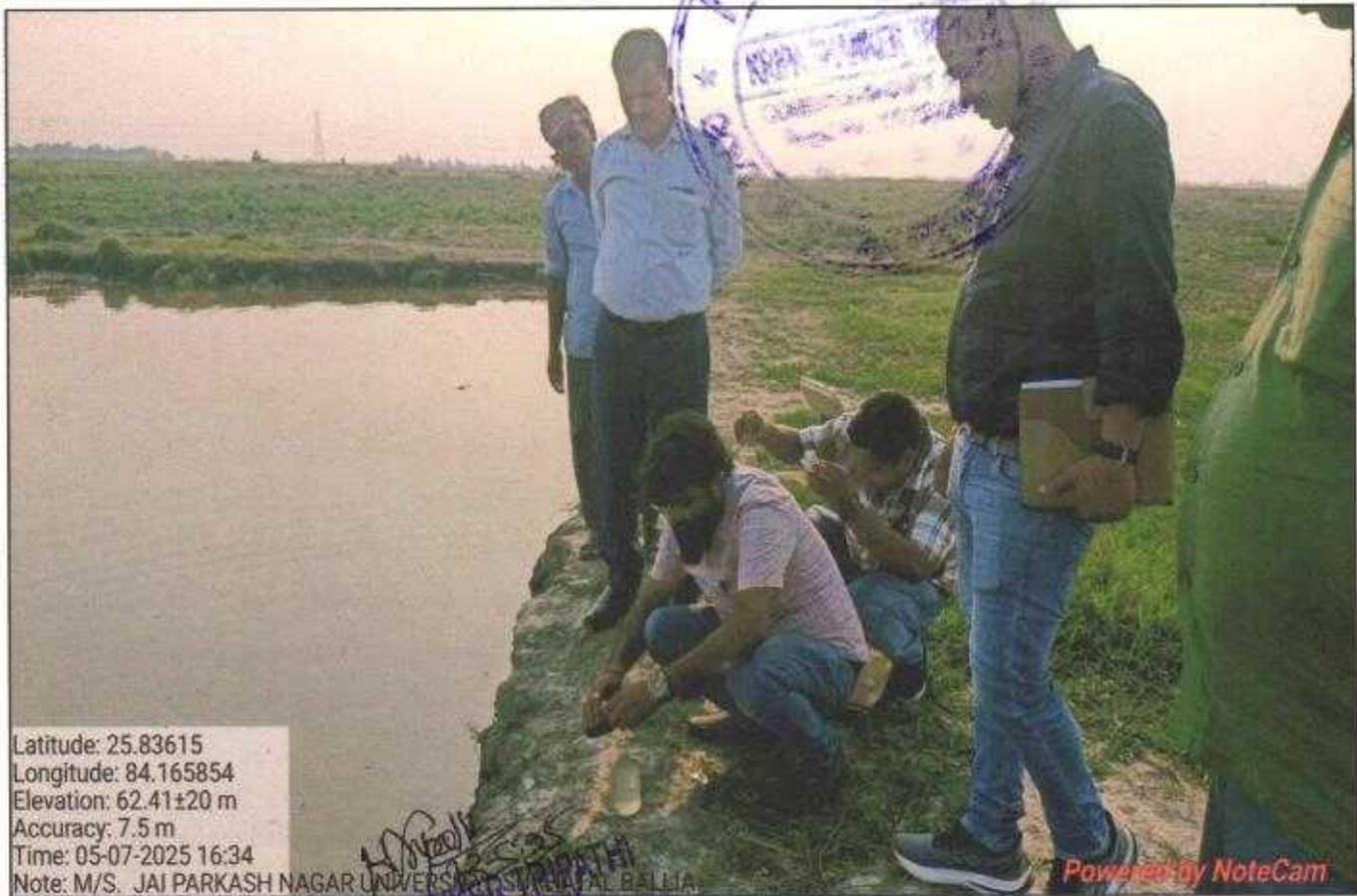
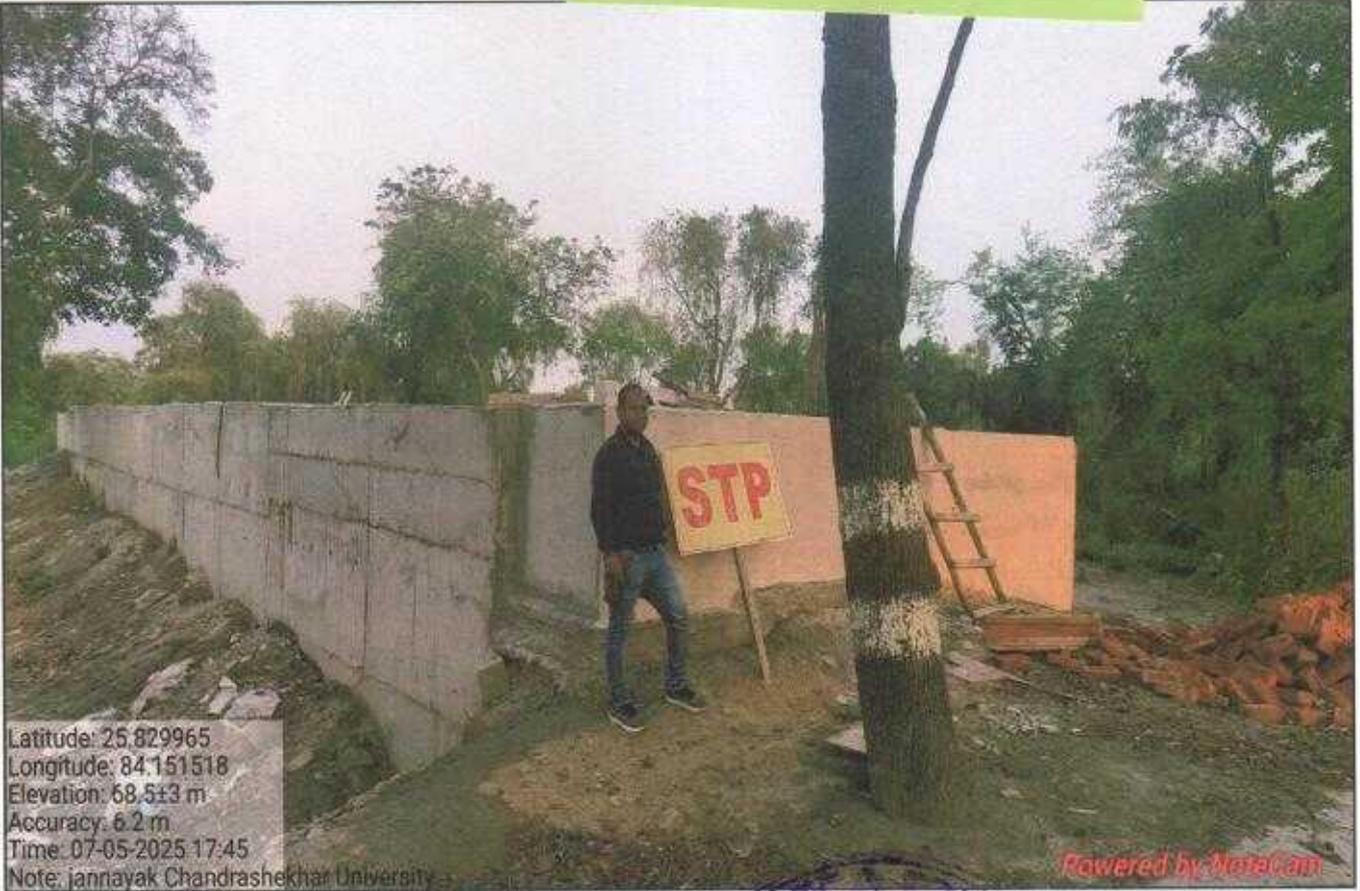
The above inspection report is submitted in compliance of order dated 04.02.20205 passed by Hon'ble N.G.T. in the matter of O.A. No. 818/2024.

Enclosure- As above


12.05.25
(Deo Kumar Gupta)
Regional Officer,
U.P.P.C.B.,
Azamgarh




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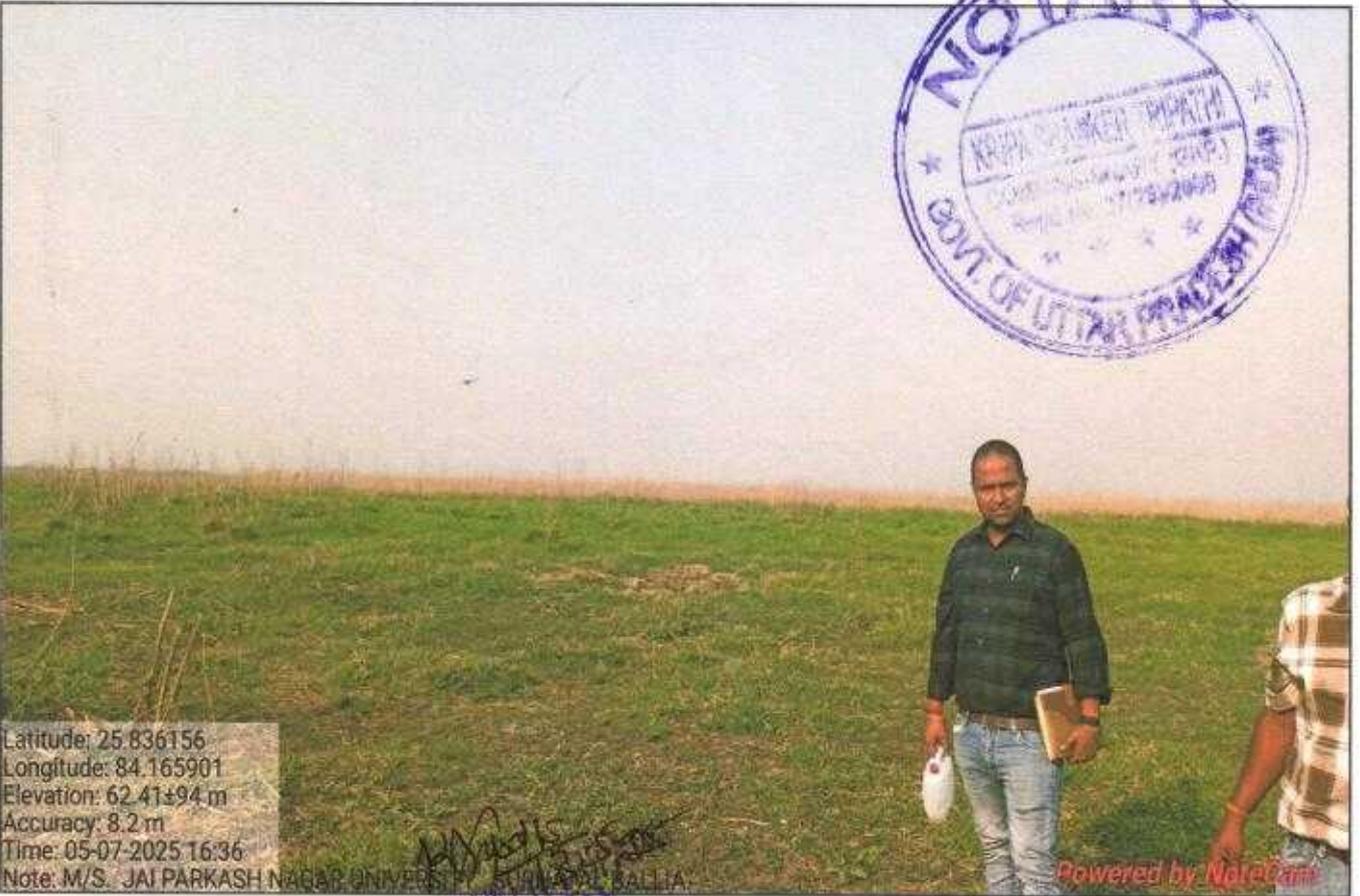


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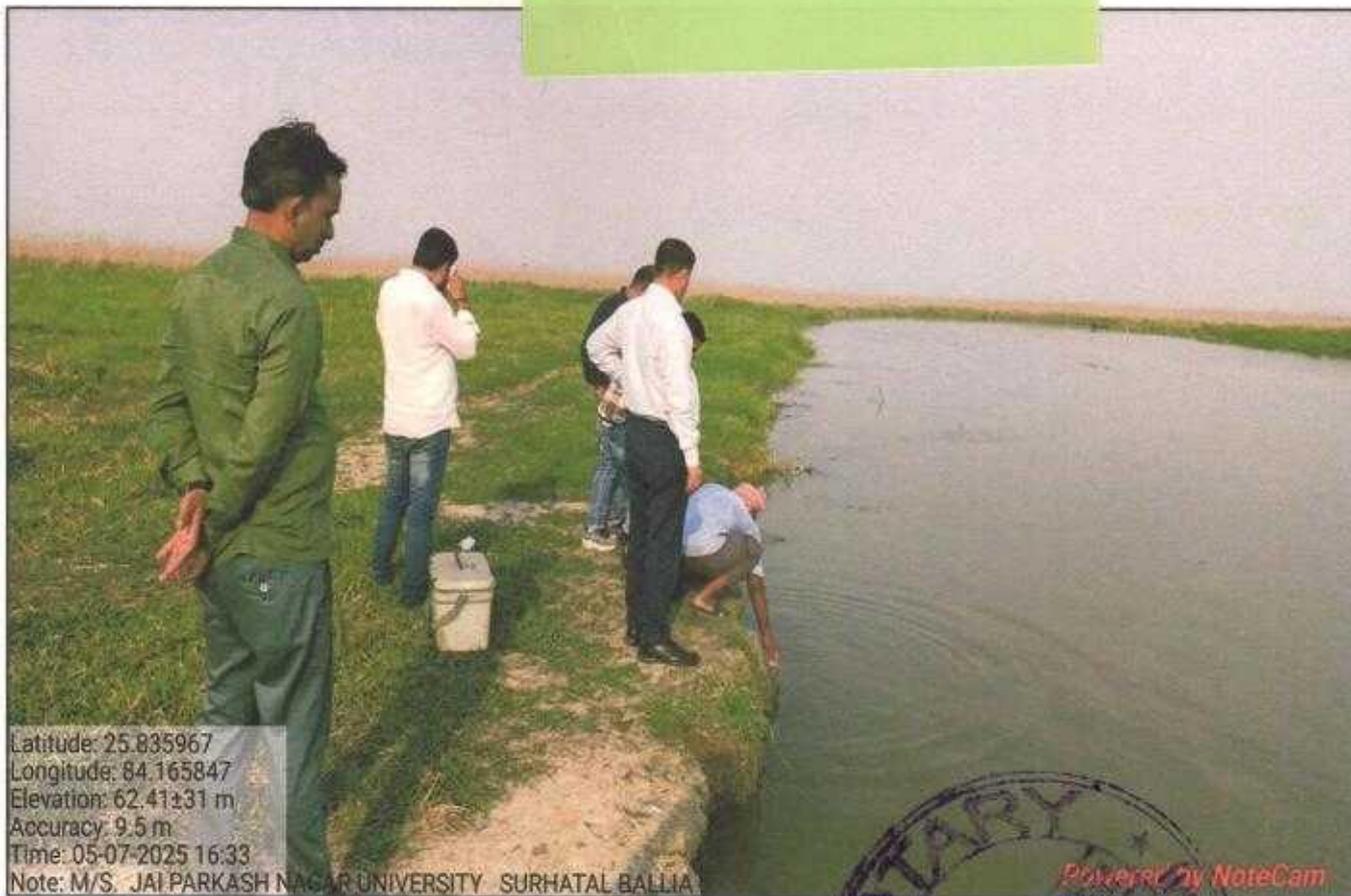
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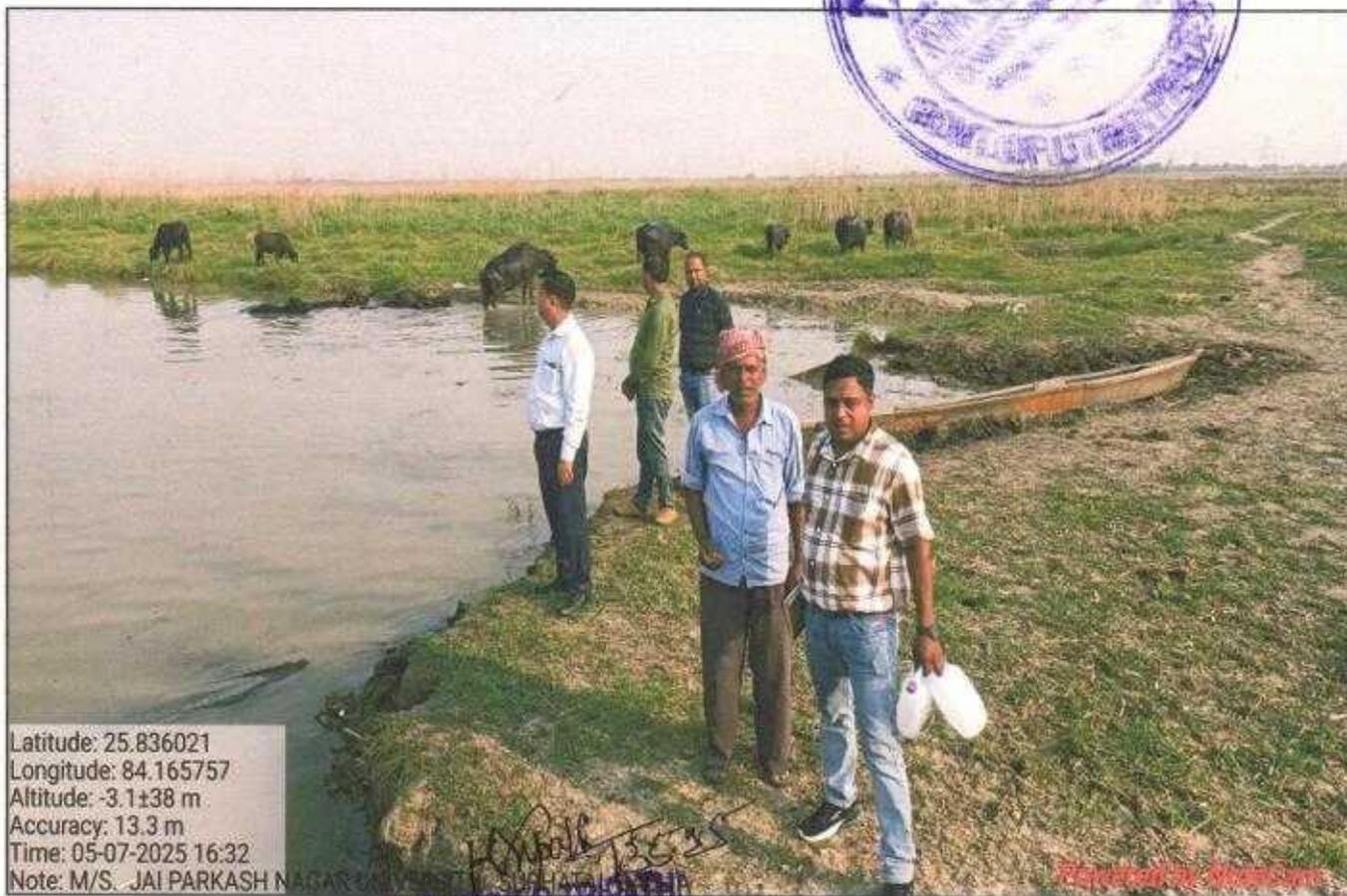


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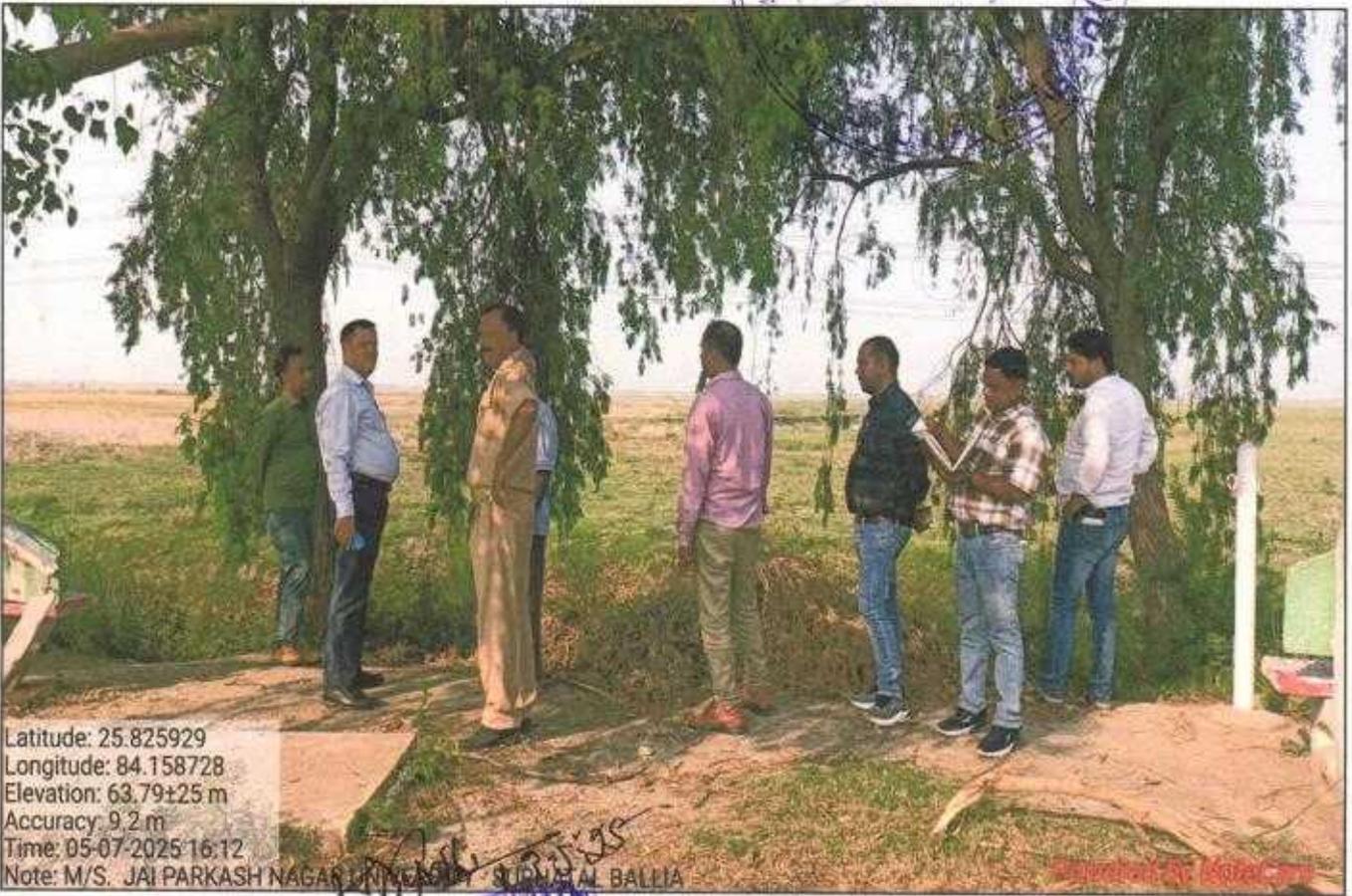
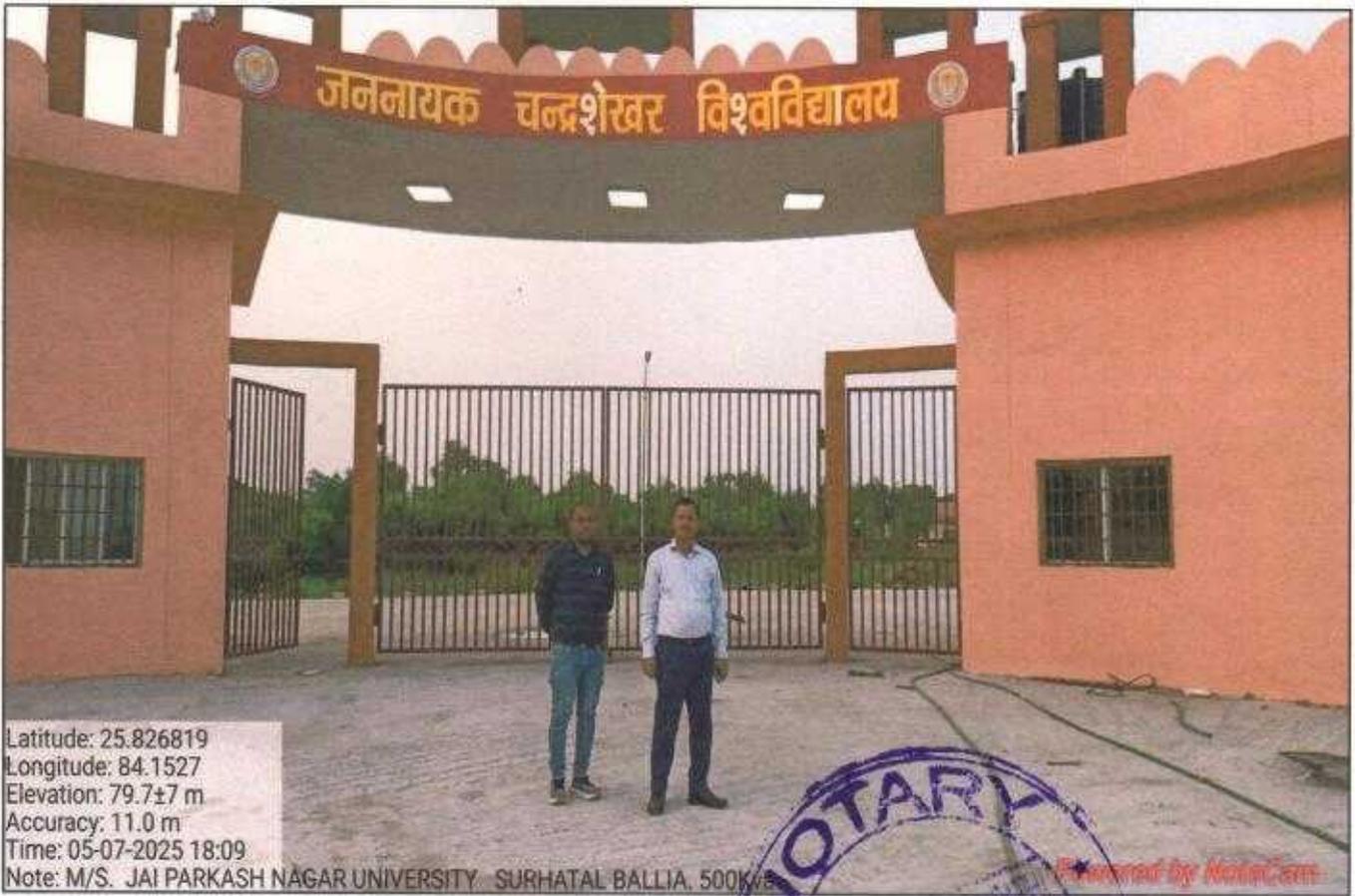
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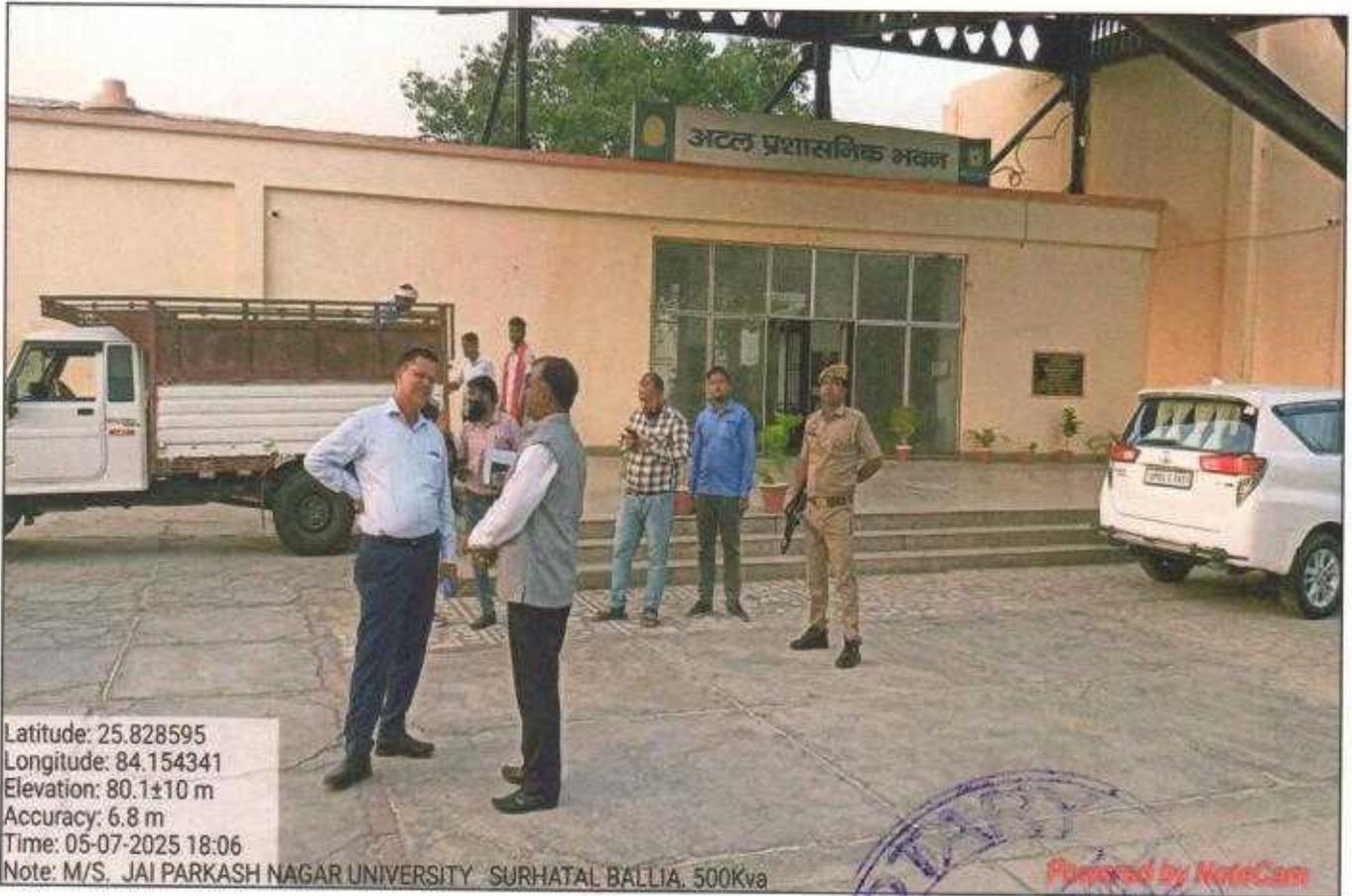


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 Commissioner, Gorakhpur

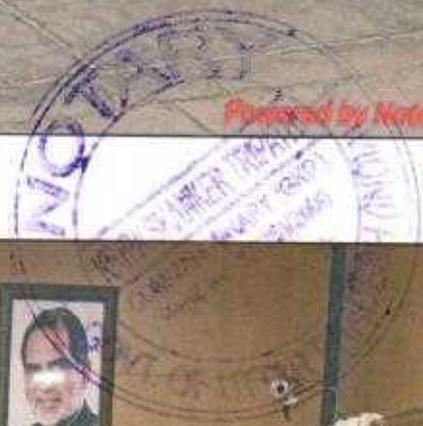


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Prepared by NoteCam



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 Note: M/S. JAI PARKASH NAGAR UNIVERSITY SURHATAL BALLIA, 500Kva

Prepared by NoteCam

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**REGIONAL GORAKHPUR
UTTAR PRADESH POLLUTION CONTROL BOARD**
Jharkhandi Mahadev, Avas Vikas Colony, Kuda Ghat, Dooria Road, Gorakhpur

TEST REPORT: WATER LABORATORY(SURFACE WATER)

Date: 12/05/2025

Ref no-31821159/Gorakhpur/2025

- 1- Sample Location: Surha Tal, Ballia
- 2- District: Ballia
- 3- Address: Ballia
- 4- Sample Source: Pond
- 5- Type of sample : Surface Water
- 6- Sample Collected By : D.K. Gupta, RO, Naveen Kumar, LA
- 7- Odour : None
- 8- Quantity and Packing : 2 Ltr P.V.C. Jerican & 1 DO Bottle & 1 MPN Bottle
- 9- Date of Sample Collection : 07/05/2025
- 10- Analysis Indented by : RO Gorakhpur
- 11- Date of sample receipt in Lab : 07/05/2025

Annexure - (4)

Parameter	Unit	Results	Detection Range
pH, APHA24th Ed.4500-B: 2023	-	6.8	02-12
Colour, APHA 24th Ed. 2120B: 2023	Hazen	10	5-10000 Hazen
Suspended Solids, APHA 24th Ed. 2540 D Total Suspended Solids dried at 103-105 °C 2023	mg/l	36	5.0 -10000 mg/l
Dissolved Solids, APHA 24th Ed. 2540 °C Total Dissolved Solids dried at 180 °C 2023	mg/l	145	5.0 -10000 mg/l
Total Solids, APHA24th Ed.2540B: 2023	mg/l	181	5.0 -15000 mg/l
Total Coliform, APHA 9221 24th Ed. : 2023	MPN/100 ml	480	<1.8 MPN/100 ml & above
Fecal Coliform, APHA 9221 24th Ed. : 2023	MPN/100 ml	200	<1.8 MPN/100 ml & above
BOD, APHA 24th Ed. 3 day 27 °C IS 3025 (Part 44): 1993 Bio 2023	mg/l	2.8	1.0 -1000 mg/l
COD, APHA 24th Ed. 5220 B Open Reflux Method 2023	mg/l	6.0	4.0 -1000 mg/l
D.O., APHA 24th Ed. 4500-OB Iodometric Method 2023	mg/l	5.3	0.2-14.0 mg/l

*Non-NABL Parameters:

Note : 1. The results in the Test Report relate only to the items tested; 2. The report should not be reproduced except in full, without the written permission of laboratory; 3. The test report pertains to the sample as received in Lab.

Remark: * - NA

Analysed by
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Kripa Shanker Tripathi
135-2
NOTARY
Commissionary, Gorakhpur

POLLUTION CONTROL LAW
SERIES : PCLS/4/ 2000 – 2001

Central Pollution Control Board
Northern Zonal Office
'PICUP BHAWAN' Vihuti Khand
Gomti Nagar, Lucknow-226016

Environmental Standards *for* Ambient Air, Automobiles, Fuels, Industries and Noise



CENTRAL POLLUTION CONTROL BOARD
(Ministry of Environment & Forests, Government of India)
Parivesh Bhawan, East Arjun Nagar
Delhi – 110 032

14/10/2016
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Commissionary, Gorakhpur

APPENDIX- III

Primary Water Quality Criteria for the Designated Best-use

Designated Best-Use	Class of Water ^a	Criteria
Drinking Water source without conventional treatment but after disinfection	A	1. Total Coliform organism MPN/100ml shall be 50 or less.
		2. pH between 6.5 and 8.5.
		3. Dissolved Oxygen 6 mg/l or more.
		4. Biochemical Oxygen Demand 5 days 20°C (or) 3 days 27°C 2 mg/l or less.
Outdoor bathing (Organised)	B	1. Total Coliform organism MPN/100ml shall be 500 or less.
		2. pH between 6.5 and 8.5.
		3. Dissolved Oxygen 5 mg/l or more.
		4. Biochemical Oxygen Demand 5 days 20°C (or) 3 days 27°C 3 mg/l or less.
Drinking water sources	C	1. Total Coliform organism MPN/100ml shall be 5000 or less.
		2. pH between 6 to 9.
		3. Dissolved Oxygen 4 mg/l or more.
		4. Biochemical Oxygen Demand 5 days 20°C (or) 3 days 27°C 3 mg/l or less.
Propagation of Wild life, Fisheries	D	1. pH between 6.5 and 8.5.
		2. Dissolved Oxygen 4 mg/l or more.
		3. Free Ammonia (as N) 1.2 mg/l or less.
Irrigation, Industrial cooling, controlled waste	E	1. pH between 6.0 and 8.5.
		2. Electrical Conductivity at 25°C micro mhos/cm max. 2250.
		3. Sodium Absorption Ratio (SAR) max. 26.
		4. Boron, Max 2 mg/l.