

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
AT NEW DELHI

## INDEX

IN

## REJOINDER AFFIDAVIT

(On Behalf of Vipin Nayyar.....Original Applicant)

IN

ORIGINAL APPLICATION NO 463 OF 2022

IN THE MATTER OF:-

VIPIN NAYYAR

...Applicant

Versus

UNION OF INDIA AND ORS

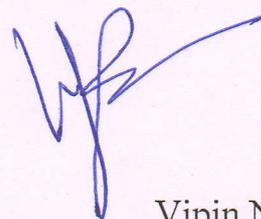
...Respondents

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Filed By



Vipin Nayyar

(Applicant in Person)

305, Gali No. 8, Veerbhadra Marg,

Rishikesh-249201, Uttarakhand

Place : Nainital

Filed On - 17.05.2024



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
AT NEW DELHI

REJOINDER AFFIDAVIT

(On Behalf of Vipin Nayyar.....Original Applicant)

IN



ORIGINAL APPLICATION NO 463 OF 2022

IN THE MATTER OF:-

VIPIN NAYYAR ...Applicant

Versus

UNION OF INDIA AND ORS ...Respondents

NDOH- 21.05.2024

REJOINDER AFFIDAVIT ON BEHALF OF THE ORIGINAL  
APPLICANT TO THE COUNTER AFFIDAVIT FILED BY  
RESPONDENT NO. 4 UTTARAKHAND POLLUTION CONTROL  
BOARD DEHRADUN ON 15.03.2024.

(4)

I, Vipin Nayyar, S/o Mr. Surinder Kumar Nayyar, aged 50 years, R/o 305, Gali No. 8, Veerbhadra Road, Rishikesh 249201-Uttarakhand, the deponent do solemnly affirm and state as under :—

**Priliminary Submissions**

1. That I am the Applicant in the Original Application No. 305 of 2022 being Vipin Nayyar vs Union of India and Ors pending before this Hon'ble Tribunal and I am fully conversant with the facts and circumstances of the case, hence competent to swear this Rejoinder Affidavit.
2. That the instant Rejoinder Affidavit is being filed in response to the Counter Affidavit dated 15.03.2024 filed by Respondent No. 4 Uttarakhand Pollution Control Board Dehradun.
3. That Respondent No. 4 Uttarakhand Pollution Control Board Dehradun has filed the Counter Affidavit in a perfunctory manner amounting to a clear transgression of law as propounded by the Hon'ble Tribunal in catena of judgments regarding eco-sensitive and prohibitory zones of River Ganga.

**Parawise Reply to Counter Affidavit**

4. That the contents of para no. 1 and para no. 2 require no comments being the matter of record.
5. That the statement in para no. 3 that respondent no. 6 Hotel Ganga Forest View and respondent no. 7 Restaurant Hide Out



A handwritten signature in blue ink, located at the bottom right of the page.

Cafe have obtained the Consolidated Consent Authorization (hereinafter referred to as CCA) from Uttarakhand Pollution Control Board raises serious questions on the working of the Board, as the said CCAs are issued by the board for commercial activity at a mere 28 meters and 9 meters respectively from the edge of the river Ganga in eco-sensitive and prohibitory zone and in complete violation of the government order G.O. No. 1743/V-2/58(आ०)14/2016 Dated 14.12.2016 where 30 meters from the edge of the river has been declared as no-construction zone and is specifically reserved for plantation / parks / grounds / agriculture. True copy of the G.O. No. 1743/V-2/58(आ०)14/2016 Dated 14.12.2016 is annexed hereto as Annexure A-I.

6. That in the Joint Inspection Report annexed at page no. 54 of the Hon'ble Tribunal's file in the matter, it was found that respondent no. 6 Hotel Ganga Forest View is operating a hotel at a mere 28 meters from the edge of the river Ganga and respondent no. 7 Restaurant Hide Out Cafe is operating at a mere 9 meters away from the edge of the river Ganga in Prohibitory Zone, and the Consolidated Consent Authorization CCA issued by the Uttarakhand Pollution Control Board is in blatant contravention of the *Order Dated 15.12.2017* Item No.16 & 17 in the case of *M.C.Mehta Vs Union of India & Ors. OA No.200 of 2014* and in the case of *Indian Council for Enviro-Legal Action Vs. National Ganga River Basin Authority & Ors*, where The Hon'ble NGT has directed



(The relevant portion of this Hon'ble Tribunal Order is extracted below) :—

“XXX.....XXX.....XXX.....”

*We reiterate that in the area falling within 50 mtrs from the edge of the river in the hilly terrain no construction activity would be permitted, nor any other activity carried out and it shall be treated as Prohibitory Zone. Beyond 50 mtrs and upto 100 mtrs in the hilly terrain it shall be treated as Regulatory Zone. Regulatory activity shall be notified by the State and till that time there shall be no construction activity permitted in that area. Once the river enters the plain or even hilly areas where width of the river is more than 70 mtrs, in that event, an area of 100 mtrs from the edge of the river shall be treated as Prohibitory Zone, while 100 mtrs to 300 mtrs would be treated as Regulatory Zone and till the time the State notifies the restricted activities, there shall be no construction activity even in the Regulatory Zone. The true copy of the Order Dated 15.12.2017 Item No.16 & 17 of The Hon'ble Tribunal in the case of M.C.Mehta Vs Union of India & Ors. OA No.200 of 2014 and in the case of Indian Council for Enviro-Legal Action Vs. National Ganga River Basin Authority & Ors is annexed hereto as Annexure A-2.*

7. That respondent no. 6 Hotel Ganga Forest View and respondent no. 7 Restaurant Hide Out Cafe have started the illegal construction of the hotel and restaurant in Prohibitory Zone in the year 2019 and 2021 respectively.



*[Handwritten signature]*

8. That the contents of para no. 4 require no comments being the matter of record.
9. That the contents of para no. 5 are only admitted to an extent of the matter of record and anything contrary thereto is vehemently denied.
10. That the contents of para no. 6 are wrong and hence denied. It is specifically clarified that in the impugned G.O. the eco-sensitive zone is declared from the middle of the river whereas the Order Dated 15.12.2017 Item No.16 & 17 of The Hon'ble Tribunal in the case of M.C.Mehta Vs Union of India & Ors. OA No.200 of 2014 and in the case of Indian Council for Enviro-Legal Action Vs. National Ganga River Basin Authority & Ors the eco-sensitive and prohibitory zone is declared from the edge of the river. It is pertinent for proper and effective adjudication of the matter that the impugned G.O.s be quashed.
11. That in view of the facts and circumstances as explained hereinabove, the Consolidated Consent Authorization dated 13.02.2024 given to respondent no. 6 Hotel Ganga Forest View on application no. 3281035 dated 05.12.2022 and the Consolidated Consent Authorization dated 22.07.2023 given to respondent no. 7 Restaurant Hide Out Cafe on application no. 4052625 dated 17.05.2023 issued by Uttarakhand Pollution Control Board may kindly be directed to remain in



abeyance being in complete violation of the orders of the Hon'ble Tribunal.

VERIFICATION

I, the Deponent herein, do hereby verify that the contents of the above Rejoinder Affidavit are correct and true to the best of my knowledge and nothing material has been concealed therefrom and the annexures filed alongwith this affidavit are true copies of their originals.

Verified at Nainital on this 17<sup>th</sup> day of May, 2024.

S.M.O. registered  
**REGISTERED**  
342



DEPONENT



Vipin Nayyar S/o Surinder  
Kumar Nayyar

sworn that Sri/Smt.....  
the Deponent Identified by..... 305 Galinao  
sworned & Verified the Contents of  
his Affidavit at..... Veerbhadrn Road  
on Date.....at.....

17/5/2024

Dr. P. S. Bhakuni  
Advocate  
Nainital  
Uttarakhand

संख्या-1743/V-2/58(आ0)14/2016

5-11-16  
11/12/16

प्रेषक,

आर0 मीनाक्षी सुन्दरम,  
सचिव,  
उत्तराखण्ड शासन।

सेवा में,

- |  |  |
|--|--|
| 1- मुख्य प्रशासक<br>उत्तराखण्ड आवास एवं नगर विकास प्राधिकरण,<br>देहरादून।  | 2- उपाध्यक्ष,<br>हरिद्वार रुड़की विकास प्राधिकरण,<br>हरिद्वार। |
| 3- मुख्य नगर एवं ग्राम नियोजक,<br>नगर एवं ग्राम नियोजन विभाग,<br>देहरादून। |  |

आवास अनुभाग-2

देहरादून, दिनांक 14 दिसम्बर, 2016

विषय- मा0 राष्ट्रीय ग्रीन ट्रिब्यूनल द्वारा पारित आदेशों के क्रम में मैदानी क्षेत्रों में गंगा एवं इसकी सहायक नदियों के किनारे अपेक्षित रेग्यूलेशन पोलिसी, निर्माण कार्य हेतु गाईडलाईन्स एवं बाईलॉज निर्गत किये जाने विषयक।

महोदय,

उपर्युक्त विषयक प्रकरण के संबंध में सम्यक विचारोपरान्त लिये गये निर्णयानुसार मुझे यह कहने का निदेश हुआ है कि मा0 राष्ट्रीय ग्रीन ट्रिब्यूनल में पारित आदेशों के क्रम में मैदानी क्षेत्रों में गंगा एवं इसकी सहायक नदियों के तटीय विकास/निर्माण निम्नलिखित प्रतिबन्धों के अधीन अनुमन्य किये जाने की सहर्ष स्वीकृति प्रदान की जाती है:-

मैदानी क्षेत्र

(अ)- प्रतिबन्धित जोन- मा0 राष्ट्रीय ग्रीन ट्रिब्यूनल द्वारा गंगा नदी एवं इसकी सहायक नदियों के मध्य से 200 मीटर तक के क्षेत्र को प्रतिबन्धित जोन निर्धारित किया गया है। उक्त क्षेत्र में विशेष परिस्थिति में तटबन्ध/बाढ़ प्रबन्ध, वृक्षारोपण, घाट निर्माण व नदी तटीय विकास/निर्माण कार्य अनुमन्य होंगे।

नोट- उक्तानुसार परिभाषित प्रतिबन्धित जोन का निर्धारण सिंचाई विभाग द्वारा किया जायेगा।

(ब)- रेग्यूलेटरी जोन- मा0 राष्ट्रीय ग्रीन ट्रिब्यूनल द्वारा गंगा नदी एवं इसकी सहायक नदियों के मध्य से 200 मीटर से अग्रेत्तर 300 मीटर तक के क्षेत्र को रेग्यूलेटरी जोन निर्धारित किया गया है।

(1) नदी के तट से 30.0-30.0 मीटर तक का क्षेत्र अथवा ऐसे क्षेत्र, जो पच्चीस साल तक के अन्तराल के आधार पर (flood upto 25 year frequency) बाढ़ प्रभावित हों, में से जो भी अधिक होगा, में किसी भी प्रकार का निर्माण अनुमन्य नहीं होगा। रेग्यूलेटरी जोन वृक्षारोपण/पार्क/मैदान/कृषि आदि तत्संबंधी गतिविधियों हेतु आरक्षित हांग। इसके अतिरिक्त समय-समय पर आहुत होने वाले धार्मिक मेलों हेतु अस्थायी निर्माण इस प्रतिबन्ध के साथ अनुमन्य होंगे कि उक्त गतिविधियों द्वारा उत्सर्जित होने वाला जल-मल व ठोस अपशिष्ट का पूर्णतः समुचित प्रबन्धन मा0 राष्ट्रीय ग्रीन ट्रिब्यूनल द्वारा दिये गये निर्देशानुसार होगा तथा उक्त का परीक्षण उत्तराखण्ड पेयजल निगम से कराया जायेगा।

(2) उक्त के अतिरिक्त अवशेष रेग्यूलेटरी क्षेत्र में निम्न निर्माण/पुनर्निर्माण निर्धारित प्रतिबन्धों की सीमा तक अनुमन्य होंगे:-

(i) मठ, आश्रम एवं मन्दिर का निर्माण निम्न प्रतिबन्धों के साथ अनुमन्य होगा:-

- (अ) भू-आच्छादन-35 प्रतिशत,  
(ब) तल क्षेत्र अनुपात (एफ0ए0आर0)-1.5,  
(स) भवन की अधिक ऊँचाई 7.5 मीटर अथवा दो मंजिल,

क्रमशः पृष्ठ-2

- (द) क्षेत्र में सीवरेज व्यवस्था हेतु मा0 राष्ट्रीय ग्रीन ट्रिब्यूनल के निर्देशानुसार कार्यवाही उपरान्त प्रस्तावित निर्माण अनुमन्य किया जायेगा,
- (ii) इस क्षेत्र में पूर्व से विद्यमान निर्माण, जो जीर्ण-क्षीर्ण अवस्था में है, की विद्यमान भू-आच्छादन एवं एफ0ए0आर0 की सीमा तक, परन्तु अधिकतम 7.50 मीटर ऊँचाई की सीमा तक पुनर्निर्माण इस प्रतिबन्ध के साथ अनुमन्य होगा कि क्षेत्र में सीवरेज व्यवस्था उपलब्ध हो।

नोट-

- निर्माण अनुमन्य होने की स्थिति में High Flood Level से भवन का न्यूनतम प्लिन्थ लेवल 1.00 मीटर होगा।
- क्षेत्र की सीवरेज व्यवस्था के संबंध में मा0 राष्ट्रीय ग्रीन ट्रिब्यूनल के प्राविधानानुसार उत्तराखण्ड पेयजल निगम द्वारा अनापत्ति प्रमाण-पत्र दिया जायेगा।

(स)- स्कैप चैनल- सर्वानन्द घाट से शमशान घाट खड़खड़ी व हर की पैड़ी से होते हुये डामकोठी तक व डामकोठी के पश्चात सतीघाट कनखल होते हुये दक्ष मंदिर तक बहने वाले भाग को स्कैप चैनल माना जाता है। उक्त क्षेत्र में जल प्रवाह नियन्त्रित होने के फलस्वरूप बाढ़ से प्रभावित होने की सम्भावना नहीं है। अतः मात्र प्रदूषण के विषय पर नदी प्रदूषण को नियंत्रित करने हेतु इस क्षेत्र में निर्माण की अनुमति, स्थल पर सीवरेज की समुचित व्यवस्था प्राधिकरण स्तर से सुनिश्चित करवाते हुए दी जायेगी।

2- गंगा नदी के किनारे निर्माण/प्रतिबन्ध से सम्बन्धित पूर्व के समस्त शासनादेशों को भी तत्काल प्रभाव से अवकमित किया जाता है।

भवदीय,

( आर0 मीनाक्षी सुन्दरम )

सचिव

संख्या- 1743 / V-2/58(आ0)14/2016-तददिनांक ।

प्रतिलिपि:-

- 1- अपर मुख्य सचिव, वन एवं पर्यावरण विभाग, उत्तराखण्ड शासन।
- 2- प्रमुख सचिव, सिंचाई विभाग, उत्तराखण्ड शासन।
- 2- आयुक्त, गढ़वाल मण्डल, पौड़ी गढ़वाल।
- 3- जिलाधिकारी, हरिद्वार/देहरादून।
- 4- मुख्य अभियन्ता, सिंचाई विभाग, यमुना कालोनी, देहरादून।
- 5- महाप्रबंधक, उत्तराखण्ड पेयजल निगम, देहरादून।
- 6- सदस्य सचिव, उत्तराखण्ड पर्यावरण संरक्षण एवं प्रदूषण नियंत्रण बोर्ड, देहरादून।
- 7- गार्ड फाईल।

( सुरेन्द्र सिंह रावत )

उप सचिव

True Copy

Wf

BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI

Original Application No. 200 of 2014  
(C.W.P. No. 3727/1985)

And

Original Application No. 668 of 2017  
(Earlier M.A. No. 923/2017)

In

Original Application No. 200/2014)

IN THE MATTER OF:

M.C. Mehta Vs. Union of India & Ors.  
And

M.C. Mehta Vs. Union of India & Ors.

**CORAM :** HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE MR. JUSTICE U.D.SALVI, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

Present: Applicant:

Mr. M. C. Mehta Ms. Mehak Ms. Katyayni,  
Adv.

Ms. Upama Bhattacharjee Mr. Sanjay  
Upadhyay, Advs.

Respondent:

Mr. B.V. Niren and Mr. Vinayak Gupta,  
Advs. for CGWA

Mr. Sanjeev Ralli and Mr. Dinesh Jindal,  
LO for Delhi Pollution Control Committee

Mr. V. K. Shukla, Adv. and Mr. Himanshu  
Dube, Advs. for State of Madhya Pradesh

Mr. Prakash Kumar Singh and Ms. Richa  
Kapoor, Advs.

Ms. Vijaya Singh and Ms. Aishwarya Mishra  
Advs

Mr. Shiv Mangal Sharma, Adv and Mr.  
Saurab Rajpal, Adv

Mr. Gautam Singh and Mr. Shoeab Alam,  
Advs. for State of Bihar

Mr. Gautam Singh and Mr. Rudreshwar  
Singh, Adv. for BSPCB

Mr. Tarunvir Singh and Ms. Guneet Khehar  
and Mr. Sandeep Mishra, Advs.

Mr. Jayesh Gaurav, Adv. for JSPCB

Mr. Vibhav Misra and Ms. Saumya Misra,  
Advs.

Mr. Bhupender, LA for Central Pollution  
Control Board

Mr. Ishwer Singh, Adv for NMCG

Mr. Appana Poddar, Adv with Mr.  
Bhupender, Kumar, LA, CPCB

Mr. Pradeep Mishra, and Daleep Dhyani,  
Adv. for UPPCB

Mr. Mukesh Verma, Adv. for UPCEB

Mr. Raj Kumar, Adv. and Mr.

Bhupender Kumar,

LA, Central Pollution Control Board.

Ms. Asha Basu Mr. Amit Agarwal, Adv. for  
West Bengal Pollution Control Board

Ms. Puja Kalra, Adv. for South and North  
MCD

Mr. Shiv Mangal Sharma, Mr. Saurabh  
Rajpal and Ms Shikha Sandhu, Adv.

Mr. I.K. Kapila, Adv. for Uttar Pradesh Jal  
Nigam, UK Pey Jal Nigam and Kanpur  
Nagar Nigam

Mr. Vijay Hansaria, Sr. Adv, Mr. Amit  
Anand Tiwari, and Ms. Vishakha, Advs. for

State of Uttarakhand

*[Handwritten signature]*

Mr. Om Prakash, Adv. for M/o Railways  
 Mr. Pradeep Misra, Mr. Daleep Dhyani,  
 Adv. for UPPCB  
 Dr. Sandeep Singh, Adv for State of Uttar  
 Pradesh.  
 Mr. Ajay Marwah, for HPPCB  
 Mr. Santesh Kumar, Adv for UPSIDC  
 Ms. Yogmaya Agnihotri, Adv. and Ms. Prity,  
 Adv. for CECB  
 Mrs. D. Bharathi Reddy and Ms. Vidyottma,  
 Adv. for State of Uttarakhand.  
 Mr. Raja Chatterjee, Mr. Chanchal Kr.  
 Ganguli for State of WB  
 Mr. Rajul Shrivastav, Adv MPPCB  
 Ms. Priyanka Sinha, Adv. for State of  
 Jharkhand  
 Mr. Anil Grover, AAG, Mr. Rahul Khurana  
 Adv. for State of Haryana and HSPCB  
 Mr. Atul Batra, Adv. for Mother Dairy  
 Mr. Mukesh Verma, UEPPCB  
 Mr. R.N. Sharma, Adv. for Agra Nagar  
 Nigam  
 Mr. Sanjeev Ralli adv with Mr. Dinesh  
 Jindel LO  
 Mr. Varun Thakur, and Mr. Kumar Ajitabh  
 Adv. with Mr. Sandeep Director and Dr.  
 Pravin Kumar Director for NMCG  
 Ms. Panchajanya Batra Singh Adv. for  
 MoEF and CC  
 Mr. Rajesh Raina, Adv.  
 Mr. Santosh Kumar, Adv. for UPSIDC  
 Mr. Atin Shankar Rastogi and Mr. Prateek  
 Yadav, Adv. for Ministry of Environment,  
 Forest and Climate Change

Date and Remarks	Orders of the Tribunal
<p>Item No. 16 &amp; 17</p> <p>December 15, 2017</p>	<p>We have heard the Learned Counsel appearing for all the stakeholders as well as Dr. A B. Akolkar, special Member of the Committee constituted by the Tribunal in relation to STPs at Haridwar. We have already passed the order on the previous dates of hearing. Today, we will deal with the 3 CETPs and other ancillary issues which are primarily concerned with the cleaning of river Ganga in Haridwar and surrounding areas.</p> <p>The CETP at Haridwar is of the capacity of 4.5 mld and the current flow at the inlet point is noticed as 3.5 mld. In other words this CETP is under-utilized. It is pointed out by the Members of the Committee, who have physically examined the CETP as well as the surroundings areas, that Lagoon where effluents from the CETP is stored has been found to be non-compliant to the</p>

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operating the CETP at Haridwar should ensure that the plant operates satisfactorily and regular records of effluents at inlet and outlet are maintained. The Pollution Control Board of Uttarakhand in consultation with the National Mission for Clean Ganga shall maintain regular supervisory control over the working of this CETP.

Two local drains which are in the Haridwar industrial area should be connected to the CETP at Haridwar and the CETP at Haridwar should be upgraded or in alternative, the two drains be intercepted and a separate CETP/STP should be put on them as their discharge is stated to be 3 to 4 mld which is obviously in excess of the remnant capacity of the CETP-SIDCUL Haridwar which is 4.5 mld and already receiving 3.5 mld.

2. As effective regulation of each and every industries may not be physically possible, particularly in regard to their regular performance, we direct that, as the drains are carrying industrial/hotels/ domestic discharge, all the industries, hotels shall be liable to contribute on the polluter pays principle for construction of the CETPs/STPs as above directed.
3. We leave it for National Mission for Clean Ganga, Uttarakhand Pollution Control Board and SIDCUL to determine which of the stated two options would be more effective in dealing with the pollution.
4. The environmental compensation payable in terms of the Section 15 of the National Green Tribunal Act,

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2010 shall be on the basis of the rooms of the hotels and the quantum of the effluents being discharged by the industry- more the rooms or more the discharge, higher shall be the contribution. We leave it for this Committee to determine the amount payable by each industry/hotel as aforesaid. If any person fails to contribute upon demand from the concerned authority their water and electricity supply would be liable to be disconnected.

5. The State of Uttarakhand, Uttarakhand Pollution Control Board and SIDCUL shall ensure that the discharge entering in the lagoon should not exceed the prescribed parameters. Steps should be taken to dredge the lagoons to remove the existing pollutants and dilution of the lagoon to take place in order to ensure that there is appropriate dilution to bring the parameters within the prescribed limits. Thereafter no pollutants in excess of prescribed limits should be permitted to enter the lagoons. The sludge is taken out from the lagoon should be maintained strictly in accordance with the relevant rules. If necessary it should be sent to TSDF at Roorkee and there shall be vehicles carrying sludge should be fitted with the GPS systems and due regular log-book should be maintained at the point of transportation and receiving entities.

**CETP at Pant Nagar**

This CETP has a capacity of 4 mld and presently it is receiving only 1.25 mld of effluents/sewage. The performance of this CETP though appears to be within

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the prescribed limits but obviously it is receiving effluents much below its capacity. Furthermore, the industries are causing direct pollution as the CETP is being either bypassed or industries are not treating their effluents and are not putting them in the drain/conveyor belt leading to the CETP. It is stated that there are nearly 520 industries out of them 213 industries are connected to this CETP. The CETP is supposed to treat the entire effluents generated in the industrial area.

Thus, in view of the above we pass the following directions.

1. The agency responsible for maintaining and operating the CETP at Pantnagar should ensure that the plants operates satisfactorily and regular records of effluents at inlet and outlet are maintained. The Pollution Control Board of Uttarakhand in consultation with the National Mission for Clean Ganga shall maintain regular supervisory control over the working of this CETP.
2. The State of Uttarakhand, Uttarakhand Pollution Control Board and SIDCUL shall ensure that the discharge entering the Lagoon should not exceed the prescribed parameters. Steps should be taken to dredge the Lagoon for removal of the existing pollutants, and dilution of the Lagoon to take place in order to ensure that there is appropriate dilution to bring the parameters within the prescribed limits. Thereafter, no



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pollutants in excess of prescribed limits should be permitted to enter the Lagoon. The sludge taken out from the Lagoon should be maintained strictly in accordance with the relevant rules. If necessary, it should be sent to TSDF at Roorkee and there shall be vehicles carrying sludge should be fitted with the GPS systems and regular log-book should be duly maintained at the point of transportation and receiving entities.

3. All the industries at CETP, Pant Nagar industrial cluster should be connected with the CETP within 8 weeks from today and if any industry is not connected within that period to the CETP the industry shall be shut down and they would not be permitted to operate without specific order of the Tribunal. Once all the 520 industries are connected to CETP obviously it will approximately receive the effluents equivalent to its capacity. If this exercise is not taken that would apparently mean that pollutants are being sent directly untreated into the river/ water bodies or the drains ultimately leading to the river Ganga.

#### CETP AT SITARGANJ

This CETP has a capacity of 4 mld and currently it is receiving the effluents to the extent of 2.5 mld,. This carries both the sewage and the trade effluents. The plant has been found to be not meeting the prescribed standards. The plant is not handling the waste effluent/

	<p><b>Item No. 16 &amp; 17</b></p> <p><b>December 15, 2017</b></p>	<p>sewage strictly in accordance with the relevant rules.</p> <p>Learned Counsel appearing for the Project Proponent i.e. Agency that is operating the CETP submits that they were advised by the IIT Roorkee to change the media and do its upgradation, and they were in the process doing upgradation when the effluents were collected, and now they have changed the media and have also taken steps to upgrade the plant and currently the plant is operating satisfactorily.</p> <ol style="list-style-type: none"><li>1. The agency responsible for maintaining and operating the CETP at Sitarganj should ensure that the plant operates satisfactorily and regular records of effluents at inlet and outlet are maintained. The Pollution Control Board of Uttarakhand in consultation with the National Mission for Clean Ganga shall maintain regular supervisory control over the working of this CETP.</li><li>2. All the industries and other units must be connected to the conveyor belt leading to the CETP. The CETP has a capacity where it can receive more effluents/sewage and all industries should be connected to the CETP within 8 weeks from today. They should immediately take steps to handle the sewage/waste effluent in accordance with the rules and transport the sludge to the TSDF at Roorkee.</li><li>3. We make it clear that all the stakeholders including State should enforce these directions strictly as per the time schedule provided. In the event of default the agency operating the CETP shall be liable to pay environmental compensation of Rs. 50,000/- per</li></ol>
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day for each default. The officers who are found to be responsible for non-compliance of the directions would be liable to be proceeded against in accordance with the law including for violating the order of the Tribunal.

It is stated on behalf of State of Uttarakhand that 50 kms stretch of river Ganga in Haridwar and 10 kms stretch in Uttarakashi has been demarcated for delineation of High Flood Line. The process in these two segments has been completed. However, for the remaining stretch of river Ganga in Uttarakhand, the Cabinet had already granted its approval and the State Government and other stakeholders shall take appropriate steps without further delay. Let the entire exercise for demarcation of HFL in the Ph-1 Segment A be completed within three months from today without default. In the event of non compliance the concerned officer shall be liable to be proceeded against in accordance with the law in terms of the judgment till then no construction would be permitted in the Flood Plain in consonance with the judgement of the Tribunal in the case of *Indian Council for Enviro-Legal Action v. National Ganga River Basin Authority & Ors.* we reiterate that in the area falling within 50 mtrs from edge of the river in the hilly terrain no construction would be permitted, nor any other activity carried out and it shall be treated as Prohibitory Zone. Beyond 50 mtrs and up to 100 mtrs in the hilly terrain it shall be treated as Regulatory Zone. Regulatory activity shall be notified by the State and till that time there shall be no construction activity permitted in that area. Once the

	<p><b>Item No. 16 &amp; 17</b></p> <p><b>December 15, 2017</b></p>	<p>river enters the plain or even hilly areas where width of the river is more than 70 mtrs, in that event area of 100 mtrs from the edge of the river shall be treated as Prohibitory Zone while 100 mtrs to 300 mtrs would be treated as Regulatory Zone and till the time the State notifies the restricted activities, there shall be no construction activity even in the Regulatory Zone.</p> <p>It is fairly stated by the Learned Counsel appearing for the State that plastic use have considerably reduced but certainly it has not been stopped totally. He further states that notification banning the plastic and thermocol has been issued. However, the same has not been fully implemented as yet.</p> <p>The Learned Counsel appearing for the other parties including the Committee Members submit that the plastic and its remnants cause pollution of river Ganga. We reiterate our order passed in the judgment and we totally prohibit the use of any kind of plastic i.e. plastic bags (irrespective of their thickness), cutlery, plastic, plates etc in the entire towns located at the bank of river Ganga or its tributaries. There shall be total prohibition particularly in Haridwar at places like Harkipauri, Lakshman Jhoola and Chandi Peeth and all other places in Haridwar and Rishikesh and upper regions.</p> <p>We further direct that there shall be complete prohibition on manufacturing and sale of the plastic products in these areas.</p> <p>It may be noticed that various State Governments have already passed special prohibitory directions and are being effectively implemented even the places like Shimla</p>
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	<p><b>Item No. 16 &amp; 17</b></p> <p><b>December 15, 2017</b></p>	<p>and Chandigarh and other parts of the country. There is no reason why the State of Uttarakhand and Uttarakhand Pollution Control Board should not implement these directions strictly and without default. For each default of the local authority, the Pollution Control Board shall levy environmental compensation of Rs. 5000/- and submit the compliance report to the Tribunal.</p> <p><b><u>BIO-DIGESTERS</u></b></p> <p>Learned Counsel appearing for the State submits that the bio-digesters in terms of the judgment of the Tribunal have not been constructed in the entire area as yet. He further states that transportation of the sludge or other material collected in the bio-digester has not been started as of now. It is stated that on experiment basis one bio-digester installed in Uttarakhand did not show good results satisfying the prescribed parameters. However, the Learned Counsel appearing for Uttarakhand Jal Nigam submits that when on the advice of the IIT Roorkee the bio-digester was fixed with the filter for proper filtration, it performed within the prescribed limits.</p> <p>In light of the above we direct the State of Uttarakhand to comply with the directions contained in the order in relation to the installation of bio-digesters fixed with the filter as advised by the IIT Roorkee and which have already proved to be successful and let this exercise now be positively completed within 6 months from today. In the event of default appropriate action shall be taken against the defaulting officers irrespective of their status.</p> <p>With the above we close this case as far as Ph-I</p>
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<p><b>Item No. 16 &amp; 17</b></p> <p><b>December 15, 2017</b></p>	<p>Segment A is concerned. However, we further direct that the compliance report shall be submitted to the Tribunal every month by the Uttarakhand and Uttarakhand Pollution Control Board, SIDCUL and Pey Jal Nigam. This report shall be provided in advance to the Special Committee constituted by the Tribunal and Committee would be entitled to verify the contents thereof and submit a final report to the Tribunal.</p> <p>Learned Counsel appearing for the State is granted final opportunity to submit complete and comprehensive report in relation to the compliance of the directions passed in respect of under construction of hydel project, construction of STPs and other preventive steps that they were required to take for protection of environment in terms of the judgment of the Tribunal.</p> <p>The BHEL shall also place its report before the Tribunal.</p> <p>List these matters on 23<sup>rd</sup> January, 2018.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (U.D. Salvi)</p> <p>.....,EM (Dr. Nagin Nanda)</p>
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