



क्षेत्रीय कार्यालय-उ०प्र० प्रदूषण नियंत्रण बोर्ड, गाजियाबाद
Regional Office, U.P. Pollution Control Board, Ghaziabad
Website- www.uppcb.com, e-mail: roghaziabad@uppcb.in

संदर्भ संख्या : ...2982 /NGT-152/OA-449/2022

दिनांक 13-12-2022

To,

The Registrar,
The National Green Tribunal,
Principal Bench,
New Delhi
E-mail- judicial-ngt@gov.in & ngt.filling@gmail.com

Sub: Report of the Joint Committee in compliance of Hon'ble National Green Tribunal, Principal Bench, New Delhi Order dated 06-07-2022 in OA No-449/2022 (I.A. No-148/2022) Manoj Bansal Versus State of Uttar Pradesh & Ors.

Respected Sir,

With reference to the above-mentioned subject the Joint Committee inspected the site in compliance of Hon'ble National Green Tribunal, order dated 06-07-2022 in OA No-449/2022 (I.A. No-148/2022) Manoj Bansal Versus State of Uttar Pradesh & Ors. Joint Committee's report is hereby submitted for kind perusal and necessary action please.

Enclosure: Joint report.

Yours Sincerely


(Utsav Sharma)
Regional Officer

Copy to:

1. Member Secretary, U.P. Pollution Control Board, Lucknow for information.
2. Chief Environmental Officer, Circle-1, U.P. Pollution Control Board, Lucknow for information.
3. Shri Pradeep Misra, Advocate, Hon'ble Supreme Court/NGT, New Delhi for perusal and necessary action please.
4. Law Officer-I, U.P. Pollution Control Board, Lucknow for information.


Regional Officer

क्षेत्रीय कार्यालय : आई०एन०एस०-२, सेक्टर-१६, वसुन्धरा, गाजियाबाद-२०१०१२ फोन-०१२०-४१६०१०८
मुख्यालय : TC-12V, विभूति खण्ड, गोमती नगर, लखनऊ २२६०१०

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 449 OF 2022

IN THE MATTER OF:

Manoj Bansal

...Applicant

Versus

State of U.P. & Ors.

...Respondent(s)

INDEX

S.No.	Description	Pg.No.
1	Status Report in Compliance of Hon'ble National Green Tribunal's order dated 06.07.2022 in OA 449/2022	1-7
2	<u>Annexure I</u> – Letter issued by Regional Office, UPPCB, Ghaziabad on 12.07.2022 for inviting nominations for Joint Committee constituted by Hon'ble Tribunal	8-8
3	<u>Annexure II</u> - Letter issued by Head Office, UPPCB, Lucknow on 18.07.2022 for inviting nominations for Joint Committee constituted by Hon'ble Tribunal	9-9.
4	<u>Annexure III</u> - Copy of letter issued for inspection of drain by the Joint Committee on 21.11.2022.	10-10
5	<u>Annexure IV</u> - Copy of communication received from NCRPB on 22.11.2022.	11-11

FILED BY



UTSAV SHARMA

Regional Officer, UPPCB
Ghaziabad

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

Original Application No. 449/2022

In the matter of:

Manoj Bansal

...Applicant

Versus

State of U.P. & Ors.

...Respondent(s)

**STATUS REPORT ON BEHALF OF THE JOINT COMMITTEE OF DISTRICT
ADMINISTRATION, CENTRAL POLLUTION CONTROL BOARD, MUNICIPAL
CORPORATION, GHAZIABAD AND UTTAR PRADESH POLLUTION CONTROL
BOARD WITH RESPECT TO ORDER DATED 06.07.2022**

IT IS MOST RESPECTFULLY SHOWETH:

1. That, the instant matter was taken up by the Hon'ble Tribunal in view of an application whereby it has been alleged that the storm water drain from 01, Navyug Market to 33, Navyug Market, Ghaziabad is being concretized.
2. That the applicant has also alleged that the drain in question is meant to carry runoff during rainfall but at present sewage and industrial effluents are being discharged in the said drain in violation of the Water (Prevention

and Control of Pollution) Act, 1974. The said drain has now been completely covered and concretized by the Nagar Nigam.

3. That the applicant has relied upon recommendations of an expert Committee appointed by Hon'ble Tribunal dated 13.10.2014 in respect of control of pollution and restoration of Yamuna River based on which, Hon'ble Tribunal vide judgement dated 13.01.2015 in O.A No. 06/2012, Manoj Misra v/s Union of India & Ors has directed that there shall be no construction and/or coverage of any drains in Delhi by any Authority or Municipal Corporation. The applicant has also relied upon decision of NCR Planning Board in a meeting held on 28.04.2016 whereby covering of drain has been prohibited and further directions to maintain a buffer zone of 12 meter from the boundary of the drain as no construction-zone have been issued.
4. Further, in his application, the applicant has alleged that the said storm water drain is being concretized to give way to the setting up of Kiosks and vends in the area.
5. That the Hon'ble Tribunal took up the said matter on 06.07.2022 and constituted a Joint Committee of Central Pollution Control Board, NCR Planning Board, State Pollution Control Board, District Magistrate and

Municipal Corporation, Ghaziabad for furnishing a factual and action taken report.

6. That in compliance of said orders, for purpose of receiving nominations from departments/agencies constituting the Joint Committee, a letter was sent to concerned departments/agencies by the Regional Office, Ghaziabad Uttar Pradesh Pollution Control Board on 12.07.2022 and from Head office of the Board on 18.07.2022. Copy of said letters is annexed as *Annexure I* and *Annexure II* respectively.
7. That in pursuant to above communication, nominations were received from District Administration, Central Pollution Control Board and Municipal Corporation, Ghaziabad. No nomination was received from NCR Planning Board (NCRPB) for said Committee after continuous communications.
8. That in view of above, it was decided that the said drain be inspected by the Joint Committee comprising of nominated officers from the District Administration, Central Pollution Control Board, Municipal Corporation, Ghaziabad and Uttar Pradesh Pollution Control Board on 21.11.2022. Copy of letter issued for inspection by the Joint Committee is annexed as *Annexure III*.
9. NCRPB vide its letter dated 22.11.2022 communicated that considering the scarcity of staff in NCRPB Secretariat and an earlier Board decision, it

may not be possible to nominate an official from NCRPB for the said purpose. NCRPB vide above mentioned letter has also requested that interest of NCRPB is protected at all ends. Copy of communication received from NCRPB is annexed as *Annexure IV*.

10. That the said site in Navyug Market, Ghaziabad was inspected by Shri Vipin Kumar, ADM (City), Ghaziabad, Smt. Suniti Parashar, Scientist 'C', CPCB, Shri N.K. Chaudhary, Chief Engineer, Municipal Corporation, Ghaziabad, Shri Anand Tripathi, GM (Jal), Municipal Corporation, Ghaziabad, Dr. Mithlesh Kumar, Municipal Health Officer, Municipal Corporation, Ghaziabad and Shri N.K. Pandey, Assistant Environmental Engineer, UPPCB, Ghaziabad on 21.11.2022.

11. That the Joint Committee was informed by representatives of Municipal Corporation, Ghaziabad that the Corporation has undertaken repair work of the drain from 1, Navyug Market to 33, Navyug market. Drain's brick work had dilapidated and same was reconstructed in form of RCC drain. Besides this, concrete RCC slabs of dimensions 4.00m x 1.98m have been placed on the said drain at 4 locations for purpose of pedestrian crossing over the drain.

12. That the said drain passes through the Navyug Market area where Administrative head-quarter of Municipal Corporation, Ghaziabad and

Ghaziabad Development Authority is located. Also, there is a dense local market behind Ghaziabad Development Authority's office which has been in existence since last 60-70 years. Construction & Demolition, U.P. Jal Nigam had constructed the drain in the said market area for purpose of smooth flow of storm water and to stop water logging in the area around 3-4 years back and had concretized and covered the drain in the area with RCC slabs in view of public safety in the dense market area.

13. That the applicant has also alleged that the said concretization is being carried out to allot and place kiosks on the slab. Representatives of Municipal Corporation, Ghaziabad have informed the Joint Committee that vending zones are earmarked as per policy and rules and concretization of drains is not being done for this purpose in Navyug market area.

14. That the Navyug market area is completely sewerred and sewer mixing was not observed in the area by the Joint Committee.

15. That before entering the Navyug market area, the drain passes through Maliwada area, which is an old and densely populated area of Ghaziabad. Also, fruit market, vegetable market and chicken market is near the said area. Though the area is sewerred but practice of open washing of utensils

and material is prevalent in the area therefore waste water as well as solid waste from these markets finds its way into the drain in question.

16. That in view of above findings, the Joint Committee suggest that following steps be taken for ensuring that the drain is used as a storm water drain only:-

- a. The solid waste and waste water handling in densely populated areas along the drain needs further improvement. Municipal Corporation, Ghaziabad should ensure that adequate segregated waste collection points are made in areas from where fruit, vegetable and chicken vendors operate and frequency of collection may be optimized to ensure optimum usage of space.
- b. Bar screens be installed at adequate locations and solid waste finding its way into the drain should be removed regularly from these areas. Strict action should be taken against establishments as well as individuals found to be littering/disposing waste or discharging waste water into the drain in violation of laid rules and guidelines.
- c. Municipal Corporation, Ghaziabad along-with representatives of land-owning agencies should ensure that activities along the drain's catchment area are in accordance with approved land use as this

will further ensure regulation of solid as well as liquid waste finding its way into the drain.

- d. Municipal Corporation, Ghaziabad should carry out survey of the entire stretch of drain and ensure that there is no mixing/leakage of sewer from sewer network into the drain.
- e. Covering of drain, if required should be done only in accordance with Functional Plan on Drainage for National Capital Region, approved in the 65th meeting of the Planning Committee of the NCR Planning Board. Also, adequate space should be made available for access of mechanical equipment needed for cleaning of drain at regular intervals.

The present status report may kindly be taken on record.



(N.K. Pandey)
AEE, UPPCB
Ghaziabad



(Dr. Mithlesh Kumar)
Municipal Health Officer, GNN
Ghaziabad



GM, Jal, GNN
Ghaziabad



(Suniti Parashar)
Scientist C, CPCB
New Delhi



(N.K. Chaudhary)
Chief Engineer, GNN
Ghaziabad



(Bipin Kumar)
ADM (City)
Ghaziabad



ANNE XURE-1
क्षेत्रीय कार्यालय-उ०प्र० प्रदूषण नियंत्रण बोर्ड, गाजियाबाद

Regional Office, U.P. Pollution Control Board, Ghaziabad

Website- www.uppcb.com, e-mail:roghaziabad@uppcb.in

संदर्भ संख्या : 1042/एन०जी०टी०-...../ओ०ए०नं-449/2022/2021

दिनांक 13/07/2022

सेवा में,

1. सदस्य सचिव महोदय, केन्द्रीय प्रदूषण नियंत्रण बोर्ड, ईस्ट अर्जुन नगर, दिल्ली।
2. निदेशक (A & F), राष्ट्रीय राजधानी क्षेत्र योजना बोर्ड, प्रथम तल कोर-4बी, भारत पर्यावास केन्द्र, लोधी रोड, नई दिल्ली-110003
3. नगर आयुक्त महोदय, नगर निगम, गाजियाबाद।

विषय: मा० एन०जी०टी० नई दिल्ली में योजित OA No-449/2022 (I.A. No-148/2022) Manoj Bansal Versus State of Uttar Pradesh & Ors. में पारित आदेश दिनांक 06.07.2022 के अनुपालन के सम्बन्ध में।

महोदय,

कृपया उपरोक्त विषयक मा० एन०जी०टी० नई दिल्ली में योजित OA No-449/2022 (I.A. No-148/2022) Manoj Bansal Versus State of Uttar Pradesh & Ors. में पारित आदेश दिनांक 06.07.2022 को आदेश पारित किए गये हैं, जिसका मुख्य अंश निम्नवत है:-

".....Grievance in this application is against concretization of storm water drain from 01 Navyug Market to 33 Navyug Market, Ghaziabad and for direction to maintain buffer zone of 12 meters from the edge of the drain on either side free from construction/encroachment.

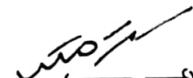
According to the applicant, the drain in question is meant to carry runoff during rainfall but at present sewage and industrial effluents are discharged in the said drain in violation of the Water (Prevention and Control of Pollution) Act, 1974. The said drain has now been completely covered and concretized by the Nagar Nigam. Concretization is against recommendations of an expert Committee appointed by this Tribunal dated 13.10.2014 in respect of control of pollution and restoration of Yamuna River based on which this Tribunal vide judgement dated 2 13.01.2015 in O.A No. 06/2012, Manoj Misra v. Union of India & Ors.

In view of above, we consider it appropriate to require a joint Committee of CPCB, NCR Planning Board, State PCB, District Magistrate and Municipal Corporation, Ghaziabad to furnish a factual and action taken report in the matter 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. The State PCB will be the nodal agency for coordination and compliance. The joint Committee may also verify whether any work is still going on in violation of law and if it is found that any such work is still going on, the same may be stopped....."

उपरोक्त के क्रम में आपसे सादर अनुरोध है कि मा० एन०जी०टी० द्वारा पारित आदेशों के अनुपालन में संयुक्त निरीक्षण हेतु प्रतिनिधि नामित करने का कष्ट करें, जिससे कि जिला प्रशासन की तरफ से नियत तिथि पर संयुक्त निरीक्षण कर आख्या मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली के समक्ष निर्धारित समयवाधि में प्रस्तुत की जा सकें। वाद की अग्रिम सुनवाई दिनांक 28.09.2022 नियत है।

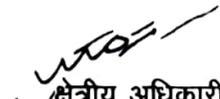
संलग्नक:उपरोक्तानुसार।

भवदीय


(उत्सव शर्मा)
क्षेत्रीय अधिकारी

प्रतिलिपि:निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु सादर प्रेषित।

1. जिलाधिकारी महोदय, गाजियाबाद।
2. मुख्य पर्यावरण अधिकारी, वृत्त-1, उ०प्र० प्रदूषण नियंत्रण बोर्ड, लखनऊ।


क्षेत्रीय अधिकारी

क्षेत्रीय कार्यालय : आई०एन०एस०-2, सेक्टर-18, वसुन्धरा, गाजियाबाद-201012 फोन-0120-4160108
मुख्यालय : TC-12V, विमूति खण्ड, गोमती नगर, लखनऊ 226010



उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड
UTTAR PRADESH POLLUTION CONTROL BOARD

संदर्भ सं.
Ref. No

H-78573/सी-1/विधि-241/2022

दिनांक
Date - 18/7/22

To,

- 1. Member Secretary
Central Pollution Control Board
Parivesh Bhawan, East Arjun Nagar,
Delhi. (Email:-mscb.cpcb@gov.in)
- 2. District Magistrate
Ghaziabad.
(dmgha@nic.in)
- 3. Member Secretary
NCR Planning Board
First Floor, Core-4B, India Habltate
Center, Lodhi Road,
New Delhi- 110003.
(Email:- ncrpb-ms@nic.in,
ddtnm@ncrpb.nic.in)
- 4. Municipal Commissioner
Nagar Nigam Ghaziabad.
Ghaziabad.
(gzb.nagar.nigam@gmail.com)

Ref: Hon'ble NGT Order dated 06/07/2022 in the matter of Original Application No. 449/2022 (I.A. No. 148/2022) Manoj Bansal Applicant Versus State of Uttar Pradesh & Ors. Respondent(s).

Sir,

Please refer to Hon'ble NGT Order dated 06/07/2022 in the matter of Original Application No. 449/2022 (I.A. No. 148/2022) Manoj Bansal Applicant Versus State of Uttar Pradesh & Ors. Respondent(s) (Copy enclosed). Mr. Utsav Sharma, Regional Officer, UPPCB, Ghaziabad (Mobile no. 9990603358 E-mail roghaziabad@uppcb.in) has been nominated as representative of State PCB for the Joint Committee comprising CPCB, NCR Planning Board, State PCB, District Magistrate and Municipal Corporation, Ghaziabad. You are requested to nominate the representative for joint inspection as per Hon'ble NGT order.
Encl- As above.

No-2222

Yours faithfully,

(Vivek Koy)

Chief Environmental Officer,
Circle-1

श्री. उत्सव शर्मा (प्रदेश)

उत्सव शर्मा - प्रदूषण नियंत्रण बोर्ड

के. जे. के. गांधी रोड, ग्हाज़िआबाद

Copy to- Mr. Utsav Sharma, Regional Officer, UPPCB, Ghaziabad with direction to coordinate with CPCB, NCR Planning Board, State PCB, District Magistrate and Municipal Corporation, Ghaziabad and submit a factual and action taken report to Hon'ble NGT as per order dated 06-07-2022.

प्रदूषण नियंत्रण बोर्ड

उत्सव शर्मा

श्री. उत्सव शर्मा के कार्यालय में
उत्सव शर्मा - प्रदूषण नियंत्रण बोर्ड

Chief Environmental Officer,
Circle-1

टी.सी. - 12 वी, विभूति खण्ड, गौमती नगर,
लखनऊ - 226010

T.C.-12 V, Vibhuti Khand, Gomti Nagar,
Lucknow - 226 010



क्षेत्रीय कार्यालय-उ०प्र० प्रदूषण नियंत्रण बोर्ड, गाजियाबाद
Regional Office, U.P. Pollution Control Board, Ghaziabad
Website- www.uppcb.com, e-mail: roghaziabad@uppcb.in

संदर्भ संख्या : २१०२२/एन०जी०टी०-१५२/ओ०ए०न-४४९/२०२२

दिनांक 19/11/2022

सेवा में,

- श्रीमती सुनिति पाराशर, वैज्ञानिक-सी, WQM-1 केन्द्रीय प्रदूषण नियंत्रण बोर्ड, ईस्ट अर्जुन नगर, दिल्ली।
- श्री एन०के० चौधरी, मुख्य अभियंता (निर्माण), नगर निगम, गाजियाबाद।

विषय: मा० एन०जी०टी० नई दिल्ली में योजित OA No-449/2022 (I.A. No-148/2022) Manoj Bansal Versus State of Uttar Pradesh & Ors. में पारित आदेश दिनांक 06.07.2022 के अनुपालन के सम्बन्ध में।

महोदय,

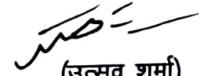
कृपया उपरोक्त विषयक मा० एन०जी०टी० नई दिल्ली में योजित OA No-449/2022 (I.A. No-148/2022) Manoj Bansal Versus State of Uttar Pradesh & Ors. में पारित आदेश दिनांक 06.07.2022 को आदेश पारित किए गये हैं, जिसका मुख्य अंश निम्नवत है:-

".....Grievance in this application is against concretization of storm water drain from 01 Navyug Market to 33 Navyug Market, Ghaziabad and for direction to maintain buffer zone of 12 meters from the edge of the drain on either side free from construction/encroachment.

In view of above, we consider it appropriate to require a Joint Committee of CPCB, NCR Planning Board, State PCB, District Magistrate and Municipal Corporation, Ghaziabad to furnish a factual and action taken report in the matter 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. The State PCB will be the nodal agency for coordination and compliance. The Joint Committee may also verify whether any work is still going on in violation of law and if it is found that any such work is still going on, the same may be stopped."

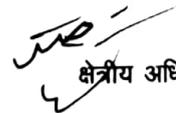
उपरोक्त के कम में आपसे सादर अनुरोध है कि मा० एन०जी०टी० द्वारा पारित आदेशों के अनुपालन में संयुक्त निरीक्षण दिनांक 21.11.2022 को 12:00 बजे प्रस्तावित है। अतः आपसे अनुरोध है कि नियत तिथि पर संयुक्त निरीक्षण हेतु नवयुग मार्केट चौकी पर एकत्रित होने का कष्ट करें, जिससे संयुक्त आख्या मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली के समक्ष निर्धारित समयावधि में प्रस्तुत की जा सकें। संलग्नक:उपरोक्तानुसार।

भवदीय


(उत्सव शर्मा)
क्षेत्रीय अधिकारी

प्रतिलिपि:

- जिलाधिकारी महोदय, गाजियाबाद को सादर सूचनार्थ प्रेषित।
- अपर जिलाधिकारी (नगर), गाजियाबाद को सादर सूचनार्थ प्रेषित।
- निदेशक, राष्ट्रीय राजधानी क्षेत्र योजना बोर्ड, प्रथम तल कोर-4बी, भारत पर्यावास केन्द्र, लोधी रोड, नई दिल्ली-110003 को इस कार्यालय के पत्र दिनांक 12.07.2022 तथा 18.10.2022 द्वारा मा० अधिकरण के आदेशों के अनुपालन में संयुक्त निरीक्षण हेतु प्रतिनिधि नामित किये जाने हेतु अनुरोध किया गया था। संयुक्त समिति द्वारा दिनांक 21.11.2022 को 12:00 बजे संयुक्त निरीक्षण प्रस्तावित है। अतः अनुरोध है कि दिनांक 21.11.2022 को संयुक्त निरीक्षण हेतु प्रतिनिधि नामित करने का कष्ट करें।
- मुख्य पर्यावरण अधिकारी, वृत्त-1, उ०प्र० प्रदूषण नियंत्रण बोर्ड, लखनऊ को सादर सूचनार्थ प्रेषित।


क्षेत्रीय अधिकारी

क्षेत्रीय कार्यालय : आई०एन०एस०-२, सेक्टर-१६, वसुन्धरा, गाजियाबाद-२०१०१२ फोन-०१२०-४१६०१०८
मुख्यालय : TC-12V, विभूति खण्ड, गोमती नगर, लखनऊ २२६०१०



राष्ट्रीय राजधानी क्षेत्र योजना बोर्ड

NATIONAL CAPITAL REGION PLANNING BOARD

प्रथम तल, कोर-IV बी. / 1st Floor, Core-IV.B,

भारत पर्यावास केन्द्र. / India Habitat Centre,

लोधी रोड, नई दिल्ली-110003 / Lodhi Road, New Delhi-110003

आवासन और शहरी कार्य मंत्रालय / Ministry of Housing and Urban Affairs

दूरभाष / Phone : 011-24642284, 24642287 फैक्स / Fax : 011-24642163

Dated: 22.11.2022

File No Y-13/75/22

To
Shri Utsav Sharma,
Regional Officer, Ghaziabad
Uttar Pradesh Pollution Control Board Regional Office
INS 2 Sector 16 Vasundhara Ghaziabad 201012
HQ: Building. No. TC-12V, Vibhuti Khand,
Gomti Nagar, Lucknow-226 010.
Email- : ms@uppcb.in, roghaziabad@uppcb.in

Sub-: O.A. 449/2022 titled Manoj Bansal Vs State of U.P. & Ors.

Sir,

I have been directed to refer to your letter dated 12.07.2022 and 18.10.22 on the above subject wherein NCRPB nomination had been requested pursuant to order passed by the Hon'ble NGT dated 06.07.2022 in the O.A. above cited.

2. In this regard, it may be noted that although the position and location of drains may be different as mentioned in the letter dated 18.10.22 however the issues pertaining to sewage and industrial effluents into the drain meant for carrying rainfall water appear to be similar in nature and such issues were already discussed in detail in the reference of Sahibabad drain in the committee meetings chaired by the Member Secretary NCRPB.

3. Hence, necessary inputs regarding drain issues have already been provided in the case of Sahibabad drain, and no further benefits seemed derivable by further NCRPB participation such similar matters.

4. Further, considering the scarcity of staff in NCRPB Secretariat, and an earlier Board decision in a different matter, not allowing NCRPB representatives to be nominated to any State sub committees, it may not be possible to nominate an official from NCRPB Secretariat, for the said purpose.

5. UPPCB is however, requested to kindly ensure that the interest of NCRPB is protected at all ends while informing the concerned authorities and making them aware of the facts and circumstances of the matter.

This issues with the approval of competent authority

Yours faithfully

[Handwritten Signature]

Deputy Director (T)

Copy to :-

i) Chief Environmental Officer Uttar Pradesh Pollution Control Board, HQ: Building. No. TC-12V, Vibhuti Khand, Gomti Nagar, Lucknow-226 010.

ii) NCR Cell U.P. For information and coordination with concerned agencies In order to ensure protection of interests of the NCRPB