

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

Principal Bench, New Delhi

O.A No. 593 of 2017

(W.P.(Civil) No. 375/2012)

IN THE MATTER OF

Paryavaran Suraksha Samiti & Anr.

Applicant(s)

Vs.

Union of India & Ors.

Respondent(s)

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(P.K. Mishra)

Scientist-E & Divisional Head WQM- I Division

Central Pollution Control Board,

Delhi-110032

Place: Delhi

Date: 30.10.2023

INTERIM REPORT SUBMITTED IN COMPLIANCE TO HON'BLE NGT ORDER DATED 17.08.2023, IN THE MATTER OF ORIGINAL APPLICATION NO. 593/2017 (W.P.(CIVIL) NO. 375/2012), PARYAVARAN SURAKSHA SAMITI & ANR.VS UNION OF INDIA & ORS. WITH M.A. NO. 62/2023 IN ORIGINAL APPLICATION NO. 670/2018, ATUL SINGH CHAUHAN VS. MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE CHANGE & ORS

1. Background

The Hon'ble NGT (PB), in the matter of Original Application No. 593/2017 (W.P.(Civil) No. 375/2012), Paryavaran Suraksha Samiti & Anr.Vs Union of India & Ors. With M.A. No. 62/2023 in Original Application No. 670/2018, Atul Singh Chauhan Vs. Ministry of Environment, Forests and Climate Change & Ors in its order dated 17.08.2023 has directed as under.

*"8.Since the matter pertains to PAN India, thus, for compliance of order of the Hon'ble Supreme Court of India passed in Paryavaran Suraksha Samiti & Anr. vs. Union of India & Ors., quoted above, **notice is required to be sent to all the State PCBs/PCCs to submit the compliance report within two months by e-mail at judicialngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. CPCB is directed to call and compile the report and submit with its recommendations before this Tribunal.**"*

2. Action taken by Central Pollution Control Board (CPCB)

In compliance to the said order of the Hon'ble NGT, CPCB vide letter dated 12.10.2023, email dated 17.10.2023 and reminder email dated 26.10.2023 requested all State Pollution Control Boards (SPCBs) & Pollution Control Committees (PCCs) to provide a copy of the submitted compliance report as per said directions of Hon'ble NGT order dated 17.8.2023 to CPCB at the earliest for required compilation and timely submission of consolidated report along with recommendations to Hon'ble Tribunal. A Copy of said letter & emails is attached as **Annexure I-III.**

3. State-wise Status of Sewage Management

3.1 As per compliance reports received from SPCBs & PCCs so far

In reply to our letter dated 12.10.2023, till date only eight SPCB/PCC viz. Delhi Pollution Control committee, Himachal Pradesh State Pollution Control Board, J&K Pollution Control Committee, Madhya Pradesh Pollution Control Board, Puducherry Pollution Control Committee, Sikkim Pollution Control Board, Tripura State Pollution Control Board and Chandigarh Pollution Control Committee provided compliance report to CPCB.

3.2 As per status reported to Central Monitoring Committee (CMC)

Hon'ble NGT vide order dated 21.9.2020, merged O. A. No 673/2018 with O. A. No. 593/2017 in the matter of Paryavaran Suraksha Samiti & Anr. Vs Union of India & Ors; O. A. No 829/2019 in the matter of Lt. Col Sarvadaman Singh Oberoi Vs Union of India & Ors with O. A. No 148/2016 in the matter of Mahesh Chandra Saxena Vs South Delhi Municipal Corporation & Ors wherein all the merged matters henceforth be monitored by Central Monitoring Committee (CMC) constituted under the Chairmanship of Secretary, Ministry of Jal Shakti.

In order to review the progress on execution of action plans for in all above matters, all States/ UTs are submitting monthly progress reports (MPRs) to Central Monitoring Committee (CMC) with a copy endorsed to CPCB. The MPRs include gap analysis w.r.t Sewage management.

Based on information provided in MPRs and in last CMC meeting (17th Meeting held on 12.9.2023), State wise status of Sewage Management of urban centers is summarized in Table 1 below.

Table 1: State wise status of Sewage Management

S No.	State	Estimated Sewage Generation (MLD)	Existing no. of STPs	Treatment Capacity (MLD)	Capacity Utilization (MLD)	Actual Gap in Sewage Treatment (MLD)	Complying STPs	Under construction STP (Nos & MLD)	Proposed STP (Nos & MLD)
1.	ANDAMAN & NICOBAR	24.906	126	2.303	2.303	22.603	126	03 STPs of 9.76 MLD	11 (18.065 MLD)
2.	ANDHRA PRADESH	1503.2	49	612.95	499.4	1003.8	43	568.125 MLD	942.35 MLD
3.	ASSAM	437.23	0	0	0	437.23	NP	2 (4 MLD)	16

3687

4.	BIHAR	1100	NP	224.5	102.73	997.27	NP	365.5 MLD	NP
5.	CHHATTISGARH	600	14	360.5	210.21	389.79	14 STPs	11 STPs of 87.8 MLD	9 STPs of 323.7 MLD
6.	DAMAN DIU DADRA NAGAR HAVELI	21.2	NP	17.21	5.69	15.51	NP	NIL	16 MLD
7.	DELHI	3600	35	2874	2542	1058	13 STPs (955.22 MLD)	NP	NP
8.	GOA	52.09	10	80.35	80.35	-28.26	10 of 80.35 MLD	4 STPs of 33.5 MLD	3 STPs of 43 MLD
9.	GUJARAT	4414	169	5185.72	3610.29	803.71	NP	40 STPs of 1010.2 MLD	STPs 40 of 842.19 MLD
10.	HARYANA	1507	159	1869	1466	41	NP	NP	NP
11.	HIMACHAL PRADESH	91.95	75	126.22	85.83	6.12	NP	NP	NP
12.	JAMMU & KASHMIR	523	15	139.38	88.18	434.82	15 of 139.38 MLD	6 STPs of 81.21 MLD	27 STPs of 123 MLD
13.	JHARKHAND	452	35	123.74	82.9	369.1	35	5 STPs having 143 MLD	3 STPs of 435 MLD
14.	KARNATAKA	3356.5	175	2804.97	2007.36	1349.14	158 STPs	STPs 72 of 386.91 MLD	98 STPs of 354.80 MLD
15.	KERALA	1192	NP	205.622	92.91	1099.09	NP	14 STPs – 17.07 MLD	STPs/FS – 51 Nos; 116.188 MLD
16.	LAKSHADWEEP	2.8	1	0.024	0.018	2.782	NP	0.025 MLD STP	0.025 MLD
17.	MADHYA PRADESH	2183.65	55	1283	834.95	1348.7	NP	50 STPs of 473.79 MLD	11 No. & 254.43 MLD
18.	MAHARASHTRA	8193	149	7003	4266	3927	74	27 nos of 336.6 MLD	NP
19.	MANIPUR	115	1	27	21.59	93.41	1 STP of 27 MLD	2 STP (17 MLD)	NP
20.	MEGHALAYA	51	8	1.85	1.5	49.5	NP	5 (13.48 MLD)	0
21.	MIZORAM	51.81	1	10	1	50.81	NP	NP	NP
22.	NAGALAND	91.2	1	25.4	5.5	85.7	NP	NP	1 (12.03 MLD)

23.	ODISHA	880	13	375.5	139.85	740.15	12	NP	
24.	PUDUCHERRY	71	5	56	45.37	25.63	3	NP	STPs20.5 MLD
25.	PUNJAB	2211	137	2072.85	0.87	2210.13	55	49 STPs	63 STPs
26.	RAJASTHAN	1551	118	1298.68	799.03	751.97	NP	78 STPs of 519.35 MLD	NP
27.	SIKKIM	47.68	9	22.5	0.91	46.77	9 STPs	1 (3.25 MLD)	7 (10.48 MLD)
28.	TAMIL NADU	3938.29	101	2344.47	1076.49	2861.8	82	30 (266.83 MLD)	39 STPs
29.	TELANGANA	2750	36	906.3	753.12	1996.88	36	2127.28 MLD	NP
30.	TRIPURA	82.4	1	8	5	77.4	One STP of 8 MLD	1 (8 MLD)	20 STP & FSTP
31.	UTTAR PRADESH	5500	131	4090.5	3175.4	2324.6	NP	27 projects (47 STPs) of 850.02 MLD	NP
32.	UTTARAKHAND	329	69	428	246	83	43	25 STPs of 118.87 MLD	08 STPs of 55.65 MLD
33.	WEST BENGAL	2758	45	1647.6	NP	1110.4	NP	10 nos 192.6 MLD	31 nos (695 MLD)

NP- Information not provided

4. Major Findings/ Remarks

- In Delhi, total Sewage Generation is 792 MGD and installed treatment Capacity is 667MGD (37 STPs). Out of 37 STPs, 14 STPs were found complying wrt norms prescribed by DPCC. Reported areas for Enhancing Sewage Treatment Capacity includes (i) construction of 3 New STPs of total 47 MGD, (ii) construction of 40 New DSTPs of 92 MGD, (iii) rehabilitation of existing 3 STPs of 70 MGD and (iv) up-gradation and increasing capacity of remaining existing 18 STPs of 123.5 MGD.
- In Himachal Pradesh, estimated sewage generation is 91.95 MLD and available treatment capacity is 121.903 MLD (67 STPs). Information regarding compliance status of STPs are not provided.
- In J&K, estimated sewage generation is 523 MLD and available treatment capacity is 139.40 MLD (15 STPs). 10 STPs of 92.01 MLD are reported under construction and 21 STPs of 110.8 MLD are proposed to fill the remaining gap. Information regarding compliance status of STPs are not provided.

- In Madhya Pradesh, total 997 STPs have been installed in the state, out of which, 987 STPs are complying and action is being taken against non-complying STPs. Detailed gap analysis is not provided in the report.
- In Puducherry UT, estimated sewage generation is 92.1 MLD and available treatment capacity is 56 MLD (5 STPs). 4 STPs of 32.5 MLD are reported under construction. Out of 5 STPs, 3 STPs are operational and complying.
- In Sikkim, as against sewage generation of 18.79 MLD in Urban Local Bodies, total treatment capacity of the 9 existing STPs is 22.05 MLD. Further, information regarding compliance status of STPs are not provided.
- In Tripura, estimated sewage generation is 82.4 MLD and available treatment capacity is of 9 MLD (2 STPs) . The existing one STP (8 MLD) out of two STPs is reported complying with the prescribed norms . To mitigate the gap of 74.7 MLD, One 8 MLD STP is under construction and new projects of 66.7 MLD are taken up.
- In Chandigarh, estimated sewage generation is 220 MLD and available treatment capacity is of 250.7 MLD (8 STPs). Out of these 8 STPs, 05 STPs are meeting with prescribed norms.
- Based on the information provided by 33 States/ UTs and presented in 17th meeting of CMC, total sewage generation of urban centers in India is about 49681.906 MLD and infrastructure for sewage treatment include 1742 STPs of 36227.139 MLD treatment capacity.

Speed Post

F No- A-14011/O A 593/2017/2023-WQM-I 4877-4922

12.10.2023

To

The Member Secretary,
State Pollution Control Board/ Pollution Control Committee

Sub: Hon'ble NGT (PB) orders in the matter of Original Application No. 593/2017 (W.P.(Civil) No. 375/2012) with M.A. No. 62/2023 in Original Application No. 670/2018.

Sir/ Madam,

Your kind attention is invited on Hon'ble NGT (PB) order dated 17.08.2023, in the matter of Original Application No. 593/2017 (W.P.(Civil) No. 375/2012), Paryavaran Suraksha Samiti & Anr.Vs Union of India & Ors. with M.A. No. 62/2023 in Original Application No. 670/2018, Atul Singh Chauhan Vs. Ministry of Environment, Forests and Climate Change & Ors. The tribunal has directed following:

"8.Since the matter pertains to PAN India, thus, for compliance of order of the Hon'ble Supreme Court of India passed in Paryavaran Suraksha Samiti & Anr. vs. Union of India & Ors., quoted above, notice is required to be sent to all the State PCBs/PCCs to submit the compliance report within two months by e-mail at judicialngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. **CPCB is directed to call and compile the report and submit with its recommendations before this Tribunal.**

9. Registry is directed to list the matter after submission of the report on 31.10.2023."

In this regard, it is requested to provide a copy of the submitted compliance report of your Board as per said directions of Hon'ble NGT order dated 17.8.2023 to CPCB at the earliest for required compilation and timely submission of consolidated report along with recommendations to Hon'ble Tribunal.

This may please be treated as 'URGENT'.

Yours faithfully,



(P. K. Mishra)

o/c Divisional Head, WQM-I Division

Copy to:

1. The Regional Director, Central Pollution Control Board, Regional Directorate : For information & follow up please
2. PS to MS : For information of 'MS', please

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
निधि. N. Singh
दिनांक 13/10/2023


12/10/23
(P. K. Mishra) o/c

SPCBs/PCCs address

1) The Member Secretary, Andhra Pradesh Pollution Control Board, Paryavaran Bhavan, APIIC Colony Road, Gurunanak Colony, Autonagar, Vijayawada- 520007 membersecy@appcb.gov.in	2) The Member Secretary, Pollution Control Board Assam, Bamunimaidam, Guwahati – 21 (Assam) membersecretary@pcbassam.org	3) The Member Secretary, Arunachal Pradesh, Department of Environment & Forests, Paryavaran Bhawan, Yupia Road, Papu Nalah, Naharlagun-791110 (Arunachal Pradesh) arunachalspcb@gmail.com
4) The Member Secretary, Bihar State Pollution Control Board, Parivesh Bhawan, Patliputra Industrial Area, PO. Sadaquat Ashram Patna.- 800010. bspcb@yahoo.com msbspcb-bih@gov.in	5) The Member Secretary, Chhattisgarh Environment Conservation Board Paryavas Bhavan, North Block Sector-19, Atal Nagar Dist- Raipur- 492002 (Chhattisgarh) hocecb@gmail.com	6) The Member Secretary, Chandigarh Pollution Control Committee Paryavaran Bhawan, Ground Floor, Sector-19 B Madhya Marg, Chandigarh - 160019 cpcc-chd@nic.in
7) The Member Secretary, Daman, Diu & Dadra Nagar Haveli Pollution Control Committee, Office of the Deputy Conservator of Forests, Fort Area, Court Compound, Moti Daman, Daman – 396220 pccdddnh@gmail.com	8) The Member Secretary, Goa State Pollution Control Board Nr. Pilerne Industrial Estate, Opp. Saligao Seminary, Saligao - Bardez Goa – 403511 ms-gspcb.goa@nic.in	9) The Member Secretary, Gujarat Pollution Control Board Paryavaran Bhavan, Sector-10 A, Gandhinagar-382010 (Gujarat) membersecretarygpcb@gmail.com ms-gpcb@gujarat.gov.in
10) The Member Secretary, Haryana State Pollution Control Board C-11, Sector-6, Panchkula, Haryana - 134109, hspcbho@gmail.com hspcb@hry.nic.in	11) The Member Secretary, Himachal Pradesh State Pollution Control Board Him Parivesh, Phase-III, New Shimla-171009. (Himachal Pradesh) mspcb-hp@nic.in	12) The Member Secretary, Jammu and Kashmir Pollution Control Committee, Parivesh Bhawan, Forest Complex, Gladni, Narwal, transport Nagar, Jammu - 180004 (Jammu and Kashmir) membersecy.pcb@jk.gov.in membersecretaryjkspcb@gmail.com
13) The Member Secretary, Jharkhand State Pollution Control Board H. E. C., Dhurwa, Ranchi- 834004 (Jharkhand) ranchijspcb@gmail.com	14) The Member Secretary, Karnataka State Pollution Control Board "Parisara" Bhavan", No #49, Church Street, Bengaluru – 560001 (Karnataka) ms@kspcb.gov.in centrallab@kspcb.gov.in	15) The Member Secretary, Kerala State Pollution Control Board Pattom. P. O Thiruvananthapuram- 695004 (Kerala) ms.kspcb@gov.in Dr. Sheela A M
16) The Member Secretary, Lakshadweep Pollution Control Committee, Department of Science, Technology & Environment, Kavarati-682555 (Lakshadweep) lak-dcf@nic.in	17) The Member Secretary, Madhya Pradesh Pollution Control Board E-5, Arera Colony, Paryavaran Parisar, Bhopal - 462 016 (Madhya Pradesh) ms-mppcb@mp.gov.in	18) The Member Secretary, Maharashtra Pollution Control Board, Kalpataru Point, 3 rd and 4 th floor, Opp. PVR Cinema, Sion Circle, Mumbai-400 022 (Maharashtra)

19) The Member Secretary, Meghalaya State Pollution Control Board, "ARDEN", Lumpyngngad, Shillong – 793 014, (Meghalaya) memsecy.spcb-meg@gov.in	20) The Member Secretary, Mizoram Pollution Control Board, New Secretariat Complex, Khatla Thlanmual Peng, Khatla, Aizawl, Mizoram: 796001 mpcb@mizoram.gov.in	21) The Member Secretary, Manipur Pollution Control Board Lamphelpat, Imphal West D.C. Office Complex – 795004 (Manipur) pcb-man@nic.in
22) The Member Secretary, Nagaland Pollution Control Board, Signal Point, Dimapur Nagaland: 245726 npcb2@yahoo.com	23) The Member Secretary, State Pollution Control Board Odisha Paribesh Bhawan, A/118, Nilakantha Nagar, Unit – VIII, Bhubaneswar – 751012 (Odisha) paribesh1@ospboard.org	24) The Member Secretary, Punjab Pollution Control Board Vatavaran Bhavan, Nabha Road, Patiala, 147001 (Punjab) msppcb@gmail.com msppcb@Punjab.gov.in
25) The Member Secretary, Puducherry Pollution Control Committee 3rd Floor, Housing Board Complex, Anna Nagar, Nellithope, Puducherry – 605 005. ppcc.pon@nic.in	26) The Member Secretary, Rajasthan Pollution Control Board, 4, Jhalana Institutional Area Jhalana Doongri, Jaipur (Rajasthan) 302004 member-secretary@rpcb.nic.in	27) The Member Secretary, State Pollution Control Board - Sikkim, Forest Secretariat, Block-C, Department of Forest and Environment, Government of Sikkim, Deorali, Gangtok – 737102 dr GOPALPRADHAN[at]gmail[dot]com , spcb_sikkim[at]gmail[dot]com
28) The Member Secretary, Tripura State Pollution Control Board Parivesh Bhawan, Pandit Nehru Complex, Gorkhabasti, P.O. Kunjaban Agartala, Tripura-799006 tripuraspbc@gmail.com hoospcb-tr@gov.in	29) The Member Secretary, Telangana State Pollution Control Board Sanath Nagar Paryavarana Bhavan, A-3, Industrial Estate, Sanathnagar, Hyderabad – 500018 (Telangana) Smt. Neetu Kumari Prasad, IAS, ms-tspcb@telangana.gov.in	30) The Member Secretary, Tamil Nadu Pollution Control Board, 76, Mount Salai, Guindy, Chennai - 600 032 (Tamil Nadu) tnpcb-chn@gov.in
31) The Member Secretary, Uttar Pradesh Pollution Control Board Building. No. TC-12V Vibhuti Khand, Gomti Nagar Lucknow-226 010 (Uttar Pradesh) ms@uppcb.in	32) The Member Secretary, Uttarakhand Pollution Control Board Gaura Devi Bhawan, 46 B IT Park Sahasthradara, Dehradun, Uttarakhand- 248001 msukpcb@yahoo.com	33) The Member Secretary, West Bengal Pollution Control Board Paribesh Bhawan 10A, Block-LA, Sector-III Bidhannagar, Kolkata-700 106 (West Bengal) ms.wbpcb-wb@bangla.gov.in
34) The Member Secretary, Delhi Pollution Control Committee 6 th floor, C Wing, Delhi Secretariat, I P Estate, Delhi-110002	35) The Director, Science & Technology and Member Secretary, Andaman & Nicobar Islands Pollution Control Committee, Department of Science & Technology, Dollygunj, Port Blair - 744103, South Andaman, A & N Islands eodb_and.diranpcc@gov.in	36) The Member Secretary, Ladakh Pollution Control Committee, Chief Wild Life Warden Union Territory of Ladakh, Badami Bagh, Skara, Leh Ladakh - 194101
37) Jammu and Kashmir Pollution Control Board, Parivesh Bhawan, Shiekh-ul-Campus, behind Govt. Silk Factory, Raj Bagh, Srinagar – 1880004 (Jammu and Kashmir)		

S.No	Regional Directorate	SPCBs/PCCs	Address
1.	RD Bengaluru	Karnataka, Kerala, Goa & Lakshadweep	Regional Director Central Pollution Control Board Regional Directorate (Bengaluru), A-Block, Nisarga Bhavan, 1 st and 2 nd Floors, 7 th D Cross, Thimmaiah Road, Shivanagar, Bengaluru-560079
2.	RD Bhopal	Chhattisgarh, Madhya Pradesh & Rajasthan	Regional Director Central Pollution Control Board Regional Directorate (Bhopal), Parivesh Bhawan, Paryavaran Parisar E- 5, Arera Colony, Bhopal-462016
3.	RD Kolkata	West Bengal, Bihar, Orissa, Jharkhand, Andaman & Nicobar Island	Regional Director Central Pollution Control Board Regional Directorate (Kolkata), South end Conclave, Block 502, 5 th & 6 th Floors 1582 Rajdanga Main Road Kolkata - 700 107 (W. B.)
4.	RD Lucknow	Uttarakhand & Uttar Pradesh	Regional Director Central Pollution Control Board Regional Directorate (Lucknow), PICUP Bhawan, Vibhuti Khand, Gomti Nagar, Lucknow - 226 010
5.	RD Shillong	Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim & Tripura	Regional Director Central Pollution Control Board Regional Directorate (Shillong), "TUM-SIR". Lower Motinagar Near Fire Brigade H.Q., Shillong - 793 014
6.	RD Vadodara	Gujarat and Daman Diu, Dadra & Nagar Haveli	Regional Director Central Pollution Control Board Regional Directorate (Vadodara), West Parivesh Bhawan, Opp VMC Ward Office No 10, Subhanpura, Vadodara- 390022
7.	RD Chandigarh	Punjab, Haryana Himachal Pradesh, Jammu and Kashmir, Ladakh & Chandigarh	Regional Director Central Pollution Control Board Regional Directorate (Chandigarh) BSNL Telephone Exchange, 2 nd Floor, Sector 49 -C, Chandigarh-160 047
8.	RD Pune	Maharashtra	Regional Director Central Pollution Control Board Regional Directorate (Pune) Survey No. 110, Dhankude Multi-Purpose Hall, Baner Road, Baner, Pune - 411045
9.	RD Chennai	Andhra Pradesh, Tamil Nadu, Puducherry & Telangana	Regional Director, CPCB Central Pollution Control Board Regional Directorate (Chennai) Second floor, No.77-a, South Avenue Road, Ambattur Industrial Estate Ambattur Taluk, Thiruvallur District Chennai-600 058, Tamil Nadu



taskteam cpcb <taskteam.cpcb@gmail.com>

Hon'ble NGT (PB) orders in the matter of Original Application No. 593/2017 (W.P. (Civil) No. 375/2012) with M.A. No. 62/2023 in Original Application No. 670/2018

taskteam cpcb <taskteam.cpcb@gmail.com>

Tue, Oct 17, 2023 at 11:14 AM

To: membersecy@appcb.gov.in, membersecretary@pcbassam.org, arunachalspcb@gmail.com, bspcb@yahoo.com, msbspcb-bih@gov.in, hocecb@gmail.com, cpcc-chd@nic.in, pccddnh@gmail.com, ms-gspcb.goa@nic.in, membersecretarygpcb@gmail.com, ms-gpcb@gujarat.gov.in, hspcbho@gmail.com, hspcb@hry.nic.in, mspcb-hp@nic.in, membersecy.pcb@jk.gov.in, Member Secretary <membersecretaryjkspcb@gmail.com>, ranchijspcb@gmail.com, ms@kspcb.gov.in, centrallab@kspcb.gov.in, ms.kspcb@gov.in, lak-dcf@nic.in, ms-mppcb@mp.gov.in, ms@mpcb.gov.in, memsecy.spcb-meg@gov.in, mpcb@mizoram.gov.in, pcb-man@nic.in, npcb2@yahoo.com, paribesh1@ospboard.org, msppcb@gmail.com, Member Secretary PPCB <msppcb@punjab.gov.in>, ppcc.pon@nic.in, member-secretary@rpcb.nic.in, drgopalpradhan@gmail.com, spcbsikkim@gmail.com, tripuraspcb@gmail.com, hoospcb-tr@gov.in, ms-tspcb@telengana.gov.in, tnpcb-chn@gov.in, ms@uppcb.in, msukpcb@yahoo.com, ms.wbpcb-wb@bangla.gov.in, msdpcc@nic.in, eodb_and.diranpcc@gov.in, cw/wladakh@gmail.com, J Chandra Babu <jcb.cpcb@nic.in>, jagan191.cpcb@gov.in, mkbiswas.cpcb@nic.in, dksoni.cpcb@nic.in, mkc.cpcb@gov.in, prasoon.cpcb@nic.in, gurnamsingh.cpcb@nic.in, pratik.cpcb@gov.in, vlaxmi.cpcb@nic.in

Cc: "P. K. Mishra" <eepkm.cpcb@nic.in>, pradeep mishra <mishrapkin@yahoo.com>, VISHAL GANDHI <vishalgandhi.cpcb@nic.in>

Madam/ Sir,

I am directed to communicate scanned copy of CPCB letter dated 12.10.2023 regarding the aforementioned subject for information and necessary action, please.

Regards

WQM-I Division
CPCB, Delhi

2 attachments

 **Office copy 593.pdf**
2626K

 **OA 593 of 2017_18-08-2023.pdf**
231K

From: "VISHAL GANDHI" <vishalgandhi.cpcb@nic.in>
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Sent: Thursday, October 26, 2023 12:32:02 PM

Subject: Re: Hon'ble NGT (PB) orders in the matter of
 Original Application No. 593/2017 (W.P.(Civil) No. 375/2012)
 with M.A. No. 62/2023 in Original Application No. 670/2018

Sir,

Please refer the trailing mail regarding submission of copy of
 action taken report in the matter of Original Application No.
 593/2017 (W.P.(Civil) No. 375/2012) with M.A. No. 62/2023 in
 Original Application No. 670/2018. The compliance report is
 yet to be received. The matter is listed on 31.10.2023 for
 hearing. It is once again requested to submit the compliance
 report at the earliest

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Sent: Tuesday, October 17, 2023 11:14:34 AM

Subject: Hon'ble NGT (PB) orders in the matter of Original Application No. 593/2017 (W.P.(Civil) No. 375/2012) with M.A. No. 62/2023 in Original Application No. 670/2018

[Quoted text hidden]

Item No. 11 & 12

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(BY HYBRID MODE)

Original Application No. 593/2017
(W.P.(Civil) No. 375/2012)

Paryavaran Suraksha Samiti & Anr. Applicant(s)

Versus

Union of India & Ors. Respondent(s)

WITH

M.A. No. 62/2023

IN

Original Application No. 670/2018

Atul Singh Chauhan Applicant

Versus

Ministry of Environment, Forests and
Climate Change & Ors. Respondent(s)

State of Uttar Pradesh Applicant in MA

Date of hearing: 17.08.2023

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Ms. Garima Prasad, AAG with Mr. Gigi.C. George, Adv. for the State of UP
in M.A No. 62/2023

Respondent: Ms. Priyanka Swami, Adv. for the State of UP in OA 593/2017
Mr. Pradeep Misra & Mr. Daleep Dhyani, Advs. for UPPCB

ORDER

Compliance of order of Hon'ble Supreme Court of India

1. In Original Application No. 593/2017, *Paryavaran Suraksha Samiti & Anr. vs. Union of India & Ors.*, this Tribunal, vide order dated 22.02.2021, considered the directions issued by the Hon'ble Supreme Court of India dated 22.02.2017 which mandated establishment and functioning of requisite ETPs/CETPs/STPs by 31.03.2018 and in default, to take coercive measures. This Tribunal while considering the contention of the State observed as follows:

“xxxxxx.....xxx

36. The Tribunal, vide order dated 05.02.2021 in O.A. No. 95/2018, *Aryavart Foundation v. M/s Vapi Green Enviro Ltd. & Ors.* dealt with pollution of River Daman Ganga in Gujrat on account of inadequately functional CETP at Vapi. While considering the said issue, **the Tribunal obtained an audit-report on functioning of monitoring mechanism by State PCBs and found that the State PCBs were not as effective as required under the law.** They lacked manpower as well as the equipment. **Till revamping of the State PCBs takes place, it is difficult to expect effective monitoring from them to comply with the direction of the Hon’ble Supreme Court in Paryavaran Suraksha, supra for effective measures against polluters. The Tribunal also directed considering setting up of environment data grids.** Relevant observations from the said order are:-

“10. We have given due consideration to the report, which shows startling state of affairs tested on the touchstone of ‘Sustainable Development’ principle, accepted in Stockholm conference and which has been held to be part of right to life under article 21 of the Constitution in *Vellore Citizens’ Welfare Forum v. Union of India*, (1996) 5 SCC 647.

11. Some of the significant observations include failure to fill up key positions, to acquire necessary equipment, to arrange continuous training, to prepare State Environment policy, to specify industries-siting criteria, making inventory of grossly polluting industries, not specifying standards of inlet to the CETPs and hazardous waste, inaction against identified polluters, taking steps for bridging gaps in law and enforcement with regard to liquid and solid waste (of different kinds), including non-functional and noncompliant ETSPs, STPs and CETPs, inadequate monitoring of environmental compliance in Class II towns and coastal areas, failure to compile and analyse data and filing annual reports, inefficiency shown by inaction against serious violations of environmental norms. Needless to say that such sorry state of affairs is reflection of poor governance, making environmental rule of law far from reality.

12. The environmental law principles, which this Tribunal is mandated to apply under sections 20 and 15 of the NGT Act, 2010, are – ‘sustainable development’, ‘precautionary’ and ‘polluter pays’. In *Hanuman Laxman*, (2019) 15 SCC 401, (paras 142-156), significance of environmental rule of law has been highlighted to achieve sustainable development goals for prosperity, health and well being. **This requires filling of gap between law and enforcement.** In *T.N. Godavarman Thirumulpad v. Union of India*, (2002) 10 SCC 606, at page 621, it was observed that the State has to

“forge in its policy to maintain ecological balance and hygienic environment. Article 21 protects right to life as a fundamental right. Enjoyment of life and its attainment including the right to life with human dignity encompasses within its ambit, the protection and preservation of environment, ecological balance free from

*pollution of air and water, sanitation without which life cannot be enjoyed. Any contra acts or actions would cause environmental pollution. Therefore, **hygienic environment is an integral facet of right to healthy life and it would be impossible to live with human dignity without a humane and healthy environment.** Environmental protection, therefore, has now become a matter of grave concern for human existence. Promoting environmental protection implies maintenance of the environment as a whole comprising the man-made and the natural environment. Therefore, there is constitutional imperative on the Central Government, State Governments and bodies like municipalities, not only to ensure and safeguard proper environment but also an imperative duty to take adequate measures to promote, protect and improve the man-made environment and natural environment.”*

13. In *A.P. Pollution Control Board v. Prof. M.V. Nayudu*, (1999) 2 SCC 718, at page 732, it was observed “..**Good governance is an accepted principle of international and domestic laws.It includes the need for the State to take the necessary “legislative, administrative and other actions” to implement the duty of prevention of environmental harm...**”. In *Techi Taga Tara*, supra, the Hon’ble Supreme Court referred to several Committees on **need for revamping the regulatory bodies by appointing persons of outstanding ability and high reputation to the State PCBs and equipping them with laboratories and other equipment for performing statutory functions.** Apart from the Tribunal being approached under sections 14 and 15 by aggrieved parties, pointing out degradation of environment and inaction of the statutory regulators, the Hon’ble Supreme Court has required this Tribunal to monitor compliance of such statutory obligations for protecting environment. This is not possible unless the statutory regulators are effective. Significant issues so referred by the Hon’ble Supreme Court include a) liquid waste management, (2017) 5 SCC 326, *Paryavarana Suraksha vs. Union of India & Ors.* wherein it was directed that requisite STPs, ETPs, CETPs must be set up by 31.3.2018, failing which coercive measures may be taken against concerned authorities, to enforce statutory mandate of the Water (Prevention and Control of Pollution) Act enacted in 1974, prohibiting any water pollution, making it a criminal offence. b) compliance of solid waste management rules. Vide order dated 2.9.2014 in WP 888/1996, *Almitra H. Patel Vs. Union of India & Ors.* on the file of the Supreme Court, the issue has been referred to this Tribunal for monitoring compliance of Solid Waste Management Rules. c) In (2015) 12 SCC 764, *MC Mehta v. UOI*, issue of rejuvenation of Ganga stands referred to this Tribunal. d) Vide order dated 24.7.2017 in WP 725/1994, ‘And quite flows Yamuna’, rejuvenation of Yamuna stands referred to this Tribunal. It is not necessary to refer to several other orders. Finding that statutory regulators were not effective and serious damage was continuing, the Tribunal has appointed independent monitoring Committees¹ on several issues.

¹To monitor compliances with regard to:

In substance, monitoring of the enacted environmental laws including the Water Act, Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986 and Rules framed thereunder needs to be reviewed and made effective in the interest of protection of environment and public health. This is not possible unless the regulatory bodies are duly manned and equipped and function efficiently. The report shows that it is not happening and there are huge gaps. With such gaps, it is only a dream to expect clean environment – fresh water or fresh air. Irreversible degradation of environment is bound to result in avoidable deaths and diseases and loss of scarce and good quality water, air and soil and biodiversity.

xxxxxx.....xxx.....

17. As earlier observed, damage to environment is directly linked to the public health and neglecting compliance of environmental norms results in deaths and injuries. Violation of environmental norms needs to be taken as seriously as preventing crimes of homicides and assaults. It is more serious as the victims may be wide spread and unidentified. The consequences may even affect future generations. The compliance status is directly linked to effectiveness of monitoring which requires that the key office bearers of statutory regulators and oversight bodies are qualified, competent and reputed and exclusively dedicated to such work, instead of devoting part time, while simultaneously holding other positions. In this regard, the Tribunal has made observations vide order dated 02.02.2021 in OA 231/2014, Doaba Paryavaran Samiti v. State of U.P & Ors, finding that the Member Secretary of the PCB in UP was only devoting part-time, while holding several other positions. Adequate and well-equipped laboratories and effective machinery for implementation of “Polluter Pays” principle for assessment and collection of compensation is another important aspect of environmental governance.

xxxxxx.....xxx.....

20. Further, for improving monitoring and planning, authentic data needs to be compiled at all levels.

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- (i) River Ghaggar in OA No. 138/2016 (TNHRC), Stench Grips Mansa’s Sacred Ghaggar River
 - (ii) River Sutlej in OA 916/2018, Sobha Singh v. State of Punjab & Ors.
 - (iii) River Yamuna in OA 06/2012, Manoj Mishra v. UOI & Ors.
 - (iv) River Musi in OA 426/2018, Mohammed Nayeem Pasha & Anr. v. State of Telangana & Ors.
 - (v) River Ganga in OA 200/2014, M.C. Mehta v. Union of India & Ors.
 - (vi) River Jojari in OA 329/2015, Gram Panchayat Araba v. State of Rajasthan & Ors.
 - (vii) CETP in Taloja District in OA 125/2018, Arvind Pundalik Mhatre v. Ministry of Environment, Forest and Climate Change & Ors.
 - (viii) District Environment Plan in OA 360/2018 Shree Nath Sharma v. Union of India & Ors.
 - (ix) ‘Rat Hole’ coal mining in OA 110(THC)/2012, Threat to Life Arising Out of Coal Mining in South Garo Hills District v. State of Meghalaya & Ors.
 - (x) Solid waste management rules in OA 606/2018, Compliance of Municipal Solid Waste Management Rules, 2016 and other environmental issues.

Initiative will have to be taken consistent with Digital India initiatives by the MoEF/MoJS/MoUD/CPCB and based on such policy decisions, the Environment departments of all States/UTs will have to compile data in their respective jurisdiction, preferably Districtwise. On that basis District Environment Data Grid (DEDG), State Environment Data Grid (SEDG) and National Environment Data Grid (NEDG) can be set up and continuously updated. The Grid can be connected to online monitoring systems. Comprehensive Environment Pollution Index (CEPI) is being prepared limited to the Industrial Area but the Grid can cover larger areas and aspects and can be source of research and planning. It can also facilitate monitoring of and be in sync with other government initiatives such as National Mission for Clean Ganga, Swachh Bharat and Jalshakti Abhiyan etc. Based on such data, it may also be easier to study 'carrying capacity' of different areas to plan siting policy for various activities.

22. xxxxxx.....xxx.....

(i) to (vii). xxxxxx.....xxx

(viii) Consistent with Digital India initiatives, MoEF&CC/MoJS/CPCB may consider setting up and periodically updating National Environment Data Grid (NEDG) linked to the State Environment Data Grids (SEDGs) DEDGs and further linked to available portals like online air/water quality, Sameer and other monitoring stations to facilitate analysis, research and planning on the subject. It may be further interlinked to initiatives like NMCG/Swachh Bharat/Jal Jeevan Mission.

xxx.....xxx.....xxx

38. ... This is necessary so that the Nation/Central Monitoring Mechanism can be effective, in view of continuing failure of statutory mechanism under the Water Act for preventing pollution of water, resulting in pollution of almost all the rivers and water bodies in the country, posing serious threat to availability of potable water for drinking purposes as well as for safety of food chain. Hardly any accountability has been fixed for such serious failures. **It will be open to the MoJS to issue any further appropriate statutory order to give effect to the above directions under the EP Act. The National/Central Mechanism may enforce the earlier directions of this Tribunal for collecting compensation for the failure to commence or complete the projects for setting up of sewage treatment equipments or taking steps for interim remediation measures. This is necessary for accountability for the failure to obey the law. The compensation so assessed may be deposited in a separate account to be used for rejuvenation of the polluted river stretches in the same manner as directed in the case of Ganga quoted above. As directed vide order dated 19.12.2018 in OA 673/2018, responsibility to pay compensation on behalf of the States/UTs will be of the Chief Secretaries. As per scheme of the NGT Act, every order of NGT is executable as a decree of**

Civil Court². Further, failure to comply order of the NGT is an offence punishable with imprisonment upto three years or fine upto Rs. 10 crores with additional fine for continuing offence after conviction.³ If the offence is by a Government Department, Head of the Department is deemed to be guilty.⁴ Cognizance of the offence can be taken by a Court on a complaint of Central Government or any other person who has given notice to the Central Government or its authorized representative. The complaint can be filed before a Court of Magistrate of first class. It is, thus, necessary in view of continuing violation of NGT order, requiring payment of compensation to reiterate the direction of responsibility for payment of compensation, to be of the Chief Secretaries and in default, their liability to be proceeded against for coercive measures for execution or by way of prosecution as per NGT Act, 2010.”

2. A Miscellaneous Application No. 42/2021 in OA 673/2018, *In Re: News item published in ‘The Hindu’ authored by Shri Jacob Koshy titled “More river stretches are now critically polluted :CPCB”* was filed before this Tribunal for extension of time limit for completion of the functioning and installation of STPs and this Tribunal, vide order dated 07.07.2021, observed as follows:

“1. This application has been filed in a disposed of matter dealing with the remedial measures for preventing water pollution by installing requisite water treatment plants in terms of judgement of the Hon’ble Supreme Court in *Paryavaran Suraksha v. Union of India & Ors.*⁵ The Tribunal monitored the matter in O.A. No. 593/2017, *Paryavaran Suraksha Samiti & Anr. v. UOI & Ors.*, in pursuance of directions of the Hon’ble Supreme Court by various orders, the last being order dated 21.05.2021. The matter was dealt with alongwith OA 637/2018 relating to pollution of river stretches for which main cause was discharge of untreated sewage as the authorities failed to ensure treatment in breach of Constitutional obligation. The Tribunal directed that without prejudice to the liability in pursuance of judgment of the Hon’ble Supreme Court, compensation will be required to be paid for not installing requisite equipments by stipulated date, on polluter pays principle.

2. The Tribunal has rejected applications for extension of time in view of timeline fixed by the Hon’ble Supreme Court and in view of the fact that continuing discharge of untreated sewage in water bodies is criminal offence. Reference is made to earlier order dated

² Section 25 of the NGT Act, 2010 read with Section 51 of the CPC providing for mode of execution which include civil imprisonment.

³ Section 26

⁴ Section 28

⁵ (2017) 5 SCC 326

22.02.2021, I.A. No. 375/2020 in O.A. No. 593/2017, *Paryavaran Suraksha Samiti & Anr. v. UOI & Ors.* filed by the State of Maharashtra. Timeline fixed by the Hon'ble Supreme Court expired on 31.03.2018 and in the course of execution, question of extension of time does not arise.

In view of the above, we do not find any merit in M.A. No. 42/2021 which is dismissed."

3. Aggrieved by the order, MA No. 356/2023 in Writ Petition (Civil) No. 375/2012, *Paryavaran Suraksha Samiti & Anr. vs. Union of India & Ors.* was filed before the Hon'ble Supreme Court and the Court decided the matter and directed as follows:

*"1 The judgment of this Court in **Paryavaran Suraksha Samiti and Another vs Union of India and Others**⁶ laid down mandatory time lines for the setting up of Common Effluent Treatment Plants⁷ and Sewage Treatment Plants⁸. The judgment which was pronounced on 22 February 2017 envisages that CETPs and STPs shall be set up within a period of three years. Paragraph 16 of the order indicates thus:*

"It however needs to be clarified that the instant directions and time lines shall not in any way dilute any time lines and directions issued by courts or Benches of the National Green Tribunal, hitherto before, wherein the postulated time lines would expire before the ones expressed through the directions recorded above. It is clarified that the time lines expressed hereinabove will be relevant, only in situations where there are no prevalent time line(s), and also, where a longer period has been provided for."

2 The State of Uttar Pradesh has instituted the present miscellaneous application seeking the following directions:

"Allow the present Application and allow the State more time to install and operationalise 100% STP coverage in the State of U.P. in terms of directions in para 12 of final order dt. 22.02.2117."

3 The State of Uttar Pradesh has in support of its application purported to submit that the time lines which were provided in the judgment of this Court dated 22 February 2017 "are impractical and artificial and impossible to implement in the time frame, given present funding and institutional capacities and

⁶ (2017) 5 SCC 326

⁷ "CETPs"

⁸ "STPs"

other competitive priorities of the State”. The State has also averred that “STPs are typically set up by the government and hence the typical time consuming procurement process of tendering needs to be followed”. Moreover, it has been submitted that the judgment of this Court does not take into account aspects such as the steps required in the pre-construction phase and the post-construction phase.

4 It has been stated in the application that the State of Uttar Pradesh has one of the highest population densities in the country of 828 per square kilometer whereas the national average is 464 per square kilometer. Hence, the laying of sewerage networks and acquisition of land poses a challenging task. The State has further submitted that the Million Litres per Day⁹ of waste generation of Uttar Pradesh is much higher than other States requiring a larger installation of STPs. The State has also referred to the implementation of various other administrative schemes, the impact of the Covid-19 pandemic and the budgetary requirements for 100 per cent treatment of sewage discharge.

5 Another reason for moving the miscellaneous application, it is stated, is that the National Green Tribunal has imposed penalties on diverse States which have not complied with the time lines imposed by this Court and that this may delay the projects.

6 Mr. Maninder Singh, senior counsel appearing on behalf of the applicants with Ms. Garima Prashad, Additional Advocate General for the State of Uttar Pradesh and Ms. Ruchira Goyal, Standing Counsel has tendered a note on Sewage Management in the State of Uttar Pradesh. The present status which has been indicated in the note tendered before this Court is in the following terms:

“Brief Note on Sewage Management

- Total Sewage Generated in the State is 5500 MLD.
- 122 STPs with treatment capacity of 3860 MLD are operational. **List of 122 STPs is annexed as Annexure no-1**

Time line for the Way Ahead

- There are 52 STPs with treatment capacity 1004 MLD under construction to be commissioned by Dec, 2024. **(Annexure 2)**
- 15 STPs with treatment capacity 854 MLD are under tendering process, and shall be commissioned by June 2025. (Annexure 3).
- **State shall have treatment capacity of 5718 MLD by June 2025 and gap shall be zero in between Sewage generation and treatment.**

Future plan

⁹ “MLD”

- 317 STPs with treatment capacity of 1593 MLD are proposed to be installed by Dec.2025. **List of 317 STPs is annexed as Annexure 4.**
- State shall have a total treatment capacity of 7311 MLD by Dec.2025.
- **100% treatment of sewage by June 2025.**
- **Projects to meet the MLD Gap have already been grounded.**
- **Funds have been tied up for the same in the respective project accounts”**

7 The above statement indicates that the total sewage generated in Uttar Pradesh is 5500 MLD. 122 STPs with a treatment capacity of 3860 MLD are stated to be operational. 52 STPs with a treatment capacity of 1004 MLD are under construction and are to be commissioned by December 2024. 15 STPs with a treatment capacity of 854 MLD are under ‘tendering’ and are proposed to be commissioned by June 2025. Moreover, it has been submitted that 317 STPs with a treatment capacity of 1593 MLD would be installed by December 2025. In sum and substance, it has been submitted that 100 per cent treatment of sewage would be envisaged by June 2025.

8 The above statement which has been tendered before this Court would require factual verification. Moreover, this Court had categorically set up time lines in its judgment for the setting up of CETPs and STPs as the case may be. Whether there has been bona fide compliance with the judgment of this Court is also a matter which warrants consideration.

9 Apart from the above, the mere setting up of STPs is not enough. The maintenance of the STPs and their performance and capacity to deal with sewage which is generated is another matter which has to be duly scrutinized and monitored. The treatment of sewage which is generated in the villages, towns and cities is a matter of utmost concern. Untreated sewage waste is discharged into rivers and naalas polluting the very sources of water upon which the survival of the population and bio diversity depends.

10 While this Court had in its judgment laid down time lines for the construction of STPs and CETPs, of equal importance is the need to ensure that:

- (i) The CETPs with the requisite technology and capacity are duly commissioned;
- (ii) After the commissioning of the CETPs/STPs, they continue to remain operational;
- (iii) The CETPs/STPs are duly maintained and upgraded as the need may arise;
- (iv) There is due monitoring at the administrative level on a real time basis of the performance of the CETPs, the deficiencies which may arise in the course of functioning and work of repair and maintenance; and

(v) *Entrustment to an authority which would be accountable for the due performance of the CETPs.*

11 *The above aspects are necessary to be borne in mind to supplement the directions of this Court. It is only if all other consequential steps are taken as adverted to above that the object and purpose of the order of this Court would be duly met.*

12 *We accordingly permit the applicant to move the National Green Tribunal with an application in that regard. The National Green Tribunal shall duly monitor compliance with the directions including the time-lines which have been spelt out in the order of this Court. It would be open to the applicant to place on the record of the Tribunal all material to indicate the bona fide steps which were taken to comply with the order of this Court and, if there were any genuine hindrances in doing so, the nature of the hindrances. The Tribunal would be at liberty in the exercise of its discretion to consider any request for a further extension of time.*

13 *The National Green Tribunal is authorized in terms of the present order to suitably extend time should it be satisfied that all necessary steps have been pursued with a sufficient degree of alacrity. The Tribunal shall also take stock of the issues which have been set out above in relation to due monitoring of the performance of the STPs and steps for ensuring up-gradation and maintenance. The Tribunal shall also ensure that an accountable mechanism is set up in the State of Uttar Pradesh to take stock of the performance of the STPs, providing for adequate funds for up-gradation and maintenance as required and for attending to all other administrative issues and problems.*

14 *The Miscellaneous Application shall stand disposed of in the above terms.”*

4. Now the question before this Tribunal is compliance of previous order of Hon'ble Supreme Court of India and Para 10 and 13 of the order dated 20.03.2023. Accordingly, notice is required to be issued to all the States to submit the report in light of order passed by the Hon'ble Supreme Court dated 20.03.2023 within two months. Second point which has been directed by the Hon'ble Supreme Court of India (Para 13) is that the Tribunal shall also ensure that an accountable mechanism is set up in the State of UP to take stock of performance of STPs, for providing adequate funds for up-gradation and maintenance as required and for attending to all administrative issues and problems.

5. Learned Counsel Ms. Garima Prasad, AAG appearing for the State of UP had sought short time to submit policy and planning. It is further submitted that presently on the recommendations of the State Government in OA No. 670/2018, *Atul Singh Chauhan vs. MoEF&CC & Ors.*, a Monitoring Committee was constituted in the State of UP. Relevant paragraphs of order dated 21.10.2019 in OA No. 670/2018, *Atul Singh Chauhan vs. MoEF&CC & Ors.*, are quoted below:

“8. Accordingly, the State has mentioned monitoring mechanism for compliance of orders of this Tribunal and effective enforcement of environmental norms as follows:

“(i) The State has developed dedicated UP Environment Compliance Portal www.upecp.in for monitoring of various issues in compliance of directions of Hon’ble NGT.

(ii) The access of portal is given to Chief Secretary, State Level Monitoring Committees and the District Level Committee.

(iii) Portal has been provided with dedicated Template for Online Filing of the Compliance Status to be reviewed at State Level by the State Level Committees. The issues requiring State Level intervention shall be flagged before the Chief Secretary, Uttar Pradesh.

D. Schedule of Monitoring:

Level of Monitoring	Schedule of Monitoring
<i>District Level Committee under District Magistrates</i>	<i>1st week of every month</i>
<i>District Level Committee under Commissioner</i>	<i>2nd week of every month</i>
<i>State Level Committees</i>	<i>3rd week of every month</i>
<i>Chief Secretary Level</i>	<i>4th week of every month</i>

16. That in compliance of the orders of Hon’ble Tribunal passed in the matters of O.A. No. 116/2014 in the matter of *Meera Shukla Vs. Municipal Corporation, Gorakhpur & Ors.* And O.A. No. 231/2014 & 66/2015 in the matter of *Doaba Paryavaran Samiti Vs. State of UP & Ors.*, the State has envisaged an oversight mechanism for overall periodical review of the status of compliance of various environmental issues in compliance of the various

directions of Hon'ble Tribunal, the functioning of State Level Monitoring Committees constituted by Government of Uttar Pradesh and to suggest on the implementation matters related to control of pollution in the State.

That the State proposes to constitute 3 Member Oversight Committee comprising of (i) former Hon'ble Justice, Hon'ble High Court/Formal District Judge, (ii) Member Administration and (iii) Member Technical to discharge the functions of this Committee. The Constitution of Oversight Committee shall be as follows:-

i.	Former Hon'ble Justice, Hon'ble High Court/Formal District Judge	Member Judicial
ii.	Retired Chief Secretary/Additional Chief Secretary Level Officer with experience in the field of environmental management	Member Administration
iii.	Environmental Expert in the fields of industrial pollution, health impact due to water pollution, sewage pollution, ground water mapping and remediation, ETP, CETP, STP technology & design, efficient water management, air pollution, health impact due to air pollution, green house gas emissions, climate change, noise pollution, efficient use of energy, renewable energy, mining & reclamation, source appointment, air pollution forecast, greening & plantation, waste management like hazardous waste, bio-medical waste, solid waste, plastic waste, e-waste, construction & demolition waste etc. and with a practical knowledge in the field of Reduce, Reuse, Recycle & EPR etc. from recognized institution of national/international universities of repute.	Member Technical

- (a) Each Committee Member will be supported by 03 Professionals/Senior Research Fellows from the field of environment, economics, law with knowledge of information Technology etc., 01 Computer Operator/Personal Assistant and 01 Multi-Tasking Staff. The support professionals and staff will be hired through outsourcing mechanism.
- (b) The Committee will be provided with a Secretariat in the premises of Directorate of Environment, Government of Uttar Pradesh along with conference room etc. The Secretarial staff will include Accountant and Administrative Officer on deputation basis and Office Staff on outsourcing basis.

- (c) *The Chairperson and Members of the Oversight Committee shall be given honorarium as decided by the Government along with the logistic support including vehicle with driver and TA/DA as per rules.*
- (d) *The Oversight Committee will ensure monitoring and periodical review of compliance status through the monitoring portal developed by the State for three tier monitoring at District as well as State Level. The Oversight Committee will be having interactive access to the dedicated monitoring portal for undertaking regular review as well as uploading its recommendations for incorporation in the interest of environment compliance.*
- (e) *The Oversight Committee shall send its reports and recommendations to the Chief Secretary and the Chief Secretary shall get the recommendations implemented and also file the compliances related to reports/recommendations of the Committee in his quarterly compliance report to be filed in Hon'ble Tribunal.*
- (f) *The above Oversight Committee shall oversee the progress of functioning of District Environment Committee, State Level Waste Management Monitoring Committee, Implementation Committee, Air Quality Monitoring Committee (AQMC), River Rejuvenation Committee (RRC). The functioning of the Oversight Committee shall focus on-*
- (i) Planning & methodology to address the gaps in compliance status and conduct workshops for sensitization on various issues e.g. District Environment Plan etc.*
 - (ii) Guiding regarding adoption of economically viable and efficient technologies in the State.*
- (g) *The functioning of the Oversight Committee shall be suggestive in nature and shall not interfere in the enforcement mechanism of the State. The Oversight Committee shall be reviewing periodically the status of compliance and functioning of the three tier monitoring mechanism in the State.”*

6. Now, the Hon'ble Supreme Court of India has directed this Tribunal to ensure that an accountable mechanism is set up in the State of Uttar Pradesh to monitor the compliances with regard to violation of Water (Prevention and Control of Pollution) Act, 1974. Since the State has constituted the Committee mentioned above, thus, the report and suggestions for better mechanisms is required for improvement of the existing Committee or to reconstitute by way of any addition of

technical/administrative member. Further, the views of the Committee are also required to be sought.

7. Accordingly, the State of UP/Secretary, Environment/State PCB are directed to submit the report with regard to any reform required in the monitoring mechanism in the Committee or induction of any new technical/administrative member or change of members and till the decision is taken by this Tribunal, the Monitoring Committee as quoted above headed by Justice S.V.S. Rathore will continue to work in accordance with the order quoted above. The State may recommend the manner and method of mechanism to take the stock of performance of the STPs in the State of UP. In the meantime, the present Committee headed by Justice S.V.S. Rathore is directed to submit the compliance report in the light of order of the Hon'ble Supreme Court of India dated 20.03.2023 and to continue to function till further orders.

8. Learned Counsel appearing for the State sought a short time to submit the report. Since the matter pertains to PAN India, thus, for compliance of order of the Hon'ble Supreme Court of India passed in *Paryavaran Suraksha Samiti & Anr. vs. Union of India & Ors.*, quoted above, notice is required to be sent to all the State PCBs/PCCs to submit the compliance report within two months 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. CPCB is directed to call and compile the report and submit with its recommendations before this Tribunal.

9. Registry is directed to list the matter after submission of the report on 31.10.2023.

10. M.A. No. 62/2023 will be taken up with the report as directed above.

11. A copy of this order be forwarded to CPCB, State of UP and all State PCBs/PCC by e-mail for compliance.

Sheo Kumar Singh, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

August 17, 2023
M.A. No. 62/2023
IN OA No. 670/2018 with
Original Application No. 593/2017
(W.P.(Civil) No. 375/2012)
DV