

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

EXECUTION APPLICATION NO. 11/2017

IN

O.A. NO. 159/2013

(M.A. NO. 1169/2018, M.A. NO.1715/2018 & M.A. NO.20/2019)

WITH

ORIGINAL APPLICATION NO. 77/2016

(I.A. NO. 74/2019 & M.A. NO. 204/2019)

IN THE MATTER OF:-

ALL INDIA LOKADHIKAR SANGATHAN

APPLICANT

VS.

GOVT. OF NCT OF DELHI & ORS.

RESPONDENTS

WITH

M/s ASHOK VIHAR MITRA MANDEL

APPLICANT

VS.

GOVT. OF NCT OF DELHI & ORS.

RESPONDENTS

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SCIENTIST -E
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PARIVESH BHAWAN, EAST ARJUN NAGAR,
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DATE: 13.03.2020

PLACE: DELHI

Progress Report and Request for Extension of Time line in the Matter of M.A. No. 1715/2018 & M.A. No. 20/2019 In Execution Application No.11/2017, In O.A. No. 159/2013 With Review Application No. 01/2019 (I.A. No. 34/2019, I.A. No. 35/2019 & I.A. No. 49/2019, In Execution Application No.11/2017, In O.A. No. 159/2013 & O.A. No. 77/2016 With Review Application No. 07/2019 (I.A. No. 72/2019), Execution Application No.11/2017, In O.A. No. 159/2013 & O.A. No. 77/2016 With I.A. No. 74/2019 , In Original Application No. 77/2016; All India Lokadhikar Sangathan Versus Govt. of NCT of Delhi &Ors. With All India Lokadhikar Sangathan Versus Govt. of NCT of Delhi & Ors. With All India Lokadhikar Sangathan Versus Govt. of NCT of Delhi & Ors. With M/s. Ashok Vihar Mira Mandal Versus Delhi Pollution Control Committee &Ors.

In the above matter, the Expert Committee, in its report of April 4, 2019, in compliance of order dated 7/2/2019, recommended to conduct a detailed study including assessment of carrying capacity considering all type of industries and other activities with potential of air, soil and water pollution generation in **Wazirpur Industrial Area (WIA)**, since Pickling is only one of the intermediate process industries linked with a number of other upstream and downstream industries in the region. This study will also involve evaluation of CETP for suggesting better pre-treatment of pickling liquor, cleaner production, improved air pollution control measures and upgradation of CETP for tertiary treatment including nitrogen removal. This study will be undertaken under the supervision of the Expert Committee constituted as per Hon'ble NGT Order in this matter and is estimated to take 6 months' time for completion of the study and preparation of the report.

In its order dated 18/7/2019, Hon'ble NGT allowed to undertake further study on the subject of carrying capacity and evaluation of CETP. The Joint Committee was also directed to examine the compensation to be recovered from CETP for damage caused for storing hazardous waste and for releasing untreated effluent in the environment and also suggest the manner of handling and disposal of hazardous waste, having regard to CPCB Guidelines on the subject. Hon'ble NGT also directed the issue of closing other polluting industries in this area.

In compliance of the orders of Hon'ble NGT, the Joint Committee finalized terms of reference (TOR) for getting a study conducted from an Expert Institute. On the basis of the terms of reference prepared by the Joint Committee, CPCB invited proposal from CSIR-NEERI, Nagpur for conducting the proposed study. The proposal was received from CSIR-NEERI on 7/8/2019 and the timeline given for completion of the assignment after receipt of the 1st installment of the fee, was six months. The proposal received from CSIR-NEERI was put up before Scientific and Technical Evaluation Committee (S&TEC) and Standing Finance Committee (SFC) of CPCB for obtaining necessary approval as per General Finance Rules, 2017, for awarding the assignment to CSIR-NEERI. The Memorandum of Understanding (MoU) was finalized & signed between CPCB and NEERI on November 6, 2019 for executing the task as per the orders of Hon'ble NGT.

It was requested by CPCB vide submission dated 15/11/2019, to Hon'ble NGT that:

In view of the fact that CSIR-NEERI will take six months for completion of the study and one month time is required by the Expert Committee for examination of the study report, evaluation of data and preparation of final report along with recommendations for submission to Hon'ble NGT, it is humbly requested that extension of time line by seven months may be granted for submission of the Final Report in this matter.

Hon'ble NGT vide its order dated 19/11/2019 directed CPCB to complete further study including assessment of carrying capacity considering all type of industries and other activities with potential of air, soil and water pollution generation in Wazirpur industrial area within three months.

The main objectives of the study awarded to CSIR-NEERI in this matter by CPCB were as follows:

- i. To assess the carrying capacity of Wazirpur Industrial Area with the possibility of continuation of existing Pickling Industries in the region in an environmentally sustainable manner.*

- ii. To determine the extent of damage occurred due to pickling industries, with its valuation, and cost of restoration of environment in the region.

NEERI has provided the preliminary draft report and data degenerated so far, in the study conducted in this matter to CPCB on 12/3/2020. The draft report was discussed with Dr. S.K. Goyal, Sr. Principal Scientist & Head, CSIR-NEERI, Delhi Zonal Centre, A 93-94, Naraina Industrial Area, Phase I, New Delhi 110028, at CPCB head Office. The following are the major findings of the study conducted by CSIR-NEERI:

1. Carrying Capacity Study:

CSIR-NEERI carried out the survey of the Wazirpur Industrial Area (WIA) including the Wazirpur Common Effluent Treatment Plant (CETP) from December 12 – 20, 2019, Soil, Sludge, water and waste water samples were collected from Wazirpur Industrial Area and Wazirpur CETP. Ambient air quality assessment was also made during the study period.

The total area of the Wazirpur Industrial Area comes to around 1074800 m².

The details of the Land Use/Land Cover of Wazirpur Industrial Area have been summarized in Table 1, which indicate that Green cover is only 5.45% in Wazirpur Industrial Area.

Table 1: Land Use/Land Cover of WIA (Based on Sentinel-2 February 2019 Imagery)

Sr. No.	LULC Class	Area (m ²)	Area (km ²)	Area (%)
1	Built-up	871100	0.8711	81.05
2	Open Space	145100	0.1451	13.50
3	Vegetation	58600	0.0586	5.45
4	Total	1074800	1.0748	100.00

Total 2014 Industries are located in Wazirpur Industrial area. Out of these 2014 industries, 6 Industries come under red category whereas 984 industries are in Orange category. Out of remaining industries, 956 are covered in green categories and 68 in white category (Table 2)

Table 2: Category Wise Details of the Industries in WIA as per DPCC data.

Sr. No.	Plot Groups	Red Category	Orange Category	Green Category	White Category
1	Block A	3	386	395	24
2	Block A Group	1	91	118	2
3	Block B	2	186	154	8
4	Block B Group	0	66	68	10
5	Block C	0	196	151	11
6	Shed	0	38	49	6
7	Miscellaneous	0	21	21	7
	Total	6	984	956	68

Data provided by DSIIDC indicates that out of total 1939 industries, 1222 industries are connected to Wazirpur CETP (**Table 2**)

Table 2 : Industry Connected to CETP based on data from DSIIDC

Sr. No.	Industry		Connecting to CETP	
	Location	DSIIDC	Yes	No
2	Block A	928	665	263
3	Block A Group	0	0	0
4	Block B	360	195	165
5	Block C	514	298	216
6	Shed	137	64	73
	Total	1939	1222	717

Three components viz. Air, Soil and Water were studied to assess the carrying capacity.

AMBIENT AIR:

Three monitoring locations have been selected at the study area, i.e., DSIIDC, Admin Block and CETP and the results are summarized in Table 3:

Table 3: Daily Average Pollutants Concentrations at the Selected Monitoring Locations at the Study Area:

Sr. No.	Date	Pollutant concentration ($\mu\text{g}/\text{m}^3$)				
		PM ₁₀	PM _{2.5}	SO ₂	NO ₂	NH ₃
A.	DSI IDC					
1.	December 11, 2019	497	279	< 3	127	91
2.	December 12, 2019	201	125	5	76	55
3.	December 13, 2019	193	95	< 3	87	13
4.	December 14, 2019	185	116	3	74	27
5.	December 15, 2019	103	49	< 3	81	21
6.	December 16, 2019	76	58	< 3	79	45
7.	December 17, 2019	154	79	< 3	80	53
8.	December 18, 2019	249	177	< 3	58	45
B.	Admin Block					
1.	December 11, 2019	495	350	5	124	101
2.	December 12, 2019	381	295	7	65	50
3.	December 13, 2019	169	143	< 3	60	11
4.	December 14, 2019	216	167	5	65	27
5.	December 15, 2019	167	89	< 3	52	14
6.	December 16, 2019	84	46	< 3	63	31
7.	December 17, 2019	193	142	< 3	57	34
8.	December 18, 2019	223	190	4	58	35
C.	CETP					
1.	December 11, 2019	508	343	4	99	77
2.	December 12, 2019	231	130	7	80	48
3.	December 13, 2019	162	148	9	55	17
4.	December 14, 2019	365	141	14	49	21
5.	December 15, 2019	132	64	10	54	10
6.	December 16, 2019	109	59	16	64	38
7.	December 17, 2019	196	108	6	59	39
8.	December 18, 2019	329	134	7	63	52
	NAAQS (24-h)	100	60	80	80	400

The PM₁₀ and PM_{2.5} concentrations exceeded that daily average NAAQS of 100 $\mu\text{g}/\text{m}^3$ and 60 $\mu\text{g}/\text{m}^3$ respectively throughout the study period except on 16 December, 2019.

The SO₂ concentrations at all the sites are well within the daily average NAAQS of 80 $\mu\text{g}/\text{m}^3$.

The NO₂ concentrations were highest at DSIIDC followed by Admin Block and CETP, respectively. Only DSIIDC exceeded the daily average NAAQS of 80 µg/m³. The concentration of NH₃ is within the daily average NAAQS of 400 µg/m³.

Seasonal variations on ambient air quality were also studied in Wazirpur from the past data for the period December 1, 2018 to November 30, 2019 (Table 4). The data was also compared with the ambient air quality of Ashok Vihar.

Table 4: Seasonal Variations at 2 CAAQMS Sites at the Study Area from December 1, 2018- November 30, 2019

Parameter	Pollutant Concentration							
	Ashok Vihar				Wazirpur			
	Min	Max	Avg	SD	Min	Max	Avg	SD
PM₁₀ (µg/m³)								
Winter	58	666	288	125	116	726	363	155
Summer	58	494	225	89	110	516	296	95
Monsoon	16	509	113	84	60	521	177	75
Post-Monsoon	49	678	301	156	122	668	345	147
PM_{2.5} (µg/m³)								
Winter	38	576	193	115	42	630	213	123
Summer	20	175	83	33	28	195	93	39
Monsoon	12	91	38	17	15	106	51	19
Post-Monsoon	29	605	189	133	41	586	197	133
SO₂ (µg/m³)								
Winter	11	36	22	6	10	40	21	6
Summer	12	47	26	7	12	37	22	6
Monsoon	7	19	13	3	7	16	10	2
Post-Monsoon	11	31	19	4	7	27	15	4
NO₂ (µg/m³)								
Winter	8	98	57	18	15	139	71	24
Summer	19	81	50	16	42	125	79	20
Monsoon	13	46	26	7	22	70	43	10
Post-Monsoon	23	104	62	18	23	77	46	13
CO (mg/m³)								
Winter	0.78	5.63	1.90	0.97	0.79	4.07	1.79	0.75
Summer	0.71	2.32	1.37	0.36	0.55	2.29	1.30	0.37
Monsoon	0.39	1.92	0.96	0.29	0.46	2.51	1.16	0.38
Post-Monsoon	0.74	2.94	1.68	0.56	0.82	3.75	1.87	0.71

*Note: Winter (1st December 2018-31st March 2019), Summer (1st April 2019-30 June 2019), Monsoon (1st July 2019-30th September 2019) and Post-Monsoon (1st October 2019-30th November 2019)

The PM₁₀ and PM_{2.5} concentrations were higher at Wazirpur when compared to Ashok Vihar throughout the year. Also, both the sites violated the daily average NAAQS of 100 µg/m³.

SOIL:

Two Locations were identified from the study area and soil samples were collected on December 4, 2019. These locations are depicted in **Fig 1**. The representative soil samples from depth (0-30 cm) were collected from Park and location from garden outside CETP office boundary where in trees have been planted by CETP officials. **(Fig 1)** The CETP office is outside, adjoining to the boundary of Wazirpur industrial area. The soils were collected for estimation of the physico-chemical characteristics. Standard methods have been followed for the analysis of soil samples.



Fig 1: Map of the Soil Sampling Locations in the Study Area

Analysis results of the soil sample collected from the selected sites are summarized in Table 5.

Table 5: Summary of characterization of Soil collected from Park/CETP Garden at WIA

S.No.	Parameters	Park (B Block)	Garden Outside CETP office	Standards for metals
A. Physical Parameter				
1	pH	7.94	7.83	-
2	EC(mS/Cm)	1.53	2.35	-
	Colour	Dark Greyish Brown	Greyish Brown	-
3	Sand (%)	61.2	49.2	-
4	Silt (%)	30.6	38.8	-
5	Clay (%)	8.2	12	-
	Textural Class	Sandy Loam	Loam	-
6	Bulk Density (g/cc)	1.25	1.32	-

7	Porosity (%)	54.21	55.87	-
8	WHC (%)	43.63	42.58	-
9	Organic Carbon (%)	0.90	1.07	-
B. Metal Content (mg/kg)				
1	Iron (Fe)	31730	20311	-
2	Copper (Cu)	178	BDL	63
3	Cadmium (Cd)	BDL	BDL	10
4	Lead (Pb)	213	27	70
5	Cobalt (Co)	8	2	-
6	Manganese (Mn)	1788	401	-
7	Nickel (Ni)	150	31	50
8	Zinc (Zn)	136	92	200
9	Chromium (Cr)	1120	168	64

No guideline value for Co, Fe and Mn. Source: Canadian Soil Quality Guidelines, 2007 BDL (<0.002) Below Detection Limit

Metal Content in the soils was assessed and was compared with Canadian standards 2007. It was found that the concentration of trace metals was higher with respect to Cu, Pb, Ni & Cr in the park soil and Cr in garden outside CETP office soil.

WATER AND WASTE WATER (WIA and Wazirpur CETP)

CSIR-NEERI team carried out a survey of the area in order to carryout the carrying capacity of the WIA with respect to the impact of the pickling industries on the water/wastewater flowing out of the Wazirpur Industrial Area. During the survey of the WIA, CSIR-NEERI team observed the following:

- There is a conveyance system of the WIA that collects the industrial waste water from the individual industrial units in the WIA and takes it to raw effluent well. From this raw effluent well the industrial waste water is pumped to a Wazirpur Common Effluent Treatment Plant (CETP).
- The Wazirpur CETP treats this industrial effluent collected from the WIA and after treatment discharges the treated water into a storm water drain.
- A PWD storm water drain is flowing into the WIA. This PWD storm water drain is carrying storm water/wastewater/sewage water from the up-stream of the WIA.

- CSIR-NEERI team also observed that the individual industrial units are discharging the water/waste water into the storm water drains of the area. These storm water drains are ultimately mixing with the PWD drain entering the WIA.
- PWD drain and the storm water drains after mixing with each other flow out of the WIA.

Six locations were identified as mentioned in the **Figure 2**, whose description has been presented in **Table 7**.



Figure 2: Six important locations in the WIA and Wazirpur CETP

Table 7: Samples collection locations from the WIA

Location	Coordinates	Significance	Whether water samples were collected from this site
1	28°42'5.82"N 77°10'33.83"E	The point where the industrial waste water from the WIA enters the Wazirpur CETP	Yes
2	28°42'5.80"N 77°10'34.01"E	The point where the treated water from the Wazirpur CETP exists the Wazirpur CETP	Yes
3	28°42'17.30"N 77°10'19.18"E	The point where the PWD storm water drain enters the WIA	No
4	28°42'12.92"N 77°10'27.49"E	The point where storm water drains from the WIA mix with the PWD drain	No
5	28°42'13.59"N 77°10'31.05"E	The point where drain water samples were collected	Yes
6	28°42'14.22"N 77°10'33.83"E	The point where the storm water drain exits the WIA	No

The waste water samples were collected from the inlet of the Wazirpur CETP (Location 1), outlet of the Wazirpur CETP (Location 2) and the drain going out of the WIA (Location 5). The water samples were collected at different time slots to understand the trends of different water quality parameters throughout the day, as summarized in the **Table 7**. The photographs taken during the samples collection from the Wazirpur CETP have been presented in **Plate 1**.

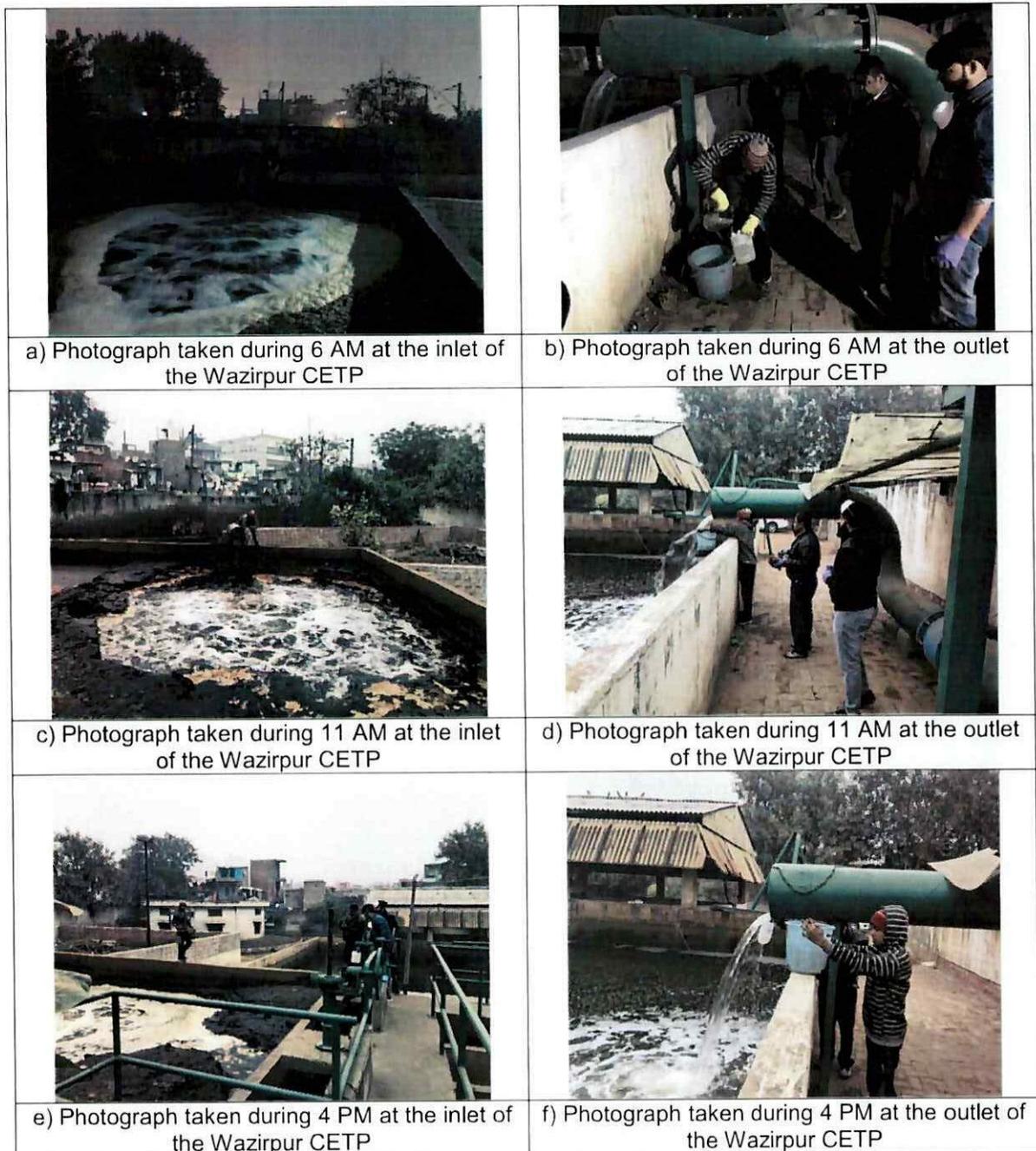


Plate 1: Photographs taken during the water samples collections from the Wazirpur CETP throughout the day.

Table 7: Water quality characteristics of the un-treated water at the inlet and treated water at the outlet of the Wazirpur Common Effluent Treatment Plant (CETP) at different timings

Sr. No.	Parameters	Inlet			Outlet			*Discharge standard values (into inland surface water/on land for irrigation)
		6 AM - 8 AM	11 AM - 1 PM	4 PM - 6 PM	6 AM - 8 AM	11 AM - 1 PM	4 PM - 6 PM	
A	Physical Parameters							
1	pH	2.4	3.2	4.7	7.4	7.6	7.8	6.0 – 9.0
2	Temperature (°C)	16.9	17.0	16.0	17.1	17.0	17.1	-
3	Colour	Reddish Brown	Reddish Brown	Reddish Brown	Clear	Clear	Clear	-
4	Conductivity (µsiemens)	6060	6280	5440	5730	5670	5790	-
5	TSS (mg/L)	2229	1816	1701	27	19	29	100
6	TDS drying at 180°C (mg/L)	4238	4060	3435	4470	4464	4594	-
7	FDS drying at 550°C (mg/L)	3525	3520	2845	3758	3680	3804	2100
8	VDS (mg/L)	713	540	590	712	784	790	-
B	Chemical Parameters (mg/L)							
9	Chloride	850	800	840	280	260	248	1000
10	Sulphate	1104	1300	1664	468	441	395	1000
11	Phosphate	3.1	2.8	3.4	0.7	0.6	0.7	5/NS
12	Nitrate	45.6	26.5	15.2	10.1	10	10.2	10/NS
13	Nitrite	0.13	0.04	1.6	15.6	15.5	25.9	-
14	Total Residual Chlorine	NT	NT	NT	0.07	0.33	0.49	1
15	Fluoride (mg/L)	10.6	8.1	4.9	11.9	8.3	9.9	2
16	Ammonia (mg/L)	15.1	12.8	13.4	3.9	5.1	1.7	50/NS
17	Sulphide	1.97	0.1	1.34	ND	ND	ND	2
18	Phenol	0.007	0.004	0.007	ND	ND	ND	1
19	Oil & Grease	0.05	0.05	0.02	0.02	0.04	0.02	10
20	Total Hardness	62	68	66	27	26	27	-
21	Ca Hardness	8	10	10	23	21	23	-
22	Mg Hardness	54	28	56	3.8	4.6	3.6	-
23	Sodium	1115	656	840	431	424	423	-
24	Potassium	26.1	25.6	26.4	23.4	23.5	21.3	-
25	Sodium Absorption Ratio (SAR)	39	22	29	20	20	20	<3
C	Demand Parameters (mg/L)							

Sr. No.	Parameters	Inlet			Outlet			*Discharge standard values (into inland surface water/on land for irrigation)
		6 AM - 8 AM	11 AM - 1 PM	4 PM - 6 PM	6 AM - 8 AM	11 AM - 1 PM	4 PM - 6 PM	
26	BOD	202	303	280	12	25	23	30/100
27	COD	992	928	956	100	132	152	250
28	TKN	50	39	39	39	37	37	50/NS
D	Heavy Metals Concentration (mg/L)							
29	Al	0.007	0.005	0.008	0.001	0.001	BDL	-
30	Cd	0.001	0.008	0.012	BDL	BDL	BDL	0.005
31	Co	0.456	0.278	0.514	0.017	0.009	0.007	-
32	Cr	47.2	12.8	94.9	BDL	BDL	BDL	-
33	Cu	13.2	5.4	26	0.043	0.116	0.072	3
34	Fe	561	173	1093	0.483	0.68	0.403	3
35	Mn	55.57	33.13	58.63	12.07	6.47	6.39	-
36	Ni	7.68	6.96	9.49	0.39	0.24	0.21	3
37	Pb	11.17	4.42	23.18	0.013	0.076	0.034	0.1
38	Sr	3.63	3.66	3.57	2.78	2.81	2.53	-
39	Zn	0.60	0.386	0.843	0.007	0.011	BDL	5
E	Flow Rate (MLD)							
40	Flow	-	-	-	3.3	3	3.7	-

*MoEFCC Environment Protection Rule, 1986 (2016); NT – Not Tested; ND – Not Detected; NS – Not Specified

During the survey of the WIA, it was found that water was flowing in substantial quantity from the individual industrial units to the storm water drains on the WIA. The storm water drains of the WIA are ultimately mixing into the PWD drain coming from the upstream of the WIA Plate 2(a) and Plate 2(b). After mixing, this storm water drain is passing through the slum area in the vicinity of the WIA (Plate 2 (c)).

After passing through the slum area, the treated water from the CETP mixes with the storm water drain flowing through the slum in the vicinity of the WIA (Plate 2 (d)). The storm water drain samples were collected from this point. The trends of different water quality parameters from drain throughout the day are mentioned in the Table 8.



Plate 2: Photographs taken during the survey and water samples collections from the storm water drain flowing through the WIA

Table 8 : Water quality characteristics of the storm water drain passing through the Wazirpur Industrial Area at different timings

Sr. No.	Parameters	6 AM - 8 AM	11 AM - 1 PM	4 PM - 6 PM	*Standard values (into inland surface water/on land for irrigation)
A	Physical Parameters				
1	pH	2.5	2.6	2.4	6.0 – 9.0
2	Temperature (°C)	16.9	17.2	17.3	-
3	Colour	Grey	Grey	Grey	-
4	Conductivity (µsiemens)	2739	2948	2695	-
5	TSS (mg/L)	3186	3670	3036	100
6	TDS drying at 180°C (mg/L)	1618	1886	1370	-
7	FDS drying at 550°C (mg/L)	1336	1572	1050	2100
8	VDS (mg/L)	282	314	320	-
B	Chemical Parameters (mg/L)				
9	Chloride	200	400	200	1000
10	Sulphate	1289	2158	2216	1000
11	Phosphate	2.3	2.9	3.8	5/NS
12	Nitrate	45	37	26	10/NS
13	Nitrite	0.03	0.03	0.05	-
14	Total Residual Chlorine	NT	NT	NT	1
15	Fluoride	11.2	2.0	4.8	2
16	Ammonia	NT	NT	NT	50/NS
17	Sulphide	1.97	1.78	1.52	2
18	Phenol	0.005	0.007	0.007	1
19	Oil & Grease	0.032	0.028	0.036	10
20	Total Hardness	36	36	16	-
21	Ca Hardness	5.2	5.6	8.6	-
22	Mg Hardness	31	30	7.6	-
23	Sodium	231	263	207	-
24	Potassium	15.5	19	18.9	-
25	Sodium Absorption Ratio (SAR)	9	11	11	<3
C	Demand Parameters (mg/L)				
26	BOD	412	300	364	30/100
27	COD	976	928	960	250
28	TKN	78	67	22	50/NS
D	Heavy Metals Concentration (mg/L)				
29	Al	0.006	0.006	0.006	-
30	Cd	BDL	BDL	BDL	0.05
31	Co	0.166	0.068	0.192	-
32	Cr	1704	901	19.6	-
33	Cu	3.8	1.8	5.2	3
34	Fe	168	96	185	3

35	Mn	20.07	10.10	24.38	-
36	Ni	2.56	1.075	3.201	3
37	Pb	3.297	1.56	4.51	0.1
38	Sr	1.81	1.41	2.16	-
39	Zn	0.273	0.373	0.767	5
E	Flow Rate (MLD)				
40	Flow	16.1	17.6	11.4	-

Analysis of the above data w.r.t water and waste water shows that:

- pH of the waste water reaching the Wazirpur CETP was acidic in nature. This indicates that the industrial units are not neutralizing the acid before its discharge into the CETP conveyance system.
- However, the pH of the treated water from the Wazirpur CETP is conforming to the discharge standards.
- High concentration of Fixed Dissolved Solids (FDS) was observed in inlet and outlet samples. The Wazirpur CETP is not capable to achieve the effluent discharge standards for FDS.
- The Wazirpur CETP is not capable to achieve the effluent discharge standards for Fluoride.
- High concentration of Metals viz. Chromium, copper, iron, manganese, nickel and lead was found in inlet samples. However the values for these metals were well within the standard limits in out let samples, indicating precipitation of heavy metals in sludge.
- pH of the influent to the CETP as well as of the drain water is acidic in the nature., which indicates that drain carries untreated effluent from the industries.
- The water quality characteristics of the drain water are almost similar to the waste water reaching the Wazirpur CETP through the conveyance system, indicating discharge of untreated waste water of the area in the drain.

The data generated for assessing the carrying capacity on Air, Soil and water indicates that exceedance of various environmental parameters. However, further analysis is required w.r.t adequacy of pretreatment facilities of individual industries of the area and CETP as well, to take care of effluent from all the industries, if connected to CETP and subsequent impact on the carrying capacity, in order to decide the number and type of industries which could co-exist in the Wazirpur Industrial area.

2. Damage Assessment:

It was also directed by Hon'ble NGT to examine the compensation to be recovered from CETP for damage caused for storing the hazardous waste and for releasing the untreated effluent in the environment. Further, it was observed by Hon'ble NGT in its order dated 19/11/2019 that apart from the units connected to CETP, huge pollution is being caused by the Units not so connected to CETP. It is necessary to ascertain the manner of disposal of hazardous waste by disposal of hazardous waste by such units and impact on the recipient environment so as to plan further remedial in accordance with the Water (Prevention and Control of Pollution Act, 1974, the Air (Prevention and Control of Pollution Act, 1981, The Environment (Protection) Act, 1986 and rules framed including hazardous (Waste management and Handling) rule, 2016.

Accordingly, the data generated by CSIR-NEERI so far was examined and it was found that:

- The PM₁₀ and PM_{2.5} concentrations exceeded that daily average NAAQS of 100 µg/m³ and 60 µg/m³ respectively throughout the study period except on 16 December, 2019.
- The PM₁₀ and PM_{2.5} concentrations were higher at Wazirpur when compared to Ashok Vihar throughout the year. Also, both the sites violated the daily average NAAQS of 100 µg/m³.

- Metal Content in the soils was assessed and was compared with Canadian standards 2007. It was found that the concentration of trace metals was higher with respect to Cu, Pb, Ni & Cr in the park soil and Cr in garden outside CETP office soil.
- pH of the waste water reaching the Wazirpur CETP was acidic in nature. This indicates that the industrial units are not neutralizing the acid before its discharge into the CETP conveyance system.
- High concentration of Fixed Dissolved Solids (FDS) was observed in inlet and outlet samples. The Wazirpur CETP is not capable to achieve the effluent discharge standards for FDS. The Wazirpur CETP is not capable to achieve the effluent discharge standards for Fluoride.
- pH of the influent to the CETP as well as of the drain water is acidic in the nature. The water quality characteristics of the drain water are almost similar to the waste water reaching the Wazirpur CETP through the conveyance system, indicating discharge of untreated waste water of the area in the drain.

The data generated by CSIR-NEERI was reviewed. The data indicates the damage caused to the air, water and soil on account of exceedance of various environmental parameters. However, further study and analysis is required for quantification in terms of contribution by different sources, environmental damage in monetary terms and Cost of restoration.

PRAYER:

CSIR-NEERI has generated the preliminary data for assessment of the carrying Capacity of Wazirpur Industrial Area and qualitative assessment of the damage to the environment.

However, the preliminary data generated so far needs to be validated in consultation with other stakeholders including DSIIDC, DJB, DPCC, MCD, Deptt. of Industries etc. for

subsequent analysis, for carrying capacity assessment as well as for damage cost/restoration cost assessment.

NEERI has further indicated that two months' time is required to complete the remaining components of the study and prepare an authentic report, in order to enable Expert Committee constituted in this matter to propose its recommendation based on NEERI's report.

In view of the above, Hon'ble NGT is humbly requested to kindly consider the request for granting time upto May 20, 2020, for submission of final report, in this matter.



(Ajay Aggarwal)
Scientist 'E', IPC-V Division

Date 13.03.2020

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

Execution Application No. 11/2017
IN
O.A. No. 159/2013
(M.A. No. 1169/2018, M.A. No.1715/2018 & M.A. No.20/2019)
WITH
Original Application No. 77/2016
(I.A. No. 74/2019 & M.A. No. 204/2019)

All India Lokadhikar Sangathan

Applicant(s)

Versus

Govt. of NCT of Delhi & Ors.

Respondent(s)

With

M/s Ashok Vihar Mitra Mandel

Applicant(s)

Versus

Govt. of NCT of Delhi & Ors.

Respondent(s)

Date of hearing: 19.11.2019

CORAM:

**HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER
HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER**

For Applicant(s): Mr. S.K. Bhattachriya and Mr. Brij Mohan Garg,
Advocates

For Respondent(s): Mr. Vijay Dev, Chief Secretary, Delhi
Ms. Jyoti Mendiratta, Advocate for GNCTD
Mr. Sanjeev Ralli, Advocate for DPCC
Mr. Rajkumar, Advocate for CPCB
Mr. Krishna Kumar, Advocate for MoEF&CC
Mr. Vinayak Gupta, Advocate for DSIIDC
Ms. Pinky Anand, ASG, Mr. Dinesh Jindal, LO and Mr.
Sanjiv Khair, Chairman, DPCC
Mr. Anuj Chaturvedi, Advocate for DSIIDC
Ms. Puja Kalra, Advocate for NDMC

ORDER

1. This order may be read in continuation of order dated 18.07.2019 and also with order passed today in O.A. No. 601/2018, *Mayank Manohar & Paras Singh, Reporter Times of India v. Govt. of NCT of Delhi & Ors.* The proceedings in the matter are off shoot of directions of the Hon'ble Supreme Court in *M.C Mehta Vs. Union of India & Ors. (2004) 6 SCC 588.* The subject matter is illegally operating stainless steel pickling industries in violation of Master Plan of Delhi in spite of orders of the Hon'ble Supreme Court and this Tribunal directing closing thereof.

2. On 16.10.2018, after reviewing the earlier proceedings, the Tribunal directed the Delhi Government to forthwith stop operation of such industries. The Tribunal observed:-

“16. The metals used in pickling industries produce corrosive wastes and effluent discharge from these industries contains toxic wastes which are harmful to health and aquatic life. The dangerous corrosive chemicals have the ability to cause grave skin injuries and breathing difficulties. These wastes adversely affect the human nervous system causing serious ailments and dangerous diseases. In this light, the inaction of the authorities has not only deteriorated and degraded the environment but has also severely affected human and aquatic life.

17. Untreated effluent discharge directly or indirectly in the river has caused serious damage to the environment and the Polluter Pays Principle needs to be invoked to compensate the damage caused in terms of Section 20 of the NGT Act, 2010.

19. We also impose cost of Rs. 50 crores on the Delhi Government for its inaction and failure resulting in creating lawlessness and also damaging the environment and the public health. It will be open to the Delhi Government to recover the said amount

from the erring industries and/or from the erring officers.

20. *The amount be deposited with the CPCB within one month from today. CPCB may spend the same for improvement of environment in the area in question by preparing an appropriate scheme with the approval of the Chairman, CPCB."*

3. The Execution Application came up on 11.12.2018 and thereafter on 31.01.2019. However, in the meanwhile, on the basis of order of Hon'ble Supreme Court dated 14.12.2018 in C.A. No. 11726-11727 of 2018, giving liberty to file a review, Review Applications 01 and 07 of 2019 were filed and the same were taken up for consideration on 07.02.2019. The observations of the Hon'ble Supreme Court were noted in the said order as follows:-

"i. **On the subject of decision of Delhi Government to allow industries to continue subject to compliance with the Environmental legislation contrary to the Master Plan.**

"Be that as it may, no administrative decision can be taken in violation of the Master Plan" ..

*.....
"Prima facie, the above note only permits a determination of whether a particular industry, factory or activity falls in a specified entry. The negative or prohibited list cannot be amended by an administrative act in violation of the Master Plan."*

ii. **On the subject of direction to deposit Rs. 50 Crores as compensation for damage to the environment.**

"Prima facie, the direction is relatable to the provisions of Section 17 of the National Green Tribunal Act, 2010. Consequently, we direct that in terms of the order passed by the NGT and before the applications for review are entertained, an amount of Rs. 15 crores be deposited within four weeks

by GNCTD. The deposit shall abide by the final result of the applications for review.”

iii. On the subject of reopening the industries which have been closed in pursuance of order of this Tribunal.

“Ms. Indira Jaising stated that in compliance with the order passed by the NGT, the operation of the industry has been stopped by disconnecting water and electricity connections. This position shall continue until the Tribunal disposes of the review petitions, and thereafter will be subject to the outcome.”

4. The Tribunal found that it was difficult to accept the review applications since the pickling industries were prohibited by the Master Plan 2021 which had not been amended. Delhi Government had no power to permit such activities in violation of the Master Plan 2021. There was no study warranting amendment of the Master Plan 2021. The area was polluted and huge amount of hazardous waste had already been generated which was not being scientifically disposed of. The pollution was harming environment, including Yamuna river and the public health. The Tribunal, vide order dated 07.02.2019, observed:

“Thus it is clear:

- i. There is no amendment to the master Plan.*
- ii. There is no power with the Delhi Government to permit industrial activity falling in the prohibited list in the Master Plan.*
- iii. No study has been carried out which can be the basis to justify amendment of the Master Plan. There is no information on the Comprehensive Environmental Pollution Index (CEPI) in respect of the area.*

- iv. *Mere setting up of ETPs/CETP is not enough to permit activities of prohibited industries in violation of the Master Plan.*
- v. ***Consistent decisions of DPCC and Delhi Government and their authorities recorded in the orders of this Tribunal show that high amount of pollution is actually being caused by the pickling industries. There is no change of circumstances.***
- vi. ***Huge amount of hazardous waste is being generated and dumped and is not being scientifically disposed.***
- vii. ***Photographs on record depict grim picture of polluted effluents flowing through the drains and entering Yamuna.”***

5. However, even after holding that the Review applications could not be accepted, instead of straightway disposing of the same and also in view of the stand that the order dated 16.10.2018 had already been enforced by way of prohibiting the polluting activities, the Tribunal directed carrying out of carrying capacity of the area by an Expert Committee and also to ascertain the impact of the industries on the air and water quality and on river Yamuna, on green belt and on inhabitants. The study was to consider earlier reports on the subject.

6. Accordingly, a report of the Expert Committee comprising representatives of CPCB, NEERI and IIT Roorkee has been filed on 05.04.2019. The summary of earlier inspection report dated 07.03.2016, conducted by the CPCB, was noted which is as follows:-

- “ • ***The soil in open area in front of the CETP where the waste material was allegedly buried appears to an***

amended soil with colour similar to back ground soils, however after excavation, a layer of dark coloured material mixed with soil (appears to be sludge/waste) appeared at a depth of about 6 feet below the top surface. Such dark coloured layers were observed up to 11 feet deep at two locations (at distance of 65 feet) during excavation. The layer of dark coloured material mixed with soil appears to be sticky, semisolid mass with unpleasant odour.

- Both the soil samples collected from surface and at a depth of about 10.5 feet below the surface at location 1 (in front of CETP premises) shows presence of heavy metals like iron (Fe), Zinc (Zn), manganese (Mn), nickel (Ni), lead (Pb), copper (Cu) chromium (Cr), vanadium (V) and Arsenic (As). Heavy metals such as chromium, copper and nickel were found exceeding the screening values many folds in both the samples except arsenic in sample 1 and in addition, lead, zinc and vanadium were also found exceeding the screening values in sample 2. The concentration of heavy metals in soils were compared with Canadian screening values for residential areas since, soil standards are not yet developed in the country. Further, Canadian screening standards were adopted for identification of probably contaminated sites in the country in a project undertaken by MoEF&CC.
- The soil sample i.e. Sample 3 collected at location 2 at a distance of about 65 feet from the location 1 was also having similar characteristic as that of Sample 2 collected from location 1.
- Reconnaissance carried out by CPCB indicates that all three Samples - 1, 2 and 3 were contaminated with heavy metals with concentrations above the Canadian screening standards (for residential areas). The contamination is attributed to improper handling and disposal of

CETP sludge. Since the investigation is carried out in a limited area, it is required to carry out detailed site investigation in the areas to ascertain the extent of contamination. In case of widespread contamination, exceeding the screening values and intervention values/ it may warrant remediation of these contaminated areas.

- A sample of soil (Sample 4) collected from the open area outside and adjacent to the boundary wall of CETP near the sludge storage area of the CETP was also found to contain heavy metals like iron (Fe), Zinc (Zn), manganese (Mn), nickel (Ni), lead (Pb), copper (Cu) chromium (Cr) vanadium (V) and Arsenic (As). The concentration of the same is similar to the concentration of heavy metals found in soil samples collected at location 1 and 2. Further, concentration of organic carbon in soil samples 2, 3 & 4 were found around 2%.
- The analysis of samples indicates that soil samples 2, 3 & 4 and CETP sludge have same constituents with comparable concentrations. This indicates that the CETP sludge has been buried in the suspected area in front of CETP at Wazirpur and dumped in the open area outside and adjacent to the boundary wall of CETP near the sludge storage area of the CETP.
- The groundwater sample collected from CETP premises exceed the BIS drinking water standards for iron and manganese, whereas only manganese was found above the drinking water standards in bore-well of DJB pumphouse. Another bore-well of DJB pump house at the back side of CETP found to be exceeding drinking water iron, manganese and lead.
- With regard to general parameters, TDS, nitrate and sulphates were found above the drinking water

standards in groundwater sample collected from bore-wells of CETP and DJB pump house (at the back side of CETP/ whereas only TDS and Nitrate exceeded drinking water standards in bore- well of DJB pump house in front side of CETP.

- *The allegation made by the complainant with regard to CETP sludge buried in open area in front of CETP premises is correct. In addition the surface soil sample collected from open area outside and adjacent to the boundary wall of CETP near the sludge storage area of the CETP indicates CETP sludge dumping in the area.”*

7. The following recommendations were given by the Joint Inspection Team:-

“ • *The operator of the CETP facility is liable for environmental damages caused due to improper handling of hazardous waste and shall be directed to take immediate response measures and environmental site assessment and remediation (if required) as per the guidelines published by CPCB "Guidelines on Implementing Liabilities for Environmental Damages due to Handling & Disposal of Hazardous Waste and Penalty.*

- *CETP society may be directed to engage a 3rd party consultant having relevant experience to carry out detailed environmental site assessment as per the aforesaid guidelines of CPCB within one month. They shall submit a report to DPCC on detailed site assessment within 4 months thereafter.*
- *Penalty may be imposed on CETP society for improper handling or disposal of CETP sludge.*
- *Since there is no common TSDF in Delhi/ CETP society shall create additional sludge storage*

facility till the time such common facility is established.

- CETP society shall provide shed on the sludge storage area near the tertiary treatment units.
- CETP society shall ensure that sludge removed from filter press should not be stored in open and it shall be ensured that dewatered sludge is lifted immediately and shifted to sludge storage area.”

8. The Committee also noted the study by CSIR- NEERI in June, 2018 with regard to performance of STPs in Delhi finding and recommending *inter-alia* as follows:-

“ Findings:-

- The current design of CETPs is based on CSJR-NEERI's study performed during 1996 and implemented in 2004-2005. As informed by LUB the signature of several industries in different sectors has changed significantly over the last 10-15 years and it is high time the CETPs are revisited for a complete check-up to see performance & technology adequacies and minimize sludge production.
- **The toxicity levels of all the CETP samples (mainly with respect to Cr, Cu/ Fe/ Zn) were extremely high and hence these cannot be used "as it is" for any road construction or similar activity. The possibility of stabilization of these toxic metals through known techniques needs to be examined.**
- The Sludge samples cannot be used "as it is" for any road construction or similar activity and proper stabilization is vital.
- **It is imperative to mention that data obtained in terms of removal efficiencies are superficial and do not reflect**

actual performance of CETP under existing operating conditions since all the CETPs are operating much below the designed capacities.

- The CETPs require up-gradation for targeting effective TKN removal as well as other parameters. Studies on reuse of treated effluent reveals that the current situation is not promising especially regarding the bacteriological parameter, i.e. Thermotolerant coliform. The water quality of effluent indicated presence of thermostolerant coliforms (indicator) and infectious pathogens such as pathogenic E.coli, cryptosporidium oocysts and Giardia cysts.
- Overall/ the treated effluent water quality was observed to be in noncompliance with reuse water standards and hence is suggested to avoid reuse of treated effluent until proper treatment improvements are done."

Recommendations:-

- The operator of the CETP facility is liable for environmental damages caused due to improper handling of hazardous waste and shall be directed to take immediate response measures and environmental site assessment and remediation (if required) as per the guidelines published by CPCB "Guidelines on Implementing Liabilities for Environmental Damages due to Handling & Disposal of Hazardous Waste and Penalty" (copy enclosed).
- CETP society may be directed to engage a 3rd party consultant having relevant experience to carry out detailed environmental site assessment as per the aforesaid guidelines of CPCB within one month. They shall submit a report to

DPCC on detailed site assessment within 4 months thereafter.

- **Penalty may be imposed on CETP society and for improper handling or disposal of CETP sludge.**

- Since there is no common TSDf in Delhi, CETP society shall create additional sludge storage facility till the time such common facility is established.

- CETP society shall provide shed on the sludge storage area near the tertiary treatment units.

- CETP society shall ensure that sludge removed from filter press should not be stored in open and it shall be ensured that dewatered sludge is lifted immediately and shifted to sludge storage area.”

9. The report further refers to the CPCB assessment of the performance of CETPs conducted in January – February, 2019 finding as follows:-

“Analysis of the performance data of CETPs reveals that none of the three CETPs is achieving the prescribed standards.

In Wazirpur CETP/ the parameters of BOD (70 mg/I>30 mg/I/ F (14 mg/I>2 mg/I/ NO₃-N (96 mg/I>10 mg/I/ O&G (18 mg/I>10 mg/I/ FDS (6388 mg/I>2100 mg/I/ Fe (7.82 mg/I >3 mg/I) and Mn (719 mg/I >2 mg/I) were found significantly higher in concentration than prescribed standards.

In Badli CETP, the parameters of BOD (78 mg/I>30 mg/I) F (19.66 mg/I>2 mg/I/NO₃-N (26 mg/I>10 mg/I) SO₄(1209 mg/I>1000 mg/I)FDS (2396 mg/I>2100 mg/I) and Fe (4.74 mg/I>3 mg/I) were found much beyond the prescribed standards.

In SMA CETP, the parameters of FDS (5360 mg/l > 2100 mg/l), SO₄ (1639 mg/l > 1000 mg/l), Cl (1104 mg/l > 1000 mg/l), CN- (0.66 mg/l > 0.2 mg/l) were reported higher than prescribed standards.

It is evident from the above assessment carried out by CPCB that CETPs having membership of Steel Pickling units are not meeting the prescribed norms even in the absence of Effluents from Steel Pickling Units. Once these CETPs start receiving effluents from Steel Pickling units/ the values of parameters specific to steel pickling units such as Fe/ NO₃-N SO₄ and Fare expected to further go up."

10. The Expert Committee visited site on 28.03.2019. Conclusions and recommendations of the Expert Committee are as follows:-

"The Expert committee could neither see nor study the adequacy and performance of Primary Effluent Treatment facilities of the Pickling Industries/ since the pickling industries were not in operation as per directions of DPCC. For the same reasons/ the Expert Committee could not assess the impact of pickling industries on air and river Yamuna as well.

Since, CETP is not receiving effluent from Steel pickling Units at the moment the assessment of the performance of CETPs for treatment of effluents from Steel Pickling Units could not be made by Expert Committee.

The findings of earlier reports (CPCB and NEER) indicate that CETP installed to treat the wastewater/ effluent generated in the Wazirpur Industrial Area needs to be revisited to ensure proper treatment of the effluent generated not only from Steel Pickling Industries but also from mixed effluents received from other industries/ activities of the area as well.

It is recommended to conduct a detailed study including assessment of carrying capacity considering all types of industries and other activities with potential of air, soil and water

pollution generation in this industrial area, since Pickling is only one of the intermediate process industries linked with a number of other upstream and downstream industries in the region. This study will also involve evaluation of CETPs for suggesting better pre-treatment of pickling liquor, cleaner production improved air pollution control measures and upgradation of CETPs for tertiary treatment including nitrogen removal. This study may be undertaken under the supervision of the Expert Committee constituted as per Hon'ble NGT Order in this matter and is estimated to take 6 months' time for completion of the study and preparation of the report.

The Joint Expert Committee shall abide by the directions of Hon'ble NGT in this matter."

11. The matter was reviewed on 18.07.2019 as follows:-

"In view of the above, while Expert Committee can be allowed to undertake further study on the subject of Carrying Capacity and evaluation of CETPs, the pickling industries being in negative list in the Master Plan 2021 and being in red category, cannot be allowed to be continued by reviewing the Order dated 16.10.2018 which is mere reiteration of earlier order of this Tribunal dated 17.10.2014 and the order of Delhi High Court dated 11.11.2013 and also the order of the Hon'ble Supreme Court in M.C. Mehta Vs. Union of India & Ors. (Supra) which have attained finality. Inspection in January - February, 2019 as well as earlier inspections quoted above show that area is highly polluted and has no carrying capacity to allow any further polluting activity. In fact, further action to stop polluting activities needs to be taken to enforce the 'Precautionary' and 'Sustainable Development' principles and compensation recovered on 'Polluter Pays' principle.

The Expert Committee may assess the extent of damage to the environment for the period from 27.06.2008 i.e. five years preceding the filing of the application before this Tribunal which is the period of limitation prescribed under Section 15 of the National Green Tribunal Act, 2010 till the industries actually operated. The Terms of Reference for such assessment would include the cost of

restoration involved, cost of damage caused and deterrent element. We are conscious that the industries under the order of the High Court dated 11.11.2013 were to be closed from 22.09.2016 on account of the said date being the date of enforcement of Master Plan 2021 but even a lawfully operating industry is not exempted from liability for causing pollution. Even if Master Plan, 2021 amendment may be later, there is no right to cause pollution by an industry, in view of statutory provisions of Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981. On that basis, the Regulatory Authorities i.e. CPCB/DPCC are to take further action in accordance with law for recovering the compensation after identifying the polluters and following the above procedure. Compensation may be assessed following the formula evolved by the CPCB:

$$EC = (PI \times N \times R \times S \times LF)$$

Where, EC is Environmental Compensation in ₹

PI = Pollution Index of industrial sector

N = Number of days of violation took place

R = A factor in Rupees (Rs) for EC

S = Factor for scale of operation

LF = Location factor

The formula has been further quoted and discussed in order of this Tribunal in order dated 13.05.2019 in O.A No. Original Application No. 95/2018, Aryavart Foundation v. M/s Vapi Green Enviro Ltd. &Ors,¹ wherein, it was stated that, "Compensation to be recovered should be deterrent and should have some correlation with the cost of restoration."

We find it necessary to observe that if CETP is not functional or doesn't meet the standards, there is no option but to close the member industries connected thereto. This is necessary so that laid down norms of effluent discharge are not violated. Especially when such effluents are discharged directly into the river which is a criminal offence under the provisions of the Water (Prevention and Control of Pollution) Act, 1974. This

tribunal has taken the same view in other such cases.²

The last aspect relates to disposal of the hazardous waste still said to be lying undisposed in the area and the compensation to be recovered from the CETP for damage caused for storing the hazardous waste and for releasing untreated effluent in the environment. The Committee may examine this aspect also and determine a liability of the CETP and also suggest the manner of handling and disposal of hazardous waste, having regard to the CPCB guidelines on the subject. The Committee may also examine the issue of closing other polluting industries in the area. Proposal of DSIIDC on the subject may also be considered by the Committee.

It will be open to either side to furnish set of papers relevant for the purpose to the Committee through CPCB within two weeks from today.

The report of the Committee may be put on the website of CPCB within three months and any objection thereof may be filed before this Tribunal before the next date by e-mail at judicial-ngt@gov.in.”

12. Accordingly, a report has been filed by NCT of Delhi on 15.11.2019 to the effect that DSIIDC is in the process of developing TSDF and tender process in under way. The Chief Secretary, Delhi present in person states that tender process will be completed this month.

² Arvind Pundalik Mhatre v. Ministry of Environment, Forest and Climate Change & Ors. (O.A. No. 125/ 2018 Order dated 11.07.2018) The CETP was found not fully functional and effluents were being discharged at Taloja in the river Kasaradi. This Tribunal directed imposition of an amount of Rs. 5 Crores for severe impact on environment on account of nonfunctioning of the CETP resulting in imminent danger to the life of local population.

ii) Rashid Ali Warsi Vs. UPSIDC & Ors. (O.A. No. 317/2015 Order dated 13.11.2018) The Tribunal dealt with discharge of untreated effluents by textile units in Tronica City, Ghaziabad. CETP was not functional to the extent of requisite capacity and operating without valid consent. Member industries of CETP were directed to comply with PETP standards as prescribed by UPPCB.

iii) Sidhgarbyang Kalyan Sewa Samiti, Sitargang, District – Udham Singh Nagar Vs. State of Uttarakhand & Ors. (O.A. No. 123/2018 Order dated 13.11.2018) The Tribunal dealt with pollution in Sitarganj by industries. The STPs/CETP were not functional and untreated effluents and hazardous chemical were being discharged in open drain. It was noted that CETP was working without valid Consent to Operate (CTO). CPCB was directed to carry out fresh inspection of the CETP and the industries. The State PCB was directed to take appropriate legal action against CETP and erring industries.

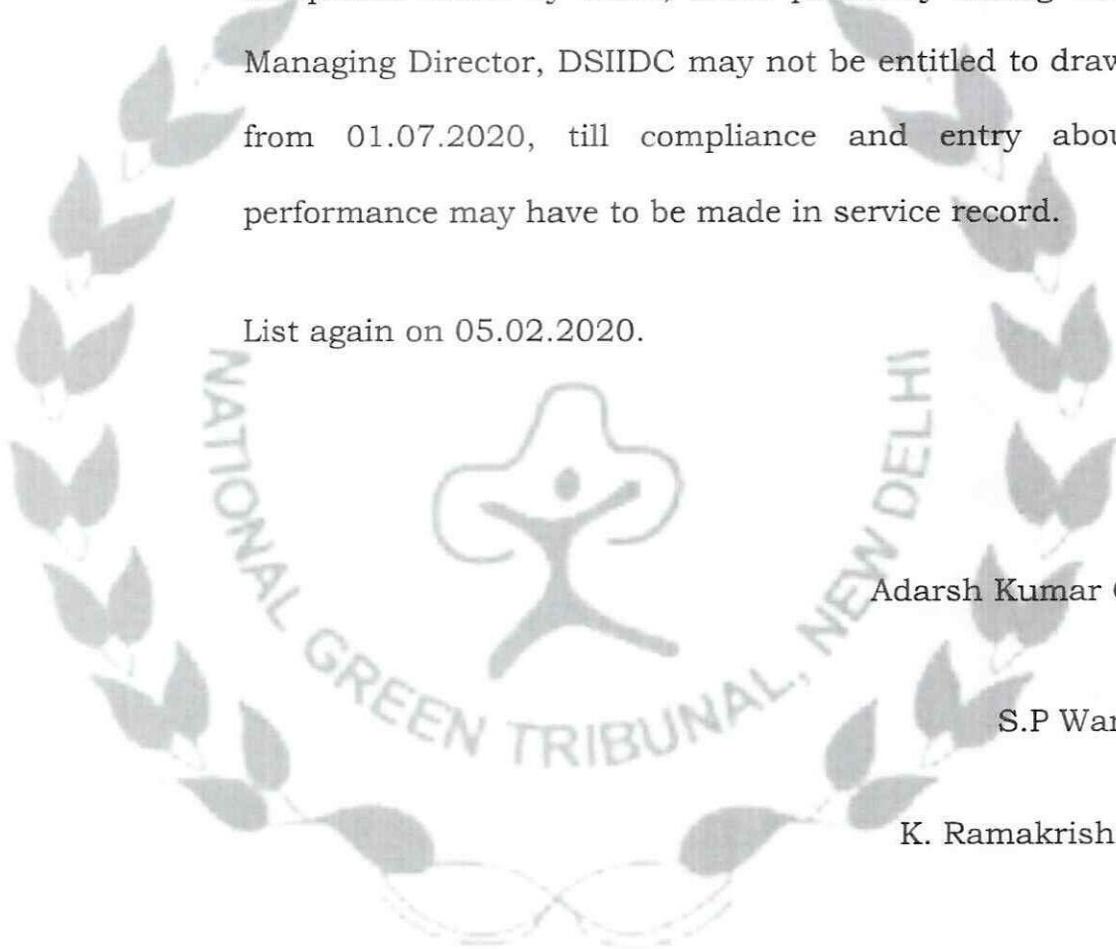
iv) M.C Mehta v. Union of India (OA No. 200/2014, order dated 14.05.2019) wherein, The Tribunal directed closing of polluting industries connected to CETP not meeting the norms.

13. The order dated 18.07.2019 shows serious ground situation on account of unscientific storage of hazardous waste. According to the Chief Secretary, the hazardous waste stored is 60,000 tonnes. We are informed that the said hazardous waste is lying since 2014. No serious action has been taken by the Authorities in Delhi on the subject. Liability of CETP for such serious violation has not been determined in spite of directions of this Tribunal. Since all these facts have been brought to the notice of the Chief Secretary, we expect further complete action in the matter within two months and a report from the Chief Secretary.

14. We may also note the allegation that apart from units connected to CETP, huge pollution is being caused by the units not so connected to CETP. The DPCC has not carried out any serious assessment in respect thereof. It is necessary to ascertain the manner of disposal of hazardous waste by such units and impact on the recipient environment so as to plan further remedial action in accordance with the Water (Prevention and Control of Pollution Act, 1974, the Air (Prevention and Control of Pollution Act, 1981, the Environment (Protection) Act, 1986 and ruled framed including Hazardous (Waste Management and Handling) Rules, 2016. Let the whole process be completed positively by 15.01.2020 including the tangible progress on setting up of TSDF and affidavit of compliance by 20.01.2020 by e-mail at judicial-ngt@gov.in.

15. The CPCB has not completed the task assigned under order dated 18.07.2019 and has filed a report seeking more time. Let complete steps for the purpose be taken in the same manner and further status report filed by 20.01.2020 by e-mail judicial-ngt@gov.in.
16. The study to be carried out at the instance of CPCB by NEERI may be completed within three months as the same data base is already available. Setting up of TSDF may also be completed latest by June, 2020 positively failing which the Managing Director, DSIIDC may not be entitled to draw salary from 01.07.2020, till compliance and entry about non performance may have to be made in service record.

List again on 05.02.2020.



Adarsh Kumar Goel, CP

S.P Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

Saibal Dasgupta, EM

November 19, 2019
Execution Application No. 11/2017
A