

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Original Application No.627/2022

Prakash Yadav s/o Fateh Singh, r/o- VPO- Kharkhara, District Rewari

...Applicant

Versus

- 1 State of Haryana through its Chief Secretary Government of Haryana
- 2 Haryana State Pollution Control Board (HSPCB)
- 3 Commissioner, Municipal Corporation Rewari
- 4 District Magistrate Rewari
- 5 Principal Secretary, Irrigation and Water Resources Department,
Government of Haryana
- 6 Principal Secretary, Public Health Department, Government of Haryana
- 7 Haryana Sahari Vikash Pradhikaran (HSVP), Rewari
- 8 District Development and Panchayat Officer (DDPO) Rewari

...Respondents

Application is registered based on a Letter Petition received by Email

Reply on behalf of respondent no. 5 to the above titled Letter Petition

Respectfully Showeth :

- 1 That the complaint dated 17-5-2022 moved by Prakash Yadav before the NGT with allegation that polluted water is standing near by village Kharkhara in about hundred acre of land due to this polluted water villagers of near by villages are also affected and this polluted water also affected the ground water and environment also.
- 2 That on his complaint, the Ld. NGT has taken cognizance and passed the order dated 30-9-2022.
- 3 That in compliance of the order dated 30-9-2022 passed by this Hon'ble Principal Bench of NGT, the Deputy Commissioner Rewari constituted the Joint Committee vide their letter no. 3715-20 dt. 14-11-2022 consisting of following officers and to submit the action taken report:-
 1. The Additional Deputy Commissioner, Rewari Chairman
 2. The Regional Officer, HSPCB Rewari Vice Chairman
 3. The Executive Engineer, PHED, Rewari Member
 4. The Executive Engineer, Irrigation, Rewari Member
 5. The Executive Engineer, MC, Rewari Member
- 4 That in-compliance of the above order, the Joint Committee visited the site on 25-11-2022 along with complainant Parkash Yadav s/o Sh. Fateh Singh, VPO Kharkhara and made inspection at the site. During the inspection of the site, the samples were collected from the following locations :-
 - (i) 3 points nearby Masani Barrage
 - (ii) Outlet of pipeline carrying effluent of Rewari city in the LBS Channel, village Jarthal
 - (iii) Outlet of 9.5 MLD, STP, PHED, village Kharkhara
 - (iv) Outlet of 5 MLD, STP, HSVP, Dharuhera

- (v) Outlet of 16 MLD, STP, PHED, Nasiaji Road, Rewari
 - (vi) Outlet of 8 MLD, STP, PHED, Nasiaji Road, Rewari
 - (vii) Outlet of 6.5 MLD, STP, PHED, village Kaluwas, Rewari
 - (viii) Outlet of 3.5 MLD, STP, PHED, Bawal
- 5 That the samples collected from the above locations were sent to the State Laboratory of the Haryana State Pollution Control Board, Sector-16A, Faridabad for the analysis of the samples.
- 6 The sample analysis report was received from the State Laboratory Faridabad with regard to the samples collected from the aforesaid locations and sent for analysis. The parameters of effluent collected from 03 No. of locations from nearby Masani Barrage are found with-in the prescribed limits as per Schedule-VI under the Environment (Protection) Rules, 1986. As per analysis report, the various parameters of the effluent from the following STPs were found exceeding the standards fixed by HSPCB.
- a) Outlet of pipeline carrying effluent of Rewari city in the LBS Channel, village Jarthal
 - b) Outlet of 9.5 MLD, STP, PHED, village Kharkhara
 - c) Outlet of 5 MLD, STP, HSVP, Dharuhera
 - d) Outlet of 16 MLD, STP, PHED, Nasiaji Road, Rewari
 - e) Outlet of 8 MLD, STP, PHED, Nasiaji Road, Rewari
 - f) Outlet of 6.5 MLD, STP, PHED, village Kaluwas, Rewari
 - g) Outlet of 3.5 MLD, STP, PHED, Bawal
- 7 That the locations of the samples collected from nearby the Masani Barrage and the Lal Bahadur Shastri (LBS) Recharge Channel comes under the jurisdiction of Irrigation Department and the samples collected from these locations are within parameter limits. No effluent sewage of any STPs in

question, passes through the (LBS) Recharge Channel which is free from any effluent sewage and will be cleaned by 30-6-2023.

8 That the action taken report was submitted in Hon'ble National Green Tribunal, Principal Bench, New Delhi in the original application no. 627/2022 titled as Parkash Yadav V/s State of Haryana. That as per action taken report, the Regional Office HSPCB, Dharuhera has filed prosecution against the following 04 No. of STPs (These STPs does not come under the purview answering respondent department but comes under the purview of Public Health) :-

- a) 16 MLD, PHED, Nasiaji Road, Rewari
- b) 8 MLD, PHED, Nasiaji Road, Rewari
- c) 6.5 MLD, PHED, village Kaluwas, Rewari
- d) 9.5 MLD, PHED, village Kharkhara

And the filing of prosecution against the following 02 No. of STPs are under process i.e.

- a) 5 MLD, STP, HSVP, Dharuhera, Rewari
- b) 3.5 MLD, PHED, Bawal, Rewari

And for the violations, the Regional Office, Dharuhera has sent the recommendation to the Head Office for imposition of Environment Compensation against 06 No. of STPs for violation.

9 That as per action taken report, the committee made the following recommendations :-

- i) Public Health Engineering Department (PHED), Rewari and Haryana Sahari Vikas Pradhikaran (HSVP), Rewari need to upgrade/improve the functioning of STPs under their control and to maintain Sewage/Effluent Discharge Standards for Sewage Treatment Plant as circulated by Haryana State Pollution Board vide letter dt. 2-7-2020.

- ii) There should be regular cleaning of Masani Barrage and Lal Bahadur Shastri (LBS) Recharge Channel by Irrigation Department, Rewari
 - iii) Public Health Engineering Department, Rewari and Irrigation Department should monitor the quality of the effluent fortnightly, coming from 03 No. of STPs of city Rewari for discharge point at village Jharthal into LBS Recharge Channel to keep the various parameters of effluent within prescribed limits.
 - iv) Public Health Engineering Department, Rewari and Irrigation Department, Rewari should keep strict vigil on the water level of Masani Barrage so that water should not enter into the fields of nearby villages. Both departments should address the grievance of the nearby villages.
 - v) Forest Department should plant trees around Masani Barrage in coordination with Irrigation Department, Rewari.
 - vi) Public Health Engineering Department, Rewari should supply the potable drinking water after proper treatment in the villages – Kharkhara, Khaliawas, Bhatsana, Tatarpur, Nikhri, Masani, Rasgan, Dungarwas, Tittarpur, Alwalpur and Dharuhera.
- 10 That at Administrative level, joint sampling was also conducted twice i.e. on 13-4-2022 and 26-9-2022.
- i) At first time, the joint sampling was conducted on 13-4-2022 by the Public Health Engineering Division, Rewari and the Irrigation and Water Resources Department, Rewari with regard to the samples collected from the **1st point** nearby Masani Barrage and the **2nd point** at the common outfall of the LBS sewerage channel, village Jarthal and the collected samples were sent to the Government approved laboratory for analysis. As per analysis report received from the Government approved laboratory, the parameters of effluents

collected from that location, were found within the prescribed limits as per schedule VI under Environmental (Protection) Rules 1986 and all the parameters were found under the standard for discharge of Environmental (Protection) Rules 1986 into the **inland surface water** as well as for **land for irrigation**.

- ii) At Second time, joint sampling was got conducted on 26-9-2022 by the regional office, HSPCB Dharuhera, Executive Engineer PHED Division no. 1 Rewari and the Water Resources Irrigation Department Rewari with regard to the samples collected from the two points. i.e **1st point** nearby Masani Barrage and the **2nd point** at the common outfall of the LBS sewerage channel, village Jarthal. The collected samples were sent to the laboratory of State Pollution Control Board Faridabad for analysis. The parameters of effluents collected from that location, were found within the prescribed limits as per schedule VI under Environmental (Protection) Rules 1986 and all the parameters are found under the standard for discharge of Environmental (Protection) Rules 1986 into the **inland surface water** as well as for **land for irrigation**.
- 11 That all the STP's in question specified here-in-after, are not within the domain and jurisdiction of the answering respondent no. 5 hence the answering respondent no. 5 is not answerable to the sample analysis report with regard to the samples collected from the following location :-
- (i) Outlet of 9.5 MLD, STP, PHED, village Kharkhara, Dharuhera
 - (ii) Outlet of 5 MLD, STP, HSVP, Dharuhera
 - (iii) Outlet of 16 MLD, STP, PHED, Nasiaji Road, Rewari
 - (iv) Outlet of 8 MLD, STP, PHED, Nasiaji Road, Rewari
 - (v) Outlet of 6.5 MLD, STP, PHED, village Kaluwas, Rewari
 - (vi) Outlet of 3.5 MLD, STP, PHED, Bawal

12 That the Lal Bahadur Shastri (LBS) Recharge Channel is under the domain of answering respondent no. 5 and this channel is used only for discharge of excess canal water of the canal of answering respondent no. 5 and for the rain water into the Masani Barrage but this LBS recharging channel does not carry sewage effluents of any STPs and this position has also been discussed and decided in the meeting held under the Chairmanship of Deputy Commissioner, Rewari on 5-4-2023.

i) Regarding LBS recharge channel.

That the department of answering respondent no. 5 has set up the LBS Recharging Channel located at village Jharthal for the purpose of discharging of excess canal water and rain water into the Masani Barrage through separate line, but no sewage or effluents from any STPs in question is discharged into the LBS Recharging Channel. It is further submitted that this LBS Recharging Channel has been regularly cleaned annually by the department of the respondent no. 5 before the rainy season and this LBS Recharging Channel will also be cleaned by the department of answering respondent no. 5 by the 30-6-2023 just before coming of the rainy season of this year.

ii) Regarding Masani Barrage

Cleaning of the Masani Barrage is not feasible because the water in Masani Barrage is spread over hundreds of Acres of land having average depth of 4 feet. It is not possible to set up any cleaning machine for such vast area. Also the parameters of all 3 no. samples collected from different points of Masani Barrage were found within the prescribed standard limit of Haryana State Pollution Control Board.

Therefore this Hon'ble Principal Bench of NGT, is most respectfully prayed that in the interest of justice and the submissions made here in above in this reply may please be taken into consideration and answering respondents undertake to comply with further directions, if any passed by this Hon'ble Tribunal as it deems necessary.

Date: 21-04-2023

Answering respondent no. 5

Place: Rewari


Superintending Engineer JLN Circle,
Irrigation and Water Resources,
Department Rewari on behalf of
Principal Secretary Irrigation and
Water Resources Department,
Government of Haryana

Verification :-Verified at Rewari that the contents of the para no. 1 to 12 of the above mentioned reply are true and correct as per information derived from the official concerned and official record and the legal submissions are made as per legal advice.

Date: 21-04-2023

Answering respondent no. 5

Place: Rewari


Superintending Engineer JLN Circle,
Irrigation and Water Resources,
Department Rewari on behalf of
Principal Secretary Irrigation and
Water Resources Department,
Government of Haryana