

**Factual and Action Taken Report
of
Joint Committee**

**Submitted in Reference to
Hon'ble National Green Tribunal (NGT),
Central Zonal Bench, Bhopal
Order dated 17-08-2023 in the Matter of
Original Application No. 25/2023
Sachin Dave
Versus
Union of India & Ors.**



**Report of the Joint Committee constituted by Hon'ble NGT
(Central Bench) in the matter of Original Application No. 25/2023
vide order dated 17-08-2023;**

Sachin Dave Versus Union of India & Ors.

Hon'ble NGT (CZ), Bhopal in OA No. 25/2023 vide its order dated 17/08/2023 in the matter of "Sachin Dave Versus Union of India & Ors." directed under para 1,2,5,6 & 7 as:-

1. "This Original Application was filed, alleging huge pollution and degradation of Shipra River on account of discharge of untreated effluent (municipal, domestic and industrial) and encroachment on Flood Plain Zone and other No Construction/ No Development Zone of river. Tribunal by order dated 20.04.2023 found it appropriate to obtain a factual Report constituting a Joint Committee comprising representative from Water Resources Department through Additional Chief Secretary and representative of Madhya Pradesh Pollution Control Board. "

2. "The matter came up on 13.07.2023, when we found that Joint Committee has not submitted Report. This was not appreciated by this Tribunal and it recorded its displeasure in order dated 13.07.2023. However, it granted further a month's time to Joint Committee to submit its Report. Tribunal also required District Magistrates of Ujjain, Indore, Dewas and Ratlam to submit separate Report with regard to status of

River Shipra in their respective districts which would include encroachment status, discharge of industrial effluents, municipal and domestic sewage and measures of treatment of such discharge undertaken by respective bodies, agencies or individuals, as the case may be.”

5. “Reports, therefore, are inadequate, incomplete, lack relevant information and cross checking and fails to give a wholesome picture of entire facts. In fact, several questions remain unanswered.”

6. “In these facts and circumstances, we find it appropriate to obtain fresh Reports by appointing different Committee for each district. The following Committee are constituted, separately, for all the Districts:

(i) For District Ujjain: Mr. Rahul Khurana, Advocate (Enrolment no. D/2183/2008), a representative from CPCB, a representative from Integrated Regional Office, MoEF&CC and District Magistrate, Ujjain.

(ii) For District Indore: Mr. Hasil Jain, Advocate (Enrolment no. D/2880/2013), a representative from CPCB, a representative from Integrated Regional Office, MoEF&CC and District Magistrate, Indore.

(iii) For District Devas: Mr. Tarunesh Kumar, Advocate (Enrolment no. D/2427/2010), a representative from CPCB, a representative from Integrated Regional Office, MoEF&CC and District Magistrate, Devas.

(iv) For District Ratlam: Mr. Ashish Singh, Advocate (Enrolment no. D407-B/2005), a representative from CPCB, a representative from Integrated Regional Office, MoEF&CC and District Magistrate, Ratlam.”

7. “Concerned District Magistrates shall be the Nodal agency for co-ordination and compliance.”

NGT Central Bench passed the order on 17-08-2023: attached as **Annexure- 1**.

Accordingly, following officers from the concerning departments were nominated for the Joint Committee.

| S. No | Name of Department | Name of Committee Member |
|-------|---|--|
| 1 | District Magistrate Ujjain | Sh. Kumar Purushottam, IAS District Magistrate Ujjain Shri Anukool Jain (ADM) was nominated by the District Magistrate ,Ujjain |
| 2 | Representative of Integrated Regional Office, MoEF & CC, Gol, Bhopal , M.P. | Smt. Aswathy Bhaskaran Research Officer Regional Office, Bhopal, MoEF & CC, Gol, Bhopal , M.P. |
| 3 | Central Pollution Control Board | Dr. Yogendra Kumar Saxena Scientist 'C' Central Pollution Control Board, Regional Directorate, Bhopal, Madhya Pradesh |

District Magistrate Ujjain Being the Nodal Agency in this matter, coordinated with all the concerned departments and a virtual meeting was convened on 14.09.2023 for preliminary discussions and fixing the date of site visit and it was decided to schedule the site visit during 16 and 17 September, 2023.

Prior to the site visit, an on-site meeting of all Committee Members was convened at Samrat Vikramaditya Sankul Hall, Collector Office Ujjain on 16.08.2023. It is pertinent to

mention that the Complainant was also invited to this meeting but Complainant nominated someone else. Attendance sheet is attached as **Annexure-2**.

This report is being filed by the aforementioned Joint Committee after conducting the field visit during 16-17 of September, 2023, looking in to the issues raised by the applicant and discussing with all Department of Integrated Regional Office MoEF & CC, District Magistrate Ujjain, Shri Rahul Khurana advocate (Enrolment No. D/2183/2008), MPPCB Ujjain, Mining department, water resources department, fishery department, Agriculture department, Town & country planning, Nagar Nigam and CPCB.

Background and Specific Issues in this matter:-

1. To collect status of STP operation,
2. How may swage drain still directly discharging the water in Kshipra River.
3. To collect data related to STP construction, Gap in sewage treatment and generation.
4. Sewage pumping stations.
5. Status of Encroachments .
6. Mining activity in Kshipra river belt and red colour in Kshipra River water.
7. Water sampling locations of Kshipra River, STP, Swage drain and CETP.
8. Discussion on previously submitted Report on Kshipra River

Rejuvenation Project.

9. Status of industrial waste water treatment in Ujjain area.

10. Solid Waste Management.

Factual Observations:-

A. To collect the relevant information, to verify / cross check the observation/ Information made by Joint Committee in its report & information provided during discussion with Concern departments the committee decided to take all the issues mentioned in original application by visiting following places:-

1. The entrance point of Kshipra river Ujjain district.
2. Pipliya Ragho Stop Dam on Kahn River.
3. Kahn river diversion point from Pipliya Ragho to Kaliyadeh Palace.
4. Confluence point of Kshipra & Kahn river at Triveni Sangam.
5. All the major Snan Ghats like Gaughat, Ramghat , Siddhwat etc.
6. The entire major Nallahs meeting to Kshipra River in its entire stretch in Ujjain district. Particularly Moti Nagar Nallah, Piliya Khal Nallah & Bherugarh Nallah.
7. Sewage Treatment Plant of capacity 83 MLD & 92.5 MLD & FSTP at Ujjain.
8. Encroachment status along Kshipra River.
9. Industrial areas of Ujjain city.
10. Mining activity in Kshipra river belt particularly at Hatiya Khedi Mahidpur and red colour in Kshipra River water.
11. All the sewage pumping stations & diversion point constructed under NRCP, Ujjain.
12. Solid Waste Management sites.

B. There was Heavy rains in & around Ujjain District on 15 & 16th September 2023, the Kshipra River was over flowing due to which all the major Snan Ghats & temples on the bank of the river were submerged. The water logging was there in the all low lying area of Ujjain city. The flood in Kshipra River was reported in its entire stretch in Ujjain district.

C. Due to Heavy flood & water logging in low lying area of Kshipra River in Ujjain district the committee was unable to visit the most of the places mentioned above. However, the committee visited the following approachable points :-

1. The entrance point of Kshipra river Ujjain district : Gram Alampur Udana.
2. Confluence point of Kshipra & Kahn river at Triveni Sangam & Moti Nagar nallah.
3. Bherugarh Nallah & Siddhwat Pumping Station.
4. Piliya Khal Nallah & Kshipra river at Mangalnath.
5. Kshipra river at Kaliyadeh Palace.
6. End point of Sewage Treatment Plant 83 MLD capacity near Ujjain-Nagda by pass road – (Team was unable to reach at the entrance of STP due to water logging)
7. Industrial area Maxi road Ujjain visit – M/s Saurabh Industry (Chemical Industry), M/s Osmed Formulation & M/s Alchemy Chemical (Herbal

Extraction Unit) during visit ETP found operational & no discharge outside the premises was observed.

D. Due to the flood / water logging the team even unable to reach up to most famous renowned Shri Ramghat where Pilgrims take bath during Simhastha & other festivals. The committee could not inspect the Sewage Treatment Plants, Encroachment status, Solid Waste Management, status of Shipra River ghats, condition of drains into Kshipra River etc due to flooding.

PHOTOGRAPH



PHOTOGRAPH



NEWS PAPER CUTTING

दैनिक भास्कर
उज्जैन 17-09-2023



जलामय उज्जैन 6 इंच बारिश शिप्रा का जलस्तर खतरे के निशान से 1 मीटर ऊपर, बड़ा पुल डूबा

■ जिले में 24 घंटों के भीतर औसत 5.28 इंच बारिश ■ गंभीर डेम के पांच गेट खोले
■ शहर की कई कॉलोनिओ में घरों में घुसा पानी ■ आज अत्यधिक तेज बारिश का रेड अलर्ट

शहर उज्जैन में उज्जैन सिटी में उज्जैन से घुसा हुआ जल बारिश का दौर शुरू होने के भी लगातार जारी रहा। शहर में बारिश शुरू होने के 24 घंटों के भीतर 5.28 इंच बारिश होने से कई कॉलोनिओ में लोगों के घरों में पानी घुसा गया। कई इलाकों में परतनी-परतनी होना शुरू हो गया। जलमय शहर में लोगों की जान बचाने के लिए जल निकासक यंत्रों का प्रयोग किया गया।
उज्जैन के जलमय शहर में लोगों की जान बचाने के लिए जल निकासक यंत्रों का प्रयोग किया गया। जलमय शहर में लोगों की जान बचाने के लिए जल निकासक यंत्रों का प्रयोग किया गया।

| जिले में सभी तहसीलों में 2 इंच से अधिक बारिश | |
|--|--------------------------|
| जलालपुर | 2.4 घंटे में 5.28 इंच |
| जयपुर | 1.9 घंटे में 4.74 इंच |
| बाँसवाड़ा | 6.2 घंटे में 5.03 इंच |
| बाँसवाड़ा | 10.5 घंटे में 4.17 इंच |
| जयपुर | 23.7 घंटे में 1136.1 इंच |
| बाँसवाड़ा | 23.8 घंटे में 889.9 इंच |
| बाँसवाड़ा | 14.7 घंटे में 822.8 इंच |
| जयपुर | 34.1 घंटे में 970.3 इंच |
| जयपुर | 8.5 घंटे में 905.8 इंच |
| बाँसवाड़ा | 8.6 घंटे में 255.6 इंच |

ऐसी रिकॉर्ड तोड़ बारिश पहली बार... महीनों तरसाया... अब एक दिन में 3 महीने की बारिश

उज्जैन के आसपास की शहरों में बारिश शुरू होने के बाद शहर में भी बारिश शुरू हो गई। शहर में बारिश शुरू होने के बाद शहर में भी बारिश शुरू हो गई। शहर में बारिश शुरू होने के बाद शहर में भी बारिश शुरू हो गई। शहर में बारिश शुरू होने के बाद शहर में भी बारिश शुरू हो गई। शहर में बारिश शुरू होने के बाद शहर में भी बारिश शुरू हो गई।

दैनिक भास्कर
उज्जैन 17-09-2023

उज्जैन सिटी

आसमान से आफत • शांतिनगर, सुदर्शननगर सहित चार कॉलोनिओ में आई सबसे ज्यादा परेशानी आठ साल बाद एक दिन में इतनी ज्यादा बारिश, डूबे घरों में जिंदगी बचाने की जद्दोजहद, 75 लोगों को निकाला

उज्जैन-उज्जैन सिटी में बारिश के बाद शहर में भी बारिश शुरू हो गई। शहर में बारिश शुरू होने के बाद शहर में भी बारिश शुरू हो गई। शहर में बारिश शुरू होने के बाद शहर में भी बारिश शुरू हो गई। शहर में बारिश शुरू होने के बाद शहर में भी बारिश शुरू हो गई।

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सिंघर में गेट खोले

उज्जैन-उज्जैन सिटी में बारिश के बाद शहर में भी बारिश शुरू हो गई। शहर में बारिश शुरू होने के बाद शहर में भी बारिश शुरू हो गई। शहर में बारिश शुरू होने के बाद शहर में भी बारिश शुरू हो गई।

शहर के इन इलाकों में जलमय हो गया

उज्जैन-उज्जैन सिटी में बारिश के बाद शहर में भी बारिश शुरू हो गई। शहर में बारिश शुरू होने के बाद शहर में भी बारिश शुरू हो गई। शहर में बारिश शुरू होने के बाद शहर में भी बारिश शुरू हो गई।

लोगों के डहरने, भोजन और दवाइयों की व्यवस्था

उज्जैन-उज्जैन सिटी में बारिश के बाद शहर में भी बारिश शुरू हो गई। शहर में बारिश शुरू होने के बाद शहर में भी बारिश शुरू हो गई। शहर में बारिश शुरू होने के बाद शहर में भी बारिश शुरू हो गई।

Prayer:-

The inspection could not be completed due to flooding inside Ujjain district, so the Hon'ble NGT is requested to grant one more month's time to the committee for inspection and thereafter to submit the report.



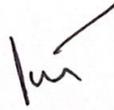
Dr. Yogendra Kumar Saxena
Scientist 'C'
Central Pollution Control Board
R.D., Bhopal, M.P.



Aswathy Bhaskaran
Research Officer
Regional Office, Bhopal, MoEF & CC,
GoI, Bhopal , M.P.



Anukool Jain
(ADM)
Ujjain



Kumar Purushottam, IAS
Collector & District Magistrate
Ujjain



Rahul Khurana
Advocate Commissioners
(Enrolment No. D/2183/2008)
Delhi

Item No.03

**BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONAL BENCH, BHOPAL**

(By Virtual Mode)

Original Application No.25/2023(CZ)

Sachin Dave

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 17.08.2023

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

For Applicant(s) : Mr. Sachin Dave, applicant in person

For Respondent(s): Mr. Sachin K. Verma, Advocate for State of M.P.
and BMC
Ms. Parul Bhadoria, Advocate for MPPCB
Mr. Manish Singh, PS, WRD
Mr. Chandra Mohan Thakur, Member Secretary,
MPPCB
Mr. R.S. Mandloi, DM, Ratlam

ORDER

1. This Original Application was filed, alleging huge pollution and degradation of Shipra River on account of discharge of untreated effluent (municipal, domestic and industrial) and encroachment on Flood Plain Zone and other No Construction/No Development Zone of river. Tribunal by order dated 20.04.2023 found it appropriate to obtain a factual Report constituting a Joint Committee comprising representative from Water Resources Department through Additional Chief Secretary and representative of Madhya Pradesh Pollution Control Board.

2. The matter came up on 13.07.2023, when we found that Joint Committee has not submitted Report. This was not appreciated by this Tribunal and it recorded its displeasure in order dated 13.07.2023.

However, it granted further a month's time to Joint Committee to submit its Report. Tribunal also required District Magistrates of Ujjain, Indore, Devas and Ratlam to submit separate Reports with regard to status of River Shipra in their respective districts which would include encroachment status, discharge of industrial effluents, municipal and domestic sewage and measures of treatment of such discharge undertaken by respective bodies, agencies or individuals, as the case may be.

3. Today, Joint Committee has submitted Report. Four separate Reports have been submitted by respective District Magistrates of Ujjain, Indore, Devas and Ratlam.

4. In general, Report is that there is no encroachment as alleged; no industrial effluent is being discharged in River Shipra but still category of river water is very low and unfit for bathing or drinking purposes and at some places, even for agriculture purposes. Reason for such deterioration of water quality of River Shipra could not be explained by the officers who are present. In respect of some industries engaged in manufacture and production of chemicals, pharmaceutical, leather etc., we find that Report says there are ZLDs, but there is no cross check steps or material placed before us as to how much residue is being produced by them everyday and in what manner, such residue is being disposed, particularly, considering the fact that residue generated in pharmaceutical industries, chemical industries and leather industries is of seriously hazardous nature.

5. Reports, therefore, are inadequate, incomplete, lack relevant information and cross checking and fails to give a wholesome picture of entire facts. In fact, several questions remain unanswered.

6. In these facts and circumstances, we find it appropriate to obtain fresh Reports by appointing different Committees for each district. The following Committees are constituted, separately, for all the Districts:

- (i) **For District Ujjain:** Mr. Rahul Khurana, Advocate (Enrolment no. D/2183/2008), a representative from CPCB, a representative from Integrated Regional Office, MoEF&CC and District Magistrate, Ujjain
- (ii) **For District Indore:** Mr. Hasil Jain, Advocate (Enrolment no. D/2880/2013), a representative from CPCB, a representative from Integrated Regional Office, MoEF&CC and District Magistrate, Indore.
- (iii) **For District Devas:** Mr. Tarunesh Kumar, Advocate (Enrolment no. D/2427/2010), a representative from CPCB, a representative from Integrated Regional Office, MoEF&CC and District Magistrate, Devas.
- (iv) **For District Ratlam:** Mr. Ashish Singh, Advocate (Enrolment no. D407-B/2005), a representative from CPCB, a representative from Integrated Regional Office, MoEF&CC and District Magistrate, Ratlam.

7. Concerned District Magistrates shall be the Nodal agency for co-ordination and compliance.

8. Registry is directed to supply relevant copy of letter petition, Tribunal's orders and Joint Committee Report etc. to all the above Advocates Commissioners appointed by Tribunal.

9. Madhya Pradesh State PCB shall pay Rs. 75,000/- each to all the Advocates Commissioners as their professional fee and also bear other expenses relating to transportation, boarding/lodging, photography etc. If

Advocate Commissioner has to undertake any journey to concerned District or any other place regarding this matter, travelling and other expenses and other facilities of the status of Joint Secretary to Govt. of India shall be paid/made available to them.

10. All these expenses and fees of Commissioners shall be borne by Madhya Pradesh PCB from the amount collected under the head of Environmental Compensation.

11. The said Committees shall submit reports before the next date of hearing.

12. List this case on 04.10.2023.

Sudhir Agarwal, JM

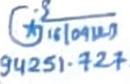
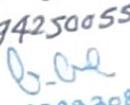
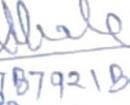
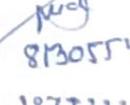
Dr. Afroz Ahmad, EM

August 17, 2023
Original Application No.25/2023(CZ)
MK

16 SEPTEMBER, 2023

Honble National Green Tribunal (NGT),
Central Zonal bench, Bhopal

Order dated 17.08.2023, O.A. No. 25/2023

| S.No. | Name & Designation | Department | Signature |
|-------|--|--|--|
| 01. | Kumar Puneshwar Rahul Khurana, Advocate Commissioner | Collector |  |
| 02. | Anukul Jain, ADM Ujjain | - |  (94251-72732) |
| 03. | Dr. Yogendra Kumar Saxena, Sci-C | CPCB, RD, Bhopal |  |
| 04. | ASWATHY BHASKARAN RESEARCH OFFICER | MOEFCE, RO BHOPAL |  |
| 05. | Ajmal Khan S.O.O. 9425048077 | M.P. Pollution Control Board Ujjain |  16/9/2023 |
| 06. | Hemant Kumar (R.O) | Water Resources Department Ujjain | 9425005578 |
| 07. | Kamal Kumar | |  7399308597 |
| 08. | Dr. Deepak Katar, Scientist | MPPCB |  7879218623 |
| 09. | R. R. Jaisriya S.E. | Nagar Nigam Ujjain |  8889097026 |
| 10. | Sahil Madanola | Ujjain Nagar Nigam |  8130554505 |
| 11. | M.K. Chhabra Sub. Eng. | T & C.P. Ujjain | 9977222523 |
| 12. | ASHISH JAIN R.E | STC (DDMC) | 9981997612 |
| 13. | Rajeev Shukla, A.E. | P.H.E. Nagar Nigam | (940680704) |
| 14. | Rajeev Gokul HE | P.H.E. Nagar Nigam |  940680704 |
| 15. | M. Javed Qureshi S/E | P.H.E. Nagar Nigam | 940680704 |
| 16. | Vivek Raj Tompochi (ARE) | STC (DDMC) Nagar Nigam | 934006766 27th |

Hon'ble National Green Tribunal (NGT),
Central Zonal Bench, Bhopal
Order dated 17.08.2023, O.A. No. 25/2023

| S. No. | Name & Designation | Department | Signature |
|--------|--|-------------|---|
| 17 | Devika Parmar MO | mining |  9827018884 Dissal/S |
| 18 | Mrs. Vineeta Gantam ADF 9981451510 | fisheries | |
| 19 | SACHIN DAVE (represented by ADITYA TRIVEDI) | → APPLICANT |  9731399312 |
| 20 | R. P. S. Naik JDA | Agriculture |  9926464057 |