

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
CENTRAL ZONAL BENCH AT BHOPAL  
ORIGINAL APPLICATION NO. 17/2018**

**IN THE MATTER OF**

**APPLICANT**

**DINESH JOSHI**

**VS**

**RESPONDENT**

**STATE OF M.P. AND ORS.**

**COMPLIANCE REPORT ON BEHALF OF MPPCB**

Hon'ble Tribunal was pleased to pass the following directions vide its order dated 16.09.2020 passed in para 38 :-

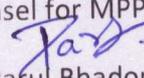
*" v. Madhya Pradesh State Pollution Control Board is directed to calculate the environmental compensation according to the parameter laid down as above and according to the parameter laid down by the Central Pollution Control Board and proceed to recover the amount of compensation and to be deposited in the account of Madhya Pradesh State Pollution Control Board which shall be later on utilised for the environmental purposes.*

*vi. We deem it just and proper to constitute a Committee consisting one representative of Central Pollution Control Board and one representative of the State Pollution Control Board to ensure the compliance of the order of Principal Bench of this Tribunal at New Delhi passed in O.A. No. 673/2018 dated 22.06.2020 contained in para no. 47 which says that 100 % treatment of sewage may be ensured as directed by this Tribunal vide order dated 28.08.2019 in O.A No. 593/2017 and if this is not done the local bodies and the concerned department of the States/UTs will be liable to pay compensation as already directed at the rate of Rs. 5 lakhs per month per drain for default in situ remediation and Rs. 5 lakhs per STP for default in commencement of setting up of the STP and this should be implemented throughout the State.*

*xiii. Madhya Pradesh State Pollution Control Board is directed to monitor the status and also to report about the establishment of STP, if any, and in case of no STP, shall ensure that no untreated/sewage water is discharged into the water body. The compensation as aforesaid mentioned must be calculated from the date of discharged of the water into the water bodies or from the order passed by the Principle Bench of this Tribunal mentioned above. "*

1. That, in compliance of the directions passed by the Hon'ble Tribunal, the committee of CPCB and MPPCB visited Mandsaur to verify the progress made with respect to the sewage treatment. It was found that the untreated sewage was still flowing in Teliya Talab and there is no such concrete planning for setting up of STP. The inspection report of the committee has been enclosed as **Annexure-1**. The committee has also calculated the amount of Environmental Compensation to be imposed on the Municipal Council Mandsaur calculated on the basis of the formula derived by CPCB.
2. A show cause notice dated 22.02.2021 was issued to the Chief Municipal Officer, Municipal Council, Mandsaur calculated from 30.06.2020 upto 31.12.2020 to the tune of Rs 300 Lakhs and Rs 5 lakh per month from 01.01.2021 till the compliance is ensured. The copy of notice dated 2.02.2021 has been enclosed as **Annexure-2**.

Through Counsel for MPPCB

  
[Parul Bhadoria]

## Inspection Report

Subject:- Hon'ble NGT order dated 21.09.2020 in O.A. 17/2018 (CZ) reg.

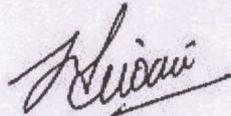
With reference to above subject, in compliance of order Para 38(vi) a committee of Central Pollution Control Board (CPCB) & Madhya Pradesh pollution Control Board (MPPCB) was constituted on 7.11.2020 to ensure the compliance of the Hon'ble NGT order dated 22.06.2020 in O.A. 673/2018 regarding the 100% treatment of sewage.

In this regard, the above committee visited the Mandsaur on 6.1.2021 to verify the progress made so far w.r.to the treatment of sewage. Sh. Arvind Gangrade, EE, Municipal Committee, Mandsaur accompanied the committee and briefed on the progress made so far. As informed, out of 09, main drains, the one drain of Meghdut Talaab was recently in month of December 2020 was intercepted and diverted to Basic Training Institute ground in trenches of about 100 mtrs length, the same was visited by the committee. As of now, no in-situ remediation was provided to the drains and no such concrete planning for setting up of STP is done like survey, detailed project report, tendering etc. Committee is in the opinion to impose the following compensation on the Municipal Committee, Mandsaur.

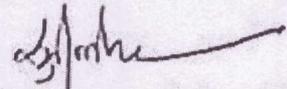
S.N O.	Action to be done	Time line of completi ng the action	Compensati on levied till	Compensation rate	Total Compensati on in Lakhs Rupees
1.	In-situ remediati on of drains	30.06.20 20	31.12.2020	Rs. 5 lakhs/month/dr ain	270
2.	Setting up of STP	30.06.20 20	31.12.2020	Rs. 5 lakhs/month/dr ain	030
Total Rs.(in Lakhs)					300 Lakhs

order dated 22.06.2020 in O.A. 673/2018 regarding 100% treatment of sewage.

Further, it is conclude to submit the Monthly progress report to the committee on [ropeb-ujjain@mp.gov.in](mailto:ropeb-ujjain@mp.gov.in), [sunil.cpcb@gov.in](mailto:sunil.cpcb@gov.in) with reference to the progress made in Hon'ble NGT order dated 22.06.2020 in O.A. 673/2018 regarding the 100% treatment of sewage so that committee may ensure the compliance of the order.



(H.K. Tiwari)  
Regional Officer Ujjain.



(Sunil Kumar Meena)  
Scientist 'D', CPCB, Bhopal

**MADHYA PRADESH POLLUTION CONTROL BOARD**

Paryawaran Parisar, E-5, Arera Colony, Bhopal-462016

Phone (0755)-2466191, 2464428, Fax (0755)-2463742, E- mail:it\_mppcb@rediffmail.com

No. 422 /HOPCB/2021

Bhopal, Date: 22/FEB/2021

To,

The Chief Municipal Officer  
Municipal Council, Mandsaur  
Distt.- Mandsaur (M.P.)

**Sub: Show Cause Notice for imposition of Environmental Compensation as per the directions passed by Hon'ble NGT vide its order dated 21.09.2020 in O.A. No. 17/2018 Dinesh Joshi vs State of MP and ors**

**Ref: NGT order dated 21.09.2020 in OA No. 17/2018.**

WHEREAS, MP Pollution Control Board (MPPCB) is a statutory body constituted under section 4 of the Water (Prevention & Control of Pollution) Act, 1974 and has been entrusted with the responsibilities of enforcement of the Environment Laws prevailing in the state.

WHEREAS, you are the Urban Local Body- **Municipal Council, Mandsaur** and it is the mandatory duty of Urban Local Bodies to ensure that there is no discharge of untreated sewage water in the water bodies, as well as it is the prime duty of the ULB to manage the city sewage.

WHEREAS, in the matter of OA No 17/2018, Dinesh Joshi vs State of MP and ors, the Hon'ble Tribunal dealt with the issue issues of improper waste disposal in the Teliya Talaab and unauthorized construction in the water bound area of the lake. The Hon'ble tribunal has decided the case vide its order dated 21.09.2020 and directed as under :-

*"We deem it just and proper to constitute a Committee consisting one representative of Central Pollution Control Board and one representative of the State Pollution Control Board to ensure the compliance of the order of Principal Bench of this Tribunal at New Delhi passed in O.A. No. 673/2018 dated 22.06.2020 contained in para no. 47 which says that 100 % treatment of sewage may be ensured as directed by this Tribunal vide order dated 28.08.2019 in O.A No. 593/2017 and if this is not done the local bodies and the concerned department of the States/UTs will be liable to pay compensation as already directed at the rate of Rs. 5 lakhs per month per*



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*drain for default in situ remediation and Rs. 5 lakhs per STP for default in commencement of setting up of the STP and this should be implemented throughout the State."*

*"Madhya Pradesh State Pollution Control Board is directed to monitor the status and also to report about the establishment of STP, if any, and in case of no STP, shall ensure that no untreated/sewage water is discharged into the water body. The compensation as aforesaid mentioned must be calculated from the date of discharged of the water into the water bodies or from the order passed by the Principle Bench of this Tribunal mentioned above."*

WHEREAS, as per the report submitted by the committee (enclosed) constituted by the Hon'ble Tribunal comprising of members from CPCB and MPPCB, it is evident that you have failed to discharge your duties and untreated / partially treated sewage has been flowing in Teliya Talaab and there is no such concrete planning for setting up of STP .

THEREFORE, the committee has computed the amount of environmental compensation liable to be paid by you, as per the formula derived by CPCB and mentioned by the NGT in its order dated 22.06.2020 in OA No. 673/2018. The period of violation has been calculated from 30.06.2020 up to 31.12.2020. The computation details are as follows:-

**CALCULATION FOR EC TO BE LEVIED ON MUNICIPAL COUNCIL, MANDSAUR FOR DISCHARGE OF UNTREATED/PARTIAL TREATED SEWAGE ARE AS FOLLOWS:**

SN	Required compliance	Rate of penalty imposition	Violation period of 06 month (30.06.2020 – 31.12.2020)	Amount (lakhs)
1	Installation of In-situ Bioremediation system on Drain	Rs.5 lakh per month per Drain	06	270
2	Setting up of STP	Rs.5 lakh per month	6	30
				<b>300 Lakhs</b>

The amount of Environmental Compensation calculated based on the formula derived by the Central Pollution Control Board [CPCB] is Rs. 300 Lakhs for violation upto 31.12.2020 and Rs.5 lakh per month from 01.01.2021 till the compliance is ensured.

You are, hereby, given an opportunity of hearing and submit your reply/objection (if any) pertaining to above stated computation of Environmental Compensation within 15 days.

In case no reply is received within 15 days from the date of issue of this notice, above proposed Environmental Compensation shall be confirmed and action is also liable to be initiated against the responsible officers under section-41& 48 of The Water Act of 1974.

Enclosure - As Above

For and on behalf of MPPCB

*A. A. Mishra*  
(A. A. Mishra)  
Member Secretary

dis

Bhopal, Date 22 FEB 2021

Endt.No.:- 428/HOPCB/2020

Copy to :-

1. The Additional Chief Secretary, Govt. of M.P., Environment Department, Mantralaya, Bhopal, for information please.
2. The Principal Secretary, Govt. of M.P. Urban Administration & Development Department, Mantralaya, Bhopal, for information please.
3. The Commissioner, Urban Administration & Development Department, Bhopal, for information please.
4. The District Collector, Mandasaur, M.P. for information.
5. The Director (Environment), Unit Head MSW, MP Pollution Control Board, Bhopal
6. The Regional Officer, M. P. Pollution Control Board, Ujjain, for information & necessary action.