

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

ORIGINAL APPLICATION NO. 625 OF 2024

In the matte of:

News Item titled "जबलपुर : नालों के पक्का करने में पौने चार सौ करोड़ खर्च और वर्क अब भी अधूरा" appearing in Dainik Bhaskar dated 20.05.2024

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Filed by Adv. Amit Singh Chauhan
(On behalf of Central Pollution Control Board)

Dated: 17.09.2024

Place: Delhi

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 625 OF 2024

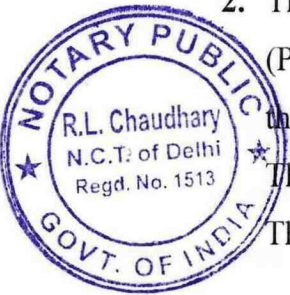
In the matter of:

News Item titled "जबलपुर : नालों के पक्का करने में पौने चार सौ करोड़ खर्च और वर्क अब भी अधूरा" appearing in Dainik Bhaskar dated 20.05.2024

REPLY ON BEHALF OF CENTRAL POLLUTION CONTROL BOARD (CPCB)

i.e. RESPONDENT NO. 2

1. That, Hon'ble NGT vide order dated 27.05.2024 and vide notice dated 20.07.2024 has sought the reply of Central Pollution Control Board (hereinafter referred to as CPCB) over the averments brought out in the News Item "जबलपुर: नालों के पक्का करने में पौने चार सौ करोड़ खर्च और वर्क अब भी अधूरा" appearing in Dainik Bhaskar dated 20.05.2024. Thereby, the reply is made in succeeding paragraphs.
2. That, CPCB is a statutory Board constituted under Section 3 of The Water (Prevention and Control of Pollution) Act, 1974. It performs the functions under the Water (Prevention and Control of Pollution) Act 1974 (hereinafter Water Act), The Air (Prevention and Control of Pollution) Act, 1981 (hereinafter Air Act), and The Environment (Protection) Act, 1986.
3. That, it is humbly submitted that the State Pollution Control Boards/Pollution Control Committees (hereinafter referred to as SPCBs/PCCs) have been constituted in States/Union Territories under Water Act, 1974 and Air Act, 1981 to perform the functions and implement the provisions of these Acts in respect of territories under their territorial Jurisdiction.



4. That, the present matter is related to the Storm Water Drainage System Scheme in Jabalpur, Madhya Pradesh built for the drainage of dirty water from inside the city. It is alleged that the construction of the drainage system for a sum of Rs. 374.99 crores were awarded by issuing the tender in 2010 and as per the tender condition, the work was to be completed within two and a half years but 14 years have passed thereafter, but the work is still allegedly incomplete.
5. That, vide Hon'ble NGT order dated 27.05.2024 passed in the present matter, the Joint Committee has been constituted by the Hon'ble Tribunal comprising of representative of the Member Secretary, CPCB; RO, MoEF&CC, Bhopal and District Magistrate, Jabalpur. The District Magistrate, Jabalpur has been directed to be coordinating agency in the Committee. Accordingly, CPCB communicated the nomination of its representative on 24.06.2024. In compliance of the order of Hon'ble Tribunal, the joint committee has inspected the site on 28.08.2024 and 29.08.2024 to ascertain the correct position as directed by Hon'ble NGT. The report is under preparation and will be submitted by the co-ordinating agency.
6. That, the answering respondent craves leave of the Hon'ble Tribunal to file an additional reply, if required, in the future.
7. That in the light of the above submissions, it is respectfully submitted that this Answering Respondent, i.e., CPCB, shall abide by any order(s) or direction(s) passed by this Hon'ble Court in the present OA.




(Vishal Gandhi)
Scientist 'E'
Central Pollution Control Board

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 625 OF 2024**

In the matter of :

News Item titled "जबलपुर : नालों के पक्का करने में पौने चार सौ करोड़ खर्च और वर्क अब भी अधूरा" appearing in Dainik Bhaskar dated 20.05.2024

AFFIDAVIT

I, Vishal Gandhi, working as Scientist 'E' in Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi, the Respondent No. 2 in the above matter, do hereby solemnly affirm, declare on oath and state as under: -

1. That I, the deponent herein is authorized representative to represent the Respondent CPCB in the present case, and as such, I am well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent and authorized to verify, sign and swear this affidavit on behalf of the Respondent CPCB.
2. That the accompanying reply may be read part and parcel of the present affidavit.
3. That the accompanying reply has been drafted and filed under my instructions and authority the contents thereof are true and correct on the basis of the record maintained during ordinary course of business of CPCB and available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.




DEPONENT

विशाल गांधी / Vishal Gandhi
वैज्ञानिक 'ई' / Scientist 'E'
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
(Mo Environment, Forest & Climate Change, Govt. of India)
परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
Parivesh Bhawan, East Arjun Nagar, Delhi-110032

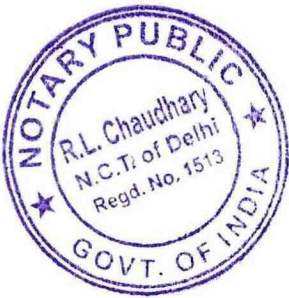
VERIFICATION

17 SEP 2024

Verified at New Delhi on this day of _____ 2024 that the contents of the above reply are correct and true on the basis of the records of the case as mentioned in the day-to-day affairs of the CPCB. Nothing has been concealed therefrom or mis-stated.


DEPONENT

विशाल गांधी / Vishal Gandhi
वैज्ञानिक 'ई' / Scientist 'E'
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
(पर्यावरण, वन एवं जलवायु परिवर्तन विभाग, भारत सरकार)
(Min. Environment, Forest & Climate Change, Govt. of India)
परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
Parivesh Bhawan, East Arjun Nagar, Delhi-110032



ATTESTED

NOTARY PUBLIC
GOVT. OF INDIA

17 SEP 2024

विशाल गांधी / Vishal Gandhi
वैज्ञानिक 'ई' / Scientist 'E'
केंद्रीय प्रदूषण नियंत्रण बोर्ड
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परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
Parivesh Bhawan, East Arjun Nagar, Delhi-110032

Item No. 14

Court No. 1

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

Original Application No. 625/2024

News Item titled "जबलपुर : नालों के पक्का करने में पौने चार सौ करोड़ खर्च और वर्क अब भी अधूरा" appearing in Dainik Bhaskar dated 20.05.2024

Date of hearing: 27.05.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

ORDER

1. This Original Application is registered *suo-moto* on the basis of the news item titled " जबलपुर : नालों के पक्का करने में पौने चार सौ करोड़ खर्च और वर्क अब भी अधूरा " appearing in Dainik Bhaskar dated 20.05.2024.

2. The news item relates to the Storm Water Drainage System Scheme in Jabalpur, Madhya Pradesh built for the drainage of dirty water from inside the city. As per the article the scheme is still incomplete even after 14 years and incurring an expenditure of almost 4 crore rupees. The article highlights that despite spending billions, the city could not get rid of water logging and filth days after the monsoon season. On normal days, due to these open drains and filth, mosquitoes are making life of the residents of the city difficult. Furthermore, in the summer season, the condition of dirt is such that mosquitoes become a problem even in the upper stories of multi- storied buildings.

3. The news item states that due to incomplete drainage systems, the problem of flooding has increased. Water borne diseases are affecting people and even little rain, leads to flooding of about one-fourth of the

city. It states that work of about 34 drains is incomplete in the city's storm water drainage system scheme. Five big drains including Omti, Shah, Khandari, Moti and Urdna and 129 small drains were included in the scheme in the initial phase. The work of not even a single drain has been completed properly and problem of dirt and mosquitoes has not been solved.

4. The news report further reflects that the contract for building the drainage system for a sum of Rs. 374.99 crores was awarded by issuing the tender in 2010 and as per the tender condition, the work was to be completed within two and a half years but 14 years have passed thereafter, but the work is still incomplete.

5. The news item raises substantial issue relating to compliance of the environmental norms, especially compliance of Water (Prevention and Control of Pollution) Act, 1974 and the Environment (Protection) Act, 1986.

6. Power of the Tribunal to take up the matter *suo-motu* has been recognized by the Hon'ble Supreme Court in the matter of "*Municipal Corporation of Greater Mumbai vs. Ankita Sinha & Ors.*" reported in 2021 SCC Online SC 897.

7. Hence, we implead the following as respondents in the matter:

- (1). Madhya Pradesh State Pollution Control Board, through its Member Secretary, E-5, Paryavaran Parisar, Arera Colony, Bhopal.
- (2). Central Pollution Control Board, through its Member Secretary, Parivesh Bhawan, East Arjun Nagar, Delhi-110032

(3). District Magistrate, Jabalpur Collectorate Campus Rd, South Civil Lines, Jabalpur, Madhya Pradesh 482001

8. Issue notice to the above respondents for filing their response at least one week before the next date of hearing.

9. Having regard to the serious environmental issue raised in the news item, we deem it proper to form a three Member joint Committee comprising of the representative of the Member Secretary, CPCB; RO, MoEF&CC, Bhopal and District Magistrate, Jabalpur. The District Magistrate, Jabalpur will act as coordinating agency in the Committee. The joint Committee will visit the sites and ascertain the correct position in respect of the following:-

- i. The status of existing sewage drainage system in the city.
- ii. The status of storm water drains and progress of repair/reconstruction of storm water drain system in the city.
- iii. Daily generation of sewage within the Municipal limits of Jabalpur and existing Sewage Treatment Capacity and gap, if any.
- iv. The status of STP, its capacity and capacity utilization.
- v. The status of funds allotted for the storm water drainage system scheme for which the tender was issued in 2010 and the extent of funds spent till now and the extent of work which has been completed and if work has been done commensurate to funds released.
- vi. The reason for non-completion of the work awarded in pursuance to the tender of the year 2010 till now.
- vii. The Committee will collect the samples from the sources of drinking water supply to the residents of the city, get it analyzed from the laboratory of the CPCB and submit the water analysis report.

10. The matter relating to compliance of the norms relating to the sewage management in terms of the judgment of the Hon'ble Supreme Court in the matter of *Paryavaran Suraksha Samiti and Ors vs. Union of India & Ors.* reported in (2017) Vol 5 SCC 326 concerning the State of Madhya Pradesh is listed on 19.09.2024.

11. Hence, this OA is listed along with the *OA No. 606 of 2018 (In respect of State of Madhya Pradesh), Compliance of Municipal Solid Waste Management Rules, 2016 and other environmental issues* on 19.09.2024.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

May 27, 2024
Original Application No. 625/2024
SN