

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

ORIGINAL APPLICATION NO. 329 OF 2021

**IN THE MATTER:**

DEVANSHU BOSE

... APPLICANT

VERSUS

AGRA DEVELOPMENT AUTHORITY &amp; ORS ...RESPONDENT(S)

**INDEX**

<b><u>S.no</u></b>	<b><u>PARTICULARS</u></b>	<b><u>Page no.</u></b>
1.	Statement of objection by the applicant to action taken report filed by Agra Development Authority dated 7-6-2022	
2.	Statement of objection by the applicant to action taken report filed by Uttar Pradesh Pollution Control Board dated 30-6-2022	
3.	Written submissions by the applicant	
4.	Estimated Wealth Gains of Agra Development Authority	
5.	Affidavit	
6.	<b>Annexure G-</b> <u>Images of violation in and around colony of Nalanda Town</u>	
7.	<b>Annexure H-</b> <u>Excerpt from National Inventory of Sewage Treatment Plants 2021 by Central Pollution Control Board - ( Page 52 )</u> <a href="https://cpcb.nic.in/openpdffile.php?id=UmVwb3J0RmlsZXMvMTIyOF8xNjE1MTk2MzIyX21lZGllhcGhvdG85NTY0LnBkZg==">https://cpcb.nic.in/openpdffile.php?id=UmVwb3J0RmlsZXMvMTIyOF8xNjE1MTk2MzIyX21lZGllhcGhvdG85NTY0LnBkZg==</a>	

Filed by: Devanshu Bose ( Applicant- in person)  
Nalanda Town, Shamshabad Road, District Agra,  
State: Uttar Pradesh-283125

Date: 04 JULY 2022 - Place: AGRA

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 329 OF 2021**

**IN THE MATTER:**

DEVANSHU BOSE

... APPLICANT

VERSUS

AGRA DEVELOPMENT AUTHORITY & ORS ...RESPONDENT(S)

**STATEMENT OF OBJECTION BY THE APPLICANT TO THE  
ACTION TAKEN REPORT FILED BY AGRA DEVELOPMENT  
AUTHORITY DATED 7-6-2022**

To,

The Hon'ble Chairperson And His Companion Members  
Principal Bench- National Green Tribunal

Humble submissions of the  
applicant above named

**MOST RESPECTFULLY SHOWETH:**

**1. Claim made by Agra Development Authority**

*“Due to enforcement of model code of conduct in the State at that time, letter seeking special permission to invite tender for establishment of S.T.P. was sought by the Vice Chairman Agra Development Authority from U.P. Election Commission vide its letter no-405/D/EE-2/22 dated 30.3.22 ( ANNEXURE-6)”*

**Point 6- Page 2**

*“As soon as the model code of conduct got over, taking immediate action on the cost estimate for the construction of S.T.P. approval was given by the Vice Chairman, Agra Development Authority, Agra on 25.04.22 and the e-tender of the said work dated 4.5.22 was invited on priority but only one tender was received. Single tender could not be accepted as per rules, after getting*

*permission to cancel and re-inviting tender, the process of inviting second tender has been initiated ( Annexure 8) ”* **Point 8- Page 3**

### **Objection by the applicant**

It is reiterated that *“the timeline fixed by the Hon’ble Supreme Court for installing appropriate pollution control devices is 31.03.2018 after which accountability of the erring officers is required to be fixed. In these circumstances, plea that there is a code of conduct due to elections of 2022 is irrelevant. The failure is continuing from earlier”*

( Quote from order dated 24-3-22 of hon’ble National Green Tribunal in the instant original application)- (Point 5-Page 4)

Further, tender document doesn’t indicate specific site for establishment of S.T.P

## **2. Claim made by Agra Development Authority**

*“In compliance with the order dated 24.01.22 of the committee constituted by the Hon’ble National Green Tribunal, Agra Development Authority has started to dispose off the sewage mixed water deposited in the drains and empty plots outside the gate of Nalanda Town Colony through tankers on 22.04.22 as soon as the Model Code of Conduct under( Annexure 9) ”* **Point 9- Page 3**

### **Objection by the applicant:**

There is no record furnished by Agra Development Authority indicating

sewage collected in tankers was disposed off in any sewage treatment plant.

The collection of sewage excludes daily sewage generated by the colony of Nalanda Town at Shamshabad Road.

Till the filing of this objection affidavit, no entity was managing or regulating sewage of the above said colony in violation of orders of Hon'ble National Green Tribunal dated 1-12-21 and 24-3-22

Individuals seen in photographs standing next to lakhs of liters of biohazardous waste without adequate safety measures.

### **3. Claim made by Agra Development Authority**

*“Notice of progress of action taken as mentioned in Para 9 has been sent to the residents of the Nalanda Town Colony and to the Regional Officer, Pollution Control Board, Agra vide letter no. 445/D/EE-2/22 dated 26/4/22 (Annexure-10)”***Point 10-**

**Page 4**

### **Objection by the applicant**

Annexure 10 of action taken report acknowledges consistent violation of order of hon'ble National Green Tribunal leading to sewage overflowing into the road outside the abovesaid colony.

#### **4. Claim made by Agra Development Authority**

*“The sewage mixed water deposited in drains and empty plots outside the gate of the Nalanda Town Colony has been completely disposed off from tankers by the Agra Development Authority by 10.5.2022, information of which has been sent vide letter no. 472/D/EE-2/22-23 dated 10.5.22”*

#### **Point 11- Page 4**

#### **Objection by the applicant**

The activity of collection of sewage generated by the colony has been unfairly excluded from scope of work leading to sewage overflowing into the roads causing severe health and safety issues to innocent individuals using public roads. Several places inside the colony are facing the problem of the sewer being stagnant outside their house. The inhabitants are being forced to inhale toxic gasses and live in close proximity to biohazardous sewage waste. There is no record indicating due process of law was followed to dispose of sewage collected during the period of 22.04.22 to 10.5.22 to a designated sewage treatment plant.

#### **5. Claim made by Agra Development Authority**

*“In the meantime after so many meetings with the developers of the Nalanda Town colony, The Developer has informed that he has issued the work order dated 02.5.22 to M/s Riyasa Water Technology Pvt Ltd Shakarpur Delhi for the establishment of STP and in this concern he has paid Rs. 10.00 Lacs as advance payment with the*

*word order to the company( Cheque Details). He has also informed that cleaning of the sewage storage tank which is already built at the site has started. After cleaning of the Tank STP will be installed after some alteration. As per information by the builder the complete of work STP establishment after cleaning and the completion of the civil work will be done with in 15 days.”* **Point 14- Page 4**

### **Objection by the Applicant**

At first the Agra Development Authority approved a colony without a sewage disposal plan or site for sewage treatment plant with a huge sum of rupees in deposits. After the order of hon’ble National Green Tribunal, Agra Development Authority cites election-model code of conduct to stall lawful disposal of sewage. Agra Development Authority starts to collect the sewage of the colony on 22.4.22 and stops on 10.5.22. Agra Development Authority persuades the developer entity to install STP at a site which is approved as a park without any records of revision to the approved layout plan- leaving scope for future disputes. No entity has expressed commitment for maintenance of the sewage treatment plant to ensure smooth operations. There is a probability that cleaning of septic tank was undertaken by individuals in violation of guidelines to safeguard against unsafe cleaning of sewage.

Filed by:

Devanshu Bose ( Applicant- in person)

Nalanda Town, Shamshabad Road, District Agra,

State: Uttar Pradesh-283125

Date: 04 JULY 2022- Place: AGRA

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 329 OF 2021**

**IN THE MATTER:**

DEVANSHU BOSE

... APPLICANT

VERSUS

AGRA DEVELOPMENT AUTHORITY & ORS ...RESPONDENT(S)

**STATEMENT OF OBJECTION BY THE APPLICANT TO THE  
ACTION TAKEN REPORT FILED BY UTTAR PRADESH  
POLLUTION CONTROL BOARD DATED 30-6-2022**

To,

The Hon'ble Chairperson And His Companion Members  
Principal Bench- National Green Tribunal

Humble submissions of the  
applicant above named

**MOST RESPECTFULLY SHOWETH:**

<b><u>S.no</u></b>	<b><u>CLAIMS MADE BY UPPCB</u></b>	<b><u>OBJECTION BY APPLICANT</u></b>
1	<p><i>“Secretary, Agra Development Authority informed vide letter dated 23.04.2022 that FIR has been lodged against Shri Radhey Shyam Sharma, Director, Nalanda Builders and Developers Pvt. Ltd., Agra. (Annexure-5)”</i></p> <p style="text-align: center;"><u>Para 3- Page 2 of report</u></p>	<p>No copy of FIR has been furnished and neither the data of FIR was found in public domain by the applicant.</p>
2	<p><i>“The Executive Engineer Agra Development Authority has <b>orally</b> informed that the total collected sewage has been disposed of through 78 MLD STP installed at Dhandupura, Agra and at present domestic sewage generated from the Nalanda Town is also collected in tanker and disposed through the 78 MLD STP installed at Dhandupura, Agra”</i></p> <p style="text-align: center;"><u>Para 2- Page 3 of report</u></p>	<p>No records have been furnished to substantiate the claims. As per records furnished, the collection of sewage from the colony of Nalanda town stopped on 10.5.2022</p>

3	<p><i>“The latest inspection of Nalanda Town and its nearby area was conducted by the officer of the Regional Office, U.P. Pollution Control Board Agra on dt.10.06.2022 &amp; 23.06.2022. During the visit it was found that the domestic sewage collected on open land and in the drain near gate no-2 of the Nalanda Town colony has been completely removed”</i></p> <p><u>Para 2- Page 3 of report</u></p>	<p>The sewage is overflowing onto the roads outside the colony and several places inside the colony.</p> <p><b>( Annexure G)</b></p>
---	---	--

Filed by:

Devanshu Bose ( Applicant- in person)  
Nalanda Town, Shamshabad Road, District Agra,  
State: Uttar Pradesh-283125

Date: 04 JULY 2022

Place: AGRA

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 329 OF 2021**

**IN THE MATTER:**

DEVANSHU BOSE

... APPLICANT

VERSUS

AGRA DEVELOPMENT AUTHORITY & ORS ...RESPONDENT(S)

**WRITTEN SUBMISSIONS BY THE APPLICANT IN ORIGINAL  
APPLICATION NO. 329 OF 2021 DATED 4-JULY-2022**

To,

The Hon'ble Chairperson And His Companion Members  
Principal Bench- National Green Tribunal

Humble submissions of the  
applicant above named

**MOST RESPECTFULLY SHOWETH:**

1. That it is submitted deviation to compliance to order dated 24-03-2022 in the instant original application pending at hon'ble tribunal as follow:

**Excerpts of order of Hon'ble Tribunal**

*"In view of above, further remedial action be now taken to ensure that proper sewerage system is in place connected to an appropriate STP. No untreated sewage is discharged in open. This may be ensured by the Vice 14 Chairman, ADA and overseen by the Additional Chief Secretary, Urban Development, UP and State PCB. This order is without prejudice to the coercive measures which may be taken by the State PCB, in accordance with law. The Additional Chief Secretary, Urban Development may sort out any unresolved issue with regard to financial liability or any other issue" -Point 8- Page 13 of the order*

**Deviation from the order**

Records indicate the sewage of the colony is not being managed by the Agra Development Authority. Agra Development Authority restricted itself to cleaning the open plots and drain for the period of 22.4.2022 to 10.5.2022.

The records indicate no presence of Additional Chief Secretary, Urban Development UP.

**Excerpts of order of Hon'ble Tribunal**

*“We have heard applicant in person and learned Counsel for the State PCB and considered the matter in the light of record. Undisputed facts show that sewage is being discharged on open land meeting a drain in violation of the Water Act and Judgment of the Hon'ble Supreme Court in Paryavaran Suraksha Samiti Vs. Union of India, (2017) 5 SCC 326, followed by orders of this Tribunal. The timeline fixed by the Hon'ble Supreme Court for installing appropriate pollution control devices is 31.03.2018 after which accountability of the erring officers is required to be fixed. In these circumstances, plea that there is a code of conduct due to elections of 2022 is irrelevant. The failure is continuing from earlier. The Water Act is of the year 1974. The stand of the ADA is not only against facts but also irresponsible to the detriment of environment and public health for which its accountability needs to be fixed. Pending further action against the Vice Chairman, ADA for prosecution and personal accountability, **we require ADA to deposit a sum of Rs. 25 lakhs towards interim compensation with the District Magistrate, Agra for being used for restoration of damage to the environment. ADA is free to recover the same from its erring officers, as per law.**” ( Point 5- Page 5 of the order)*

**Deviation from the order**

There is no record indicating deposit of 25 Lakh rupees to the District Magistrate Agra.

2. According to a report by the Central Pollution Control Board in year 2021 titled National Inventory of Sewage Treatment Plants, the state of Uttar Pradesh has a deficit of 59.17 percent between the installed capacity of sewage treatment and the sewage generated. Out of every 100 liters of sewage generated, less than 40 liters of sewage is treated. The consequences of lack of essential

infrastructure is severely deteriorating the public health in a high population density state of Uttar Pradesh. The officials responsible for implementation of directions of hon'ble Supreme Court & Tribunal have consistently and successfully evaded accountability.

3. According to Agra Development Authority's action taken report dated 7 June 2022- page 11, the claim is made that to remedy the problem of sewage in the area including Nalanda Town and other colonies, a detailed project report was made in year 2019-20 that predicted the cost at 5930.50 Lakh Rupees which did not proceed due to lack of funds.
  
4. **WHEREAS** the details of nature of above project is unknown to the applicant, prima-facie the priority of Agra Development Authority is to execute mega scale infrastructure activities that favour the giant infrastructure contractors. Compliance of directions of hon'ble Supreme Court and Tribunal or finding solutions with the intent of survival & welfare of inhabitants of its jurisdiction has been consistently disregarded
  
5. Further, it is prayed to grant leave to the applicant from appearing in person for the hearing dated 6 July 2022 to attend to urgent personal matter.

Filed by:

Devanshu Bose ( Applicant- in person)

Nalanda Town, Shamshabad Road, District Agra

Date: 04 JULY 2022- Place: AGRA

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 329 OF 2021**

**IN THE MATTER:**

DEVANSHU BOSE

... APPLICANT

VERSUS

AGRA DEVELOPMENT AUTHORITY & ORS ...RESPONDENT(S)

**WRITTEN SUBMISSIONS RELATING TO ESTIMATED  
WEALTH GAINS OF AGRA DEVELOPMENT AUTHORITY IN  
FORM OF EXTERNAL AND INTERNAL DEVELOPMENT FUND  
COLLECTED FROM BUILDER ENTITY OF NALANDA TOWN**

To,

The Hon'ble Chairperson And His Companion Members  
Principal Bench- National Green Tribunal

Humble submissions of the  
applicant above named

**MOST RESPECTFULLY SHOWETH:**

1. With reference to report of UPPCB dated 30-6-2022 page 17- point 3 and point 9 at page 18- claims made by a notice dated 23 May 2022 filed on behalf of one Radhe Shyam Sharma, ex-director of Nalanda Builders and Developers- the builder entity of colony, 77,68,682 Rupees is presumed to be paid to Agra Development Authority during the sanctioning of layout plan sanctioned on 19 October 2006 and additional fund of Rs 52,80,800 Rupees paid on 01 May 2018.

2. The funds provisioned for development and welfare of the area were never utilized leading to extreme compromise of public health and sanitation.

3. **WHEREAS** the damage caused due to negligence of Agra Development Authority has not been subjectively assessed, estimate of wealth gains of Agra Development Authority arising from funds in their custody is hereby submitted in a broad spectrum from conservative 4 per cent of annual interest to 18 per cent annual interest:

S.no	YEAR	4%	8%	12%	18%
1	2007 ( zero interest)	7768682	7768682	7768682	7768682
2	2008	8079429.28	8390176.56	8700923.84	9167044.76
3	2009	8402606.451	9061390.685	9745034.701	10817112.82
4	2010	8738710.709	9786301.94	10914438.86	12764193.12
5	2011	9088259.138	10569206.09	12224171.53	15061747.89
6	2012	9451789.503	11414742.58	13691072.11	17772862.51
7	2013	9829861.083	12327921.99	15334000.77	20971977.76
8	2014	10223055.53	13314155.75	17174080.86	24746933.75
9	2015	10631977.75	14379288.21	19234970.56	29201381.83
10	2016	11057256.86	15529631.26	21543167.03	34457630.56
11	2017	11499547.13	16772001.77	24128347.07	40660004.06
12	2018	11959529.02	18113761.91	27023748.72	47978804.79
13	01.5.2018	17240329.02	23394561.91	32304548.72	53259604.79
14	2019	17929942.18	25266126.86	36181094.57	62846333.65

15	2020	18647139.86	27287417.01	40522825.91	74158673.71
16	2021	19393025.46	29470410.37	45385565.02	87507234.97
<b>17</b>	<b>2022</b>	<b>20168746.48</b>	<b>31828043.2</b>	<b>50831832.8</b>	<b>103258537.</b>

Filed by: Devanshu Bose ( Applicant- in person)  
Nalanda Town, Shamshabad Road, District Agra,  
State: Uttar Pradesh-283125

Date: 04 JULY 2022- Place: AGRA



BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 329 OF 2021

IN THE MATTER:

DEVANSHU BOSE

... APPLICANT

VERSUS

AGRA DEVELOPMENT AUTHORITY & ORS ...RESPONDENT(S)

AFFIDAVIT

I, DEVANSHU BOSE, s/o Late Shri Ranjit Bose, resident of Nalanda Town at Shamshabad Road District Agra, Uttar Pradesh 283125 do hereby solemnly swear and declare as under -

1. That i am the applicant in the abovementioned application and therefore well conversant with the facts and circumstances of the case and competent to swear this affidavit.
2. That content of page 1 to page 14 of the accompanying submissions has been filed by the applicant. Contents furnished are true and correct to my knowledge and belief and I believe the same to be true and correct.

↓  
DEPONENT  
Devanshu Bose

VERIFICATION

I, the above named deponent do hereby verify that the contents of the paragraphs of the above affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.

DEPONENT  
Devanshu Bose



Devanshu Bose  
sworn to by  
and by  
The undersigned the Commission  
Dated on 04-07-2022  
3:30 pm









## 4.33 STPs AT UTTAR PRADESH

Estimated sewage generation for the State of Uttar Pradesh is 8,263 MLD and total treatment capacity is 3,374 MLD (107 STPs). Figure 4.26 depicts sewage generation, treatment capacity; operational capacity, actual utilization, complied capacity and capacity of non operational STPs. Based on the data analysis, following observations are made:

1. Installed capacity is 3,374 MLD (40.83 %) against sewage generation of 8,263 MLD. It shows that there is gap of 4,889 MLD (59.17 %) in treatment capacity.
2. Out of 3,374 MLD of installed capacity developed, operationalized capacity is 3,224 MLD (95.55 %) and actual utilized capacity is 2,510 MLD (77.85 %). Further, capacity of complied STPs is only 2,114 MLD.
3. STPs based SBR, UASB and ASP technologies are predominant as compared to natural treatment systems.

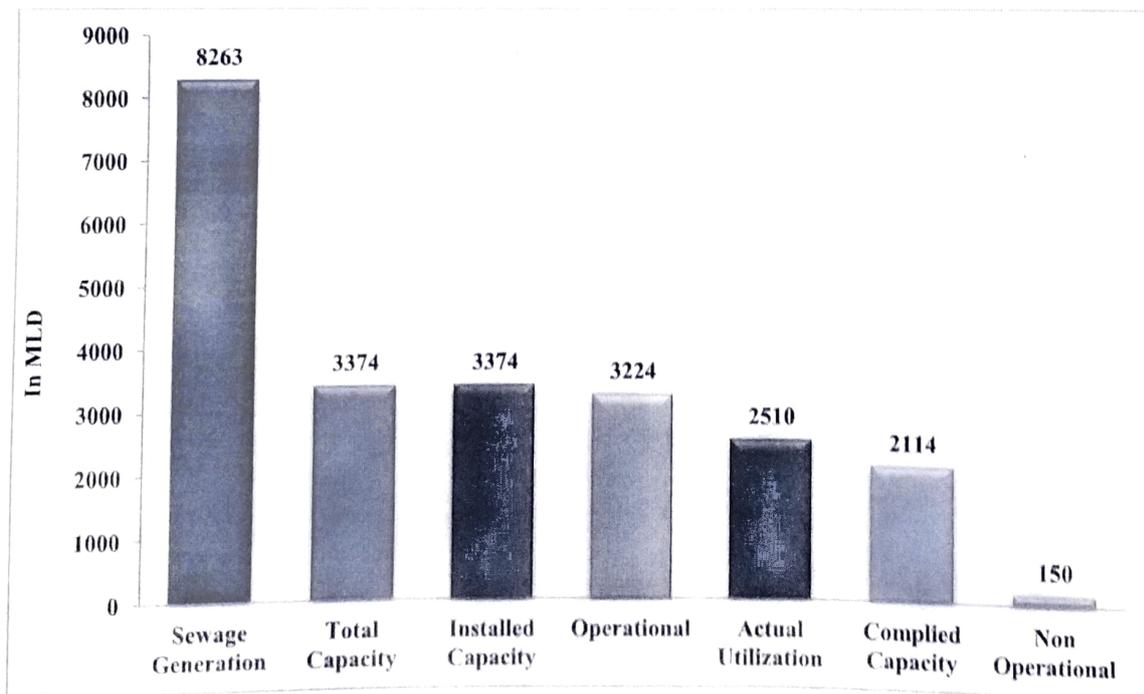


Figure 4.26: Sewage Generation and Treatment Capacity (MLD) - Uttar Pradesh