

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 102 OF 2021

IN THE MATTER OF:-

Acharya Damodar Shastri & Anr. ... Applicants

Versus

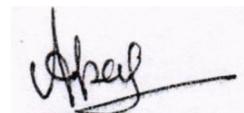
Union of India & Ors. ... Respondents

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[N.D.O.H: 17.12.2021]

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**STATUS REPORT AND BRIEF SUBMISSIONS ON BEHALF OF
THE APPLICANTS**

1. That the Applicants herein had filed the above-titled Original Application, raising inter-alia, the untreated discharge of sewage and industrial effluents from Kosi and Vrindavan towns into the Yamuna River in Vrindavan and the failure of the state authorities in abating it. That the Applicants had further raised that gigantic quantum of sewage was being generated from several illegal and unauthorized colonies and

constructions on the riverbed and floodplains of Yamuna in Vrindavan and which was discharged entirely into the river.

2. That this Hon'ble Tribunal, vide Order, dated: 20.05.2021, directed the Chief Secretary, State of Uttar Pradesh to look into the issue mentioned in the Original Application and review the remedial action particularly with regard to the interception and diversion of drains, adequacy of treatment capacity, demarcation and greening of flood plains and removal of encroachments therefrom management of septage and maintenance of ghats. The Tribunal was further pleased to request the Monitoring Committee, headed by Justice SVS Rathore, Former Judge of the Allahabad High Court at Lucknow, constituted by the Tribunal for monitoring compliance of environmental norms in the State of UP.

The relevant part of the Order, dated: 20.05.2021, is reproduced as follows:

"4. Accordingly, we direct Chief Secretary, UP, with the assistance of concerned officers, to look into the issue mentioned above and review the remedial action in pursuance of direction in the order of this Tribunal dated 27.01.2021 as well as judgement of the Hon'ble Supreme Court in Paryavaran Suraksha Sammiti, supra. In particular, review may cover the status of interception and diversion of

drains carrying sewage and sullage to the river Yamuna, adequacy of treatment capacity, demarcation and greening of flood plains and removal of encroachments therefrom, management of septage and maintenance of ghats. We also request the Monitoring Committee constituted by this Tribunal for monitoring compliance of environmental norms in the State of UP, headed by Justice SVS Rathore, former Judge of the Allahabad High Court at Lucknow, to look into the matter and give its independent report of the compliance status as on September 30, 2021 before the next date by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF."

3. That the Ld. Oversight Committee, headed by Justice SVS Rathore, was pleased to submit its Report, dated: 15.12.2021 before this Hon'ble Tribunal, uploaded on the website of the Tribunal on 15.12.2021.
4. That although the Report dealt with the issue of untreated sewage and industrial effluents into the Yamuna River comprehensively, some vital aspects related to the issue could not come correctly before the Ld. Committee and thus, could not be reflected correctly in the said Report.

5. That contrary to the Observations made by the Ld. Committee that at the time of inspection of Kosi drain, there was almost no water, it is submitted that the Kosi drain remains perpetually filled with untreated effluents and wastewater from the Kosi town and which transports most of such polluted water only to be discharged into the Yamuna River, in Vrindavan.

The relevant parts of the Ld. Oversight Committee's Report read as under:

"4 Observations of the Hon'ble Chairman Oversight Committee on physical inspection of the remedial works:

...

4.7 Kosi Drain: *During the inspection it was observed that there were three water channels were present. 1st was a Rajbaha (sub canal), parallel to it was Agra irrigation Canal and thereafter there was Kosi drain. At the time of inspection of Kosi drain, there was almost no water in the drain."*

6. That the Applicants herein seeks to place Photographs, dated: 16.12.2021, of the polluted Kosi drain which is discharging the entire sewage and effluent load directly into

the Yamuna River in Vrindavan, along the Parikrama stretch, in front of the Madan Mohan Temple.

(Photographs, dated: 16.12.2021, with GPS locations of the Kosi drain discharging the entire sewage and effluent load directly into the Yamuna River in Vrindavan are annexed herewith and marked as **ANNEXURE A-1**)

7. That the drains near Chir Ghat and Kesi Ghat are also further not fully intercepted and sewage is seen falling into the Yamuna on several occasions and during night.
8. That the Report of the Ld. Oversight Committee also fails to take into account the Akroor Drain, falling into the Yamuna, situated upstream of the Kesi Ghat. The Applicants seek to place photographs of the Akroor Drain before this Hon'ble Tribunal.
9. That owing to scarce intervening period of the date of filing of the said Report and the listing of the present matter, the Applicants could not physically inspect the area and ascertain other parts of the Report.

10. That the illegal and unauthorized constructions and encroachments on the riverbed and floodplains of the Yamuna in Vrindavan are constantly discharging untreated sewage and effluents into the river and indulging in waste dumping thereon. One of such illegal and unauthorized structures Krishna Kutir Gaushala, situated on the floodplains of Yamuna is perpetually discharging its sewage and dumping waste on the floodplains.

(GPS Photographs of the Krishna Kutir Gaushala, situated illegally on the floodplains of Yamuna, showing discharge of its sewage and waste dumping by it on the floodplains is annexed herewith and marked as **ANNEXURE A-2**)

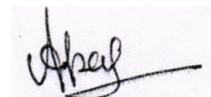
11. That the demarcation of Floodplains, in accordance with the 'River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016, under the Environment (Protection) Act, 1986, an important constituent in securing the River, also fails to find mention in the Report of the Ld. Oversight Committee.

12. That "flood plain" is defined under Clause 3(1)(l) as *"such area of River Ganga or its tributaries which comes under water on either side of it due to floods corresponding to its greatest flow or with a flood of frequency once in*

hundred years". "River Bed" is defined under Clause 3(1)(s) as "the dried portion of the area of River Ganga or its tributaries and includes the place where the River Ganga or its tributaries run its course when it fills with water and includes the land by the side of River Ganga or its tributaries which retains the water in its natural channel, when there is the greatest flow of water".

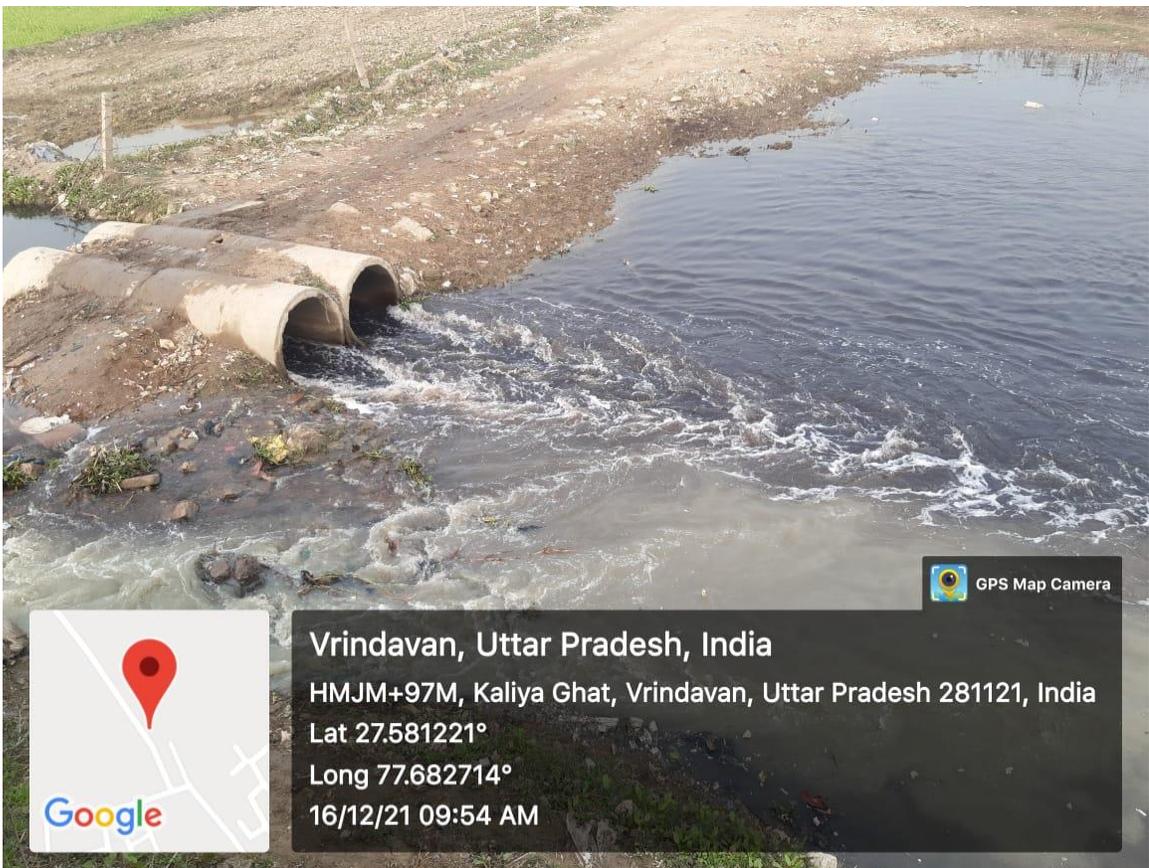
13. That in view of the above-stated facts and circumstances, this Hon'ble Tribunal be pleased to:

- A. Direct remedial action in respect of the Kosi drain and Akroor drain falling into the Yamuna River.
- B. Constitute a Committee comprising local people and groups to ensure effective monitoring of the tapping and sewage of drains in Vrindavan.
- C. Permit the Applicants to file additional documents and photographs related to drains falling into Yamuna in Vrindavan.
- D. Pass any other or further Order as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.



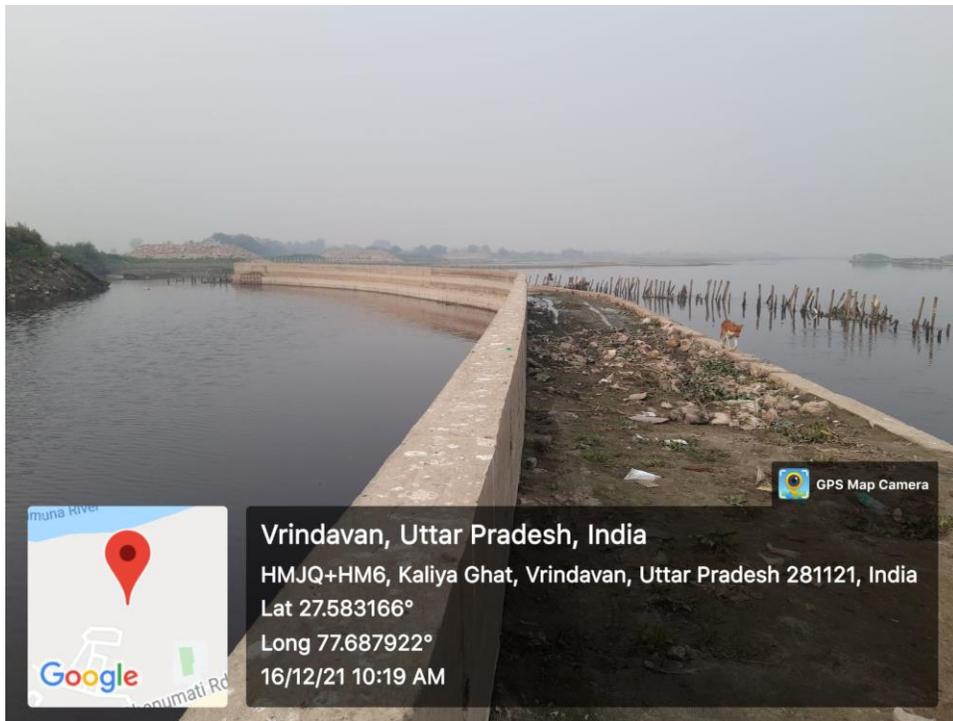
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ANNEXURE A-1





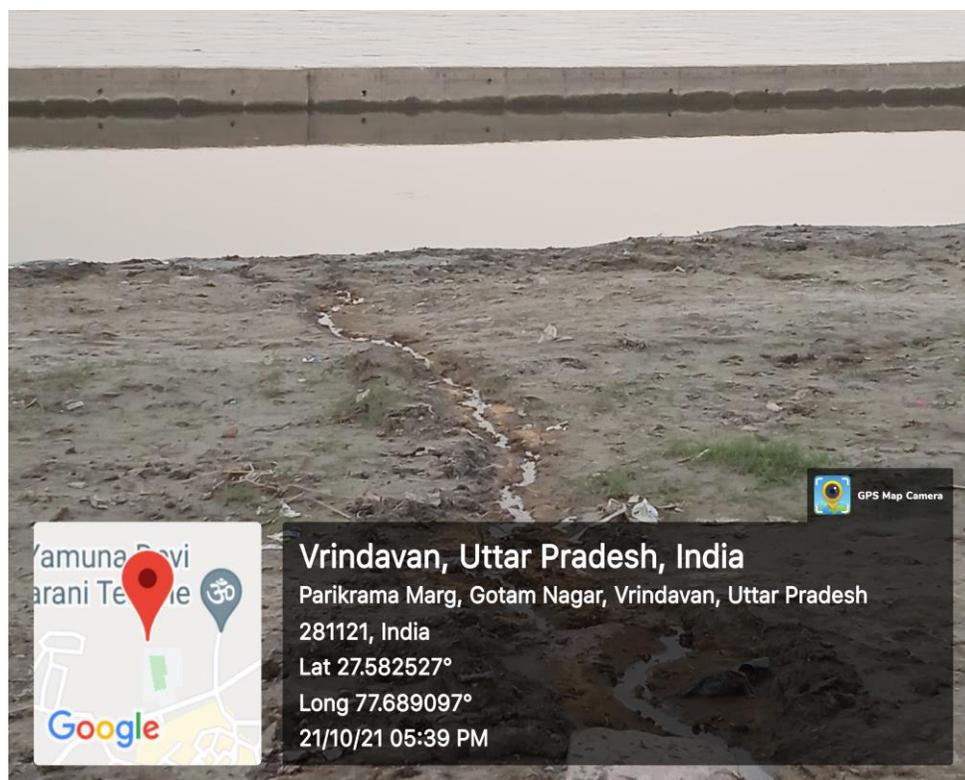




ANNEXURE A-2



Krishna Kutir Gaushala dumping waste on the Yamuna floodplains in Vrindavan.



Wastewater stream emanating from Krishna Kutir Gaushala joining the Yamuna.



Sewage outlet of Krishna Kutir Gashala on the Yamuna floodplains.