

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
Original Application No. 125 of 2017**

IN THE MATTER OF:

Court on its own motion

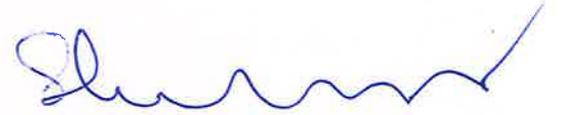
Versus

State of Karnataka

..Respondent

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REPLY MEMO ON BEHALF OF BWSSB TO THE CONCISE SUBMISSION BY THE LD. AMICUS CURIAE DATED
07.08.2020

The Reply of BWSSB to the concise submissions by the Ld. Amicus Curiae dt 07.08.2020 has been produced in tabular form below:

| S. No. | Points raised the Ld. Amicus Curiae <i>vide</i> the Concise Submissions dt. 07.08.2020 | Response of BWSSB | | | | | | | | |
|-------------|--|--|-------------|----------|----------|---------|--|--|--|--|
| 1. | <p><u>S. No. 1(e) (Page 3) of the Submissions</u></p> <p><i>“Lastly, BWSSB has omitted to state the status of the “Reuse of treated water from the STPs under construction”, the details of which are mentioned on page 5 of the Monitoring Committee Report dated 06.03.2020.”</i></p> | <p><u>Refer – S. No. 5, Pg. 16 of Compliance Report dt. 15.07.2020</u></p> <p>As reported by the Monitoring Committee, vide its report dated 06.03.2020, keeping in line with the objectives of National Green Tribunal to enhance the ecological balance, BWSSB in the joint meeting with MI department has concluded that MI department will install the necessary infrastructure to augment the treated water and to pump the same to the lakes in the adjoining water depleted areas to increase the ground water table. The details of which are as follows:</p> <table border="1" data-bbox="1244 1409 2398 1468"> <thead> <tr> <th>Name of STP</th> <th>Capacity</th> <th>Quantity</th> <th>Remarks</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> | Name of STP | Capacity | Quantity | Remarks | | | | |
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| | | | | | | | | | | |

| | | in MLD | committed to MI Dept in MLD | |
|--------------------------------|---|---|-----------------------------|---|
| Functioning STP's | | | | |
| K&C Valley | | 218 | 218 | Already about 330 to 350MLD of treated water is pumped to Kolar |
| | | 30 | 30 | |
| | | 60 | 60 | |
| BellandurAmmanikere | | 90 | 90 | MI department has to install the necessary infrastructure for pumping |
| Kadabisanahalli | | 50 | 40 | |
| Sarakki | | 5 | 4 | |
| Agara | | 35 | 30 | |
| Hulimavu | | 10 | 9 | |
| STP' Under construction | | | | |
| K&C Valley | | 150 | 120 | |
| Chikkabegur | | 5 | 4 | |
| TOTAL | | 653 | 565 | |
| 2. | <p><u>S.No. 1(a), Page 1 of the Submissions</u> <i>"The previous Committee Report dated 31.05.2015 at Page 1498 gives details of six STPs which are under construction...."</i></p> <p><u>Para 1(f), Page 3 of the Submission</u> <i>"In view of the directions issued by the Hon'ble</i></p> | <p><u>Refer S.No. 1, Pg. 3-8 of the Compliance Report dt. 15.07.2020</u></p> <p>i. As per the envisaged action plan, BWSSB was required to construct 6 STP's out of which 4 of the STPs at Cubbon Park (completed and commissioned in June 2018),Sarakki(1(d), Pg. 5), Hulimavu (1(f), Pg. 6), Agaram (1(h),Pg. 7) are already completed and commissioned, whereas the 5th STP at Chikkabegur (S. No. 1(e), Pg. 6) is ready and treatment of sewage has been started and formation</p> | | |

Tribunal, it is manifest that BWSSB has miserably failed to undertake the work earnestly and to adhere with the timelines fixed by the Hon'ble Tribunal. Consequently, the Hon'ble Tribunal may impose fines as described in para 28(i) of order dated 18.12.2019 (at page 20) and invoke the performance guarantee as observed in para no. 26(xiii) of order dated 06.12.2018 (at page 14), in the event, the sewage action plan is not completed by 30.09.2020, the time already granted by the Hon'ble Tribunal. Further direct if the identified works are not completed by 30.09.2020, the names & designations of officers responsible for such work be provided to the Hon'ble Tribunal along with the details of action taken against such officers."

of Bacterial media is under progress, however as stated in compliance status report dated 15-07-2020 the STP in full will be completed by **September 2020**. As far as the 6th STP at K&C Valley of 150MLD, the work is in progress and as on date a progress of **80% is achieved**. The delay in completion of this STP is mainly due to the situation of COVID-19 conditions, which have been explained in the status report dated 15-07-2020, the same is also reiterated in Remarks column. However, as per the compliance report the work will be completed by 31-03-2021.

- ii. Further, as per Action plan, the work of 210MLD Intermediate Sewage Pumping Station (ISPS) at Koramangala sports complex (**1(b), Pg. 4**) is complete and ready to pump sewage to the 150MLD STP at K&C Valley, however the same can be done after completion of the STP and the work of laying of pumping main.
- iii. Laying of 1800 mm dia (**1(c), Pg. 4**) raising main from 210 MLD ISPS to 150 MLD STP – S2D(a) of length 5.315 Km, this work is under progress and there is delay in completion due to the fact that Laying of pipelines in the storm water drains (SWD) is very difficult as the location of the work in this drain is at the end of the valley carrying huge quantity of storm water. At present 3500 RMT of pipeline work is completed as against 5315 RMT. Further , the NGT Monitoring Committee in its report has also opined that "Laying of pipelines in the storm water drains (SWD) is very difficult as the location of the work in this drain is at the end of the valley carrying huge quantity of storm water. At present 3972 RMT of pipeline work

is completed as against 5315 RMT.” However this work will also be completed before 31-3-2021.

- iv. Setting up of Waste Water wet well of 32.5 MLD capacity **(1(i),Pg. 7)** near this STP to augment sewage from adjoining areas of this STP, the delay in carrying out this is mainly due to COVID-19 conditions. However, it is to submit that due to other sewage network linking works carried out on upper reaches a total of around 85 to 90MLD sewage is already being treated in 90MLD STP at BellandurAmmainkere STP.

BWSSB has put all efforts in completing the work in adherence with the timelines provide by this Hon’ble Tribunal. It is humbly prayed that considering the prevailing circumstance, the timeline fixed by this Hon’ble Tribunal may be extended upto 31.03.2021.

Note:

In view of the COVID-19, the Hon’ble Government of India declared Nationwide Lock Down since 23.03.2020 onwards. Hence, there had been no progress of work from 24.03.2020 upto 14.04.2020. Further, vide order No. 15.04.2020 Department of Health and Family welfare, Government of India classified Bengaluru urban under Red hot zone. Under the circumstances, the restrictions were continued till 03.05.2020 and as such though movement of non-essential goods vehicles were permitted still mainly the necessary cement and steel for the constructional activities could not be arranged because of shutdown of the manufacturing units.

Construction activities for STP requires skilled labours for centring, shuttering, installation of electromechanical equipment etc. Almost all the skilled labours were engaged by the contractor from the states of Jharkhand, Chhattisgarh, Bihar, West Bengal and Odisha. The Government of India in its directions on 29.04.2020 has allowed in situ activity for constructional purposes with guidelines to maintain social distance and other precautionary measures as per stipulations. Due to this, the contractor has actually started mobilizing the work force to the site and had also placed orders for constructional materials. However, physical activities in the site had been started on 02.05.2020, as the steel and cement reached the site on those days. In the meanwhile Government of India in its order dated 02.05.2020 permitted the movement of migrant workers who want to go to their residences. Due to which most of the migrant workers from other states have moved out of the site and have gone to their native places. On the other hand Bangalore being in the Red zone no labourers from any other districts is allowed to enter Bangalore.

Even though unlock was announced by the Government from Jun 8 th onwards, due to raise in the number of COVID cases in Bangalore, it has become very difficult to strengthen the existing labour force required for carrying out works. Also, as the type of works which are being carried out are mostly associated with sewage, the labours required for such type of works are also not ready to work in these pandemic conditions. This has resulted in acute shortage of labour force. Hence, the timelines fixed for the identified works for Bellandur and Varthur lakes may not be achievable and

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| | | <p>also uncontrolled of COVID-19, the Hon'ble State Government of Karnataka has declared Lock Down since 14.07.2020 at 8 P.M to 22.07.2020 at 5 A.M. Due to this at present the probable date of completion of all the works cannot be proposed till situation with respect to labourers and materials becomes clear.</p> <p>Under the circumstances, the exact timeline required for completion of the work can only be estimated after substantial easing out of the situation and also after sufficient labour force movement is allowed. Thus it is humbly requested that the Hon'ble NGT may kindly consider all the above facts in assessing the situation and allow more time for completion of the works.</p> |
| 3. | <p><u>S.No. 2, Page 4 of the Submissions</u></p> <p><i>“a. From the Monitoring Committee Report as well as the Compliance Report (dated 15.07.2020) filed by BWSSB, it is not clear about the steps initiated and work undertaken for removal of Biological Nutrient from the sewage and particularly in respect of 248 MLD STP at K&C Valley. BWSSB in its compliance report has stated that “under the circumstances the timeline for completion of work will go beyond”.</i></p> <p><i>b. In view of the above, the Hon'ble Tribunal be pleased to direct BWSSB to provide details of the steps initiated and work undertaken for removal of Biological Nutrient from the sewage.”</i></p> | <p><u>Refer - S.No. 2, Pg. 8 of the Compliance Report dt. 15.07.2020</u></p> <p>Based on the concept note developed by the Professors of IISc and in consultation with the consultants M/s CH2M Hill India Pvt. Ltd., appointed for upgradation of 248 MLD STP at K&C Valley, the estimate prepared for immediate action to achieve Biological Nutrient Removal in 248 MLD STP has been approved by Government of Karnataka including approval to take up the works from M/s KRIDL under 4G exemption. Proposal is also approved in Board meeting of BWSSB on 27.01.2020.</p> <p>The work orders for consultancy for upgradation of the 248 MLD STP is issued to the consultants M/s CH2M Hill (India) Pvt. Ltd. Also a letter to proceed with the work has been issued to M/s KRIDL for taking up the works.</p> <p>In this regard M/s.KRIDL had called tenders for procurement of equipments</p> |

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| | | <p>and instruments on 20-04-2020 with 29-04-2020 as the last date for submission of tenders, the bids were opened on 02-05-2020 and no tenderers have participated in the tender. 2nd call of the tender is uploaded on 11-05-2020.</p> <p>Even for the second extended call, there were no proper responses from the tenderers. Under the circumstances, M/s KRIDL have written a letter to BWSSB to take up the said works from BWSSB side only. This situation is mainly due to prevailing pandemic due to which the suppliers are asking for a lead time for supply of around 6 months.</p> <p>As such in order to attain the target of time line fixed by NGT as 30.09.2020 for removal of BNR, BWSSB in consultation with the consultants M/s CH2M Hill India Pvt. Ltd. and the team of Professors from Indian Institute of Science has evaluated a concept to achieve removal of Nitrates before 30.09.2020 by making changes in the existing process of treatment and BWSSB has taken action to call tender.</p> |
| 4. | <p><u>S.No. 3, Page 4 of the Submissions</u></p> <p><i>“a. Hon’ble Tribunal had directed action to be taken against persons for discharge of treated water in the Underground Drainage Network (UGD), which was resulting in a loss of over Rs. 7 Crore per year, which was without any justification.</i></p> <p><i>b. As per the report of the Monitoring Committee</i></p> | <p><u>Refer – S. No. 4, Page 13 of the Compliance Report dt. 15.07.2020</u></p> <p>The list provided by KSPCB for 496 buildings having STPs has been inspected by BWSSB engineers and out of 496 buildings 109 buildings UGD connections are disconnected, there is no BWSSB UGD network near 378 buildings, 2 buildings are beyond the 110 village limits of BBMP, 5 buildings addresses are repeated in the list, 1 building address is not traceable and 1 building does not have STP. BWSSB is identifying the sources of</p> |

(06.03.2020), admittedly 4.58 MLD of excess treated sewage is yet being discharged in the UGD Network, the corresponding loss for 4.58 MLD works out to Rupees 2.79 Crores per year.

c. The Monitoring Committee report is silent about the action initiated for the past discharge of 11.462 MLD and the current continuing discharge of 4.58 MLD. It is therefore, submitted that at least the continuing Rupees 2.79 Crores per year which are being lost without justification, be recovered from BWSSB and the 109 Units which are generating excess treated sewage.

d. The Report is also silent about the final utilization of the treated sewage water which is being discharged by 378 Units which are not connected to the BWSSB UGD Network. It can be presumed that all the excess treated sewage is being discharged into open drains, which presumably could reach one STP or the other.”

discharge of sewage and will disconnect water supply and UGD connections of the defaulting establishments and also send a complaint to KSPCB. If the defaulting establishment is using ground water then the complaint has also to be booked with KSPCB for its action. Further, the treated water was allowed only as per the conditions stipulated in the order of the consent issued by KSPCB. Thus, the proposal to recover Rupees 2.79 Crores per year from BWSSB is not right, as KSPCB is the authority to give consent to the STP's treated water discharge point.



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Date: 10.08.2020