

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE, PUNE  
EXECUTION APPLICATION No. 17 OF 2023  
IN  
ORIGINAL APPLICATION No. 34 OF 2020**

IN THE MATTER OF:

TANAJI BALASAHEB GAMBHIRE

... APPLICANT

Vs.

UNION OF INDIA

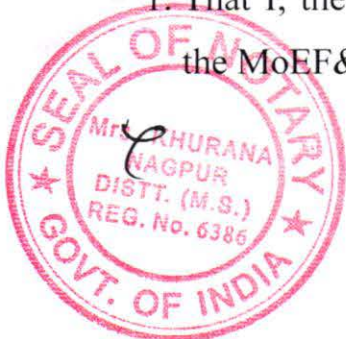
.....RESPONDENT

**COMPREHENSIVE AFFIDAVIT IN COMPLIANCE OF HON'BLE NGT'S  
DIRECTION DATED 13.03.2024 ON BEHALF OF THE RESPONDENT  
NO.1, i.e., MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE  
CHANGE.**

**MOST RESPECTFULLY SHOWETH:**

I, E. Thirunavukkarasu, S/o Shri M. Elangovan, aged about 56 years, working as Scientist "E" in the Regional Office of the Ministry of Environment, Forest and Climate Change (MoEF&CC), at Nagpur and I the deponent do hereby solemnly affirm and state on oath as under:

1. That I, the above named Deponent, authorized by the Competent Authority in the MoEF&CC, New Delhi and thus competent to swear the present Affidavit.



2. At the outset, I deny all averments, submissions, statements, allegations made therein except may be specifically admitted herein after.

3. That, Hon'ble NGT, while disposing the Application No. 34 of 2020 vide order dated 24.02.2022, has directed the Answering Respondent along with CPCB to lay down standards for disposal of sewage effluent and existence of sewerage system in housing societies including those not requiring EC to enforce the water and air quality standards and clarify that even if EC is not required, consent mechanism is not dispensed with.

4. That, there were no specific standards for Sewage Treatment Plant (STP) before 13.10.2017. All STP discharges were governed by 'General Standards for Discharge of Environmental Pollutants 'notified under Schedule VI, of the Environment (Protection) Act, 1986 including discharge standards for Inland water, Public Sewers, Land for Irrigation, Marine coastal areas, etc.

5. That, the Answering respondent issued the notification G.S.R. 1265(E) dated 13.10.2017 after consultation with the Ministry of Housing and Urban Affairs, National Mission for Clean Ganga and Central Pollution Control Board.

6. That, the aforesaid STP Discharge Standards were challenged by Shri Nitin Shankar Deshpande before the Hon'ble NGT (Application No. 1069 of 2018). In the aforesaid matter, Hon'ble Tribunal, vide its order dated 21.12.2018, has constituted the Expert Committee to examine the STP Discharge Standards and directed the Committee to consider issues related to assimilative capacities of river systems, e-flows and related aspects. The CPCB was the nodal agency for coordination and follow up of activities of the Committee. It recommended

standards for 07 parameters viz pH, BOD, COD, Total Nitrogen, Phosphorus, Fecal Coliform.

7. That, the Application No. 1069 of 2018 was disposed of on 30.04.2019 whereby the Hon'ble Tribunal had accepted the report of the Expert Committee with modifications to the effect that the standards recommended for Mega and Metropolitan Cities will also apply to rest of the country and that the standards will have to be applied not only for new STPs but also for existing/under construction STPs without any delay contrary to the period of 7 years as envisaged by the Expert Committee.

8. That, being aggrieved by the order dated 30.04.2019 pronounced by the NGT, the Municipal Corporation of Greater Mumbai had filed a Civil Appeal bearing no. 5036 of 2019 (Municipal Corporation of Greater Mumbai vs. Nitin Shankar Deshpande) before Hon'ble Supreme Court praying that impugned order passed by Hon'ble NGT may be set aside and the standards prescribed by the expert committee may be implemented. Further, the Hon'ble Supreme Court has made an interim order dated 17.05.2019 as below:

*".... the appellant may process the tender. The tender, if awarded, will abide by further orders of this Court. Needless to mention that the Municipal Corporation of Greater Mumbai shall follow the parameters laid down by the Expert Committee in its report/recommendations for mega metropolitan cities in processing the tender as also the directions of the Ministry of Environment, Forests and Climate Change in this regard. In the meantime, it will be open to the Respondent No.1 to make a representation to the Ministry of Environment, Forests and Climate Change."*



9. Further, the Answering Respondent has also filed Civil Appeal Diary No. 11356 of 2020 (Union of India vs. Nitin Shankar Deshpande & Ors) before Hon'ble Supreme Court on 01.09.2020 challenging the order dated 30.04.2019 passed by the Hon'ble NGT, PB, ND and the same was tagged with Civil Appeal no. 5036 of 2019. Both the matters are still pending before the Hon'ble Supreme Court.

10. That, the extant legal and technical provisions pertaining to sewage management and solid waste management, which are prevalent in the country, are as under:

**a. Sewage Management**

- i. In case, housing societies are standalone or not connected with sewerage system, the said societies have to establish their own treatment system for sewage management.
- ii. The concerned stakeholder discharging wastewater shall take consent to establish STP and operate it so as to meet the standards stipulated by respective State Pollution Control Boards/ Pollution Control Committees under section 25(2) of Water (Prevention and Control of Pollution) Act, 1974.
- iii. The Consent issued to Establish (CTE) STP, includes prior assessment of adequacy of siting & design facility and subsequent consent issued to Operate (CTO) STP includes required terms & conditions related to quantity, quality, disposal system etc. In case, housing societies are connected with sewerage system connected to centralized STP, then, there is no need of establishing decentralized STPs.

**Other issues**



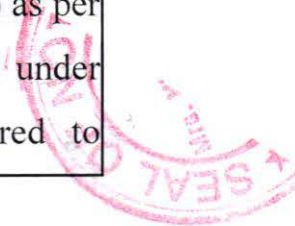
- i. Basic infrastructure for common facilities including Sewage management (collection, treatment and disposal of sewage) and solid waste management (collection, processing and Disposal), for the specified area should be planned/developed by the concerned local authorities before awarding license to builders for development of individual housing societies in the area.
- ii. Occupancy certificate to builders may be provided only after ensuring basic infrastructure for common facilities including Sewage management (collection, treatment and disposal of sewage) and solid waste management (collection, processing and disposal).
- iii. Town and Country Planning/ULBs as applicable in State to grant Occupancy certificate (OC) only after issuance of Consent to Operate (CTO) by the SPCB.
- iv. Consent to be taken by group housing societies as per consent policy of State Government/SPCBs/PCCs.
- v. Housing societies to treat and utilize sewage as per conditions of Environmental clearance or as per consent provided by SPCBs/PCCs.
- vi. Project Proponent/Housing Societies to comply with provisions of Solid Waste Management Rules, 2016.
- vii. Project Proponent/Housing societies to comply with the provisions of Construction & Demolition Waste Management Rules, 2016."

11. It is humbly submitted that the Hon'ble Tribunal vide its order dated 13.03.2024 has directed the Answering Respondent (i.e., MoEF&CC), to file additional affidavit w.r.t the prescribed STPs Standard set up in the cities and how



the same would be treated to be relevant for the individual societies, which do not require even prior EC. In view of this, the clarification is as follows:

Details of the Project and STP	Provisions applicable in Building construction	
'Building Construction Projects' having built-up area more than 20,000 sq. m.	Required to obtain prior Environmental Clearance (EC) as per the Environmental Impact Assessment Notification (EIA), 2006 as amended.	
Building Construction Projects' having built-up area less than 20,000 sq.m	Not covered under the purview of the aforesaid EIA Notification	
Building Construction Projects' having built-up area less than 20,000 sq.m  (Central Pollution Control Board (CPCB) has classified such 'Building Construction Projects on the basis of their sewage generation potential)	Projects generating more than 100 KLD	<b>Categorized as Red</b> All projects under red and orange categories are required to obtain the requisite Consent(s) from respective State
	Projects generating sewage between 50 and 100 KLD	Pollution Control Boards (SPCBs)/ Pollution Control Committees (PCCs).
	Projects generating more than 50 KLD	Such projects are required to set-up Sewage Treatment Plant (STP) as per the condition prescribed under Consent and are also required to



of sewage	comply with the prescribed environmental standards.
Projects generating less than 50 KLD of sewage	<p>Required to manage sewage with appropriate system such as soak pit, septic tank, discharge in sewer connected with terminal STP etc.</p> <p>As per the guidelines / norms mentioned in the Manual on "Sewerage and Sewage Treatment Systems, Part - A: Engineering (2013) by the Central Public Health &amp; Environmental Engineering Organization (CPHEEO), Ministry of Housing and Urban Affairs, Government of India. The areas that are not served by piped sewer systems can adopt on- site systems. The treatment can be either on-site or off-site like in the case of septage management. These are interim measures till a decentralised or a full sewerage system is implemented.</p> <p>It is strongly recommended that the Town Planning Agencies/Urban</p>



	<p>Local Bodies (ULBs) / Metropolitan Development Authorities earmark adequate spaces for laying of sewer lines, construction of Sewage Pumping Station (SPS) and STP. Concerned local bodies shall ensure the management of on-site sanitation while granting permission for Building Plan.</p>
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12. It is submitted that the present additional affidavit may kindly be taken on record and into consideration and the Hon'ble Tribunal may pass appropriate Order(s), direction(s) as deemed fit and proper under the facts and circumstances of the present case.

13. That other/ancillary issues raised in the application under reply do not pertain to the answering respondent. The Answering Respondent seeks leave to make additional submissions, if required, during the course of the proceedings.

**DERONENT**  
(E. Thirunavukkarasu)

वैज्ञानिक 'ई' / Scientist 'E'  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
Ministry of Environment, Forest & Climate Change  
क्षेत्रीय कार्यालय, नागपूर-४४०००१  
Regional Office, Nagpur-440001

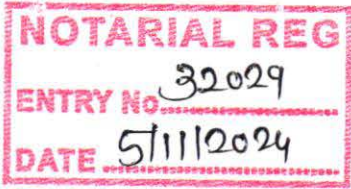
VERIFICATION

Verified at Nagpur on 5<sup>th</sup> this day of November, 2024 that the contents of the above affidavit are correct to my knowledge and belief based on official records and nothing material has been concealed therefrom.

DEPONENT

(ई. थिरुनावुक्करासु)  
(E. Thirunavukkarasu)

वैज्ञानिक 'ई' / Scientist 'E'  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
Ministry of Environment, Forest & Climate Change  
क्षेत्रीय कार्यालय, नागपुर-४४०००९  
Regional Office, Nagpur-440001



SWORN BEFORE ME ON THIS 5<sup>th</sup>  
DAY OF Nov 2024 AT NAGPUR BY  
SHRI / SMT. / KU E. Thirunavukkarasu.  
R/o NAGPUR WHO HAS BEEN IDENTIFIED BY  
SHRI / SMT. Adv. Arundhati Roy  
ADVOCATE, NAGPUR.

NOTARY  
GOVT. OF INDIA  
Nagpur (M.S.) INDIA

